

**DEPARTMENT OF PUBLIC WORKS
BOARD OF PUBLIC WORKS
REPORT NO. 1**

APRIL 26, 2024

COUNCIL DISTRICT: ALL

**REQUEST FOR AUTHORITY TO RE-ADVERTISE A REQUEST FOR PROPOSAL
AND NEGOTIATE CONTRACT(S) FOR RENTAL AND ROYALTIES PHASE 2
ASSESSMENT**

RECOMMENDATIONS

That the Board of Public Works, authorize the Executive Officer to:

1. RE-DISTRIBUTE and RE-ADVERTISE the transmitted Request for Proposal (RFP) to conduct additional research and develop the Rental and Royalties Phase 2 Assessment (Transmittal No.1);
2. EVALUATE the RFP submissions, select and interview the most qualified proposer(s) who submits the best and the most responsive proposal;
3. NEGOTIATE any proposed contract with the most responsive proposer(s) after the receipt and objective review of all proposals submitted in response to the transmitted RFP; and
4. RETURN back to the Board of Public Works with proposed contract(s) award for consideration.

TRANSMITTAL

1. Copy of the Request for Proposal for Rental and Royalties Phase 2 Assessment, in substantial form subject to any technical corrections.

BACKGROUND

The Office of Petroleum and Natural Gas Administration and Safety (OPNGAS) reports to the Board of Public Works, of the City of Los Angeles (City) and is headed by the Petroleum Administrator. OPNGAS is the City's agency for administering and managing all functions and related components of the petroleum and natural gas transported via underground pipelines, wells, and refineries throughout the City. The OPNGAS is responsible for providing technical and policy advice to the Mayor, City Council, the Board of Public Works and any City Department that requests assistance on such matters.

On April 28, 2020, OPNGAS commissioned InterAct PMTI to conduct research into City records for the purpose of determining whether royalties from petroleum mineral rights being paid by oil and gas operators are accurate and complete. The focus of the record review was to obtain lease contracts between the City and the oil and gas company (operator) that developed the property.

No production records or oil price schedules were obtained from the operators, but records were obtained from California Geological Energy Management Department (CalGEM) and from the internet. CalGEM is California's regulatory agency for oil and gas operations that provides oversight for nonfederal hydrocarbon bearing properties onshore. Within the guidelines of state regulations, the terms and conditions of lease and surface use agreements dictate how the property is developed. It is up to the City, who is the lessor, and the operator, who is the lessee, to abide by the terms and conditions of the lease and/or surface agreements. Therefore, the City should obtain those documents on a regular basis going forward.

Generally, lease contracts were fairly standard with a 16.67% royalty specified in the contract with the exception of Rancho Park and Hillcrest Country Club contracts which have a sliding scale royalty between 20 to 22.5% for mineral rights and overriding royalty of 5% for surface use of the site. However, many of the City owned properties were combined with other properties rendering the City's royalty due as only a portion of the total royalty paid by the operator. Total royalty rather than the City's share of royalty is estimated for the leases. The details of unitization agreements were not located and should be a priority for future royalty oversight.

Royalty revenues received from five City departments for 2017 were included in the City Controller's June 2018 audit report document "Review of the City Oil and Gas Drilling Sites" and production and oil prices were researched to use as a comparison to actual royalties paid. The five City departments include the Department of Recreation and Parks, the Department of Water and Power, the Department of Public Works, the General Services Department, the Port of Los Angeles, and Los Angeles Public Library.

Numerous meetings with the Petroleum Administrator and various City departments, along with record review and online investigation, identified 46 leases and unitization agreements, but only 16 specific contracts (14 leases and 2 surface use agreements) could be tied to drill sites and/or oil fields. The project showed a large discrepancy of \$31.8 million annually between the best guess calculated and the audit amount and the discrepancies may be due to missing documents changing the lease terms, miscalculation by the operator of royalty due the City or erroneous assumptions made to calculate the best estimates. The portion of this royalty due to the City depends on the specific terms of each of the unitized leases. Therefore, further research into unitized agreements is required to determine the City's portion.

The Rental and Royalties Phase 2 Assessment Request for Proposal (RFP) is part two of a research technical study for the purpose of determining whether the royalties being

paid by the oil and gas operators within the City of Los Angeles are accurate and complete. Phase 1 or the first part of the Rental and Royalties was completed in December 2020 by InterAct PMTI (See *Attachment*). To conduct the Rental and Royalties Phase 2 Assessment, the OPNGAS is requesting proposals to engage a consultant to provide research, technical expertise, and implement the results found under the Rental and Royalties Phase 2 Assessment.

Department Estimated Royalty	Best guess (BG in \$)	Possible (\$)	Actual (Audit)	Discrepancy (BG-Audit)
RAP	\$ 570,149	\$ 570,149	\$ 240,468	\$ 329,681
LADWP	\$ 5,924	\$ 6,159,510	\$ 5,924	\$ -
GSD	\$ 78,127	\$ 235,871	\$ 78,127	\$ -
Harbor	\$ 63,621	\$ 24,821,771	\$ 63,621	\$ -
Library	\$ 2,834	\$ 2,834	\$ 2,834	\$ -
Totals	\$ 720,655	\$ 31,790,135	\$ 390,974	\$ 329,681

There was also a recognition that the City should obtain those documents on a regular basis going forward. LA City Council established a budget of \$200,000 for these efforts.

Nomadic Land Services, Catalyst Environmental Solutions Corporation and 2H Offshore Engineering LTD were the three proposals received on December 15, 2023. All three proposers were not in compliance with the RFP. Two proposers failed to complete the BIP Outreach requirements of the BIP Outreach. The third proposer who completed the BIP Outreach requirements, failed other requirements and did not meet the technical requirements of the RFP.

OPNGAS is now collaborating has recently collaborated with the Bureau of Contract Administration (BCA) on regarding all standard City compliance, and non- technical procedures, so that the potential proposers have a better understanding of the City's requirements. The Bureau of Contract Administration will review the City's compliance requirements with the proposers at the mandatory pre proposal meeting.

Therefore, the Board of Public Works rejected all proposals on April 26, 2024 and is re-advertising this RFPI in todays' board meeting on Apr 26, 2024 .

OBJECTIVES

The purpose of this RFP is to solicit proposals from PROPOSERS for the development of the Rental and Royalties Phase 2 Assessment that include following research steps:

- Contact operators and request oil and gas production volumes, actual oil gravity and pricing associated with royalties going forward.
- Determine cost to overlay City owned property with existing active wells. The work requires obtaining the directional surveys of each well on City owned parcels. The section of the producing oil would also be determined to confirm that wells are producing from the City property.
- Act as land service provider to perform chain of title search on each of the 16 contracts identified in the report and search for quitclaim documents on inactive leases identified.
- Provide an updated list of leases, surface use agreements, unitized agreements and quitclaimed leases to be generated which includes information provided in the 1987 list of leases.
- Develop procedures for the Petroleum Administrator to review and verify royalty payments to each department on an annual basis.

The City will rely on the consultant's expertise to develop the Rental and Royalties Study.

PROJECT DELIVERABLES

The following is a list of the specific deliverables and action items to be performed by the selected consultant(s):

- Contact the operator (all 14 lease operators and 2 surface agreement operators) for each contract to document terms and document production volumes and pricing;
- Input well directional data and create a 3D Geographix map of City owned property with existing active wells;
- Identify chain of title for land service provider on each of the 16 contracts;
- Pull data from each department, land service provider, CalGEM and operators to generate an updated list including: 1) Lease Name, 2) Department, 3) Oil Field, 4) Current Operator, 5) Date Executed-Date of Expiration, 6) Oil Drilling District & 7) Ordinance Number from City Council;
- Develop procedure for Petroleum Administrator to track royalty annually;
- Present final findings with slide presentation to the executive City staff (approximately three to twelve presentations); Los Angeles Board of Public

Works meeting, Los Angeles City Council, and up to five City Council Committee meetings if necessary;

- Give routine feedback and updates on Project to OPNGAS;
- Develop project plans and project schedules, managing and tracking project activities and deliverables to ensure on-time, on-budget delivery of the OPNGAS website;
- Perform other miscellaneous and related tasks.

SELECTION PROCESS AND PROPOSAL CRITERIA

The RFP process is being used to solicit the best available services at the most competitive rate. An evaluation panel consisting of representatives from the Board of Public Works, Office of Petroleum & Natural Gas Administration & Safety, and the Department of City Planning staff will evaluate all proposals to determine which proposal, according to the evaluation criteria identified, will bring the greatest benefit to the City. The Office of the Board of Public Works' will then negotiate a contract with the most qualified proposer and return with a recommendation to the Board of Public Works for authorization to enter into contract with the selected proposer. The criteria to be used for the selection of the proposer are outlined in the RFP and summarized as follows:

1. Experience and Qualifications	30%
2. Approach and Methodology	25%
3. Schedule and Deliverables	25%
4. Cost and Budget Control	15%
5. Overall Proposal Evaluation and Content	5%

BUSINESS INCLUSION PROGRAM (BIP)

The Board of Public Works requested a BIP Outreach Waiver Request for a Request for Proposals for the Rental Royalties Phase 2 Assessment. On May 15, 2023, the Office of Procurement denied the BIP Outreach Waiver Request and noted it a requirement that proposers need to do the subcontractor outreach at a minimum. Due to the technical, expert nature of the work, this contract will not be able to reach the outreach target required for subcontractors. This work is highly specialized and few contractors possess the ability to conduct it. The selected contractor will need to meet the BIP Outreach requirements in order to be recommended as a responsive proposer to demonstrate good faith outreach efforts in compliance with ED14.

Per the Mayor's Executive Directive No. 14, issued on January 12, 2011, it is the policy of the City of Los Angeles to provide Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and all other Business

Enterprise (OBE) firms have an equal opportunity to participate in the performance of City contracts. The City will advise the contractor to reach the anticipated participation levels of eighteen (18) percent MBE, four (4) percent WBE, twenty-five (25) percent SBE, eight (8) percent EBE, and three (3) percent DVBE. This RFP is subject to the BIP Outreach Requirements as outlined in Article 7 of the RFP. Performance of the BIP Outreach to MBE, WBE, SBE, EBE, DVBE, and OBE subcontractors must be completed utilizing the City's Regional Alliance Marketplace for Procurement (RAMP) service at www.rampla.org. The selected contractor will provide evidence (documents, etc.) of their outreach activities to meet this policy.

Los Angeles Administrative Code Division 10, Chapter 1, Article 4, Section 10.25 adopted the Local Business Preference (LBP) Program which was designed to increase local employment and expenditures in the local private sector. All Proposers are eligible to participate in the LBP Program by qualifying as a Local Business Enterprise (LBE). The City shall grant an eight six percent (86%) of the total possible evaluation points added to their evaluation score to those Proposers who are certified as an LBE firm. If the LBE is also a Local Small Business (LSB) and/or Local Transitional Employer (LTE), they may be granted an additional two (2) percent (2%) of the total possible evaluation points added to their evaluation score for each of those certifications, up to a total of twelve ten percent (102%). The City shall grant a ten percent (10%) of the total possible evaluation points added to their evaluation score to those Proposers who are certified as a City Business Enterprise (CBE) firm. If the CBE is also a Local Small Business (LSB) and/or Local Transitional Employer (LTE), they may be granted an additional two percent (2%) of the total possible evaluation points added to their evaluation score for each of those certifications, up to a maximum of twelve percent (12%). Additionally, all non-LBE/CBE Proposers may be granted an additional percentage, up to a total of five (5) percent (5%), of the total possible evaluations points added to their evaluation score for each of those certifications, for every ten (10) percent (10%) of their proposal that is to be performed by a LBE, CBE, LSB, and/or LTE subconsultant/subcontractor.

Compliance with City Policies and with the Board's Policy.

All Contractors participating in this program are subject to compliance with the following City of Los Angeles' Ordinances and Policies:

-
- Non-Discrimination, Equal Employment Practices, and Affirmative Action
- Program Provisions
- Equal Benefits Ordinance
- First Source Hiring Ordinance
- Contractors' Use of Criminal History for Consideration of Employment
- Applications Ordinance
- Living Wage Ordinance
- Worker Retention Ordinance

- Slavery Disclosure Ordinance
- Disclosure of Border Wall Contracting Ordinance
- Contractor Responsibility Ordinance
- Failure to comply with all requirements specified may render the bid nonresponsive.

Community-Level Contracting (CLC)

As part of the City's CLC initiative led by the Department of Public Works (DPW) as per CLC Board Motion issued on May 19, 2021, LASAN OPNGAS seeks to help make City contracting more accessible and equitable by providing small contractors the opportunity to work directly with the City as Prime contractors on smaller, more manageable projects. OPNGAS staff evaluated the work to be performed under this opportunity and determined that since the work is highly specialized and few contractors possess the ability to conduct it, it would be most feasible and cost effective to work with a single Prime contractor.

Prevailing Wage/Apprenticeship Requirements

If construction is performed as supplemental to any of the initial scopes of work, this project would be subject to the payment of prevailing wages. This contract is subject to the payment of prevailing wages and the utilization of apprentices as mandated by California Labor Code Section 1720-1815. Certified payrolls shall be submitted weekly by the contractor and all subcontractors. The Bureau of Contract Administration, Office of Contract Compliance (OCC) shall be responsible for the monitoring and enforcement of all certified payrolls, prevailing wage and apprenticeship requirements. For more information, see Attachment 05: City of Los Angeles Labor Compliance Manual Revised May 2014.

NOTIFICATION OF INTENT TO CONTRACT

The required Notification of Intent to Contract was filed with the Office of the City Administrative Officer (CAO) Clearinghouse on May 11, 2023.

CHARTER SECTION 1022 DETERMINATION

The BPW filed the Personnel 1022 Determination Request on May 12, 2023 and was approved on June 1, 2023.

STATUS OF FUNDING

The proposed action to release the RFP will not have a fiscal impact. However, the Board of Public Works' Executive Office anticipates a fiscal impact of \$200,000 upon consideration and award of a contract(s) to launch a city wide assessment on lease management excluding internal City department costs. This RFP will likely result in additional annual revenues in excess of this amount.

Funding for this project in the amount of \$200,000 has been appropriated in the current Fiscal Year 2023/2024 budget. Funding is currently in the City's Unappropriated Balance (UB) and a request to transfer said funds is pending from the City Council. Upon authorization by the City Council, funds will be transferred from the UB to the Board of Public Works at Fund 100, Dept. 74, Appropriation Unit 003040 (Contractual Services). The Board of Public Works anticipates this fund transfer on or before staff returns to the Board of Public Works to request the award of said contract(s).

Fund/Dept. Number	Appropriation Unit	Amount
100/74	003040	\$200,000

Statement as to Funds approved by:



4/18/2024

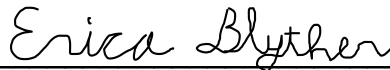
Miguel De La Pena, Director
Office of Accounting
100/74/3040, \$200,000.00

TJK/ELB: tj/elb/dl/sg

Respectfully Submitted,



TJ Knight,
Acting Executive Officer, Board of Public Works



ERICA BLYTHER,
Petroleum Administrator, Board of Public Works

For questions regarding this report,
Please contact Daniel Loo at Daniel.Loo@lacity.org or
Shilpa Gupta at Shilpa.Gupta@lacity.org

City of Los Angeles Board of Public Works

Office of Petroleum and Natural Gas Administration and Safety



Request for Proposal

Board of Public Works
Office of Petroleum and Natural Gas Administration and Safety
200 North Spring Street - Room 358
Los Angeles, CA, 90012

Publish Date: **April 26, 2024**

Pre-Proposal Conference: **April 29, 2024 at 10:00 am(PST)**

Proposals Due: **May 13, 2024 at 8:00 am (PST)**

For Information Contact:

Daniel Loo
(213) 978-0216
Daniel.Loo@lacity.org

TABLE OF CONTENTS

SECTION I — PROJECT DESCRIPTION	3
A. PROJECT OVERVIEW	3
B. REQUEST FOR PROPOSALS RESPONSES	4
SECTION II — BACKGROUND	6
A. BACKGROUND	6
SECTION III — SCOPE OF WORK	7
A. SCOPE OF WORK	7
B. PROPOSAL CONTENTS	7
SECTION IV — PROPOSAL FORMAT, EVALUATION CRITERIA, LIMITATIONS, SUBMISSION OF STATEMENT OF QUALIFICATIONS/PROPOSAL, AND CITY OF LOS ANGELES REQUIREMENTS	12
A. STATEMENT OF QUALIFICATIONS/PROPOSAL FORMAT AND CONTENTS	12
B. EVALUATION CRITERIA	13
C. LIMITATIONS	14
D. SUBMISSION OF STATEMENT OF QUALIFICATIONS/PROPOSAL	14
E. CITY OF LOS ANGELES REQUIREMENTS	18
APPENDICES — CITY CONTRACTING REQUIREMENTS FORMS	25

SECTION I — PROJECT DESCRIPTION

A. PROJECT OVERVIEW

The Office of Petroleum and Natural Gas Administration and Safety (OPNGAS) reports to the Board of Public Works, of the City of Los Angeles (City) and is headed by the Petroleum Administrator. OPNGAS is the City's agency for administering and managing all functions and related components of the petroleum and natural gas transported via underground pipelines, wells, and refineries throughout the City. The OPNGAS is responsible for providing technical and policy advice to the Mayor, City Council, the Board of Public Works and any City Department that requests assistance on such matters.

On April 28, 2020, OPNGAS commissioned InterAct PMTI to conduct research into City records for the purpose of determining whether royalties from petroleum mineral rights being paid by oil and gas operators are accurate and complete. The focus of the record review was to obtain lease contracts between the City and the oil and gas company (operator) that developed the property.

No production records or oil price schedules were obtained from the operators, but records were obtained from California Geological Energy Management Department (CalGEM) and from the internet. CalGEM is California's regulatory agency for oil and gas operations that provides oversight for nonfederal hydrocarbon bearing properties onshore. Within the guidelines of state regulations, the terms and conditions of lease and surface use agreements dictate how the property is developed. It is up to the City, who is the lessor, and the operator, who is the lessee, to abide by the terms and conditions of the lease and/or surface agreements. Therefore, the City should obtain those documents on a regular basis going forward.

Generally, lease contracts were fairly standard with a 16.67% royalty specified in the contract with the exception of Rancho Park and Hillcrest Country Club contracts which have a sliding scale royalty between 20 to 22.5% for mineral rights and overriding royalty of 5% for surface use of the site. However, many of the City owned properties were combined with other properties rendering the City's royalty due as only a portion of the total royalty paid by the operator. Total royalty rather than the City's share of royalty is estimated for the leases. The details of unitization agreements were not located and should be a priority for future royalty oversight.

Royalty revenues received from five City departments for 2017 were included in the City Controller's June 2018 audit report document "Review of the City Oil and Gas Drilling Sites" and production and oil prices were researched to use as a comparison to actual royalties paid. The five City departments include the Department of Recreation and Parks, the Department of Water and Power, the Department of Public Works, the General Services Department, the Port of Los Angeles, and Los Angeles Public Library.

Numerous meetings with the Petroleum Administrator and various City departments, along with record review and online investigation, identified 46 leases and unitization

agreements, but only 16 specific contracts (14 leases and 2 surface use agreements) could be tied to drill sites and/or oil fields. The project showed a large discrepancy of \$31.8 million annually between the best guess calculated and the audit amount and the discrepancies may be due to missing documents changing the lease terms, miscalculation by the operator of royalty due the City or erroneous assumptions made to calculate the best estimates. The portion of this royalty due to the City depends on the specific terms of each of the unitized leases. Therefore, further research into unitized agreements is required to determine the City's portion.

The Rental and Royalties Phase 2 Assessment Request for Proposal (RFP) is part two of a research technical study for the purpose of determining whether the royalties being paid by the oil and gas operators within the City of Los Angeles are accurate and complete. Phase 1 or the first part of the Rental and Royalties was completed in December 2020 by InterAct PMTI (See *Attachment*). To conduct the Rental and Royalties Phase 2 Assessment, the OPNGAS is requesting proposals to engage a consultant to provide research, technical expertise, and implement the results found under the Rental and Royalties Phase 2 Assessment.

B. REQUEST FOR PROPOSALS RESPONSES

Statement of Qualifications ("SOQ" or "Proposal") in response to this Request for Proposals ("RFP") must be submitted digitally and must have received confirmation of receipt by the Board of Public Works (BPW) by **8:00 AM (PST) on May 13, 2024**.

Submit two (2) hard copies, including one (1) original copy, and electronic copies as follows:

Electronic copies may be submitted via flash drives or any electronic cloud-based storage format (e.g., Dropbox, Google Drive, OneDrive, etc.). Access link(s) *and* any password(s) for password protected folder(s)/file(s) in the cloud storage shall be emailed to Daniel.Loo@lacity.org with the email subject as follows: "RFP 2023 Implementation of Rental and Royalties Phase 2 Assessment Submission - *company name*" and received by Board of Public Works (BPW) by **8:00 AM (PST) on May 13, 2024**. Failure to submit cloud access link(s) *and* password(s) for the proposal by the deadline will result in disqualification.

All electronic documents must be in portable document format ("PDF") with optical character recognition ("OCR") enabled. Electronic submission requirements are as follows:

1. One (1) unredacted proposal without City required documents/forms (appendices herein) attached.
2. One (1) redacted proposal without City required documents/forms (appendices herein) attached for public consumption (see Section III(C)(10), (12)).
3. One (1) copy of each City required document/form (appendices herein) each as their own standalone file. Do not combine different documents/forms into one file. Keep them separated.

Please provide your submittal by **Monday, May 13, 2024, at 8:00 AM PST** to the contacts listed below:

Erica Blyther
Erica.Blyther@lacity.org
Board of Public Works

Daniel Loo
Daniel.Loo@lacity.org
Board of Public Works

Shilpa Gupta
Shilpa.Gupta@lacity.org
Board of Public Works

**Office of Petroleum and Natural Gas Administration and Safety
200 N. Spring Street, Rm 358 (MS 465)
Los Angeles, CA 90012**

Timely submission of the proposal is the sole responsibility of the proposer. All proposals become the property of the City.

The City will evaluate the responses to this RFP based on the criteria outlined in the Scope of Work (Section II); and Proposal Contents, Provisions, and Requirements (Section III). The proposer must submit a proposal highlighting their ability to complete the Scope of Work (Section II). Note that the City reserves the right to substitute sub-consultants as deemed necessary. Proposers shall respond to all questions listed in Section III, and supply all information requested therein.

Please direct all questions to:

Daniel Loo, Sr. Environmental Engineer
Board of Public Works
200 N. Spring St., Room 361
Los Angeles, CA 90012
(213) 978-0216
Daniel.Loo@lacity.org

Contract Duration

The City anticipates that the contract resulting from this RFP will be for a term of one to three years. The City reserves the right to terminate the contract for any reason upon 30-days' notice.

Pre-Proposal Conference

The BPW has organized a mandatory pre-proposal conference to discuss the scope of work; City administrative contracting requirements; and to respond to any questions, comments, or concerns from prospective proposers. The pre-proposal conference will be held virtually. Please see below for meeting details.

Date and time:

April 29, 2024, at 10:00 am (PST)

Meeting Details:

Virtual meeting details and a link to join will be provided to prospective proposers on RAMP (www.rampla.org) on the RFP Opportunity page.

End of Section I

SECTION II — BACKGROUND

A. BACKGROUND

The Office of Petroleum and Natural Gas Administration and Safety (OPNGAS) is housed under the Board of Public Works and is headed by the Petroleum Administrator. OPNGAS is the City's agency for administering and managing all functions and related components of the petroleum and natural gas transported via underground pipelines, wells, and refineries through the City of Los Angeles (City).

The OPNGAS is divided into the following sections:

1. Franchise Agreement and Contract Administration-This section is responsible for oversight, administration, and compliance monitoring of the City's pipeline franchise agreements. It also acts as the lead in negotiating, billing, and financial reporting on oil, gas, and utility franchise revenue.

2. Environmental Policy and Community Engagement-This section is responsible for stakeholder engagement, legislative tracking, municipal policy proposals, state energy legislation, and environmental policy analysis, including Assembly Bill 617 (AB617), Multiple Air Toxics Exposure Study (MATES) and South Coast Air Quality Management District (SCAQMD) Rule Development, and California Air Resources Board (CARB) and California Geologic Energy Management Division (CalGEM) policies.

3. Amortization Program-Oversees consultant amortization studies related to implementation of the City's Oil and Gas Drilling Ordinance to prohibit new oil and gas extraction and make extraction activities a non-conforming use in all zones. The amortization studies will determine an amortization period for existing wells. The team coordinates with the Department of City Planning, City Attorney's Office, and other entities.

4. Safety and Compliance-This section consists of a comprehensive safety and compliance function, which includes examination of safety measures, technical requirements, facilities, and evaluations of best practices. It also ensures operator compliance with oil and gas well regulations relative to the operations of the drill site facilities.

End of Section II

SECTION III – SCOPE OF WORK

A. GOALS AND OBJECTIVES

- The City will rely on the proposers's expertise to develop a Rentals and Royalties Phase 2 Assessment;
- Determine whether the royalties being paid by the oil and gas operators within the City of Los Angeles are accurate and complete;
- Research the unitized agreements to determine the City's portion or the royalty as an assumption;
- Research the reason for the \$31.8 million annual discrepancy between the guess calculated and the audit amount from the 2018 Controller's Report;
- Revisit assumption made for operators of royalty due to the City or erroneous assumptions made to calculate the best estimates; and
- As-needed City staff training and development

B. PROPOSAL CONTENTS

Submissions shall be no more than 30 pages, single spaced, 12-point point, 1-inch margins and include the following:

1. Cover Letter

The proposal shall contain a cover letter and introduction (limited to one page) that includes the company name, address, and the name and telephone number of the person(s) who will be authorized to represent the Proposer regarding all matters related to the proposal and any contract subsequently awarded to the Proposer. This letter shall be signed by any person(s) authorized to bind the company to all commitments made in the proposal. If the Proposer is a partnership, the proposal must be signed in the name of the partnership by a general partner thereof. If the Proposer is a corporation, the proposal must be signed on behalf of the corporation by two authorized officers of the corporation, including one from the following positions: Chairman of the Board of Directors, President, or Vice-President, and one from the following positions: Secretary, Treasurer, or Chief Financial Officer. Alternatively, the proposal may be signed by an officer authorized by the Board of Directors to execute such documents on behalf of the corporation. All signatures above must be original and in ink or digital equivalent.

2. Qualifications of the Firm

The Proposer's team should possess qualifications and previous experience performing the Scope of Work as described in this RFP. Documentation should be included on the financial status of the Proposer to ensure that the Proposer will continue business through the term of the contract.

Proposers shall also provide thorough responses to the following list of questions. The response to these questions will be included in the City's evaluation of the Proposer. In

addition, the responses to these questions may be incorporated into and made a part of the contract. In your proposal, please restate the questions followed by the response.

- 1) What is the general type of work performed by your firm? Does your firm have a focus? If yes, please elaborate. State the number of years your firm has performed this type of work.
- 2) What is your firm's experience working with the City of Los Angeles?
- 3) Describe your firm's experience with development of researching economic or feasibility studies of oil or natural gas oil fields/sites, whether active/inactive. Give examples. State the number of years your firm has performed this type of work.
- 4) Is your firm located in the Los Angeles area? If your firm is located outside of Southern California, what will be done to ensure access? Do you have additional offices in Southern California?
- 5) What are your firm's quality assurance measures for this type of contract work?
- 6) Describe your firm's experience working on concurrent projects for a single client. How was internal coordination and project management handled?
- 7) Please share your ideas on transitioning this work to the OPNGAS over the course of your contract.
- 8) What are your firm's Equal Employment Opportunity and Affirmative Action programs and accomplishments?
- 9) Provide any additional information regarding your firm to assist the City to better evaluate your firm.

3. Qualifications of Staff

This section includes, but is not limited to, a listing of all required personnel and qualifications for each position. A Project Manager must be identified and designated, and a detailed resume must be submitted. Resumes of other key personnel should be provided.

The Proposer's organization will be evaluated based upon the capability of the Proposer to meet the terms of the RFP, such as the ability to accomplish the work within the estimated time frame, plus the related studies or projects recently completed by the Proposer's organization, which demonstrate expertise in accomplishing similar work. The qualifications of proposed staff will be evaluated in terms of their previous experience, time commitment, and capabilities. The relevant experience of key personnel, especially the Project Manager, will be of major importance in the evaluation of the proposals. Proposers shall provide thorough answers to the following list of questions. In the proposal, each question should be restated followed by the response.

- 1) Provide an organization chart (for this RFP) that identifies the Project Principal, Senior Staff, Project Manager(s), key day to day staff or other personnel, including their roles, responsibilities, and their current on-going obligations.
- 2) Include specific roles, availability, and contact information of all staff for this project. Include the Statement of Qualifications/Resumes for all staff working on this project.
- 3) Will there be Subcontractors? If so, provide a list of the Subcontractors as well as their qualifications, experience, and references.
- 4) How will your support staff work together to combine elements of a large project together?
- 5) Describe the background, experience, and availability over the life of the contract. Attach a resume for each staff member.

4. Fee Schedule

Provide hourly billing rates for team members according to their roles and responsibilities. Billings/invoices to the City will be based on completion of milestones and deliverables. In the Fee Schedule, include contingency costs, total cost of the project. Provide a breakdown of hours, rates, titles, and your work plan.

5. Project Schedule

Proposers must include a proposed Project schedule and timeline that demonstrates how the work outlined in Section III will be coordinated to ensure completion of the project. This can include the Project as overall task management further subdivided by expenditures.

6. Technical Requirements for the Rental and Royalties Phase 2 Assessment

The purpose of this RFP is to solicit proposals where the proposers need to:

- Communicate routinely with OPNGAS team;
- Contact the operators and request oil and gas production volumes, actual oil gravity and pricing associated with royalty from 2017 and on;
- Obtain the directional surveys of each well on through City owned parcels;
- Provide the cost to overlay City owned property with existing active wells. Some producing oil wells/pipelines cross under City property where City is potentially losing revenue;

- Provide chain title on each of the 16 contracts identified in the Phase 1 and search for quitclaim documents on inactive leases identified;
- Update the list of leases, surface use agreements, unitized agreements and quitclaimed leases to be generated which includes information provided in the 1987 list of leases; and
- Develop procedures for the Petroleum Administrator to review, verify, and implement royalty payments to each department on an annual basis.

7. Deliverables

The selected consultant will:

1. Contact the operator (all 14 lease operators and 2 surface agreement operators) for each contract to document terms and document production volumes and pricing;
2. Input well directional data and create a 3D Geographix map of City owned property with existing active wells;
3. Identify chain of title for land service provider on each of the 16 contracts;
4. Pull data from each department, land service provider, CalGEM and operators to generate an updated list including: 1) Lease Name, 2) Department, 3) Oil Field, 4) Current Operator, 5) Date Executed-Date of Expiration, 6) Oil Drilling District & 7) Ordinance Number from City Council;
5. Develop procedure for Petroleum Administrator to track royalty annually;
6. Present final findings with slide presentation to the executive City staff (approximately three to twelve presentations); Los Angeles Board of Public Works meeting, Los Angeles City Council, and up to five City Council Committee meetings if necessary;
7. Give routine feedback and updates on Project to OPNGAS;
8. Develop project plans and project schedules, managing and tracking project activities and deliverables to ensure on-time, on-budget delivery of the OPNGAS website;
9. Perform other miscellaneous and related tasks.

8. References

The consultant's organization will be evaluated on the capability of the consultant to meet the terms of the RFP and on demonstrated expertise in accomplishing similar work as evidenced by projects recently completed by the consultant's organization. To assess this capability, Proposer shall submit at least three non-Proposer owned trackable references with whom in the past three years the Proposer has conducted business similar and applicable to this RFP. The references cannot be subcontractors that the Proposer has hired for said referenced project.

For each of the references provided, include a detailed description of the project, services and solutions provided, cost, project timeline, as well as the company name, address, contact person, and telephone number and email address of the contact person.

9. Additional Data

Include any other data the Proposer considers essential to the evaluation of the proposal.

End of Section III

SECTION IV — PROPOSAL FORMAT, EVALUATION CRITERIA, LIMITATIONS, SUBMISSION OF STATEMENT OF QUALIFICATIONS/PROPOSAL, AND CITY OF LOS ANGELES REQUIREMENTS

A. STATEMENT OF QUALIFICATIONS/PROPOSAL FORMAT AND CONTENTS

The RFP has been structured to provide specific requirements which function as a standardized framework for the evaluation of prospective Proposer's qualifications.

Each proposal shall be prepared simply and economically, avoiding the use of elaborate promotional material beyond what is sufficient to provide a complete and accurate presentation. The responses to this RFP must be made in accordance with the format set forth in this Section. Only proposals that have been determined to be responsive will be considered. Failure to adhere to the following format may cause rejection of the proposal as non-responsive.

Submissions shall be no more than 30 pages, single spaced, 12-point point, 1-inch margins.

To be considered responsive, proposers must comply with all the requirements described in this RFP, including the City's Administrative Requirements as set forth in *City Contracting Requirements Forms* at the end of this document.

Only firms that are deemed responsive will be evaluated. All responsive proposals shall be evaluated by the Evaluation Committee who shall make the final recommendation to the Board of Public Works.

B. EVALUATION CRITERIA

Evaluation of the proposals will be weighted as follows:

30% - Experience and Qualifications

- Company's background and experience in the field;
- Company's experience with projects of similar size and scope;
- Company's experience working with large jurisdictions and implementation;
- Company's overall history with government agencies.

25% - Approach and Methodology

- Company's ability to detail methods related to project scope.

25% - Schedule and Deliverables

- Outline of project timeline and anticipated deliverables.

15% - Cost and Budget Controls

- Realistic hourly billing rates for team members for services to be performed.

5% - Overall Proposal Evaluation and Content

Pass/Fail - References

- Similar projects completed on time and within budget;
- History of effective communication with clients;
- Financial Stability;
- Responsiveness and adherence to all City Requirements.

The successful Proposer(s) will be named after the proposals are evaluated. The Evaluation Committee will make recommendations to the Board of Public Works.

It is the Proposer's responsibility to prepare a proposal that is representative of the Proposer's qualifications. If there is any additional information that would assist the City in its assessment of the proposal, the Proposer should include all such information in its proposal under the title "Additional Information."

C. LIMITATIONS

1. Notwithstanding any other provisions of this RFP, the City reserves the right to reject all proposals and to waive any submission or task contained within a proposal, if doing so would be to the advantage to the City or its taxpayers.
2. The Proposer understands and agrees that the City shall have no financial responsibility for any costs incurred by the Proposer in responding to this RFP.
3. The City of Los Angeles requires that every proposal, bid, or offer shall have thereon or attached thereto the affidavit of the Proposer indicating that: such proposal is genuine, not sham or collusive, nor made in the interest of any person therein named; that the Proposer has not directly or indirectly induced or solicited any other Proposer to submit a sham proposal or to refrain from proposing; and that the Proposer has not in any manner sought by collusion to secure for himself an advantage over any other Proposer. Proposals made without such affidavit, or found to be in violation thereof, shall not be considered.

4. Conflict of RFP Provisions

In case of a conflict between any provisions in this RFP with the provisions in Appendix I – Standard Provisions for City Contracts in this RFP, the provisions in Appendix I – Standard Provisions for City Contracts shall prevail. Similarly, in case of a conflict between any provisions in this RFP with the provisions in Appendices II through XXII, the provisions in Appendices II through XXII shall prevail.

5. SOQ/Proposal and Evaluation

The Evaluation Committee will score and rank all the proposals and make award recommendations to the Board of Public Works.

D. SUBMISSION OF STATEMENT OF QUALIFICATIONS/PROPOSAL

1. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgment and acceptance of all the terms and conditions hereinafter set forth in this RFP unless otherwise expressly stated in the proposal.

2. Award of Contract

The Proposer(s) to whom a contract is awarded shall be required to enter a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and made a part of the final contract, however, the City reserves the right to further negotiate the terms and conditions of the contract with the selected Proposer. The City may select and award contract(s) to one or more proposers for the Scope of Work described in Section III.

Qualified proposers will be evaluated and selected according to the selection criteria set forth in the RFP. BPW will execute a contract with the selected proposer, subject to the approval of the Board of Public Works and subject to approval of the City Attorney as to form.

A proposer will not be recommended for contract award, regardless of the merits of the response submitted, if it has a history of noncompliance with the City or other funding source or past or current nonperformance with the City or other funding source.

Entering a contract does not guarantee award of any work. BPW reserves the right not to utilize any or all proposers for any of the scope of work tasks or deliverables.

3. Conferences during the Proposal Period

After expiration of the time to submit proposals and continuing until a contract has been awarded, all City personnel and all others involved in the project will have been specifically directed against holding any meetings, conferences, or technical discussions with any Proposer except as provided in this Section.

Proposers shall not communicate in any manner with any representatives of participating agencies regarding the RFP or the proposals during this period, unless authorized, in writing, by the Evaluation Committee. Failure to comply with this requirement may result in the termination of further consideration of that Proposer's proposal.

4. Adherence to RFP Format

The response to this RFP must be made in accordance with the format set forth in this Section. Failure to adhere to this format may be cause for rejection of the proposal as non-responsive.

5. SOQs/Proposals Conditions and Limitations

Proposals that set forth conditions or limitations to those set forth in the RFP may be considered non-responsive and rejected.

6. SOQ/Proposal Interpretation and Addenda

Any change to or interpretation of the RFP will be sent by the City to each firm or individual that requests such changes. Receipt of any such changes or interpretations shall become a part of said RFP and may be incorporated into any contract awarded.

7. Execution of SOQs/Proposals

If the Proposer is a partnership, the proposal must be signed in the name of the partnership by a general partner thereof. If the Proposer is a corporation, the proposal must be signed on behalf of the corporation by two authorized officers (a chairman of the Board, President or Vice-President and a secretary, treasurer, or chief financial officer) or an officer authorized by the Board of Directors to execute such documents on behalf of the corporation. All signatures above must be in original ink or digital equivalent.

8. Disposition of SOQs/Proposals

All proposals submitted in response to this RFP will become the property of the City of Los Angeles and a matter of public record. The Proposer must identify, in writing, all copyrighted material, trade secrets, or other proprietary information that it claims is exempt from disclosure under the Public Records Act, (California Government Code Section 6250 et seq.). Any Proposer claiming such an exemption must also state in the proposal its refusal to disclose such material, trade secrets or other proprietary information to any party making a request.

Any Proposer who fails to include such a statement shall be deemed to have waived its right to an exemption from disclosure as provided by said Act.

9. SOQ/Proposal Cost and Ownership

Each proposal prepared in response to this RFP shall be prepared at the sole cost and expense of the Proposer and with the expressed understanding that no claims against the City for reimbursement will be accepted. All proposals will become the property of the City and will not be returned to the Proposer. The Proposer should not include confidential information or trade secrets without expressly stating and identifying the information or trade secrets to be considered

confidential, since all accepted proposals will become public information. However, if such information is necessary to assure a competitive proposal, then the Proposer is to follow the guidelines for confidential information as discussed below.

10. Confidential Information

Proposals made in response to this RFP may contain technical, financial, or other data whose public disclosures could cause substantial injury to the Proposer's competitive position or constitute a trade secret. To protect such data from disclosure, the Proposer should specifically identify the pages of the proposal that contain confidential information by properly marking the applicable pages and inserting the following notice in front of the proposal:

"NOTICE

The data on the pages of this Statement of Qualifications identified by an asterisk () or marked along the margin with a vertical line, contain information which are trade secrets and/or whose disclosure would cause substantial injury to the Proposer's competitive position. The Proposer requests that such data be used only for the evaluation of its Statement of Qualifications but understands that disclosure will be limited to the extent that the City determines is under federal, state, and local law."*

In proposals containing proprietary information, proprietary paragraphs and/or data should be clearly marked as noted above. The Proposer must include one additional copy of the proposal with the confidential material totally blacked out or removed from the text so that one copy is available as public material. In accordance with the Public Records Act, this information may, upon request, be released to the public.

The City assumes no responsibility for disclosure or use of unmarked data for any purpose. In the event properly marked data are requested, the Proposer will be advised of the request and may expeditiously submit to the City a detailed statement indicating the reasons it has for believing that the information is exempt from disclosure under federal, state, and local law. This statement will be used by the City in making its determination as to whether disclosure is proper under federal, state, and local law. The City will exercise care in applying this confidentiality standard but will not be held liable for any damage or injury that may result from any disclosure that may occur.

The Proposer agrees to assume and pay for all costs incurred by the City, including attorney fees awarded by the court, if the Proposer requests the City to resist disclosure of material provided to the City by the Proposer.

11. Public Records

All proposals submitted in response to the RFP shall become a matter of public record and the property of the City.

All proposals submitted in response to this RFP will become the property of the City of Los Angeles and a matter of public record. The Proposer must identify, in writing, all copyrighted material, trade secrets, or other proprietary information that it claims is exempt from disclosure under the Public Records Act, (California Government Code Section 6250 et seq.). Any Proposer claiming such an exemption must also state in the proposal its refusal to disclose such material, trade secrets or other proprietary information to any party making a request.

Any Proposer who fails to include such a statement shall be deemed to have waived its right to an exemption from disclosure as provided by said Act.

12. Insurance Requirements

The Proposer will be required to maintain insurance in effect during the term of the contract as set forth in Appendix II of this RFP.

13. Rights Reserved by the City

The City reserves the right, at its discretion, to pursue any or all of the following actions regarding this RFP:

- Award multiple contracts based upon the evaluation criteria contained in this RFP;
- Request additional information and/or clarification from the Proposers;
- Reject any or all proposals, permit the timely correction of errors, or waive minor deviations;
- Withdraw this RFP or extend the time for submittal;
- Shortlist any or all proposals and schedule presentations by the Proposers;
- Take whatever other action it deems in its interest;
- Restrict the review or distribution of all proposals until a contract is awarded;
- Substitute subconsultants as deemed necessary; and
- Terminate the contract upon a 30-day notice.

The City may consider proposals that contain provisions that deviate slightly from the requirements in this RFP, if the deviation(s) are not considered material. However, if the originator of such a proposal is awarded the contract, the Proposer will be expected to perform in full compliance with the objectives described herein. This RF does not obligate the City to accept any proposal, negotiate with any Proposer, nor award a contract in response to this RFP.

14. Single SOQ/Proposal Response

If only one proposal is received in response to this RFP, and it is found by the City of Los Angeles, Board of Public Works to be acceptable, a detailed price/cost proposal may be requested of the single Proposer. A price or cost analysis, or both, possibly including an audit, may be performed by or for the City of Los Angeles, Board of Public Works of the detailed price/cost proposal to determine if the price is fair and reasonable. The Proposer agrees to such analysis by submitting a proposal in response to this RFP. A price analysis is an evaluation of a proposed price that does not involve an in-depth evaluation of all the separate cost elements and the profit factors that comprise a Proposer's price proposal. It should be recognized that a price analysis through comparison to other similar services must be based on an established or competitive price of the elements used in the comparison. The comparison must be made to a similar service. Where a difference exists, a detailed analysis must be made of this difference and costs attached thereto. Where it is impossible to obtain a valid price analysis, it may be necessary to conduct a cost analysis of the proposed price. A cost analysis is a more detailed evaluation of the cost elements in the Proposer's Offer to Perform. It is conducted to form an opinion as to the degree to which the proposed costs represent what the Proposer's performance should cost.

A cost analysis is generally conducted to determine whether the Proposer is applying sound management in proposing the application of resources to the contracted effort and whether costs are allowable, allocable, and reasonable. Any such analysis and the results therefrom shall not obligate the City of Los Angeles, Board of Public Works to accept such a single proposal and City of Los Angeles, Board of Public Works may reject such proposal at its sole discretion.

E. CITY OF LOS ANGELES REQUIREMENTS

1. Standard Provisions for City Contracts (Section IV-W)

The Contractor shall abide by and obey all applicable Federal, State, and City laws, including, but not limited to, the nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California, and the City. The selected Proposer shall stipulate that in any action related to the awarded contract, venue shall be in the County of Los Angeles, State of California.

All service contracts with the City of Los Angeles, including the contract for this project shall include and are required to comply with the Standard Provisions for City Contract (Rev. 9/22)[v.1].

2. Insurance Requirements: Worker's Compensation, General Liability, Auto Liability (Section II-P)

The Contractor must provide evidence of coverage with minimum limits, submitted, and approved prior to occupancy/start of operations. All insurance ACORD certificates must be submitted online using the self-service site at kwikcomply.org.

3. Nondiscrimination, Equal Employment Practices, and Affirmative Action Program (Section IV-T)

Bidders/Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2., Nondiscrimination Clause.

All contracts (both construction and non-construction) for which the consideration is \$1,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. By affixing its signature on a contract that is subject to the Equal Employment Practices Provisions, the Contractor shall agree to adhere to the provisions in the Equal Employment Practices Provisions for the duration of the contract.

All contracts (both construction and non-construction) for which the consideration is \$25,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. By affixing its signature on a contract that is subject to the Affirmative Action Program Provisions, the Contractor shall agree to adhere to the provisions in the Affirmative Action Program Provisions for the duration of the contract.

Furthermore, contractors shall include similar provisions in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations. The contract with the subcontractor that contends similar language shall be made available to the Bureau of Contract Administration ("BCA"), Office of Contract Compliance upon request.

Bidders/Proposers seeking additional information regarding the requirements of the City's Nondiscrimination Clause, Equal Employment Practices, and Affirmative Action Program may visit the Bureau of Contract Administration's website at bca.lacity.org.

4. Living Wage Ordinance (LWO) and Worker Retention Ordinance (WRO) (Section I-J)

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of Los Angeles Administrative Code Sections 10.37 et seq.,

Living Wage Ordinance (“LWO”) and 10.36 et seq., Worker Retention Ordinance (“WRO”).

Bidders/Proposers who believe that they meet the qualifications for one of the exemptions shall apply for exemption from the Ordinance by completing and submitting the appropriate Exemption/Non-Coverage Application form with their proposal. Application forms are as follows: Exemption Application (Form LW-10), Small Business Exemption Application (Form LW-26), 501(c)(3) Non-profit Exemption Application (Form OCC/LW-28), and Non-Coverage Determination Application (Form OCC/LW-29). These forms and more detailed information about the ordinances are available on the Bureau of Contract Administration’s website at bca.lacity.org.

5. Equal Benefits Ordinance and First Source Hiring Ordinance (Section II-K)

Equal Benefits Ordinance (“EBO”)

Bidders/Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance.

All Bidders/Proposers shall complete and submit the Equal Benefits Ordinance Compliance Affidavit (available on RAMP) prior to award of a City contract that exceeds \$25,000. The affidavit shall be valid for a period of three years from the date it is first uploaded onto RAMP. Bidders/Proposers do not need to submit supporting documentation with their bids or proposals. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the EBO Affidavit.

Bidders/Proposers seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration’s website at bca.lacity.org.

First Source Hiring Ordinance (“FSHO”)

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds \$25,000 with a term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance.

All Bidders/Proposers shall complete and electronically sign the FSHO Compliance Affidavit (available on RAMP) prior to award of a City contract. The affidavit shall be valid for a period of three years from the date it is first uploaded onto RAMP.

Bidders/Proposers seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration’s website at bca.lacity.org.

6. Certification of Compliance with the Americans with Disabilities Act (Section III-O)

The City of Los Angeles requires that all Contractors and Subcontractors be in compliance with the American with Disabilities Act 42 U.S.C. 12101 et seq., and its implementing regulations. The Proposer will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services, and activities in accordance with the provisions of the Disabilities Act. The Proposer will not discriminate against persons with disabilities nor against persons due to their relationship to or association with a person with a disability. Any subcontract entered by the Proposer, relating to this contract, to the extent allowed hereunder, shall be subject to the provisions of this paragraph. Proposers shall complete and submit the attached Certification of Compliance Form.

7. Certification of Compliance with Child Support Obligations (Section I-H)

Section 10.10 of the Los Angeles Administrative Code, Child Support Assignment Orders Ordinance, requires that all Contractors and Subcontractors performing work for the City comply with all reporting requirements and wage and earning assignments relative to legally mandated child support.

8. Contractor Workforce Information Form (LA Residence Information) (Section I-G)

The City requires information on the number of contractor's employees residing in the City.

9. Non-Collusion Affidavit (Section I-D)

Proposers shall complete and submit the attached Affidavit of Non-Collusion forms.

10. Disclosure Ordinances (Slavery and Border Wall Contracting) (Section II-L)

Unless otherwise exempt by the provisions of the Slavery Disclosure Ordinance ("SDO") or Disclosure of Border Wall Contracting Ordinance ("DBWCO"), any contract awarded under this RFP will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code and the DBWCO, Section 10.50 of the Los Angeles Administrative Code.

You must register on RAMP to access the updated Disclosure Ordinances Affidavit web form. The web form can be found by clicking on the "Profiles" tab. Scroll to the "Company Profile" section and click on "Compliance Documents." The web form should be completed and submitted by the time of RFP submission.

The web form will be verified by the Bureau of Contract Administration only if your company is the successful Proposer selected for contract award. Proposers

seeking additional information regarding the requirements of the SDO and DBWCO Disclosure Ordinances may visit the Bureau of Contract Administration's website at bca.lacity.org.

11. Iran Contracting Act of 2010 Compliance Affidavit (Section I-I)

In accordance with California Public Contract Code Sections 2200-2208, all proposers submitting proposals for, entering, or renewing contracts with the City of Los Angeles for goods and service estimated at \$1,000,000 or more are required to complete, sign, and submit the Iran Contracting Act of 2010 Compliance Affidavit.

12. Bidder Certification CEC Form 50 (Municipal Lobbying Ordinance) (Section I-B)

All proposers must submit a completed Bidder Certification City Ethics Commission ("CEC") Form 50 regarding the City's Municipal Lobbying Ordinance to the awarding authority at the same time the response is submitted. Proposals submitted without a completed CEC Form 50 shall be deemed non-responsive.

13. Prohibited Contributors (Bidders) CEC Form 55 (Municipal Campaign Finance Ordinance) (Section I-C)

All proposers must submit a CEC Form 55 regarding the City's Municipal Campaign Finance Ordinance to the awarding authority at the same time the response is submitted. Proposals submitted without a completed CEC Form 55 shall be deemed non-responsive.

14. Contractor Responsibility Ordinance Questionnaire and Pledge of Compliance (Section I-E and Section III-N)

The City requires that the Proposer be subject to the provisions of the Contractor Responsibility Ordinance, Section 10.40 et seq. of Article 14, Chapter 1 of Division 10 of the Los Angeles Administrative Code. By executing a contract with the City, the Contractor pledges to comply with all applicable federal, state, and local laws in performance of the contract. This Ordinance requires that all proposers complete and submit, with their response, the attached Questionnaire and Pledge of Compliance. Failure to return the completed questionnaire and pledge of compliance may result in the proposer being deemed non-responsive.

15. City of Los Angeles Contract History Form (Section I-F)

Proposers shall complete and submit the attached City of Los Angeles Contract History Form.

16. Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance (Fair Chance Initiative for Hiring) (Section IV-V)

Any contract awarded pursuant to this RFP will be subject to the Fair Chance

Initiative for Hiring Ordinance (“FCIHO”), Section 10.48 of the Los Angeles Administrative Code.

Any contract awarded pursuant to this RFP will be subject to the Contractors’ Use of Criminal History for Consideration of Employment Applications Ordinance, Section 10.48 of the Los Angeles Administrative Code. The Ordinance provides, among other things, that contractors/subcontractors with at least 10 employees are: prohibited from seeking a job applicant’s criminal history information until after the job offer is made; must post Contractors’ Use of Criminal History for Consideration of Employment Applications Ordinance information in conspicuous places at worksites; and cannot withdraw a job offer based on an applicant’s criminal history unless a link has effectively been made between the applicant’s criminal history and the duties of the job position.

Bidders/Proposers seeking additional information regarding the requirements of the Contractors’ Use of Criminal History for Consideration of Employment Applications Ordinance may visit the Bureau of Contract Administration’s website at bca.lacity.org.

17. Contractor Performance Evaluation Ordinance (Section IV-U)

At the end of this contract, the City will conduct an evaluation of the Contractor's performance. The City may also conduct evaluations of the Contractor's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on several criteria, including the quality of the work product or service performed, the timeliness of performance, the Contractor's compliance with budget requirements, and the expertise of personnel that the Contractor assigns to the contract. The Contractor will be provided with a copy of the final City evaluation and allowed 14 calendar days to respond. The City will use the final City evaluation, and any response from the Contractor, to evaluate proposals and to conduct reference checks when awarding other personal services contracts.

18. Business Tax Registration Certificate (BRTC) (Section III-R)

All contractors are required to submit one copy of their City of Los Angeles Business License, Tax Registration Certificate, or Vendor Registration Number. To obtain a Business Tax Registration Certificate (“BTRC”) call (213) 473-5901 and pay the respective business taxes. The address is as follows: City of Los Angeles, City Hall, Room 101, Office of Finance, Tax and Permit Division, 200 North Spring Street, Los Angeles, CA 90012. For more details, visit finance.lacity.org.

19. Internal Revenue Service (IRS) Form W-9 (Section III-S)

All contractors are required to complete and submit proof of IRS Number (“W-9”) Form.

20. Local Business Preference Program (LBPP) (Section II-M)

Los Angeles Administrative Code Division 10, Chapter 1, Article 4, Section 10.25 adopted the Local Business Preference (LBP) Program which was designed to increase local employment and expenditures in the local private sector. All Proposers are eligible to participate in the LBP Program by qualifying as a Local Business Enterprise (LBE). The City shall grant an eight six percent (86%) of the total possible evaluation points added to their evaluation score to those Proposers who are certified as an LBE firm. If the LBE is also a Local Small Business (LSB) and/or Local Transitional Employer (LTE), they may be granted an additional two (2) percent (2%) of the total possible evaluation points added to their evaluation score for each of those certifications, up to a total of twelve ten percent (102%). The City shall grant a ten percent (10%) of the total possible evaluation points added to their evaluation score to those Proposers who are certified as a City Business Enterprise (CBE) firm. If the CBE is also a Local Small Business (LSB) and/or Local Transitional Employer (LTE), they may be granted an additional two percent (2%) of the total possible evaluation points added to their evaluation score for each of those certifications, up to a maximum of twelve percent (12%). Additionally, all non-LBE/CBE Proposers may be granted an additional percentage, up to a total of five (5) percent (5%), of the total possible evaluations points added to their evaluation score for each of those certifications, for every ten (10) percent (10%) of their proposal that is to be performed by a LBE, CBE, LSB, and/or LTE subconsultant/subcontractor.

21. Business Inclusion Program (BIP) (Section I-A)

Business Inclusion Program to help ensure that all businesses -including job-creating small businesses -have an equal opportunity to do business with the City. The Program is based on increasing efficiency and transparency through expanded use of internet technology. Per the Mayor's Executive Directive No. 14, issued on January 12, 2011, it is the policy of the City of Los Angeles to provide Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and all other Business

Enterprise (OBE) firms have an equal opportunity to participate in the performance of City contracts. The City will advise the contractor to reach the anticipated participation levels of eighteen (18) percent MBE, four (4) percent WBE, twenty-five (25) percent SBE, eight (8) percent EBE, and three (3) percent DVBE. This RFP is subject to the BIP Outreach Requirements as outlined in Article 7 of the RFP. Performance of the BIP Outreach to MBE, WBE, SBE, EBE, DVBE, and OBE subcontractors must be completed utilizing the City's Regional Alliance Marketplace for Procurement (RAMP) service at www.rampla.org. The selected contractor will provide evidence (documents, etc.) of their outreach activities to meet this policy.

End of Section IV

APPENDICES - CITY CONTRACTING REQUIREMENTS FORMS CHECKLIST

SECTION I – Compliance Documents to be Submitted with Response by All Proposers

Proposers are required to complete and submit the following documents **by the proposal due date**.

A	Business Inclusion Program (BIP) - Schedule A	
B	Bidder Certification CEC Form 50 (Municipal Lobbying Ordinance)	
C	Prohibited Contributors (Bidders) CEC Form 55 (Campaign Finance Ordinance)	
D	Non-Collusion Affidavit	
E	Contractor Responsibility Ordinance Questionnaire	
F	City of Los Angeles Contract History Form	
G	Contractor Workforce Information Form (LA Residence Information)	
H	Certification of Compliance with Child Support Obligations	
I	Iran Contracting Act of 2010 Compliance Affidavit	
J	Living Wage Ordinance (LWO) / Service Contractor Worker Retention Ordinance (SCWRO)	

SECTION II – Required Compliance Documents to be Completed and Submitted on RAMPLA.ORG

Proposers are required to complete and submit the following documents **by the proposal due date**.

K	Equal Benefits Ordinance (EBO) / First Source Hiring Ordinance (FSHO)	
L	Disclosure Ordinances (Slavery and Border Wall Contracting)	
M	Local Business Preference Program (LBPP) ONLY required if proposer chooses to participate in Program.	

SECTION III – Required Documents Prior to Award of Contract

Qualified OR selected proposers for contract award are required to submit these documents **before the contract is executed**. **No forms or documents are required to be submitted on the proposal due date.**

N	Contractor Responsibility Ordinance Pledge of Compliance	
O	Certification of Compliance with the Americans with Disabilities Act	
P	Insurance Requirements: Workers' Compensation, General Liability, Auto Liability Proposer's insurance agent must submit Acord 25 Form to CAO Risk Management at https://kwikcomply.org	
Q	Financial Guarantee: Performance Bond, Letter of Credit, etc. ONLY if required by the solicitation.	
R	Business Tax Registration Certificate (BTRC)	
S	Internal Revenue Service (IRS) Form W-9	

SECTION IV – City Contract Compliance Requirements

Proposers are advised the following provisions will be part of the contract. **No forms or documents are required to be submitted on the proposal due date.**

T	Nondiscrimination/Equal Employment Practices/Affirmative Action	
U	Contractor Performance Evaluation Ordinance	
V	Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance (Fair Chance Initiative for Hiring)	
W	Standard Provisions for City Contracts	

REQUEST FOR PROPOSALS CITY CONTRACTING REQUIREMENTS

SECTION I

Compliance Documents to be Submitted with Response by All
Proposers

Section A

Business Inclusion Program (BIP)

Established by Mayor's Executive Directive No. 14 (Villaraigosa series), this program requires all proposers responding to Requests for Bids (RFBs), Requests for Proposals (RFPs), and Requests for Qualifications (RFQs) to perform subcontractor outreach to all available MBE, WBE, SBE, EBE, DVBE, and OBE firms which could perform a portion of the scope of work required in the respective RFB, RFP, or RFQ. As proof of the proposer's outreach efforts, the proposer is required to perform the Business Inclusion Program (BIP) Outreach on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org.

INSTRUCTIONS

All Proposers must perform and submit the BIP Outreach requirements on RAMP as described in the following attachment. Technical instructions for using RAMP to complete BIP Outreach are available on the RAMP Support page at <https://www.rampla.org/s/support>.

Outreach must be completed **15 DAYS** prior to the deadline for proposal submission.

All Proposers **MUST also complete and submit** the BIP Schedule A and include in their response.

Responses submitted without a completed BIP Schedule A **WILL** be deemed non-responsive and disqualified from being considered.

All BIP Outreach documentation must be submitted on RAMP by 4:30 p.m. on the first calendar day following the day of the proposal submission deadline.

**CITY OF LOS ANGELES BUSINESS INCLUSION PROGRAM (BIP)
FOR A REQUEST FOR PROPOSAL (RFP)**

Performance of a BIP outreach to Minority Business Enterprises (MBE), Women Business Enterprises (WBE), Small Business Enterprises (SBE), Emerging Business Enterprises (EBE), Disabled Veteran Business Enterprises (DVBE), and Other Business Enterprises (OBE) subconsultants must be completed on the Regional Alliance Marketplace for Procurement (RAMP), www.rampla.org.

All BIP outreach documentation must be submitted on the RAMP by 4:30 p.m. on the calendar day following the day of the RFP response submittal deadline.

The Board of Public Works anticipated levels of

MBE Participation	18 %
WBE Participation	4 %
SBE Participation	25 %
EBE Participation	8%
DVBE Participation	3%

NOTE: BIP outreach information and/or assistance may be obtained through: bca.biphelp@lacity.org

**CITY OF LOS ANGELES' POLICY
BUSINESS INCLUSION PROGRAM (BIP) FOR A REQUEST FOR PROPOSAL (RFP)**

SUMMARY

This policy sets forth the City of Los Angeles' rules and procedures to be followed by respondents on advertised personal services contracts in regards to the City's BIP outreach requirements. In general, this policy provides that respondents for contracts must demonstrate compliance with the indicators relating to an active outreach program to obtain participation by MBEs, WBEs, SBEs, EBEs, DVBes, and OBEs. Failure to demonstrate an outreach on the RAMP to comply with the indicators will render the proposal non-responsive.

A. GENERAL

This policy statement explains how the City's BIP will be administered within the Awarding Authority for personal services contracts. The Awarding Authority is committed to ensuring full and equitable participation by minority, women, small, emerging, disabled veteran, and other businesses in the provision of all goods and services to the Awarding Authority on a contractual basis. The BIP is set forth in this policy Statement. Respondents to this Awarding Authority shall be fully informed concerning the requirements of this Program. **Failure to comply with the City's BIP outreach requirements will render the response non-responsive and result in its rejection.**

Additional information and/or assistance in implementing this Program may be obtained through email to bca.biphelp@lacity.org

B. DEFINITIONS

1. Minority or Women Business Enterprise (MBE or WBE): For the purpose of this program, Minority or Women Business Enterprise shall mean a business enterprise that meets both of the following criteria:
 - a. A business that is at least 51 percent owned by one or more minority persons or women, in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons or women; and
 - b. A business whose management and daily business operations are controlled by one or more minority persons or women.
2. Small Business Enterprise (SBE): For the purpose of this program, Small Business Enterprise shall mean a business enterprise that meets the following criteria:
 - a. A business (personal or professional services, manufacturer, supplier, vendor) whose three (3) year average annual gross revenues does not exceed \$7 million.
 - b. A business (construction contractors) whose three (3) year average annual gross revenues does not exceed \$15 million.
3. Emerging Business Enterprise (EBE): For the purpose of this program, Emerging Business

Enterprise shall mean a business enterprise whose three (3) year average annual gross revenues do not exceed \$5 million.

4. Disabled Veteran Business Enterprise (DVBE): For the purpose of this program, Disabled Veteran Business Enterprise shall mean a business enterprise that meets the following criteria:
 - a. A business that is at least 51 percent owned by one or more disabled veterans.
 - b. A business whose daily business operations must be managed and controlled by one or more disabled veterans.
5. Other Business Enterprise (OBE): For the purpose of this program, Other Business Enterprise shall mean any business enterprise which either does not otherwise qualify or has not been certified as a Minority, Women, Small, Emerging, and/or Disabled Veteran Business Enterprise.
6. Minority person: For the purpose of this program, the term "Minority person" shall mean African Americans; Hispanic Americans; Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians); Asian-Pacific Americans (including persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas); and Subcontinent Asian Americans (including persons whose origins are from India, Pakistan and Bangladesh).
7. Disabled Veteran: For the purpose of this program, the term "Disabled Veteran" shall mean a veteran of the U.S. military, naval, or air service; the veteran must have a service-connected disability of at least 10% or more; and the veteran must reside in California.
8. Certification must be current **on the date the Awarding Authority awards a contract for the project** if credit is to be allowed towards the anticipated levels of MBE, WBE, SBE, EBE, and/or DVBE participation on this contract.
 - a. Certification as a Minority or Women Business Enterprise: an MBE/WBE must be certified by 1) City of Los Angeles, Bureau of Contract Administration; 2) State of California Department of Transportation (Caltrans); 3) Any certifying agency that is a part of the State of California Unified Certification Program (CUCP) as long as the certification meets all of the City of Los Angeles' MBE/WBE certification requirements; 4) Southern California Minority Supplier Development Council (SCMSDC) for MBE certifications; 5) Women's Business Enterprise Council West (WBEC)-West for WBE certifications; or 6) California Public Utilities Commission's Supplier Clearinghouse (CPUC).

Applications for certification and directories of MBE/WBE certified firms are available at the following locations:

1. City of Los Angeles
Bureau of Contract Administration, Office of Contract Compliance
1149 S. Broadway, Suite 300, Los Angeles, CA 90015
Telephone: (213) 847-2684
E-mail address: bca.certifications@lacity.org
Internet address: <https://bca.lacity.org/certifications-printable-forms>
2. California Department of Transportation, Office of Business and Economic Opportunity
1823 14th Street, Sacramento, CA 95814

Telephone: (916) 324-1700

Internet address: www.dot.ca.gov/programs/business-and-economic-opportunity

3. Southern California Minority Supplier Development Council (for a fee)
800 W. 6th Street, Suite 850, Los Angeles, CA 90017
Telephone: (213) 689-6960
Fax: (213) 689-1707
Internet address: www.scmsdc.org
4. Women's Business Enterprise Council – West (WBEC-West)
400 Corporate Pointe, Suite 300 Culver City, CA 90230
Telephone: (310) 461-4361
E-mail: office@wbec-west.org
Internet address: www.wbec-west.com
5. California Public Utilities Commission's Supplier Clearinghouse (CPUC)
10100 Pioneer Boulevard, Suite 103, Santa Fe Springs, CA 90670
Telephone: (562) 325-8685
Fax: (562) 278-0153
Internet address: <http://www.thesupplierclearinghouse.com/>

- b. Certification as a Small or Emerging Business Enterprise: An SBE must be certified by either 1) City of Los Angeles, Bureau of Contract Administration as a Local, Small Business Enterprise; or 2) State of California, Office of Small Business & Disabled Veteran Business Enterprise Services as long as the certification meets all of the City of Los Angeles' SBE and/or EBE certification criteria.

Note: The City of Los Angeles, Bureau of Contract Administration does not offer EBE certifications. However, if a company holds a City of Los Angeles certification as a Local, Small Business Enterprise, they can request an SBE and EBE designation on their RAMP company profile. The State of California does not offer EBE certifications. For the purposes of this program, the State's Microbusiness certification will be considered synonymous with the City's EBE certification.

Applications for certification and directories of SBE/EBE certified firms are available at the following locations:

1. City of Los Angeles
Bureau of Contract Administration, Office of Contract Compliance
1149 S. Broadway, Suite 300, Los Angeles, CA 90015
Telephone: (213) 847-2684
E-mail: bca.certifications@lacity.org
Internet address: <https://bca.lacity.org/certification>
2. Office of Small Business & Disabled Veteran Business Enterprises (OSDS) Resources
707 3rd Street, West Sacramento, CA 95605
Telephone: (916) 375-4940
E-mail: OSDSHelp@dgs.ca.gov
Internet address: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>

- c. Certification as a Disabled Veteran Business Enterprise: A DVBE must be certified by either: 1) State of California, Office of Small Business & Disabled Veteran Business Enterprise Services; or 2) Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization, Center for Verification and Evaluations as Service-Disabled Veteran-Owned Small Business (SDVOSB) and be headquartered in California.

Applications for certification/verification and directories of DVBE and SDVOSB certified/verified firms are available at the following locations:

1. Office of Small Business & Disabled Veteran Business Enterprises Services (OSDS)
707 3rd Street, West Sacramento, CA 95605 Telephone: (916) 375-4940
E-mail: OSDSHelp@dgs.ca.gov
Internet address: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>
2. Department of Veterans Affairs, Office of Small and Disadvantaged Business Utilization (OSDBU)
Internet address: <https://www.va.gov/osdbu/>
9. Business Inclusion Program Outreach Documentation: The respondent must take affirmative steps prior to submission of their RFP response to ensure that a maximum effort is made to recruit subconsultants. Minority, women, small, emerging, disabled veteran owned and controlled businesses must be considered along with other business enterprises whenever possible as sources of subconsulting services. Affirmative steps for BIP Outreach Documentation are outlined in Paragraph C herein. The BIP Outreach Documentation must be submitted as described in Paragraph C herein. **Failure to submit the BIP Outreach Documentation will render the response non-responsive.**
10. Subcontract: For the purpose of this program, the term “Subcontract” denotes an agreement between the prime Consultant and an individual, firm or corporation for the performance of a particular portion(s) of the work which the prime Consultant has obligated itself.
11. Subconsultant: An individual, firm, or corporation having a direct contract with the consultant for the performance of a part of the work which is proposed to be constructed or done under the contract or permit, including the furnishing of all labor, materials, or equipment. For the purposes of this Program, a subconsultant may also be referred to as a subcontractor.
12. Vendor and/or supplier: A firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and under its own name, the purchase and sale of the products in question. A vendor and/or supplier of bulk items such as steel, cement, stone and petroleum products need not keep such products in stock, if it owns or operates distribution equipment.
13. Manufacturer: A firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the consultant.
14. Broker: A firm that charges for providing a bona fide service, such as professional, technical, consultant or managerial services and assistance in the procurement of essential personnel,

facilities, equipment, insurance or bonds, materials or supplies required for performance of the contract. The fee or commission is to be reasonable and not excessive as compared with fees customarily allowed for similar services.

15. Participation Recognition: This applies to recognition as an MBE, WBE, SBE, EBE, DVBE, and OBE.
- a. All listed MBE, WBE, SBE, EBE, and/or DVBE firms must be certified as defined under Paragraph B, Definitions, Item 8, **on the date the Awarding Authority awards a contract for the project** before credit may be allowed toward the respective MBE, WBE, SBE, EBE, and/or DVBE pledged participation level.
 - b. Work performed by a MBE, WBE, SBE, EBE, and/or DVBE prime consultant will not be a consideration when determining a prime consultant's BIP Outreach. The prime consultant will be required to make a BIP Outreach to obtain certified MBEs, WBEs, SBEs, EBEs, and DVBEs through subconsulting or materials and supplies acquisition to reach anticipated participation levels.
 - c. Recognition for materials and/or supplies is limited to 60 percent of the amount to be paid to the vendor for such materials/supplies in computing the levels of MBE, WBE, SBE, EBE, DVBE and/or OBE participation, unless the vendor manufactures or substantially alters the materials/supplies.
 - d. MBE, WBE, SBE, EBE, DVBE and/or OBE credit for brokers required for performance of the contract is limited to the reasonable fee or commission charged, as not considered excessive, as compared with fees customarily allowed for similar services.
 - e. A firm which qualifies as both an MBE and a WBE will be credited as either MBE participation or as WBE participation, but will not be credited for both. However, an MBE and/or WBE firm may also receive SBE, EBE and/or DVBE credit if so qualified.
 - f. A listed MBE, WBE, SBE, EBE, DVBE and/or OBE firm must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing and supervising the work. Additionally, a firm listed for participation credit must be performing work or a service which is considered a normal part of their business activity offered to the public.
 - g. MBE and/or/WBE credit shall not be given to a Joint Venture partner listed as a subconsultant by a Joint Venture respondent.
 - h. A SBE, EBE, DVBE prime consultant shall receive pledged participation credit for the work performed by its own workforce.
 - i. A listed firm whose participation is credited initially as an OBE, but becomes certified or obtains additional certifications subsequent to the date of the contract award, will receive the appropriate participation credit for any work performed after becoming certified. Additionally, if the subconsultant has a status change in any of its certifications during the performance of work under the contract, the firm will not receive certification credit for work performed after the certification status change.

C. BIP OUTREACH DOCUMENTATION

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Small Business Enterprises (SBEs), Emerging Business Enterprises (EBEs), Disabled Veteran Business Enterprises (DVBEs), and all Other Business Enterprises (OBEs) an equal opportunity to participate in the performance of City contracts. In order to maximize this participation while minimizing the administrative impact on city staff and RFP respondents alike, the Mayor's Office has developed a Business Inclusion Program (BIP). The BIP requires City departments to set anticipated participation levels based on the opportunities presented in their advertised contracts and department's achievement of its annual goals. A respondent's BIP Outreach to MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs shall be determined by their compliance with the following BIP Outreach process which will be performed on the City's Regional Alliance Marketplace for Procurement (RAMP). The RAMP can be accessed at www.rampla.org. Failure to meet the anticipated MBE, WBE, SBE, EBE, and/or DVBE participation levels will not be the basis for disqualification or determination of noncompliance with this policy. However, failure to comply with the BIP Outreach documentation requirements as described in this section will render the RFP response non-responsive and will result in its rejection. *Compliance with the BIP Outreach requirements is required even if the proposer has achieved the anticipated MBE, WBE, SBE, EBE, and DVBE participation levels.* Adequacy of a respondent's BIP Outreach will be determined by the Board of Public Works (Board) after consideration of the indicators of BIP Outreach as set forth below.

Any technical difficulties encountered (i.e.: inability to log in, system log out, receiving an error message when you believe you have met the requirements, etc.) while utilizing the RAMP should be reported immediately using the following steps:

1. E-mail RAMP Support at support@rampla.org.
2. E-mail bca.biphelp@lacity.org
3. If you are not contacted within 15 minutes during normal City working hours (7:00 a.m. to 4:30 p.m. Monday-Friday), call 213-847-1922

If the above procedures are not followed as stipulated, incomplete outreach and/or incomplete documentation may not be accepted.

Each indicator (2-7) is evaluated on a pass/fail basis. All indicators (2-7) must be passed to be deemed responsive. Only BIP Outreach documentation submitted under the respondent's name will be evaluated. Therefore, submission by a third party will result in the respondent being deemed non-responsive. BIP Outreach may be completed by any Joint Venture member on behalf of the Joint Venture or under the name of the Joint Venture.

1	LEVEL OF ANTICIPATED MBE, WBE, SBE, EBE, and DVBE PARTICIPATION
---	--

The proposer has performed a BIP Outreach in an attempt to obtain potential subconsultant participation by MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs which could be expected by the Board to produce a reasonable level of participation by interested business enterprises, including the MBE, WBE, SBE, EBE and DVBE anticipated percentages set forth on Page 1 herein and to have the proposer meet the subconsulting expectations for the project.

Required Documentation: No documentation is required from the proposer.

2	ATTENDED PRE-SUBMITTAL MEETING
---	---------------------------------------

The proposer attended the pre-submittal meeting scheduled by the Project Manager to inform all proposers of the requirements for the project for which the contract will be awarded. This requirement may be waived if the proposer certifies it is informed as to those project requirements and has participated in a City-sponsored or City-approved matchmaking event in the prior 12 months.

Required Documentation: An employee of the proposer's company must attend the pre-submittal meeting scheduled for this project. Credit may not be given if the employee arrives late or fails to sign the pre-submittal meeting attendance roster. This requirement will be waived if the proposer both certifies in writing that it is informed as to the BIP Outreach requirements for the project and has participated in a City-sponsored or City-approved matchmaking event in the prior 12 months as is evidenced by City records. The waiver must also include the NAICS codes for the subconsultant the Prime met with at the matchmaking event, and those NAICS codes **MUST** be included in the opportunity the Prime is bidding on.

Note: If the RFP states that the pre-submittal meeting is mandatory, then attendance at the pre-submittal meeting is the only way to pass this indicator.

3	SUFFICIENT WORK IDENTIFIED FOR SUBCONSULTANTS
---	--

The proposer has identified the minimum number, as determined by the Awarding Authority, of specific areas of work that will be performed by subconsultants. This will ensure an opportunity for subconsultant participation among MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs.

Required Documentation: Outreach via e-mail in the selected work areas. This outreach must be performed using the RAMP's BIP Outreach system. The outreach must be to potential MBE, WBE, SBE, EBE, DVBE, and OBE subconsultants who are currently registered on the RAMP. Failure of the proposer to outreach in all of the work areas selected by the City as potential subconsulting work areas may result in the RFP response being deemed non-responsive.

Note: City staff will access the RAMP and verify compliance with this indicator after the RFP submission deadline.

4	WRITTEN NOTICES TO SUBCONSULTANTS
---	--

All notifications must be provided utilizing RAMP, and made not less than **fifteen (15) calendar days** prior to the date the RFP responses are required to be submitted. In all instances, proposers must document that invitations for subcontracting bids were sent to available MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs for each area of work to be performed.

Required Documentation: E-mail notification in each of the selected work areas to available MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs for each anticipated work area to be performed. The notification must be performed using the RAMP's BIP Outreach system. The notification must be to potential subconsultants currently registered on the RAMP. If the proposer is aware of a potential subconsultant that is not currently registered on the RAMP, it is the proposer's responsibility to encourage the potential

subconsultant to become registered so that the proposer can include them as part of their BIP outreach. Notifications must contain areas of work anticipated to be subconsulted, City of Los Angeles project name, name of the proposer, and contact person's name, address, and telephone number. Proposers are required to send notifications to a sufficient number of firms comprised of MBE, WBE, SBE, EBE, DVBE and OBE firms for each work area chosen, as determined by the City. What is considered sufficient will be determined by the total number of potential subconsultants in each specific work area at the time the RFP was uploaded to the RAMP.

The City will determine each work area by the North American Industry Classification System (NAICS) code. The following table shows the sufficient number of MBE, WBE, SBE, EBE, DVBE and OBE subconsultants that need to be notified for each work area.

# of Subconsultants in NAICS Code	% Prime Must Notify	Number Prime Must Notify
1-10	100%	1-10
11-20	80%	9-16
21-50	60%	13-30
51-100	40%	21-40
101-200	25%	26-50
>200	10%	20+

A proposer's failure to utilize this notification function will result in their RFP response being deemed non-responsive.

Note: Proposers will not be able to utilize the RAMP's BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the RFP response submittal deadline. In utilizing the RAMP's notification function, proposers will receive a message if they have failed to outreach to a sufficient number of firms when they go to view their summary sheet. By "double clicking" on a red box containing "0*" the proposer will be taken to a list of firms(s) that will allow them to meet this requirement, as long as the notification deadline has not passed. If a proposer is not finding firms of a certain type of certification status when performing their notification search under the six (6) digit NAICS code, the proposer will need to expand their search to the five (5) digit code (i.e.: If none are listed under 236210 – Industrial Building Construction, then search under 23621 – Industrial Building Construction.) Proposers will be given an opportunity to include their own customized statements when utilizing the notification function. However, the City will take into consideration the wording and may deem a proposer non-responsive if the wording is perceived to seriously limit potential subconsultant responses. City staff will access the RAMP and verify compliance with this indicator after the RFP submission deadline. Proposers are encouraged to print their BIP Outreach summary sheet prior to logging out as documented proof of their progress. In case of technical error, please follow the process for reporting these errors as outlined in Section C.

5	PLANS, SPECIFICATIONS AND REQUIREMENTS
---	---

The proposer provided interested subconsultants with information about the availability of plans, specifications, and requirements for the selected subconsulting work.

Required Documentation: Include in Indicator 4, information detailing how, where and when the proposer will make the required information available to interested subconsultants. The notification must be performed using the RAMP's BIP Outreach system.

Note: For purposes of RFPs, making a copy of the RFP available to potential subconsultants will meet this requirement. At the time a proposer utilizes the RAMP's BIP Outreach notification function, the required information will automatically be included in the notification. Proposers will not be able to utilize the RAMP's BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the RFP response submittal deadline. City staff will access the RAMP and verify compliance with this indicator after the RFP submission deadline.

6	NEGOTIATED IN GOOD FAITH
---	---------------------------------

The proposer has responded to every unsolicited offer sent by a Registered Subconsultant using RAMP and has evaluated in good faith bids or proposals submitted by interested MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs. Proposers must not unjustifiably reject as unsatisfactory a bid or proposal offered by a Registered Subconsultant, as determined by the Awarding Authority. The proposer must submit a list of all subconsultants for each area of work, including dollar amounts of potential work for MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs, and a copy of any and all bids or proposals received. This list must include an explanation of the evaluation that led to the bid or proposal being rejected and the explanation must have been communicated to the subconsultant using RAMP.

Required Documentation:

- a. Schedule A MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants Information Form;
- b. An online Summary Sheet organized by work area, listing the following:
 1. The responses and/or bids received;
 2. The name of the subconsultant who submitted the bid/quote;
 3. The dollar amount of the bid/quote;
 4. A brief reason given for selection/non-selection as a subconsultant;
 5. The subconsultant selected for that work area.
- c. Copies of all MBE/WBE/SBE/EBE/DVBE/OBE bids or quotes received must be submitted through the RAMP to the "BIP Supporting Documents" section of the Summary tab prior to the proposer being awarded the contract by the City;

The proposer will be given a choice of responses to indicate 1) No Response received; 2) Response received; but no subconsultant bid submitted; or 3) Submit Bid and include bid amount.

The proposer will be able to choose a preselected reason for selection/non-selection, but may also need to include further explanation in the Notes Section of the online Summary Sheet. If the proposer elects to perform a work area with its own forces and they received a sub-bid/response, they must include a

bid/response that shows their own costs for the work. Also, if the proposer is not a Local Business Enterprise (LBE), but wants to participate in the Local Business Preference Program (LBPP) by utilizing Local Business Enterprise subconsultants as prescribed in the LBPP requirements of the RFP documents, a subconsultant's LBE status can be considered a reason for selection over a non-LBE subconsultant. **All bids/responses received, regardless of whether or not the proposer outreached to the subconsultant, must be submitted and included on the on-line Summary Sheet.** To that extent, the City expects the proposer to submit a bid/response from each subconsultant listed on the online Summary Sheet. **All potential subconsultants with whom the proposer has had contact outside of the RAMP must be documented on the online Summary Sheet.**

The Summary Sheet must be performed using the RAMP's BIP Outreach system and must be submitted by 4:30 p.m. on the calendar day following the day of the RFP response submittal deadline. If a bid/response is submitted by a firm that is not registered with the RAMP, the proposer is required to add that firm to their Summary Sheet. A proposer's failure to utilize the RAMP's Summary Sheet function will result in their RFP response being deemed non-responsive.

Note: City staff will request copies of all of the bids/quotes received as part of the BIP Outreach evaluation process. Proposers must have a bid/quote from each subconsultant listed on their Schedule A prior to submission of the Schedule A. The submission of the Schedule A is outlined in G herein. Proposers are encouraged to submit all of their bids/quotes with their RFP response submittal. Proposers will not be able to edit their Summary Sheet on the RAMP's BIP Outreach Summary Sheet function after 4:30 p.m. on the calendar day following the day of the RFP response submittal deadline. City staff will access the RAMP and verify compliance with the Summary Sheet provision of this Indicator after the RFP submission deadline. Proposers are required to have each of the subconsultants on their Schedule A registered on the RAMP prior to being awarded the contract. In case of technical error, proposers must follow the process for reporting these errors as outlined in Section C.

7	BOND, LINES OF CREDIT, AND INSURANCE ASSISTANCE
---	--

Each notification by the proposer shall also include an offer of assistance to interested MBEs, WBEs, SBEs, EBEs, DVBES, and OBEs in obtaining bonds, lines of credit, and insurance required by the Awarding Authority or proposer.

Required Documentation: Include in Indicator 4, information about the proposer's efforts to assist with bonds, lines of credit and insurance. The notification must be performed using the RAMP's BIP Outreach notification system.

Note: At the time a proposer utilizes the RAMP's BIP Outreach notification function, the required information will automatically be included in the notification. Proposers will not be able to utilize the RAMP's BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the RFP response submittal deadline. Proposers will be given an opportunity to include their own customized statements when utilizing the notification function. However, the City will take into consideration the wording and may deem a proposer non-responsive if the wording is perceived to seriously limit subconsultant responses or is deemed contrary to the intent of this Indicator. City staff will access the RAMP and verify compliance with this Indicator after the RFP submission deadline.

The proposer shall submit completed BIP Outreach documentation either via the RAMP's BIP Outreach system or prior to award of the contract, as specified for each Indicator. The Awarding Authority in its

review of the BIP Outreach documentation may request additional information to validate and/or clarify that the BIP Outreach submission was adequate. Any additional information submitted after the response due date and time will be treated at a higher level of scrutiny and may require third party documentation in order to substantiate its authenticity. Such information shall be submitted promptly upon request by the Awarding Authority.

D. AWARD OF CONTRACT

The Awarding Authority reserves the right to reject any and all RFP responses. The award of a contract will be to the responsive, responsible proposer whose RFP response complies with all requirements prescribed herein. This includes compliance with the required BIP Outreach. A positive and adequate demonstration to the satisfaction of the Awarding Authority that a BIP Outreach to include MBE/WBE/SBE/EBE/DVBE/OBE subconsultants' participation was made is a condition for eligibility for award of the contract. Proposers are required to have each one of their subconsultants register on the RAMP prior to the award of the contract.

In the event that the Awarding Authority considers awarding away from a proposer because of the proposer's failure to supply adequate BIP Outreach documentation, the Awarding Authority shall afford the proposer an opportunity to present further evidence to the Awarding Authority prior to a public hearing of the proposer's BIP Outreach evaluation.

E. SUBCONSULTANT SUBSTITUTION

In addition to the requirements set forth in the provisions pertaining to the listing of subconsultants, the following shall apply for the purpose of this program:

1. Substitution During Contract Duration: The contract award requires that the level of all subconsultant participation shall be maintained throughout the duration of the contract. To this extent, any unapproved reduction in the listed subcontract amount will be considered an unauthorized substitution.
 - a. The Consultant shall request approval of the Awarding Authority for all substitutions of bid-listed (Schedule A) subconsultants.
 - b. The request shall be in writing and submitted to the designated Project Manager for the Awarding Authority. The request shall give the reason for the substitution, the name of the subconsultant and the name of the replacement.
2. MBE/WBE/SBE/EBE/DVBE/OBE Subconsultant Substitution: The Awarding Authority requires that whenever the Consultant seeks to substitute a bid-listed (Schedule A) subconsultant, the Consultant must perform a BIP Supplemental Outreach to replace the subconsultant.
 - a. The Consultant shall contact some of each of the following: certified MBE, certified WBE, certified SBE, certified EBE, certified DVBE, and OBE sub-bid prospects from each trade for which sub-bid/subconsulting work is available and document the following for submittal:
 1. Name of company contacted; contact person and telephone number; date and time of contact.

2. Response for each area of work which was solicited, including dollar amounts.
 3. Reason for selection or rejection of sub-bid prospect.
 4. In the event that the Consultant is unable to find some certified MBE, certified WBE, certified SBE, certified EBE, certified DVBE, and OBE sub-bid prospects, (first from their Schedule A, then from other outreach methods) for each trade, the Consultant should contact the Office of Contract Compliance by e-mail at bca.biphelp@lacity.org for assistance prior to certifying under penalty of perjury that it was unable to fully meet this requirement.
- b. The Consultant shall submit all documentation to the Awarding Authority's Project Manager who may refer it to the Office of Contract Compliance for review and approval.
3. In the event that a subcontract is reduced due to a project change that will not be specified in a change order, the Consultant shall request approval for reducing the subcontract by documenting the following for submittal:
 - a. The name of the company for which the subcontract reduction is requested and the dollar amount of the reduction.
 - b. The reason for the reduction. Specific details should be given in order for the Consultant's request to be processed promptly.
 - c. The Consultant shall submit all documentation to the Awarding Authority's Project Manager.

F. SUB-AGREEMENT FALSIFICATION

Falsification or misrepresentation of a sub-agreement as to company name, contract amount and/or actual work to be done by the sub-bidder/subconsultant will result in sanctions set forth in provisions pertaining to listing of subconsultants.

G. SUBMITTAL DOCUMENTS

1. MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants Information Form (Schedule A):
Proposers shall submit with their proposal the MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants Information Form, provided herein as Schedule A. The proposer shall list itself and the names and addresses of all firms to be used with a complete description of work or supplies to be provided by each, and the description of work to be performed.
2. MBE/WBE/SBE/EBE/DVBE/OBE Utilization Profile (Schedule B):
During the term of the contract, the consultant must submit the MBE/WBE/SBE/EBE/DVBE/OBE Utilization Profile (Schedule B) when submitting an invoice to the City.
3. Final Subcontracting Report (Schedule C):
Upon completion of the project, a summary of these records shall be prepared on the "Final Subcontracting Report" form (Schedule C) and certified correct by the consultant or its authorized representative. The completed form shall be furnished to the Board within 15 working days after completion of the contract.

H. RESPONSIBILITY FOR IMPLEMENTATION AND MONITORING

The Awarding Authority which acts as the City's Project Manager for the resulting contract will be the responsible entity for proper implementation and monitoring of the policy.

I. AWARD OF CONTRACT

Nothing herein restricts the discretion of the Board to reject all proposals in accordance with Charter Section 371.

RFP SCHEDULE A
MBE/ WBE/ SBE/ EBE/ DVBE/ OBE SUBCONSULANT INFORMATION FORM
 (NOTE: COPY THIS PAGE AND ADD ADDITIONAL SHEETS AS NECESSARY, SIGN and DATE ALL SHEETS)

Project Title:		Work Order Number:	
Consultant:	Address:		
Contact Person:		Phone:	

List of all Subconsultants (Service Providers/Suppliers/Etc.)				
Name, Address, and Phone No. of Subconsultant	Description of Work or Supply	MBE/ WBE/ SBE/ EBE/ DVBE/ OBE	Caltrans/City/ MTA Certification No.	Dollar Value of Subcontract

Current Percentage of MBE/ WBE/ SBE/ EBE/ DVBE/ OBE/ Participation to Date					
	Total Dollar	Percent		Total Dollars	Percent
MBE Participation	\$	%	WBE Participation	\$	%
SBE Participation	\$	%	EBE Participation	\$	%
DVBE Participation	\$	%	OBE Participation	\$	%

Signature of Person Completing this Form	Printed Name	Title	Date

MUST BE SUBMITTED WITH PROPOSAL

RFP SCHEDULE B
MBE/ WBE/ SBE/ DVBE/ OBE UTILIZATION PROFILE

Project Title:		Work Order Number:	
Consultant:		Address:	
Contact Person:		Phone/Email:	

Contract Amount (Including Amendments)	This Invoice Amount

MBE/ WBE/ SBE/ DVBE/ OBE Subconsultant (List All Subconsultants)						
Name of Subconsultant	MBE/ WBE/ SBE/ EBE/ DVBE/ OBE	Certification Agency/ Certification Number	Original Subcontract Amount	This Invoice Amount	Invoiced to Date (Include this Invoice)	Scheduled Participation to Date

Current Percentage of MBE/ WBE/ SBE/ EBE/ DVBE/ OBE/ Participation to Date					
	Total Dollar	Percent Achieved		Total Dollars	Percent Achieved
MBE Participation	\$	%	WBE Participation	\$	%
SBE Participation	\$	%	EBE Participation	\$	%
DVBE Participation	\$	%	OBE Participation	\$	%

Invoiced to Date Amount (Includes this Invoice)	\$
--	----

Signature of Person Completing this Form	Printed Name	Title	Date

MUST BE SUBMITTED WITH EACH INVOICE

RFP SCHEDULE C
FINAL SUBCONSULTING REPORT

Project Title:		Work Order Number:	
Contractor:		Address:	
Contact Person:		Phone/Email:	
Total Contract Amount (Including Amendments)		\$	

MBE/ WBE/ SBE/ DVBE/ OBE Subconsultants (List All Subconsultants)					
Name, Address, Phone of all Subcontractors Listed on Schedule C	Description of Work or Supply	MBE/ WBE/ SBE/ EBE/ DVBE/ OBE/	Certification Agency and Certification Number	Original Dollar Value of Subcontract	Actual Dollar Value of Subcontract*

***If the actual dollar value differs from the original dollar value, explain the differences and give details.**

	Total Dollar	Achieved Levels	Pledged Levels		Total Dollars	Achieved Levels	Pledged Levels
MBE Participation		%	%	WBE Participation		%	%
SBE Participation		%	%	EBE Participation		%	%
DVBE Participation		%	%	OBE Participation		%	%

Total Final Amount Invoiced	\$
------------------------------------	-----------

Signature of Person Completing this Form	Printed Name	Title	Date

SUBMIT WITHIN 15 DAYS OF PROJECT COMPLETION

Section B

Bidder Certification CEC Form 50 Municipal Lobbying Ordinance

The Municipal Lobbying Ordinance serves to identify persons engaged in compensated lobbying activities aimed at influencing decisions of City government. Proposers are required to submit with their response a completed and signed Bidder Certification CEC Form 50 acknowledging that, if the Proposer qualifies as a lobbying entity under Los Angeles Municipal Code Section 48.02 (the exemptions in Los Angeles Municipal Code Section 48.03 do not apply), the Proposer agrees to Bidder Certification CEC Form 50 comply with the disclosure requirements and prohibitions established in the Municipal Lobbying Ordinance.

A copy of the ordinance can be found at:

<https://ethics.lacity.org/wp-content/uploads/Laws-Lobbying-MLO.pdf>

Further information is available at:

<https://ethics.lacity.org/laws/#lobbying>

INSTRUCTIONS

All Proposers **MUST complete and submit** the [Bidder Certification CEC Form 50](#) with their response.

Responses submitted without a completed Bidder Certification CEC Form 50 **WILL** be deemed non-responsive and disqualified from being considered.

Section C

Prohibited Contributors (Bidders) CEC Form 55 Campaign Finance Ordinance

Charter Section 470(c)(12) and related ordinances state that proposers may not make campaign contributions to and/or engage in fundraising for any elected City official, candidate for elected City office, or City committee controlled by an elected City official or candidate from the time they submit a response until either the contract is approved or, for awarded proposers, twelve (12) months after the contract is signed. The proposer who bids on or submits a proposal or other response to a contract solicitation and subcontractors expected to receive \$100,000 or more in work on the contract are subject to limitations on campaign contributions and fundraising. Proposer's principals, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

By submitting the Prohibited Contributors (Bidders) Form 55, as prescribed by the City Ethics Commission, the proposer acknowledges and agrees to comply with the requirements of Charter Section 470(c)(12) and related ordinances.

A copy of Los Angeles City Charter §470 can be found at:

<https://ethics.lacity.org/wp-content/uploads/Charter-Sec-470.pdf>

A copy of the ordinance can be found at:

<https://ethics.lacity.org/wp-content/uploads/2019/01/CFO-20181219-Effective-20190128-Final.pdf>

Further information is available at:

<https://ethics.lacity.org/campaigns/>

INSTRUCTIONS

All Proposers **MUST** complete and submit the [Prohibited Contributors \(Bidders\) Form 55](#) with their response.

Responses submitted without a completed Prohibited Contributors (Bidders) Form 55 **WILL** be deemed non-responsive and disqualified from being considered.

Section D

Non-Collusion Affidavit

Pursuant to Los Angeles Administrative Code Section 10.15, each response must include a statement submitted and signed by the proposer under penalty of perjury that: The response is genuine, not a sham or collusive; the response is not made in the interest or behalf of any person not named therein; the proposer has not directly or indirectly induced or solicited any person to submit a false or sham response or to refrain from responding; and the proposer has not in any manner sought by collusion to secure an advantage over any other proposer.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed Non-Collusion Affidavit and include in their response.

Responses submitted without a completed Non-Collusion Affidavit **WILL** be deemed non-responsive and disqualified from being considered.

NON-COLLUSION AFFIDAVIT

The appropriate, authorized operator's designate must sign and if available affix the corporate seal (see space below).

I, _____, depose and say that I am
_____, of _____,
("President," "Vice-President," etc.) (Insert Name and Address of Organization)

who submits this proposal to the City of Los Angeles, Office of Finance, and hereby declare that this proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named and the proposer had not directly induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from submitting a proposal, and that the proposer has not in any manner sought by collusion to secure for him/herself an advantage over any other proposer.

Date: _____ at _____
(Month, Day, Year) (City, State)

(Corporate Seal, if available) I certify under penalty of perjury that the foregoing is correct.

(Signature)

Section E

Contractor Responsibility Ordinance

Proposers are advised that any contract awarded pursuant to this procurement process will be subject to the provisions of the Contractor Responsibility Ordinance, Los Angeles Administrative Code 10.40 et seq. The Contractor Responsibility Ordinance (CRO) requires a determination, via the Responsibility Questionnaire, that prospective contractors are responsible and capable of fully performing the work before a contract is awarded by the City of Los Angeles.

Further information regarding the requirements of the ordinance is available at:

<https://bca.lacity.org/Ordinances>

INSTRUCTIONS

All Proposers **MUST complete, print and submit** an initial submission of the [Service Contractor Responsibility Ordinance \(CRO\) Questionnaire](#) and include in their response.

Responses submitted without a completed Responsibility Questionnaire **WILL** be deemed non-responsive and disqualified from being considered.

Section F

City of Los Angeles Contract History

The City Council passed a resolution (Council File 98-1331) on July 21, 1998 requiring that all Proposers responding to a procurement solicitation must supply in their response a list of all City of Los Angeles contracts held by the proposer or any affiliated entity during the preceding 10 years.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed City of Los Angeles Contract History Form and include in their response.

Responses submitted without a completed City of Los Angeles Contract History Form **MAY** be deemed non-responsive and disqualified from being considered.

CITY OF LOS ANGELES CONTRACT HISTORY

The City Council passed a resolution on July 21, 1998 requiring that all proposed vendors supply in their proposal or bid a list of all City of Los Angeles contracts held by the bidder or any affiliated entity during the preceding 10 years. Use the space below to list all such contracts. Include the dates of the contract, the services or goods provided, the amount of the contract, and the contract number. If the bidder or any affiliated entity has held no City of Los Angeles contracts during the preceding 10 years, state so in the space below. Use the back of the page and additional pages as needed.

Were any contracts held with the City of Los Angeles in the last 10 years?

☐ Yes ☐ No

Department with which Contract Held	Contract Dates	Services/Goods Provided	Contract Amount	Contract Number
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Name of Organization

Title

Print Name

Date

Signature

Section G

Contractor Workforce Information (LA Residence Information)

All Proposers must complete the Los Angeles Residence Information form in order to be considered for a contract award. An important policy goal of the City is to encourage businesses to locate or remain in the City. To track that goal effectively, the Los Angeles City Council, on January 7, 1992, adopted a motion (Council File 92-0021) that requires all City departments to gather various information on contractors who conduct business with the City and all proposers to state their headquarters address as well as the percentage of their workforce residing in the City of Los Angeles.

The following information is to be included in each proposal:

- a) The headquarters address of the firm and the total number of employees, regardless of work location;
- b) The percentage of the firm's total workforce employed within the City and the percentage residing within the City; and,
- c) The address(es) of any branch office(s) located within the City and the total number employed in each Los Angeles branch office, the percentage of the work force in each Los Angeles branch office that is employed within the City, and the percentage residing within the City.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed City of Los Angeles Contractor Business Locations and Workforce Information Form and include in their response.

Responses submitted without a completed City of Los Angeles Contractor Business Locations and Workforce Information Form **WILL** be deemed non-responsive and disqualified from being considered.

CONTRACTOR BUSINESS LOCATIONS AND WORKFORCE INFORMATION

The City Council in consideration of the importance of preserving and enhancing the economic base and well-being of the City encourages businesses to locate or remain within the City of Los Angeles. This is important because of the jobs businesses generate and for the business taxes they remit. The City Council, on January 7, 1992, adopted a motion that requires bidders to state their headquarter address as well as the percentage of their workforce residing in the City of Los Angeles.

Organization: _____

I. Corporate or Main Office Information:

Address	Workforce in Organization:		
	Total Number of Employees	Percentage Working* within City of Los Angeles	Percentage Residing in City of Los Angeles

* i.e. working for any customer located within the geographical boundaries of the City of Los Angeles

II. City of Los Angeles Branch Offices Information:

Note: If there are no Los Angeles Branch offices, mark N/A on first line.

Address	Workforce in Los Angeles Branch Office:		
	Total Number of Employees	Percentage Working* within City of Los Angeles	Percentage Residing in City of Los Angeles

* i.e. working for any customer located within the geographical boundaries of the City of Los Angeles

Section H

Child Support Obligations

Los Angeles Administrative Code Section 10.10 requires all contractors and subcontractors performing work for the City to comply with all State and Federal reporting requirements and wage and earning assignments relative to legally mandated child support. Proposers must complete and return the enclosed form and agree to comply with all terms and conditions within. Furthermore, Proposers are advised that any contract awarded pursuant to this procurement process will be subject to the applicable provisions of the Child Support Obligations Ordinance.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed Certification of Compliance with Child Support Obligations and include in their response.

Responses submitted without a completed Certification of Compliance with Child Support Obligations **WILL** be deemed non-responsive and disqualified from being considered.

City of Los Angeles

**CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT
OBLIGATIONS**

This document must be returned with the Proposal/Bid Response

The undersigned hereby agrees that _____ will:
Name of Business

1. Fully comply with all applicable State and Federal employment reporting requirements for its employees.
2. Fully comply with and implement all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment.
3. Certify that the principal owner(s) of the business are in compliance with any Wage and Earnings Assignment Orders and Notices of Assignment applicable to them personally.
4. Certify that the business will maintain such compliance throughout the term of the contract.

I declare under penalty of perjury that the foregoing is true and was executed at:

City/County/State

Date

Name of Business

Address

Signature of Authorized Officer or Representative

Print Name

Title

Telephone Number

Section I

Iran Contracting Act of 2010

In accordance with California Public Contract Code Sections 2200-2208, all Proposers submitting a response for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at \$1,000,000 or more are required to complete, sign, and submit the Iran Contracting Act of 2010 Compliance Affidavit.

INSTRUCTIONS

All Proposers **MUST complete, print, and submit** the [Iran Contracting Act of 2010 Compliance Affidavit](#) and include in their response.

Responses submitted without a completed Iran Contracting Act of 2010 Compliance Affidavit **MAY** be deemed non-responsive and disqualified from being considered.

Section J
Living Wage Ordinance
And
Worker Retention Ordinance

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, must comply with the provisions of the Living Wage Ordinance (LWO), Los Angeles Administrative Code Section 10.37 et seq., and the Worker Retention Ordinance (WRO), Los Angeles Administrative Code Section 10.36 et seq.

Forms LW-5, LW-6, and LW-18 will be required from the successful Proposer and their subcontractors within 30 days of contract execution. These forms are available at the [Living Wage Printable Forms and Posters](#) section of BCA's LWO information page.

Proposers who believe that they meet the qualifications for one of the exemptions must apply for exemption from the Ordinance by completing and submitting the appropriate Exemption/Non-Coverage Application form with their proposal. Application forms are as follows: Exemption Application (Form LW-10), Small Business Exemption Application (Form LW-26), 501(c)(3) Non-profit Exemption Application (Form OCC/LW-28), and Non-Coverage Determination Application (Form OCC/LW-29).

More detailed information about the ordinances are available on the Bureau of Contract Administration's website at:

<https://bca.lacity.org/living-wages-ordinance-lwo>

<https://bca.lacity.org/service-contract-worker-retention-ordinance-scwro>

The LWO Exemption forms are available here:

[Exemption Application \(Form LW-10\)](#)

[Small Business Exemption Application \(Form LW-26\)](#)

[501\(c\)\(3\) Non-profit Exemption Application \(Form OCC/LW-28\)](#)

[Non-Coverage Determination Application \(Form OCC/LW-29\)](#)

(Rev. 01/18)

INSTRUCTIONS

If exemption from the Living Wage Ordinance is **not** claimed, Proposer must complete and return the enclosed compliance form with the response. Additional forms will be required from the successful Proposer within 30 days of contract execution as described above.

If applying for an exemption from the Living Wage Ordinance, Proposer must complete and submit the appropriate exemption form and submit completed form with their response.

City of Los Angeles

COMPLIANCE WITH THE LIVING WAGE ORDINANCE

Return this document with the Proposal/Bid Response

By submitting this form, the undersigned hereby declares that an application for exemption is NOT submitted with Proposal/Bid Response and agrees to fully comply with the requirements of the Los Angeles Administrative Code section 10.7, Living Wage Ordinance.

Name of Business

Address

Signature of Authorized Officer or Representative

Print Name

Title

Telephone Number

REQUEST FOR PROPOSALS CITY CONTRACTING REQUIREMENTS

SECTION II

Compliance Documents to be Completed and Submitted on RAMPLA.ORG

Section K
Equal Benefits Ordinance
And
First Source Hiring Ordinance

If a contract is subject to the Equal Benefits Ordinance (EBO) and/or the First Source Hiring Ordinance (FSHO), Contractors are required to complete a streamlined EBO/FSHO Compliance Affidavit web application form that is located on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org. Contractors are responsible for creating an RAMP profile and completing and submitting the affidavit. See below for additional details about the EBO and the FSHO.

Equal Benefits Ordinance (EBO):

Contractors are advised that any contract awarded pursuant to this procurement process will be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO).

All Contractors shall complete and submit the Equal Benefits Ordinance/First Source Hiring Ordinance Compliance Affidavit, available on RAMP at www.rampla.org, prior to award of a City contract that exceeds \$25,000. The affidavit shall be valid for a period of three years from the date it is first submitted on RAMP. The City may request supporting documentation to verify that the benefits are provided equally as specified on the EBO/FSHO Affidavit. Contractors seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration's website at <https://bca.lacity.org/equal-benefits-ordinance-ebo>

First Source Hiring Ordinance (FSHO):

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds \$25,000 with a term of at least three (3) months, and certain recipients of City loans or grants, must comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO).

All Contractors shall complete and electronically sign the Equal Benefits Ordinance/First Source Hiring Ordinance Compliance Affidavit available on RAMP at www.rampla.org, prior to award of a City contract. The affidavit shall be valid for a period of three years from the date it is first submitted on the City's RAMP.

Contractors seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration's website at <https://bca.lacity.org/first-source-hiring-ordinance-fsho>.

(Rev. 04/22)

INSTRUCTIONS

Proposers must complete and electronically sign the Equal Benefits Ordinance /First Source Hiring Ordinance Compliance Affidavit in the Compliance Documents section of their RAMP Business

Profile by the proposal submission deadline. Instructions for submitting compliance documents on RAMP are available on the RAMP Support page at <https://www.rampla.org/s/support>.

<p style="text-align: center;">Section L</p> <p style="text-align: center;">Disclosure Ordinances</p> <p style="text-align: center;">(Slavery and Border Wall Contracting)</p>

Unless otherwise exempt by the provisions of the Slavery Disclosure Ordinance (SDO) and Disclosure of Border Wall Contracting Ordinance (DBWCO), any contract awarded under this procurement process will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code and the DBWCO, Section 10.50 of the Los Angeles Administrative Code.

Contractors are required to complete a streamlined Disclosure Ordinances Affidavit web form that is located on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org.

Contractors are responsible for creating a RAMP profile and completing and submitting the Disclosure Ordinances Affidavit web form. The web form will be verified by the Bureau of Contract Administration (BCA) prior to contract execution.

Contractors seeking additional information regarding the requirements of the SDO and DBWCO may visit the Bureau of Contract Administration's website at <https://bca.lacity.org/slavery-disclosure-ordinance-sdo>.

INSTRUCTIONS

Proposers must complete and electronically sign the Disclosure Ordinances Affidavit in the Compliance Documents section of their RAMP Business Profile by the proposal submission deadline. Instructions for submitting compliance documents on RAMP are available on the RAMP Support page at <https://www.rampla.org/s/support>.

Section M

Local Business Preference Program

Per City of Los Angeles Ordinance No. 187121 and LAAC § 10.25, et seq., the City is committed to maximizing opportunities for local businesses and local small businesses in Los Angeles County, business entities working with the hardest-to-employ populations. It is the policy of the City to prevent unemployment, encourage an increase in local jobs, and create high road economic development. The new Local Business Preference Program (LBPP) aims to benefit the City by increasing local jobs and expenditures within the private sector. Criteria and instructions for participation in the LBPP are set forth herein.

(Rev. 08/2021)

INSTRUCTIONS

Proposers interested in participating in the LBPP must complete a Local Business Enterprise (LBE), Local Small Business (LSB), and/or Local Transitional Employer (LTE) application. The required Applications/Renewals will only be accepted and processed through RAMP. Instructions for applying for certifications are available on the RAMP Support page at <https://www.rampla.org/s/support>.

PROPOSALS

(Pages LBPP-1 through LBPP-7)

REQUEST FOR PROPOSALS - LOCAL BUSINESS PREFERENCE PROGRAM (LBPP)

City of Los Angeles Ordinance No. 187121, Article 4, Sections 10.25, *et esq.*
of the Los Angeles Administrative Code

Local Business Prime	8%
----------------------	----

Local Small Business	2%
----------------------	----

Local Transitional Employer	2%
-----------------------------	----

Or

Local Business Subcontractor (s)	Up to 5%
----------------------------------	-------------

NOTE: Local Business Preference Program information and/or assistance may be obtained through
[Insert contract administrator's contact information here]

A. General

This program is subject to the policies and requirements established by the City Council and the City of Los Angeles (City) Mayor's Office. The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate and operate in Los Angeles County (County). It is the policy of the City to prevent unemployment, encourage an increase in local jobs, and create high road economic development. The Local Business Preference Program (LBPP) aims to benefit the City by increasing local jobs and expenditures within the private sector. The LBPP is set forth herein. Bidders should be fully informed of this program.

Awarding Authorities shall opt out when the contract is funded by a grant or is federally funded and funding regulations prohibit the funding recipient from implementing the LBPP on the resulting contract. The Awarding Authority can also opt out of the program when full and open competition is limited because of a sole source vendor, provider, or supplier. Finally, the Awarding Authority is entitled to determine at any time before the award of a contract that it is not in the City's best interest to grant a proposal preference to a qualifying Local Business. Failure to comply with the LBPP shall result in investigations by the Bureau of Contract Administration/ Office of Contract Compliance (BCA/OCC) in its role as the Designated Administrative Agency.

B. Participation Criteria for Local Business Preference Program

To be eligible for participation in this program, the BCA/OCC requires that the prospective local business submit an affidavit attesting as such on the Regional Alliance Marketplace for Procurement (RAMP) website. An affidavit form is available to be downloaded on the RAMP website at <http://www.rampla.org>. Determination of qualification as a local business by any other entities, other than BCA/OCC, or by any other means other than submission of an affidavit on RAMP shall not be accepted for purposes of participation in the LBPP. Affidavit forms are prioritized according to the date they are received. The local business must be listed on RAMP as such prior to the proposal due date and time in order to participate in the LBPP. If an affidavit is submitted prior to the proposal deadline, but has not been verified by BCA/OCC, the Awarding Authority may request for the BCA/OCC to expedite the affidavit if the local business designation would result in a change of award recommendation. In this instance, the status as a local business will be based on the date the affidavit was submitted.

C. Definitions

1. "Article" means the City of Los Angeles Ordinance No. 187121, Article 4, codified in Sections 10.25, *et seq.* of the Los Angeles Administrative Code.
2. "Awarding Authority" means the governing body, board, officer, or employee of the City authorized to award a Contract and includes a department that has control of its own funds if the department adopts policies consistent with the provisions of this article. The Proprietary Departments and the Departments of Recreation and Parks, and Library are strongly encouraged to adopt local preference programs consonant with the provisions of the Article.
3. "Bid Price" means the dollar amount after the bidder's quoted price is adjusted for evaluation in accordance with applicable provisions. For procurement contracts this may include, but not be limited to, a Cash Discount, or Combined Award Discount.

4. "Cash Discount" means a reduction in the full cost of a good or service when payment is made within a specified period of time: e.g. 2% 10 net 30.
5. "Combined Award Discounts" (CAD) means the discount terms offered by a supplier and are usually expressed in percentages taken directly from the pricing totals of the bidders offering such a discount. CADs are applicable if the specification or bidding documents includes the CAD provision clause, it applies to more than one item or more than one group of items, and if the items included for CAD purposes are not cherry picked from a predefined group of items as set forth by the specifications or bid document.
6. "Contract" means a written agreement over \$150,000.00 for the purchase of goods, equipment or services, including construction, by or for the benefit of the City or its residents.
7. "Contractor" means the person; business or entity awarded the Contract by the Awarding Authority.
8. "Dealer" or "Supplier" means any Person who owns, operates, or maintains a store, warehouse, or other establishment in the County of Los Angeles in which the equipment, goods, or materials of the general character described in the Proposal specifications and required under the Contract are regularly sold or leased to the public from its own inventory or otherwise procured in the usual course of its business. A "Dealer" or "Supplier" does not include a packager, broker, manufacturer's representative, or other person who arranges or expedites a transaction without taking ownership of the finished or assembled equipment, goods or materials prior to the sale or lease to the City.
9. "Local Business" means a business entity that occupies work space within the County, is in compliance with all applicable City and County licensing and tax laws, and can demonstrate one of the following: (1) it is headquartered in the County and physically conducts and manages all of its operations from a location in the County; (2) that at least 50 of its full time employees perform work within the boundaries of the County at least 60 percent of their total regular hours worked on an annual basis; or (3) that at least half of the full-time employees (50%) of the business work within the boundaries of the County at minimum of 60 percent of their total, regular hours worked on an annual basis.
 - a. A business entity with multiple locations within the County, can aggregate 50 of its full-time employees working at least 60% of their regular hours from its different locations within the County to qualify as a Local Business.
 - b. A business entity awarded a City contract under the LBPP, must carry out the services of the contract using employees whose exclusive, primary working location is in Los Angeles County.
 - c. A joint venture must be a legally established entity and be certified as an LBE in order to participate in the LBPP. Individual LBE certification by one or more of the joint venture partners will not be considered sufficient to qualify for participation in the LBPP.

- d. A firm that is certified as a Local Small Business Enterprise (LSBE) with the Los Angeles County Office of Small Business will be verified as an LBE on RAMP upon request through the LBE affidavit, assuming the LSBE meets the certification qualifications.

D. Local Business Preference Program Participation Recognition

1. Qualifying contractors who participate in the LBPP by qualifying as a local business will receive 8% preference credit to their proposal in excess of \$150,000.00.
2. Qualifying contractors who participate in the LBPP by also qualifying as a Local Small Business or Local Transitional Employer will receive an additional 2% preference credit for each additional certification to their proposal in excess of \$150,000.00.
3. A Local Business that is not eligible for the additional preference, but that identifies a Subcontractor(s) that is certified by the DAA as a Local Small Business or a Local Transitional Employer (LTE), shall receive up to a maximum of 2% preference for each additional certification. The additional preference under this subsection shall be applied as follows:
 - a. A Local Business that identifies a Subcontractor certified by the DAA as a Local Small Business shall receive a 1% preference to the Proposal for every 10% percent of the cost of the proposed work to be performed by the qualifying Subcontractor.
 - b. A Local Business that identifies a Subcontractor certified as a Local Transitional Employer shall receive a 1% preference to the Proposal for every 10% percent of the cost of the proposed work to be performed by the qualifying subcontractor.
 - c. The Proposal must identify each Subcontractor, the proposed work of the Subcontractor, and the cost of the work for each Subcontractor.
4. A Proposal that does not qualify for the Local Business Preference may receive up to a 5% preference if it identifies a Subcontractor that is certified by the DAA as a Local Business, Local Small Business, or Local Transitional Employer.
 - a. The Proposal must identify each Subcontractor, the proposed work of the subcontractor, and the cost of the work for each Subcontractor.
 - b. The Subcontractor preference shall be applied to Proposals, where a 1% preference will be received for every 10% percent of the cost of the proposed work to be performed by the qualifying Subcontractor.
5. Preferences shall only be awarded to a Local Business when a minimum of two-thirds of the services provided under the contract are performed in Los Angeles County. Preferences shall only be awarded for equipment, goods or materials when the Local Business acts as a supplier or dealer (for a minimum of two thirds of the work), or designs, manufactures, or assembles the equipment, goods or materials, where a minimum of two thirds of the work, based on the dollar amount under the Contract, is performed in Los Angeles County.

6. The maximum combined preferences that may be awarded to a Proposal under this article shall not exceed 12% and the value of the combined preferences shall not exceed one million dollars.
7. A proposal preference does not reduce the contract amount.
8. In the event where a Local Business, bids on a City contract, and is determined by the Awarding Department, after the proposal deadline, to not qualify as a Local Business, the business will be eligible for the Local Business Subcontractor Preference of up to 5%, if it has identified a qualifying Local Subcontractor(s) to perform work under the contract.
 - a. The above exemption shall only apply where the non-compliance is an error or mistake. It shall not apply to a business that intentionally or fraudulently claims to be a Local Business through misleading or false statements.
 - b. It is the responsibility of the business registered on RAMP as a certified Local Business to inform BCA via email at bca.certifications@lacity.org, that it no longer meets the certification criteria within 7 days of the change. Failure to do so shall be construed as a misleading and/or false statement.

E. Failure to Comply & Penalties

1. The penalties in this subsection may be assessed on any Contractor that:
 - a. Upon receipt of information believed by the Awarding Authority to be reliable and which indicates that the Local Business no longer qualifies as a Local Business, Local Small Business and/or Local Transitional Employer for more than 60 days during the entire time of the Contract, the Awarding Authority shall withhold or recover funds from the Contractor in an amount that represents the value of the proposal preference of the executed contract.
 - b. If for any reason the Local Subcontractor, providing the basis for a Local Subcontractor Preference, is unable to, or does not, perform the work under the Contract; the Contractor shall, within 60 days, replace that Local Subcontractor with another Local Subcontractor. If the Contractor is unable to replace the Local Subcontractor specified in the Contract with another Local Subcontractor within 60 days, the Awarding Authority shall be entitled to withhold or recover funds from the Contractor in an amount that represents the value of the Proposal Preference.
 - c. In the event that an investigation reveals that a business fraudulently represented itself as a Local Business for the purpose of gaining a preference under the LBPP, the business shall not be eligible for the Local Business status for up to five years from the date of disqualification. This also applies to any business that has received a preference, but fails to maintain its Local Business qualification for a cumulative of 60 days during the entire time of the contract.

2. The Awarding Authority may impose the following remedies:
 - a. For proposals, the value of the proposal preference is determined by multiplying the percentage of the preference evaluation points awarded to the Contract dollar amount.
 - b. Additional costs and expenses to the City resulting from the Contractor's failure to comply with the Article.
 - c. Termination of all or part of the Contract.
3. Exception – Any Local Small Contractor that is found to have ascended to an income level that exceeds the maximum requirement of the certification qualifications as a Local Small Business during the execution of the Contract. In this instance, the Contractor's certification status will remain intact for the duration of the executed Contract. However, the executed Contract shall have no bearing on the Contractor's certification status for any future or pending bids, proposals, qualifications or quotes submitted for any other City contracting opportunities.

F. Complaints and Protests

1. All complaints and/or protests regarding qualifying local businesses and local subcontractors, including local small businesses and LTEs, claiming non-compliance by Awarding Authorities or its failure to maintain certification criteria, shall be made to the BCA/OCC either in writing or by email for further investigations. Complaints must be accompanied by documentation which substantiates the complainant's allegations.
2. Any complaints that meet the criteria of No. 1 may be investigated by BCA/OCC in its role as the Designated Administrative Agency.

Submit complaints to:

By Mail **Bureau of Contract Administration
Office of Contract Compliance
Department of Public Works
1149 South Broadway, Suite 300
Los Angeles, CA 90015**

By Email **bca.biphelp@lacity.org**

REQUEST FOR PROPOSALS CITY CONTRACTING REQUIREMENTS

SECTION III

Required Documents Prior to Award of Contract

Section N

Contractor Responsibility Ordinance Pledge of Compliance

The Contractor Responsibility Ordinance (Los Angeles Administrative Code § 10.40 et seq.) provides that, unless specifically exempt, City contractors working under service contracts of at least \$25,000 and three (3) months, contracts for the purchase of goods and products of at least \$100,000, contracts for the purchase of garments of at least \$25,000, construction contracts of any amount; public lessees; public licensees; and certain recipients of City financial assistance or City grant funds, must comply with all applicable provisions of the Ordinance. Upon award of a City contract, public lease, public license, financial assistance or grant, the contractor, public lessee, public licensee, City financial assistance recipient, or grant recipient, and any of its subcontractor(s), must submit the Pledge of Compliance with Contractor Responsibility Ordinance.

Further information regarding the requirements of the ordinance is available at:

<https://bca.lacity.org/Ordinances>

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, the successful Proposer **MUST complete and submit** the [Pledge of Compliance with Contractor Responsibility Ordinance](#).

This form is not required with the Response and need not be attached to the Response.

Section O

Certification of Compliance with the Americans with Disabilities Act

The City is a covered entity under Title II of the Americans with Disabilities Act, 42 U.S.C.A. Section 12131 et seq. Proposers awarded a contract through this procurement process must comply with the Americans with Disabilities Act and execute the Certification of Compliance with the Americans with Disabilities Act prior to the execution of a contract.

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, the successful Proposer **MUST complete and submit** the enclosed Certification of Compliance with the Americans with Disabilities Act.

This form is not required with the Response and need not be attached to the Response.

CERTIFICATION REGARDING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

The undersigned certifies, that to the best of his/her knowledge and belief, that:

1. The Contractor/Borrower/Agency (hereafter Contractor) is in compliance with and will continue to comply with the Americans with Disabilities Act 42 U.S.C. 12101 et. seq. and its implementing regulations.
2. The Contractor will provide for reasonable accommodations to allow qualified individuals with disabilities to have access and participate in its programs, services and activities in accordance with the provisions of the Americans With Disabilities Act.
3. The Contractor will not discriminate against persons with disabilities nor against persons due to their relationship or association with a person with a disability.
4. The Contractor will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.
5. This Certification is a material representation of fact upon which the City relied when entering into this agreement.

AGREEMENT NUMBER: _____

CONTRACTOR: _____

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

SIGNATURE

DATE

Section P

Insurance Requirements: Workers' Compensation, General Liability, Auto Liability

The Proposer, prior to the execution of a City contract, must furnish the City evidence of insurance Coverage as set forth in Exhibit 1 of the Standard Provisions for City Contracts (Form Gen. 146, attached below). The City may also require the proposer to have fidelity, surety bond, performance bond, or letter of credit to ensure satisfactory performance during the term of contract. Such requirements are also included in the Exhibit 1 of the Standard Provisions for City Contracts. Furthermore, the contractor will also be required to indemnify the City in accordance with the provisions set forth in PSC-18 of the Standard Provisions for City Contracts.

(Updated 3/18)

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, Proposer **MUST** request their Insurance Broker/Agent to complete an Acord 25 Form (Certificate of Liability Insurance) with the required minimum limits set by Exhibit 1 (Form Gen. 146) of Standard Provisions for City Contracts and submit to CAO Risk Management via <https://kwikcomply.org>.

This form is not required with the Response and need not be attached to the Response.

Section Q

Financial Guarantee

Performance Bond, Letter of Credit, Etc.

A Performance Bond may be required once an as-needed project is awarded to a Contractor. If it is determined that a performance bond is required, the awarded Contractor(s) will be required to maintain a minimum Performance Bond in an amount equal to or greater than the awarded bid dollar amount unless otherwise stated by the Contract Administrator. If a Performance Bond is required, it is requested that acceptable bond documents be submitted within ten (10) working days after notice of award of any as-needed contract. Bonds must be obtained from an insurance company with a Certificate of Authority from the California Insurance Commissioner authorizing the company to write surety insurance within the State of California.

INSTRUCTIONS

If a Performance Bond is requested upon the notice of award of the contract, the Contractor will have ten (10) days to submit proof of the Performance Bond. Refer to the language in the solicitation for instructions on how to submit proof of the Performance Bond.

The Performance Bond is not required with the Response and need not be provided with the Response.

Section R

Business Tax Registration Certificate

The City of Los Angeles requires all firms and individuals doing business within the City of Los Angeles to obtain the necessary Tax Registration Certificate(s) and pay City business taxes. All firms and individuals that conduct business with the City of Los Angeles will be required to provide a Business Tax Registration Certificate (BTRC) number or an exemption number as proof of compliance with the City's business tax requirements in order to receive payment for goods or services. To register for a BTRC, go to the Office of Finance website at <http://finance.lacity.org/>.

INSTRUCTIONS

If a Proposer is recommended for award of a contract but does not have a valid BTRC prior to the award of the contract, the Proposer **MUST** apply and obtain a BTRC number from the Office of Finance and submit one of the following.

- Copy of your City of Los Angeles "Business Tax Registration Certificate"
- Copy of your City of Los Angeles "Application for Tax Registration Certificate" or Vendor Registration Number, or
- Copy of your City of Los Angeles "Business Tax and/or Carnival Police Permit Exemption Application"

The BTRC is not required with the Response and need not be provided with the Response.

Section S

Internal Revenue Service Form W-9

Request for Taxpayer Identification Number and Certification

The City of Los Angeles requires all firms and individuals doing business with the City of Los Angeles to complete a Form W-9, as required by the Internal Revenue Service (IRS), in order for the City to conduct financial transactions with said entities, such as returning proposal deposits, or processing payments.

Further information regarding the requirements is available at:

<https://www.irs.gov/forms-pubs/about-form-w-9>

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, Proposer **MUST complete and submit** [IRS Form W-9](#).

The Form W-9 is not required with the Response and need not be provided with the Response.

REQUEST FOR PROPOSALS CITY CONTRACTING REQUIREMENTS

SECTION IV

City Contract Compliance Requirements

Section T

Non-Discrimination, Equal Employment Practices, and Affirmative Action (Non-Construction and Construction)

Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2., Non-Discrimination Clause.

All contracts (both construction and non-construction) for which the consideration is \$1,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. By affixing its signature on a contract that is subject to the Equal Employment Practices Provisions, the Contractor shall agree to adhere to the provisions in the Equal Employment Practices Provisions for the duration of the contract.

All contracts (both construction and non-construction) for which the consideration is \$25,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. By affixing its signature on a contract that is subject to the Affirmative Action Program Provisions, the Contractor shall agree to adhere to the provisions in the Affirmative Action Program Provisions for the duration of the contract.

Furthermore, contractors shall include similar provisions in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations. The contract with the subcontractor that contends similar language shall be made available to the Office of Contract Compliance upon request.

Proposers seeking additional information regarding the requirements of the City's Non-Discrimination Clause, Equal Employment Practices and Affirmative Action Program may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

Section U

Contractor Performance Evaluation Ordinance

At the end of this contract, the City will conduct an evaluation of the Contractor's performance. The City may also conduct evaluations of the Contractor's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on a number of criteria, including the quality of the work product or service performed, the timeliness of performance, financial issues, and the expertise of personnel that the Contractor assigns to the contract. A Contractor who receives a "Marginal" or "Unsatisfactory" rating will be provided with a copy of the final City evaluation and allowed 14 calendar days to respond. The City will use the final City evaluation, and any response from the Contractor, to evaluate proposals and to conduct reference checks when awarding other personal services contracts.

Section V

Contractors' Use of Criminal History for Consideration of Employment Applications Fair Chance Initiative for Hiring Ordinance

Any contract awarded pursuant to this procurement process will be subject to the Fair Chance Initiative for Hiring Ordinance, Section 10.48 of the Los Angeles Administrative Code. The Ordinance provides, among other things, that contractors/subcontractors with at least 10 employees are: prohibited from seeking a job applicant's criminal history information until after a job offer is made; must post Fair Chance Initiative for Hiring Ordinance information in conspicuous places at worksites; and cannot withdraw a job offer based on an applicant's criminal history unless a link has effectively been made between the applicant's criminal history and the duties of the job position.

Proposers seeking additional information regarding the requirements of the Fair Chance Initiative for Hiring Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

Section W

Standard Provisions for City Contracts

Any contract awarded pursuant to this procurement process will be subject to the Standard Provisions for City Contracts: [Current Version \(Rev. 9/22\) \[v.1\]](#)