

APPROVED

MAY 20 2009

REPORT OF GENERAL MANAGER

NO. 09-127

DATE May 20, 2009

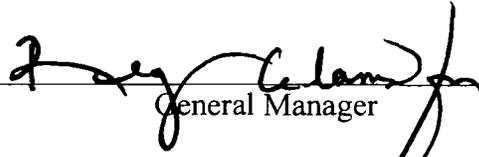
**BOARD OF RECREATION
and PARK COMMISSIONERS**

C.D. All

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: TRAINING SERVICES ON HEALTH AND SAFETY RELATED SUBJECTS – AWARD OF PERSONAL SERVICE CONTRACTS

R. Adams _____	J. Kolb _____
* H. Fujita _____	F. Mok _____
S. Huntley _____	K. Regan _____
V. Israel _____	M. Shull _____



 General Manager

Approved _____ Disapproved _____ Withdrawn _____

RECOMMENDATION:

That the Board:

1. Approve the proposed Personal Service Contract between the City of Los Angeles and International Training and Safety, LLC, to provide training services on health and safety related subjects, for a term of one (1) year with two (2) one-year renewal options exercisable at the General Manager's sole discretion, substantially in the form on file in the Board Office, subject to the approval of the Mayor and of the City Attorney as to form;
2. Approve the proposed Personal Service Contract between the City of Los Angeles and Global Environmental Network, Inc., to provide training services on health and safety related subjects, for a term of one (1) year with two (2) one-year renewal options exercisable at the General Manager's sole discretion, substantially in the form on file in the Board Office, subject to the approval of the Mayor and of the City Attorney as to form;
3. Waive the informality of late submittal of pages A-3 to A-7 of the Nondiscrimination, Equal Employment Practices and Affirmative Action Policies, in accordance with Charter Section 371(c) and Los Angeles Administrative Code Section 10.15(c), for the proposal submitted by Global Environmental Network, Inc.;
4. Find, in accordance with Charter Section 1022, that the Department does not have personnel available in its employ with sufficient time and expertise to undertake these specialized professional tasks and that it is more feasible to secure these services by contract;

REPORT OF GENERAL MANAGER

PG. 2

NO. 09-127

5. Find, in accordance with Charter Section 371(e)(10) and Los Angeles Administrative Code Section 10.15(a)(10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department for health and safety training in order to comply with the California Occupational Safety and Health Act of 1973. In order to select the best proposer for this service, the Board finds it necessary to utilize a standard request for proposals (RFP) process and to evaluate proposals received based upon the criteria included in the RFP. Also find that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs and therefore opt to utilize the standard RFP process;
6. Direct the Board Secretary to transmit the proposed Personal Service Contracts, concurrently, to the Mayor in accordance with Executive Directive No. 3 and to the City Attorney for review and approval as to form; and,
7. Authorize the Board President and Secretary to execute the Personal Service Contracts upon receipt of the necessary approvals.

SUMMARY:

The California Occupational Safety and Health Act of 1973 created a legal obligation on the part of every California employer to provide and maintain a safe and healthful workplace for employees. A written, effective Injury and Illness Prevention Program (IIPP) has been required of every California employer since 1991. The requirements for establishing, implementing, and maintaining an IIPP are contained in Title 8 of the State of California Code of Regulations (Occupational Safety).

Training is considered one of the most important elements of any IIPP or safety program. By law, the Department must provide safety training to maintain the certification of employees to operate certain equipment such as forklifts, cranes, and aerial lifts. In addition, certain work assignments require advance safety training to ensure they are performed without compromising employee safety. Examples of such safety training include hearing protection, confined space, fall protection, trenching/shoring, respiratory protection, and scaffolding training. The Department must provide safety training to implement its IIPP as well as to effectively manage risk exposure (e.g., hazard communication, accident investigation, defensive driving, fire extinguisher/fire safety, traffic control, and blood borne pathogen training). In many instances, safety training must be provided by certified trainers using equipment and special training sites not available to the Department.

REPORT OF GENERAL MANAGER

PG. 3

NO. 09-127

On February 20, 2008, the Board approved the RFP for As-Needed Training Services on Health and Safety Related Subjects (Board Report No. 08-45). On April 21, 2008, the RFP was advertised in local periodicals, posted on the Los Angeles Business Assistance Virtual Network (BAVN) and made available on the Department's website. On May 14, 2008, a Pre-Proposal Conference was held to provide potential proposers with a review of the submittal documents, compliance documents, and requirements for the Good Faith Effort Subcontractor Outreach as required by Executive Directive No. 2001-26 (Riordon Series) and the Board's policy (Board Report No. 177-89).

On August 5, 2008, proposals were received from the following four companies:

- International Training and Safety, LLC
- Safety Environmental Consulting
- Global Environmental Network, Inc.
- JoshuaCasey Corporate Training

Staff performed a review of the proposals for submission of required compliance and submittal documents. Proposals were found either responsive or non-responsive:

- International Training and Safety, LLC, was found responsive in all seven compliance documents and responsive in all five submittal documents (Attachment A-1).
- Safety Environmental Consulting was found non-responsive in one of seven compliance documents and non-responsive in two of the five submittal documents (Attachment A-2).
- Global Environmental Network, Inc., was found non-responsive in one of the seven compliance documents and responsive in all five of the submittal documents (Attachment A-3).
- JoshuaCasey Corporate Training was found non-responsive in two of the seven compliance documents and non-responsive in two of the five submittal documents (Attachment A-4).

Staff considered the proposal submitted by Global Environmental Network, Inc., to be incomplete as it did not include pages A-3 to A-7 of the Nondiscrimination, Equal Employment Practices and Affirmative Action Policies as required in the RFP (Section IV.B.4.i.b). On January 28, 2009, staff informed the proposer that they would be found non-responsive to the RFP. On February 11, 2009, Global Environmental Network, Inc., sent a letter to the Department stating that they were in compliance with the City requirement as found by the Office of Contract Compliance and that, in accordance with Section IV.B.4 of the RFP, they

REPORT OF GENERAL MANAGER

PG. 4

NO. 09-127

should be allowed to submit the missing documents. Staff concluded that with or without pages A-3 to A-7 of the Nondiscrimination, Equal Employment Practices and Affirmative Action Policies, Global Environmental Network, Inc., would have been bound by its proposal and that submitting those pages late did not provide Global Environmental Network, Inc., with a competitive advantage over other proposers. Staff received pages A-3 to A-7 of the Nondiscrimination, Equal Employment Practices and Affirmative Action Policies from Global Environmental Network, Inc. (Exhibit 1). On February 23, 2009, the City Attorney opined that the proposal submitted by Global Environmental Network, Inc., should be evaluated and if found to be the best proposal, the Board could elect to waive the informality and award a contract.

Staff from the Human Resources Division and the Service Contracts Group reviewed the proposals from International Training and Safety, LLC, and Global Environmental Network, Inc., and found that both proposers had extensive experience and qualifications, understood the training needs of the Department, and offered similar pricing plans. Staff discussed the findings in an attempt to rank the proposers and found it difficult to differentiate between the two proposers. As both companies had been used by the Department and both proposers would be drawing from the same pool of instructors, including using each other as subcontractors, staff determined that it was in the best interest of the Department to recommend an award to both proposers to ensure that a qualified contractor was available at all times for the training courses that are needed and expected to be performed over the next several years. It is, therefore, recommended that personal service contracts for training services on health and safety related subjects be awarded to International Training and Safety, LLC, and to Global Environmental Network, Inc.

As training needs are identified and courses are scheduled, the two companies will be notified and the available company will be selected to perform the service. If both companies are available, the selection will be based on the overall comprehensiveness of the course being offered and on price.

Charter Section 1022 Finding

On October 29, 2007, the Personnel Department completed a Charter Section 1022 review (Attachment B) and determined that City classifications are able to perform some of the services required to provide various as-needed training services on health and safety related subjects in accordance with regulations enforced by the California Occupational Safety and Health Administration (Cal/OSHA) and with applicable local, State and federal laws concerning employee safety and certification requirements. While some City departments had personnel that could provide some of the training, these departments have informed staff that they do not have the resources to provide as-needed training assistance. Furthermore, the Personnel Department found that the work assignment exceeded staffing availability as the Department does not have personnel available in its employment with sufficient expertise to undertake these

REPORT OF GENERAL MANAGER

PG. 5

NO. 09-127

specialized professional tasks in a timely manner. It is, therefore, necessary to secure these services through an independent contractor.

On December 11, 2008, the Board approved funding in the amount of \$58,500 for safety training (Board Report No. 08-334) in order to implement the Department's IIPP. Additional funding in an amount not to exceed \$150,000 per agreement for the term of the agreements is subject to availability and will be identified by the Human Resources Division.

FISCAL IMPACT STATEMENT:

Funding in the amount of \$58,500 is currently available in Fund 302, Department 88, Account 6010, Activity Code 0590. Additional funding is subject to availability.

Report prepared by Harold Fujita, Personnel Director III, Human Resources Division.

**INTERNATIONAL TRAINING & SAFETY LLC
TRAINING SERVICES ON HEALTH AND SAFETY RELATED SUBJECTS
LEVEL I EVALUATION**

I. Compliance Documents		Submitted	In Compliance	Comments
1.	Proposer's Signature Declaration and Affidavit of Non-Collusion Page	Yes	Yes	
2.	Nondiscrimination, Equal Employment Practices and Affirmative Action Policies	Yes	Yes	
3.	Good Faith Effort Requirement - MBE/WBE/OBE Subcontractor Mandatory Outreach Program	Yes	Yes	100 points (75 points required for passing)
4.	Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO)	N/A	N/A	Did not apply for exemption
5.	Contractor Responsibility Ordinance (CRO) Questionnaire	Yes	Yes	
6.	Equal Benefits Ordinance (EBO) Compliance Form	Yes	Yes	
7.	Bidder Certification City Ethics Commission (CEC) Form	Yes	Yes	

II. Submittal Documents		Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposed Compensation and Listing of Services/Products	Yes	Yes	
3.	Experience and Qualifications			
	i. References	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. Qualifications and Experience of Key Personnel	Yes	Yes	

**SAFETY ENVIRONMENTAL CONSULTING
TRAINING SERVICES ON HEALTH AND SAFETY RELATED SUBJECTS RFP
LEVEL I EVALUATION**

I. Compliance Documents		Submitted	In Compliance	Comments
1.	Proposer's Signature Declaration and Affidavit of Non-Collusion Page	Yes	Yes	
2.	Nondiscrimination, Equal Employment Practices and Affirmative Action Policies	Yes	Yes	
3.	Good Faith Effort Requirement - MBE/WBE/OBE Subcontractor Mandatory Outreach Program	Yes	No	59 points (75 points required for passing) Indicator #6: (1) Phone log dates are prior to dates letters were sent out; (2) Only title of project and link to City website was given as information on project. Indicator #9: (1) Letter from subcontractor (Alpa) was not signed; (2) Does not have a Subcontractors Info Form Schedule A.
4.	Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO)	N/A	N/A	Did not apply for exemption
5.	Contractor Responsibility Ordinance (CRO) Questionnaire	Yes	Yes	
6.	Equal Benefits Ordinance (EBO) Compliance Form	Yes	Yes	
7.	Bidder Certification City Ethics Commission (CEC) Form	Yes	Yes	

II. Submittal Documents		Submitted	In Compliance	Comments
1.	Cover Letter	Yes	No	Does not have statement required on cover letter stating that the proposer accepts all terms and conditions in the RFP.
2.	Proposed Compensation and Listing of Services/Products	Yes	Yes	
3.	Experience and Qualifications			
	i. References	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	No	Did not have contract dollar amounts for projects listed
	iii. Qualifications and Experience of Key Personnel	Yes	Yes	

**GLOBAL ENVIRONMENTAL NETWORK, INC.
TRAINING SERVICES ON HEALTH AND SAFETY RELATED SUBJECTS RFP
LEVEL I EVALUATION**

I. Compliance Documents		Submitted	In Compliance	Comments
1.	Proposer's Signature Declaration and Affidavit of Non-Collusion Page	Yes	Yes	
2.	Nondiscrimination, Equal Employment Practices and Affirmative Action Policies	Yes	No	Pages A-3 to A-7 were not submitted.
3.	Good Faith Effort Requirement - MBE/WBE/OBE Subcontractor Mandatory Outreach Program	Yes	Yes	91 points (75 points required for passing)
4.	Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO)	N/A	N/A	Did not apply for exemption
5.	Contractor Responsibility Ordinance (CRO) Questionnaire	Yes	Yes	
6.	Equal Benefits Ordinance (EBO) Compliance Form	Yes	Yes	
7.	Bidder Certification City Ethics Commission (CEC) Form	Yes	Yes	

II. Submittal Documents		Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposed Compensation and Listing of Services/Products	Yes	Yes	
3.	Experience and Qualifications			
	i. References	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. Qualifications and Experience of Key Personnel	Yes	Yes	

**JOSHUACASEY CORPORATE TRAINING
TRAINING SERVICES ON HEALTH AND SAFETY RELATED SUBJECTS RFP
LEVEL I EVALUATION**

I. Compliance Documents		Submitted	In Compliance	Comments
1.	Proposer's Signature Declaration and Affidavit of Non-Collusion Page	Yes	Yes	
2.	Nondiscrimination, Equal Employment Practices and Affirmative Action Policies	Yes	Yes	
3.	Good Faith Effort Requirement - MBE/WBE/OBE Subcontractor Mandatory Outreach Program	Yes	No	61 points (75 points required for passing) Indicator #4: (1) proposer's policy concerning assistance to subconsultants in obtaining bonds, lines of credit and/or insurance was not included; (2) advertisement was posted on packpage.com. Indicator #5: No fax transmittal confirmation from proposer to subconsultants, nor metered envelopes. Indicator #6: Time and dates missing in phone log. Indicator #7: Did not include information about project scope, services requested, and other requirements
4.	Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO)	N/A	N/A	Did not apply for exemption
5.	Contractor Responsibility Ordinance (CRO) Questionnaire	Yes	Yes	
6.	Equal Benefits Ordinance (EBO) Compliance Form	Yes	No	Page 3 not submitted
7.	Bllder Certification City Ethics Commission (CEC) Form	Yes	Yes	

II. Submittal Documents		Submitted	In Compliance	Comments
1.	Cover Letter	Yes	Yes	
2.	Proposed Compensation and Listing of Services/Products	Yes	No	Listing of certifications but no submitted back up documentation for proof of current certification for instructors (IV.B.2.xii)
3.	Experience and Qualifications			
	i. References	Yes	Yes	
	ii. Experience with Similar Contracts	Yes	Yes	
	iii. Qualifications and Experience of Key Personnel	Yes	No	Does not have the year company founded, annual revenue, equipment resources of the firm (IV.B.3.iii.a) / Did not submit proof of instructor certification (IV.B.3.iii.c)

PERSONNEL DEPARTMENT CONTRACT REVIEW REPORT

1. Requesting Department: Recreation and Parks

2. Contacts

Department: Karen Freire Phone (818) 243-6488 Fax No. (818) 243-6451
CAO: Veronica Salumbides Phone (213) 473-7561 Fax No. (213) 473-7514

3. Work to be performed:

The Department of Recreation and Parks is seeking a contractor to provide various as-need certification training services on health and safety related subjects, in accordance with the California Occupational Safety and Health Administration (Cal-OSHA) and other applicable local, state and federal laws concerning employee safety and certification requirements. The subjects that will be addressed include, but are not limited to:

- Accident investigation, confined space entry, hearing conservation, crane operation, fall protection, hazard communication, forklift and industrial trucks, lockout/blockout, respiratory protection/fit-testing, supervisory safety training, trench safety/competent person training, defensive driving, aerial lift operation, scaffolding, fire extinguisher/fire safety, traffic control coning/flagging, injury illness prevention program, and blood borne pathogen handling.

In addition, the contractor is responsible for providing qualified and professional instructors that will give technical and hands-on instructions, practical exams, written exams, re-certification training and certification, and certification of course completion. A detailed description of the training courses, training manuals, and training records must be provided by the contractor in order to meet Cal-OSHA record keeping requirements. Additional on-demand training services must also be provided within 72 hours if requested.

4. Is this a contract renewal? Yes No

5. Proposed length of contract: 3 years Proposed Start Date: Unknown

6. Proposed cost of contract (if known): \$150,000

7. Name of proposed contractor: Unknown

8. Unique or special qualifications required to perform the work:

Instructors must have expertise in accident investigation, confined space entry, hearing conservation, cranes operation, fall protection, hazard communication, forklift and industrial trucks, lockout/blockout, respiratory protection/fit-testing, supervisory safety training, trench safety/competent person training, defensive driving, aerial lift operation, scaffolding, fire extinguisher/fire safety, traffic control coning/flagging, injury illness prevention program, and blood borne pathogen handling. A Certified Industrial Hygienist, Certified Safety Professional, and Professional Engineers must also be provided.

9. Are there City employees that can perform the work being proposed for contracting?

Yes No Some of the work

If yes,

a. Which class(es) and Department(s): _____

Class	Departments	Eligible list expires
Senior Industrial Hygienist	DWP, Personnel	No list

- b. Is there sufficient Department staff available to perform the work? Yes No
- c. Is there a current eligible list for the class(es)? Yes No See above
- d. Estimated time to fill position(s) through CSC process? Unknown
- e. Can the requesting department continue to employ staff hired for the project after project completion? Yes No
- f. Are there City employees currently performing the work? Yes No

10. Findings

- City employees DO NOT have the expertise to perform the work
- City employees DO have the expertise to perform some of the work

Check if applicable (explanation attached) and send to CAO for further analysis

- Project of limited duration would have to layoff staff at end of project
- Time constraints require immediate staffing of project
- Work assignment exceeds staffing availability

SUMMARY: The class of Senior Industrial Hygienist must be certified by the American Board of Industrial Hygiene and is therefore qualified to perform some the training. The classes of Safety Administrator and Safety Engineer state that the possession of a current Certified Safety Professional designation is highly desired, but not required. In addition, the class of Equipment Mechanic has some positions that may require obtaining a forklift and/or crane operator's license through "In-House" training and testing. Consequently, these classes could assist in some capacity due to their work experience and expertise. The Department of Recreation and Parks has utilized an Equipment Mechanic from the Department of General Services to provide forklift training in the past, but it is only when classroom space is available, so as classroom space and the number of scheduled training classes are limited, those services cannot be utilized on an as-needed basis.

Submitted by:

Dominique Camaj
Dominique Camaj

Reviewed by:

Shelly Del Rosario
Shelly Del Rosario

Approved by:

Shannon C. Pascual
Shannon C. Pascual

DEPT. OF REC & PARKS
PERSONNEL DIVISION

09 APR 28 AM 8:15

RECEIVED

Date:

4/22/01

BCA Form (7/2006)

CITY OF LOS ANGELES

NONDISCRIMINATION • EQUAL EMPLOYMENT PRACTICES • AFFIRMATIVE ACTION
CONSTRUCTION & NONCONSTRUCTION CONTRACTORS (VENDORS, SUPPLIERS, CONSULTANTS)

Los Angeles Administrative Code (LAAC), Division 10, Chapter 1, Article 1, Section 10.8 requires entities doing business with the City to comply with a Nondiscrimination/Affirmative Action Program. (Refer questions regarding these requirements to the Bureau of Contract Administration, Office of Contract Compliance, Equal Employment Opportunities Enforcement Section, at (213) 847-1922.) In order to comply, it is necessary that the bidder/proposer/respondent complete, sign and return with the bid/proposal/response, the following:

- A. For all contracts, the contractor agrees to adhere to the following Nondiscrimination Clause:
 - 1. The contractor agrees and obligates the company not to discriminate during the performance of this contract against any employee or applicant for employment because of the employee's or applicant's race, religion, national origin, ancestry, sex, age, sexual orientation, disability, marital status, domestic partner status, or medical condition; and
 - 2. All subcontracts awarded under this contract shall contain a like Nondiscrimination Clause.
- B. For construction contracts from \$1,000 to under \$5,000 and nonconstruction contracts from \$1,000 to under \$100,000, the contractor agrees to:
 - 1. Adhere to the Nondiscrimination Clause above;
 - 2. Designate a management level Equal Employment Opportunity Officer as provided for in Section "E" below; and
 - 3. Adhere to Equal Employment Practices provisions as outlined in LAAC § 10.8.3 and on Page A-3 of this document.
- C. For construction contracts of \$5,000 or more and non-construction contracts of \$100,000 or more, the contractor agrees to:
 - 1. Adhere to the Nondiscrimination Clause above;
 - 2. Designate a management level Equal Employment Opportunity Officer as provided for in Section "E" below;
 - 3. Adhere to Equal Employment Practices provisions as outlined in LAAC § 10.8.3 and on Pages A-4 and A-5 of this document;
 - 4. Complete the Ethnic Composition of Total Work Force Report provided on Page A-2 of this document; and
 - 5. Sign and submit an Affirmative Action Plan. The bidder must submit one of the two following plans:
 - a. Plan A. Los Angeles City Affirmative Action Plan ("Los Angeles City Affirmative Action Requirements") on Page A-6 and Page A-7 which is an approved plan requiring only signature of acceptance along with the Ethnic Composition of Work Force (Page A-2) and submittal to be effective; or,
 - b. Plan B. The Bidder's own Affirmative Action Plan for approval, which must contain at a minimum all of the elements of the City's Plan.

- D. Subcontractors:
 - 1. ~~The contractor shall require the same documents indicated above to be submitted for subcontractors of any contract awarded by the City, and~~
 - 2. ~~The contractor shall be responsible for obtaining the Affirmative Action Plans from its subcontractors. Additional forms are Available from the Office of Contract Compliance or the awarding authority.~~

E. Equal Employment Opportunity Officer:

Please be advised that Shirley Schutte, Human Resource Mgr is hereby
NAME OF DESIGNEE TITLE

designated as the Company's Equal Employment Opportunity Officer. The Officer has been given the authority to establish, disseminate and enforce the Equal Employment and Affirmative Action Policies of this firm to ensure nondiscrimination in all of its employment practices. The Officer may be contacted at:

P.O. Box 8068 Fountain Valley, CA 92728 (714) 479-1199 WORK
ADDRESS TELEPHONE

- F. Signed Certification - The Contractor by its signature affixed hereto declares under penalty of perjury that:
 - 1. The contractor has read the Nondiscrimination Clause in "A" above and certifies that it will adhere to the practices in the performances of all contracts;
 - 2. The contractor has read the Equal Employment Practices provisions on Page A-3 and certifies that it will adhere to the practices in the performance of any construction contract \$1,000 to under \$5,000 and nonconstruction contract \$1,000 to under \$100,000;
 - 3. The contractor has designated the Equal Employment Opportunity Officer as noted in Section "E" above;
 - 4. The contractor has read the Affirmative Action Program provisions on Pages A-4 and A-5, certifies that it will adhere to the practices in the performance of any construction contract of \$5,000 or more and nonconstruction contract of \$100,000 or more and submits an Affirmative Action Plan. Indicate which plan is submitted: City Plan; Company Plan.
 - 5. The information contained herein is true and correct.

All Certificates and Plans are effective for 12 months from date of approval by the Office of Contract Compliance.

Global Environmental Network, Inc. M.W. Hoerner
COMPANY NAME AUTHORIZED SIGNATURE

P.O. Box 8068
ADDRESS

Michael W. Hoerner
NAME AND TITLE (TYPE OR PRINT)

Fountain Valley, CA 92728
CITY, COUNTY, STATE, ZIP

714-479-1199 10/20/2008
TELEPHONE DATE

A-1

Prime Subcontractor
 OCC# _____ Length of Contract _____
 Contractor NEW CONSTRUCTION CORP. 501 F 10010 ON MIKE
TOTAL COMPOSITION OF WORK FORCE
 Contractor GLOBAL ENVIRONMENTAL NEUTRALITY INC
 Project Title _____
 Contractor Address 104 W. 4TH STREET, 2ND FLOOR, 922701 Work Force as of (Date) 10/20/2008 (If you have no employees, write "No Employees (This Time)")

(Note: J - Journeyman, A - Apprentice, T - Trainee, F - Female, M - Male) (L.A. County Only)

	AFRICAN AMERICAN (BLACK)		HISPANIC		ASIAN/PACIFIC ISLANDER		AMERICAN INDIAN/ALASKAN NATIVE		CAUCASIAN (NON-HISPANIC)		TOTAL EMPLOYEES		% MINORITY		GENDER		
	J	A	J	A	J	A	J	A	J	A	J	A	J	A	T	M	F
GRAFT																	
Brick Layers																	
Carpenters																	
Electricians																	
Glue Workers																	
Iron Worker																	
Laborers																	
Operator Engineers																	
Painters																	
Pipe Trades																	
Plumbers/Cement																	
Plumbers																	
Sheet Metal Workers																	
Teamsters																	
Clerical																	
Supervisory																	
TOTAL																	

FOR NON-CONSTRUCTION PROJECTS

OCCUPATION	AFRICAN AMERICAN (BLACK)		HISPANIC		ASIAN OR PACIFIC ISLANDER		AMERICAN INDIAN/ALASKAN NATIVE		CAUCASIAN (NON-HISPANIC)		TOTAL EMPLOYEES		% MINORITY		GENDER	
	Regular	Trainee	Regular	Trainee	Regular	Trainee	Regular	Trainee	Regular	Trainee	R	T	R	T	M	F
Officer & Managers			1				2		6		9		97%		5	4
Professionals			1		2				5		*9		97%		8	1
Technicians									0		0				0	0
Sales Workers					1				3		4		37%		1	3
Office/Clerical									1		*6				0	6
Semi-Skilled									0		1				1	0
Laborers (Unskilled)									0		0				0	0
Service Workers			1						2		3		3%		3	0
TOTAL	1		3		3		2		2		*32		27%		18	14

Employment Statistics Were Obtained From: Available Records Visual Check Other (Specify) _____
 Form No. AA001 (1/6/00)
 * INCLUDES "OTHER" M & J
 CLASSIFIED

EQUAL EMPLOYMENT PRACTICES PROVISIONS
 Construction Contracts in excess of \$1,000 or more but less than \$5,000 and
 Nonconstruction Contracts of \$1,000 or more but less than \$100,000

Sec. 10.8.3. Equal Employment Practices Provisions.

Every non-construction contract with or on behalf of the City of Los Angeles for which the consideration is \$1,000 or more, and every construction contract for which the consideration is \$1,000 or more, shall contain the following provisions, which shall be designated as the EQUAL EMPLOYMENT PRACTICES provision of such contract:

- A. During the performance of this contract, the contractor agrees and represents that it will provide equal employment practices and the contractor and each subcontractor hereunder will ensure that in his or her employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
 - 1. This provision applies to work or service performed or materials manufactured or assembled in the United States.
 - 2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work or service category.
 - 3. The contractor agrees to post a copy of Paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.
- B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
- C. As part of the City's supplier registration process, and/or at the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify in the specified format that he or she has not discriminated in the performance of City contracts against any employee or applicant for employment on the basis or because of race, religion, national origin, ancestry, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
- D. The contractor shall permit access to and may be required to provide certified copies of all of his or her records pertaining to employment and to employment practices by the awarding authority or the Office of Contract Compliance for the purpose of investigation to ascertain compliance with the Equal Employment Practices provisions of City contracts. On their or either of their request the contractor shall provide evidence that he or she has or will comply therewith.
- E. The failure of any contractor to comply with the Equal Employment Practices provisions of this contract may be deemed to be a material breach of City contracts. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made or penalties assessed except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor.
- F. Upon a finding duly made that the contractor has failed to comply with the Equal Employment Practices provisions of a City contract, the contract may be forthwith canceled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such failure to comply may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor is an irresponsible bidder or proposer pursuant to the provisions of Section 371 of the Charter of the City of Los Angeles. In the event of such a determination, such contractor shall be disqualified from being awarded a contract with City of Los Angeles for a period of two years, or until the contractor shall establish and carry out a program in conformance with the provisions hereof.
- G. Notwithstanding any other provision of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.
- H. The Board of Public Works shall promulgate rules and regulations through the Office of Contract Compliance, and provide necessary forms and required language to the awarding authorities to be included in City Request for Bids or Request for Proposal packages or in supplier registration requirements for the implementation of the Equal Employment Practices provisions of this contract, and such rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive orders. No other rules, regulations or forms may be used by an awarding authority of the City to accomplish the contract compliance program.
- I. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.
- J. At the time a supplier registers to do business with the City, or when an individual bid or proposal is submitted, the contractor shall agree to adhere to the Equal Employment Practices specified herein during the performance or conducted of City Contracts.
- K. Equal Employment Practices shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:
 - 1. Hiring practices;
 - 2. Apprenticeships where such approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;
 - 3. Training and promotional opportunities; and
 - 4. Reasonable accommodations for persons with disabilities.
- L. All contractors subject to the provisions of this section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with all such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor's contract with the City.

AFFIRMATIVE ACTION PROGRAM PROVISIONS
 Construction Contracts of \$5,000 or more and
 Nonconstruction Contracts of \$100,000 or More

Sec. 10.8.4. Affirmative Action Program Provisions.

Every non-construction contract with or on behalf of the City of Los Angeles for which the consideration is \$100,000 or more and every construction contract with or on behalf of the City of Los Angeles for which the consideration is \$5,000 or more shall contain the following provisions which shall be designated as the AFFIRMATIVE ACTION PROGRAM provisions of such contract:

- A. During the performance of a City contract, the contractor certifies and represents that the contractor and each subcontractor hereunder will adhere to an affirmative action program to ensure that in its employment practices, persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
 - 1. This provision applies to work or services performed or materials manufactured or assembled in the United States.
 - 2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work or service category.
 - 3. The contractor shall post a copy of Paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.
- B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
- C. As part of the City's supplier registration process, and/or at the request of the awarding authority or the Office of Contract Compliance, the contractor shall certify on an electronic or hard copy form to be supplied, that the contractor has not discriminated in the performance of City contracts against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition.
- D. The contractor shall permit access to and may be required to provide certified copies of all of its records pertaining to employment and to its employment practices by the awarding authority or the Office of Contract Compliance, for the purpose of investigation to ascertain compliance with the Affirmative Action Program provisions of City contracts, and on their or either of their request to provide evidence that it has or will comply therewith.
- ~~E. The failure of any contractor to comply with the Affirmative Action program provisions of City contracts may be deemed to be a material breach of contract. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor.~~
- F. Upon a finding duly made that the contractor has breached the Affirmative Action Program provisions of a City contract, the contract may be forthwith canceled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such breach may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor is an irresponsible bidder or proposer pursuant to the provisions of Section 371 of the Los Angeles City Charter. In the event of such determination, such contractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until he or she shall establish and carry out a program in conformance with the provisions hereof.
- G. In the event of a finding by the Fair Employment and Housing Commission of the State of California, or the Board of Public Works of the City of Los Angeles, or any court of competent jurisdiction, that the contractor has been guilty of a willful violation of the California Fair Employment and Housing Act, or the Affirmative Action Program provisions of a City contract, there may be deducted from the amount payable to the contractor by the City of Los Angeles under the contract, a penalty of TEN DOLLARS (\$10.00) for each person for each calendar day on which such person was discriminated against in violation of the provisions of a City contract.
- H. Notwithstanding any other provisions of a City contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.
- I. The Public Works Board of Commissioners shall promulgate rules and regulations through the Office of Contract Compliance and provide to the awarding authorities electronic and hard copy forms for the implementation of the Affirmative Action Program provisions of City contracts, and rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive Orders. No other rules, regulations or forms may be used by an awarding authority of the City to accomplish this contract compliance program.
- J. Nothing contained in City contracts shall be construed in any manner so as to require or permit any act which is prohibited by law.

Sec. 10.8.4. Affirmative Action Program Provisions.

- K. The contractor shall submit an Affirmative Action Plan which shall meet the requirements of this Chapter at the time it submits its bid or proposal or at the time it registers to do business with the City. The plan shall be subject to approval by the Office of Contract Compliance prior to award of the contract. The awarding authority may also require contractors and suppliers to take part in a pre-registration, pre-bid, pre-proposal, or pre-award conference in order to develop, improve or implement a qualifying Affirmative Action Plan. Affirmative Action Programs developed pursuant to this section shall be effective for a period of twelve months from the date of approval by the Office of Contract Compliance. In case of prior submission of a plan, the contractor may submit documentation that it has an Affirmative Action Plan approved by the Office of Contract Compliance within the previous twelve months. If the approval is 30 days or less from expiration, the contractor must submit a new Plan to the Office of Contract Compliance and that Plan must be approved before the contract is awarded.
- (1) Every contract of \$5,000 or more which may provide construction, demolition, renovation, conservation or major maintenance of any kind shall in addition comply with the requirements of Section 10.13 of the Los Angeles Administrative Code.
 - (2) A contractor may establish and adopt as its own Affirmative Action Plan, by affixing his or her signature thereto, an Affirmative Action Plan prepared and furnished by the Office of Contract Compliance, or it may prepare and submit its own Plan for approval.
- L. The Office of Contract Compliance shall annually supply the awarding authorities of the City with a list of contractors and suppliers who have developed Affirmative Action Programs. For each contractor and supplier the Office of Contract Compliance shall state the date the approval expires. The Office of Contract Compliance shall not withdraw its approval for any Affirmative Action Plan or change the Affirmative Action Plan after the date of contract award for the entire contract term without the mutual agreement of the awarding authority and the contractor.
- M. The Affirmative Action Plan required to be submitted hereunder and the pre-registration, pre-bid, pre-proposal or pre-award conference which may be required by the Board of Public Works, Office of Contract Compliance or the awarding authority shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:
1. Apprenticeship where approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;
 2. Classroom preparation for the job when not apprenticeable;
 3. Pre-apprenticeship education and preparation.
 4. Upgrading training and opportunities;
 5. Encouraging the use of contractors, subcontractors and suppliers of all racial and ethnic groups, provided, however, that any contract subject to this ordinance shall require the contractor, subcontractor or supplier to provide not less than the prevailing wage, working conditions and practices generally observed in private industries in the contractor's, subcontractor's or supplier's geographical area for such work;
 - ~~6. The entry of qualified women, minority and all other journeymen into the industry; and~~
 7. The provision of needed supplies or job conditions to permit persons with disabilities to be employed, and minimize the impact of any disability.
- N. Any adjustments which may be made in the contractor's or supplier's work force to achieve the requirements of the city's Affirmative Action Contract Compliance Program in purchasing and construction shall be accomplished by either an increase in the size of the work force or replacement of those employees who leave the work force by reason of resignation, retirement or death and not by termination, layoff, demotion or change in grade.
- O. Affirmative Action Agreements resulting from the proposed Affirmative Action Plan or the pre-registration, pre-bid, pre-proposal or pre-award conferences shall not be confidential and may be publicized by the contractor at his or her discretion. Approved Affirmative Action Agreements become the property of the City and may be used at the discretion of the City in its Contract Compliance Affirmative Action Program.
- P. This ordinance shall not confer upon the City of Los Angeles or any Agency, Board or Commission thereof any power not otherwise provided by law to determine the legality of any existing collective bargaining agreement and shall have application only to discriminatory employment practices by contractors or suppliers engaged in the performance of City contracts.
- Q. All contractors subject to the provisions of this section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with all such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor's contract with the City.

LOS ANGELES CITY AFFIRMATIVE ACTION PLAN

LOS ANGELES CITY AFFIRMATIVE ACTION MANDATORY PROVISIONS

Notwithstanding any other provision of this Division to the contrary, every construction contract involving an expenditure of \$5,000 or more of City funds, except in cases of urgent necessity, as provided in Section 371 of the Charter of the city of Los Angeles and except as provided in Section 10.9 of this Code, shall contain as part of the contract an Affirmative Action Plan substantially as set forth in this section and which by the contractor's signature affixed thereto, shall constitute and be established as the contractor's Affirmative Action Plan. The Plan, which may be a plan proposed by the contractor or the City's proposed Plan prepared by the Office of Contract Compliance, shall be subject to the approval of the Office of Contract Compliance prior to award of the contract. The Plan may consist of a Plan approved by the Office of Contract Compliance within the previous twelve months. If the previously approved Plan is 30 days or less from expiration, the contractor must submit a new Plan to the Office of Contract Compliance which shall be subject to approval before the contract may be awarded.

Sec. 10.13. Mandatory Provisions Pertaining to Nondiscrimination in Employment and Affirmative Action in Hiring Employees in the Performance of Work on Certain City Construction Contracts.

1. Construction Contracts Included.

The contractor shall not be eligible for an award of a City Construction Contract in excess of \$5,000, unless the contractor has submitted as part of the bid a written Affirmative Action Plan embodying both (1) anticipated levels of minority*, women and all other staffing utilization, and (2) specific affirmative action steps directed at applying good faith efforts in a nondiscriminatory manner to recruit and employ minority, women and all other potential staff or is deemed to have submitted such a program pursuant to Subsection 3 of this section. Both the anticipated levels and the affirmative action steps must be taken and applied in good faith and in a nondiscriminatory manner to attempt to meet the requirements of this section for all trades which are to be utilized on the project, whether subcontracted or not.

*"Minority" is defined as the term "minority person" is defined in subsection (f) of section 2000 of the California Public Contract Code.

2. Anticipated Utilization.

The plan must set forth anticipated minority, women, and all other staffing utilization by the contractor and all subcontractors on each project constructed by the City using those trades within the area of jurisdiction of the Los Angeles Building and Construction Trades Council within the City of Los Angeles in each work class and at all levels in terms of staff hours. The anticipated levels of minority, women and other staffing utilization shall be the levels at which each of those groups are represented in the relevant workforce in the Greater Los Angeles Area as determined by the U. S. Bureau of the Census and made available by the Office of Contract Compliance.

Attainment of the anticipated levels of utilization may only be used as an indicia of whether the contractor has complied with the requirements of this section and has applied its Affirmative Action Plan in good faith and in a nondiscriminatory manner. Failure to attain the anticipated levels of utilization shall not, by itself, disqualify the contractor for award of a contract or subject the contractor to any sanctions or penalties.

In no event may a contractor utilize the requirements of this section in such a manner as to cause or result in discrimination against any person on account of race, color, religion, ancestry, age, disability, medical condition, marital status, domestic partner status, sex, sexual orientation, or national origin.

3. An Affirmative Action Plan.

The contractor certifies and agrees to immediately implement good faith efforts measures to recruit and employ minority, women, and other potential staff in a nondiscriminatory manner including, but not limited to, the following actions. The contractor shall:

a. Recruit and make efforts to obtain such employees through:

- (1) Advertising employment opportunities in minority and other community news media. Notifying minority, women and other community organizations of employment opportunities.
- (2) Maintaining contact with schools with diverse populations of students to notify them of employment opportunities.
- (3) Encouraging present minority, women and other employees to refer their friends and relatives.
- (4) Promoting after school and vacation employment opportunities for minority, women and other youth.
- (5) Validating all job specifications, selection requirements, tests, etc.
- (6) Maintaining a file of names and addresses of each worker referred to the contractor and what action was taken concerning such worker.
- (7) Notifying the appropriate awarding authority of the City and the Office of Contract Compliance in writing when a union with whom the contractor has a collective bargaining agreement has failed to refer a minority, woman or other worker.

b. Continually evaluate personnel practices to assure that hiring, upgrading, promotions, transfers, demotions and layoffs are made in a nondiscriminatory manner so as to achieve and maintain a diverse work force.

c. Utilize training programs and assist minority, women and other employees in locating, qualifying for and engaging in such training programs to enhance their skills and advancement.

d. Secure cooperation or compliance from the labor referral agency to the contractor's contractual affirmative action obligations.

e. Establish a person at the management level of the contracting entity to be the Equal Employment Opportunity Office; such individual to have the authority to disseminate and enforce the company's Equal Employment and Affirmative Action Policies.

f. Maintain such records as are necessary to determine compliance with equal employment and affirmative action obligations, and making such records available to City, State and Federal authorities upon request.

LOS ANGELES CITY AFFIRMATIVE ACTION MANDATORY PROVISIONS

- 4. The contractor shall make a good faith effort with respect to apprenticeship and training program to:
 - a. Recruit and refer minority, women and other employees to such programs;
 - b. Establish training programs within the company and/or its association that will prepare minority, women and other employees for advancement opportunities.
 - c. Abide by the requirements of the Labor Code of the State of California with respect to the provision of apprenticeship job opportunities.
- 5. The contractor shall establish written company policies, rules, and procedures which shall be encompassed in a company-wide Affirmative Action Plan for all its operations and contracts. Said policies shall be provided to all employees, subcontractors, vendors, unions and all others with whom the contractor may become involved in fulfilling any of its contracts. The company's Affirmative Action Plan shall encompass the requirements contained herein as a minimum and shall be submitted with its bid to the appropriate awarding authority of the City and to the Office of Contract Compliance of the City.
- 6. Where problems are experienced by the contractor in complying with its obligations pursuant to this section, the contractor shall document its good faith effort to comply with the requirements by the following procedure. The contractor shall state:
 - a. What steps were taken, how and on what date.
 - b. To whom those efforts were directed.
 - c. The responses received, from whom and when.
 - d. What other steps were taken or will be taken to comply and when.
 - e. Why the contractor has been or will be unable to comply.
- 7. The contractor shall complete and file, and require each of its known subcontractors to complete and file with the contractor's bid for the subject project an acceptable Affirmative Action Plan.
- 8. The contractor shall submit and require each of its subcontractors to submit an Ethnic Composition of the Company's Total Work Force (by employees) prior to the date of award of the contract.
- 9. No contract shall be executed until the appropriate awarding authority of the City of Los Angeles, and the Federal funding agency (if Federal funds are involved), has determined in writing that such contractor has executed and filed with the awarding authority and the City Office of Contract Compliance the required Affirmative Action Plan.
- 10. It shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for referral, exclusive or otherwise, failed to refer minority, women or other employees.
- 11. Subject to this subsection the contractor shall execute such further forms and documentation at such times and as may be required by the appropriate awarding authority of the City of Los Angeles.
- ~~12. Where the contractor has failed to comply with the requirements contained in this section, any and all sanctions allowed by law may be imposed upon the contractor.~~
- 13. The Office of Contract Compliance within the Department of Public Works shall be responsible for administering the City's Contract Compliance Program in the manner described in Sections 22.359 through 22.359.5 of this Code.
- 14. All contractors subject to the provisions of this section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with all such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor's contract with the City.

By its execution hereof, the contractor accepts and submits the foregoing as its Affirmative Action Plan.

MICHAEL W. Horner
Officer's Name and Title (Type or Print)

Global ENVIRONMENTAL NETWORK
Firm Name

M. W. Horner
Officer's Signature

10/20/2008
Date