

APPROVED

DEC 14 2017

BOARD REPORT

BOARD OF RECREATION
AND PARK COMMISSIONERS

NO. 17-248

DATE December 13, 2017

C.D. 1

BOARD OF RECREATION AND PARK COMMISSIONERS

SUBJECT: ALPINE RECREATION CENTER – EXPANSION (ALSO KNOWN AS (AKA) ORD & YALE STREET PARK) (PRJ20591) (W.O. #E170225F) PROJECT – APPROVAL OF FINAL PLANS AND CALL FOR BIDS

AP Diaz	_____	V Israel	_____
<i>for</i> *R. Barajas	<u><i>RSD</i></u>	S. Piña-Cortez	_____
H. Fujita	_____	N. Williams	_____

Ramon Barajas *for*
General Manager

Approved X Disapproved _____ Withdrawn _____

RECOMMENDATIONS

1. Approve the final plans and specifications, substantially in the form on file in the Board Office, for the Alpine Recreation Center Expansion (aka Ord & Yale Street Park) (PRJ20591) (W.O. #E170225F) Project;
2. Approve the date for receipt of bids to be advertised as February 1, 2018 Thursday, at 1:00 p.m. in the Board Office;
3. Approve the reduction in the value of work that the specifications require to be performed by the Prime Contractor from thirty-percent (30%) to twenty-percent (20%) of the base bid price; and,
4. Authorize the Department of Recreation and Parks (RAP)'s General Manager or his designated representative to make technical corrections as necessary to carry out the intent of this Report.

SUMMARY

The Alpine Recreation Center is located at 817 Yale Street in Chinatown. This existing 6-acre park has a recreation building and provides Chinese Martial Arts, Golf, Soccer, Table Tennis, Volleyball, Youth Basketball, Girl's Play LA, After School Program, Arts & Crafts, Dance, Pre-school, and Summer Day Camp programs for the community. Approximately 9,442 residents live within a one-half (½) mile walking distance of the recreation center.

The Alpine Recreation Center Expansion (aka the Ord & Yale Street Park), project is located at 524 Ord Street, Los Angeles, in Council District No. 1 (CD 1). The project site is at the junction of Ord and Yale Streets, in Chinatown. Originally initiated by the now defunct Community Redevelopment Agency (CRA), acquisition of the site is funded by monies from the City

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(Proposition K – L.A. for Kids Program), and development of the park is funded by monies from the State of California (Proposition 84), the County of Los Angeles (Proposition A), and private developer contributions. Acquisition of the required acquisition parcels is complete. Acquisition of the following parcels: APN: 5407-025-009 - \$432,000; APN: 5407-025-010 - \$144,000; and APN: 5407-025-015 - \$288,000 was approved by the Board on September 18, 2013 through Board Report No.13-230. Site control for the above mentioned parcels was obtained on November 7, 2013. The acquisition of a Portion of APN: 5407-025-017- \$224,745.58 was approved on April 19, 2017, through Board Report No. 17-103 site control for said site was obtained on November 20, 2017.

Site control is required for the development of the park project on a portion of property that is under the jurisdiction of the Los Angeles Public Library Dept. (LAPL) and is pending at this time. Site control will be obtained upon completion and execution of the Memorandum of Understanding (MOU) between RAP and LAPL.

The Project scope consists of developing a new park on a vacant blighted hillside, behind the Chinatown Branch Library, as an extension to the Alpine Recreation Center. The park will connect the community's multi-family residences with its commercial and institutional corridors. Park amenities will include benches, trees, park lighting, a raised platform, a shade structure, ramps, stairs, walkways, viewing terraces, a restroom facility, drinking fountains, fitness equipment, play structures, cultural artwork, and related irrigation and landscaping. The planting of new plants and trees will complement the park's cultural theme. Interpretive graphics and signage will be installed as required to meet RAP's Park Standards as well as required by the Council Office No. 1.

AHBE Landscape Architects (AHBE) is the design consultant and prepared the plans and specifications, as well as acquired all the necessary permits for the Project. AHBE also presented the project to the Cultural Affairs Commission and obtained design approval on April 16, 2015.

Numerous community meetings were held to plan for and design this park. The CRA held several community meetings in the Chinatown Community including three design workshops which entailed programming the elements for the new park, as well as agreeing on the conceptual design. It has been reported that these meetings were well attended and the community was very much in support of the project; however, neither the Department of Public Works, Bureau of Engineering (BOE) nor RAP staff were in attendance at these meetings which pre-dated RAP's and BOE's involvement on the project.

As required by the Proposition K Program, three (3) Local Voluntary Neighborhood Oversight Committee (LVNOC) meetings were conducted on May 12, 2014, February 12, 2015 and September 28, 2015. In addition, the Council Office held public meetings updating the community on the status of the project since the property acquisition took longer than expected. One of the meetings organized by the Council Office to provide the community with information on this proposed project, as well as other projects in the Chinatown area, held in November 2015, was attended by more than 200 community members. RAP and BOE staff presented the project to the community at that meeting, and answered questions at a table set up specifically

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for this project, with maps and conceptual project plans. Based on the input received at the meetings and subsequent discussions, the community, the LVNOC and Council District No. 1 are in full support of the project.

The City Engineer's Estimate for the base bid is \$5,117,000. The Council Office has requested that the project be competitively bid with an additive alternate. This alternate consists of constructing two (2) additional viewing terraces towards the upper slope of the park and relocating the Lantern Tower to the top viewing terrace. One of the added viewing terraces will include a picnic area. The City Engineer's Estimate for additive alternate is \$868,000.00. The City Engineer's Estimate for a total the project, including the additive alternate, is \$5,985,000.

Sufficient funds are available for the base bid construction and construction contingencies from the following funds and accounts:

<u>FUNDING SOURCE</u>	<u>FUND/DEPT./ACCT. NO.</u>
Proposition 84	205/89/89KOA6
Proposition A	205/89/89LHB4
Developer Contribution	100/54/00K054

The Office of Council District 1 and City departments are working to identify funds for the additive alternate.

It has been the Board of Recreation and Park Commissioners' policy to require the prime contractor on construction projects to perform a minimum of thirty percent (30%) of the work of the project, measured by the base bid price. However, because this project has numerous specialty items as part of the work, the thirty-percent (30%) participation requirement compels the prime contractor, who may not have the specialty work experience, to perform the specialty work. In addition, the BOE determined that the largest construction trades on this project are concrete and steel which each represent less than twenty percent (20%) of the construction work. Therefore, the BOE is recommending reducing the prime contractor's self-performance requirement to twenty percent (20%). This will draw interest from a broader range of subcontractors and create a more competitive bidding environment.

TREES AND SHADE

As part of the project design process, AHBE employed Arborgate Consulting, Inc., a certified arborist, to assess the impact of the project on the existing trees on the project site. There are twenty-three (23) existing trees thirteen (13) volunteer palms, seven (7) eucalypts, two (2) black acacia and one (1) tipu which will be removed to stabilize the steep site and accommodate the new park. Arborgate Consulting, Inc., determined that none of the existing trees are protected, rare, endangered, or have any historical significance. Also, Arborgate Consulting, Inc., recommended against saving any trees on site since most of the trees show a substantial decline from a condition of normal health and vigor, and there is no appropriate and economically reasonable preservation procedure to restore the trees. Furthermore, the removal

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of these trees will not result in undesirable, irreversible soil erosion through diversion or increased flow of surface waters which cannot be mitigated. In fact, removing the trees will allow for slope stabilization. Finally, these trees are not located with reference to other trees or Historic-Cultural Monuments in such a way as to acquire a distinctive significance at said location.

The Project will add 48 trees which will shade the walkways and terraces. The tree palate will consist of Strawberry Trees, Golden Goddess Bamboo, Citrus Melogold, Chinese Flame Tree, Dessert Museum Palo Verde Tree, Western Redbud, Saucer Magnolia, and Torrey Pine. All trees being planted are drought tolerant and resistant to the Polyphagous Shot Hole Borer which has been infecting trees in Southern California. The average canopy of these trees when planted will be between 5 feet and 7 feet and 7 feet to 12 feet in height. After 3 years, the average canopy is anticipated to be between 7 feet to 9 feet and 10 feet to 16 feet in height.

A decorative shade structure will also be built in the children's play area which will provide shade over 80% of the area. Also, the site is surrounded by high-rise apartments along the south and west borders which shade the entire park in the afternoon.

ENVIRONMENTAL IMPACT STATEMENT

This Project was previously evaluated for environmental impacts in accordance with the California Environmental Quality Act (CEQA), and was determined to be categorically exempt from the provisions of CEQA pursuant to Article III, Section 1, Class 3 (6) of City of Los Angeles CEQA Guidelines and Chapter XIX, Section 15303 California CEQA Guidelines. It includes grading on land with a slope of fifteen percent (15%) or more in excess of 20,000 cubic yards, exempt from the CEQA pursuant to Article III, Section 1, Class 4 (2) of City of Los Angeles CEQA Guidelines and Chapter XIX, Section 15304 of California CEQA Guidelines. It also includes new gardening, tree planting, and landscaping, exempt from the California Environmental Quality Act (CEQA) pursuant to Article III, Section 1, Class 4 (3) of City of Los Angeles CEQA Guidelines and Chapter XIX, Section 15304(2) California CEQA Guidelines. A Notice of Exemption (NOE) was filed with the Los Angeles County Clerk on May 4, 2017 and the Los Angeles City Clerk on May 5, 2017.

FISCAL IMPACT STATEMENT

The proposed construction project for the base bid work is fully funded. When completed, the new park will be an extension of the Alpine Recreation Center. Therefore, approval of the plans has no fiscal impact to RAP's General Fund.

This Report was prepared by Rebecca Abano, Project Manager, Architectural Division, BOE, Reviewed by Mahmood Karimzadeh, Principal Architect, Architectural Division, BOE; Deborah Weintraub, Chief Deputy City Engineer, BOE; and Cathie Santo Domingo, Superintendent, Planning, Maintenance and Construction Branch.

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LIST OF ATTACHMENT(S)

1. Colored Plan and Renderings of Alpine Recreation Center Expansion aka Ord & Yale Street Park project
2. Additive Alternate Plan of Alpine Recreation Center Expansion aka Ord & Yale Street Park project
3. CD containing the Bid Documents (Notice to Bidders, Final Plans and Specifications) for Alpine Recreation Center Expansion aka Ord & Yale Street Park project



ALPINE RECREATION CENTER EXPANSION PROJECT

Work Order No. E170225F

NOTICE

Approved
Maurice Joseph - Kumbhkar Oct
11/29/17

**CITY OF LOS ANGELES, CALIFORNIA
DEPARTMENT OF RECREATION AND PARKS
INSTRUCTION TO BIDDERS, PROPOSAL, AFFIDAVIT
AND BOND FOR**

**ALPINE RECREATION CENTER EXPANSION (A.K.A. ORD AND
YALE STREET PARK) PROJECT**

524 Ord Street, Los Angeles, CA 90012

Propositions K, 84, and A, and Private Developer Funds

W.O. No. E170225F

**The Board of Recreation and Park Commissioners Office is located at:
221 NORTH FIGUEROA STREET, SUITE 300, LOS ANGELES, CA 90012**

**This is where you will submit your Bid Package on the Bid Date,
February 1, 2018**

ATTENTION: The following are updates in the bid documents that must now be downloaded and processed through the City's www.labavn.org:

1. Bid Protest Procedures (see page 3D-3E, Item 23)
2. Equal Benefits Ordinance (EBO) forms (see page 11 for instructions) (REVISED using BCA 6/2016)
3. Equal Employment Practices-Affirmative Action Program forms, and Anticipated Employment Utilization Report (see pages 12-13 for instructions) (REVISED using BCA 6/2016 and 8/2016 respectively)
4. Slavery Disclosure Ordinance (SDO) forms (see page 20 for instructions) (REVISED using BCA 7/2012)
5. The MBE/WBE/OBE Good Faith Effort process is now replaced by the Business Inclusion Program (BIP) to be processed online through www.labavn.org (see pages 15-15R for instructions)
6. Responsibility Questionnaire (see pages 18 – 18I) (REVISED using BCA 1/25/12 version)
7. Iran Contracting Act of 2010 (see pages 23-23B) (ADDED using BCA 6/3/13 version)
8. Senate Bill 854 – Contractor Registration with CA Department of Industrial Relations
9. Fair Chance Initiative for Hiring Ordinance (FCIHO)

Failure to comply with the City's BIP Outreach requirements will render the bid non-responsive.

CITY OF LOS ANGELES, CALIFORNIA, DEPARTMENT OF RECREATION AND PARKS
INSTRUCTIONS TO BIDDERS, PROPOSAL, AFFIDAVIT
AND BOND FOR

*Approved
Manning-Gough-Kinby, Dec
11/29/17*

ALPINE RECREATION CENTER EXPANSION (A.K.A. ORD AND YALE STREET PARK) PROJECT

524 Ord Street, Los Angeles, CA 90012

Propositions K, 84, and A, and Private Developer Funds

W.O. No. E170225F

Estimated Cost \$ 5,117,000.00

BIDS MUST BE RECEIVED BEFORE 1:00 P.M. ON THURSDAY, **February 1, 2018**, IN THE RECREATION & PARKS COMMISSION BOARD OFFICE, 221 NORTH FIGUEROA STREET, SUITE 300, LOS ANGELES, CALIFORNIA 90012.

MINIMUM LICENSE REQUIREMENT: "A" and "C"	CONTRACT COMPLETION TIME: CONSTRUCTION: <u>365</u> calendar days
LIQUIDATED DAMAGES: \$ 600.00 PER DAY TO BE ASSESSED AS SPECIFIED HEREIN	MAINTENANCE: <u>90</u> calendar days TOTAL <u>455</u> calendar days

IMPORTANT INFORMATION: PRE-BID CONFERENCE

A **Pre-Bid Conference** for this project will be conducted on **Wednesday, December 20, 2017 at 2:00 P.M.** at the Bureau of Engineering Project Award and Control Division, 1149 S. Broadway, Sub-Basement Conference Room Number 7, Los Angeles, CA 90015.

The purpose of the conference is to inform prospective bidders of the submittal requirements through www.labavn.org and the provisions relative to the Department's Business Inclusion Program (BIP), City Affirmative Action Program, Equal Benefits Ordinance (EBO), Slavery Disclosure Ordinance (SDO), Labor Code compliance requirements, and other City bidding and contracting requirements.

QUESTIONS:

- Concerning the BIP, contact the BIP helpline at (213) 847-0618.
- Concerning Affirmative Action Program, EBO, SDO and Labor Code compliance requirements should be directed to the Department of Public Works, Bureau of Contract Administration at (213) 847-1922.
- ALL technical questions/Requests for Information (RFIs) concerning the plans and specifications, contact the Project Manager in writing via E-mail: Rebecca.Abano@lacity.org or Fax: **(323) 644-4785**.
- RFI deadline is no later than three (3) weeks before the bid due date.

The Board of Recreation and Park Commissioners may award a contract at any time within 90 days after receipt of bids.

THE BID OF ANY PARTY WHO HAS BEEN DELINQUENT OR UNFAITHFUL IN THE PERFORMANCE OF ANY FORMER CONTRACT WITH THE CITY MAY BE REJECTED.

DETACH BID PACKAGE FROM THE SPECIFICATIONS AND SUBMIT THE BID PACKAGE AS YOUR BID.

PRE-BID JOB WALK: Wednesday, December 20, 2017 at 10:00 A.M. at the project site location: 524 Ord Street, Los Angeles, CA 90012.

NOTICE TO BIDDERS: Important Information

Bid Protest Procedures-----	3-3E
Proposal – Schedule Of Work And Prices-----	4
Proposal – Signature Page-----	5
Affidavit To Accompany Proposals Or Bids-----	6
Bid Bond -----	7
Contractor Governmental Project Reference Sheet -----	8-8A
Notice To Prospective Contractors Pertaining To Non- Discrimination In Employment And Prevailing Wage Rates -----	9-9A
Equal Benefits Ordinance No. 175115 -----	10-10D
Equal Benefits Ordinance(REVISED using BCA 6/2016 version) -----	11
Nondiscrimination • Equal Employment Practices • Affirmative Action Construction & Nonconstruction Contractors (Vendors, Suppliers, Consultants)(REVISED using BCA 6/2016 version) -----	12
Anticipated Employment Utilization Report(REVISED using BCA 8/2016 version) -----	13
Excerpts From The California Labor Code Relating To Apprentices On Public Works-----	14-14B
City of Los Angeles Business Inclusion Program (BIP)-----	15-15R
Schedule "A" - Subcontractors And Suppliers -----	16-16A
Pledge Of Compliance With Contractor Responsibility Ordinance -----	17-17A
Responsibility Questionnaire (REVISED using BCA 1/25/2012 version)-----	18-18I
Security Guard Services-----	19
Slavery Disclosure Ordinance (REVISED using BCA 7/2012 version)-----	20
Municipal Lobbying Ordinance -----	21-21W
Bidder Certification-CEC Form 50 (Failure to submit this with bid <u>will</u> result in the bid being deemed Non-Responsive)-----	22-22A
Iran Contracting Act of 2010 (Failure to submit this with bid <u>will</u> result in the bid being deemed Non-Responsive) -----	23-23B
California State Senate Bill 854 -----	2 pages
(Failure to comply with the requirements of this Senate Bill <u>will</u> result in the bid being deemed NON-RESPONSIVE)	
Required Insurance and Minimum Limits Form 146 -----	1 page
Fair Chance Initiative for Hiring Ordinance -----	1 page

PLANS, INDEX No. MF- 300464 (195 Sheets)

PROJECT SPECIFICATIONS:

- **GENERAL CONDITIONS**
- **GENERAL REQUIREMENTS**
- **GEOTECHNICAL REPORT**

APPENDIX A – Section 01571 Stormwater Pollution Control Measures for Construction Activities

APPENDIX B – Section 01412 Enhanced Electrical Safety Policy

California Environmental Quality Act (CEQA) Notice of Exemption

NOTICE TO BIDDERS: IMPORTANT INFORMATION

INSTRUCTION TO BIDDERS CHECK LIST (PAGES 3 – 3E)

Before submitting your bid, indicate whether you have properly completed, signed and returned the following with your bid. Failure to do so may cause your bid to be declared nonresponsive and rejected.

PLEASE INITIAL EACH ITEM BELOW WHERE EVER A SPACE IS PROVIDED

1. GENERAL INFORMATION

The Secretary of the Board of Recreation and Park Commissioners of the City of Los Angeles, California, will receive for and on behalf of said Board of Recreation and Park Commissioners, at its office at 221 North Figueroa Street, Suite 300, Los Angeles, California, 90012 in said City, at or before the hour of 2 o'clock p.m., of February 1, 2018, sealed bids or proposals for ALPINE RECREATION CENTER EXPANSION (A.K.A. ORD AND YALE STREET PARK) PROJECT (W.O. No. E10225F).

2. BID PROPOSAL [Revised as of November 1, 2011]

Bids must be made on the "PROPOSAL" forms provided for the purpose (pages 4 and 5) and must be submitted in a sealed envelope addressed to the Board of Recreation and Park Commissioners, Los Angeles, California and marked "Bid for ALPINE RECREATION CENTER EXPANSION (A.K.A. ORD AND YALE STREET PARK) PROJECT (W.O. No. E170225F), located at 524 Ord Street, Los Angeles, CA 90012."

The bid must further conform to the requirements of these instructions.

The bidder must state in figures the unit price or specific sums or both, as the case may be, for which the bidder proposes to supply all the materials and perform the work required by the plans and specifications.

Blank spaces in the proposal must be properly filled in, and the phraseology thereof must not be changed. Additions must not be made to the items mentioned therein. Any unauthorized conditions, limitations or provisions attached to a proposal may cause its rejection. Alterations by erasure or interlineation must be explained or noted in the proposal over the signature of the bidder. Original hard copy of the bid documents must be hand delivered as specified in these Instructions to Bidders.

No bids received after the time fixed for receiving them will be considered.

If the bid is made by an individual, it must be signed with the full name of the bidder, whose address must be given; if it is made by a co-partnership, it must be signed with the co-partnership name by a member of the firm, and the name and full address of each member must be given; and if it is made by a corporation, it must be signed as follows and the corporate seal must be attached to such signatures:

- (a) Two signatures: One by the Chairman of the Board of Directors, President or any vice president and one by the Secretary, assistant secretary, chief financial officer or any assistant treasurer; or
(b) One signature by corporate designated individual together with the properly attested resolution of the Board of Directors authorizing the person to sign.

Bidders are invited to be present at the opening of proposals.

The bidder shall affix to its proposal the number of its license procured under the provisions of Article 5, Chapter 9, Division III of the Business and Professions Code of the State of California.

The said work must be done in strict conformity with specifications and/or plans therefore.

Bidders are advised that the Board of Recreation and Parks Commissioners has not authorized any other agency, internet service, or plan room distributor other than the City of Los Angeles Business Assistance Virtual Network (www.labavn.org) to distribute or sell bid documents for this project. Bidders are therefore further advised that submission of a bid on documents other than those obtained from the City of Los Angeles Business Assistance Virtual Network may cause the bid to be deemed non-responsive.

- (a) Have you submitted a bid on all items of the proposal? Initial
(b) Is proposal completed in ink or typewritten only? Initial
(c) Does your bid include sales tax? Initial
(d) Is the proposal properly signed as noted on the bottom of Proposal (page 5) and dated? Initial
(e) Have you double-checked your prices, addition, bid amount and any deductive alternatives? Initial

3. RIGHT TO REJECT BIDS

The Board of Recreation and Park Commissioners reserves the right to reject any and all bids and to waive any informality

therein.

4. EXAMINATION OF SITE AND PROPOSED WORK

Bidders must examine and judge for themselves the location, physical condition and surroundings of the proposed work, the nature of the excavation to be made, if any, and the work to be done.

The plans for the work will show conditions as they are supposed or believed by the Engineer to exist, but it is not intended or to be inferred that the conditions as shown thereon constitute a representation or warranty, express or implied by the City, or its officers, that such conditions are actually existent, nor shall the City or any of its officers be liable for any loss sustained by the Contractor as a result of any variance between conditions as shown on the plans and the actual conditions revealed during progress of the work, or otherwise.

5. RELEASE FROM BID

No bidder will be released on account of errors in judgment, carelessness or lack of familiarity with the plans, specifications or site. A bidder may be released on account of clerical errors if he gives the Board of Recreation and Park Commissioners written notice of the error within five days of the bid opening and satisfies the Board of Recreation and Park Commissioners that the mistake was made in filling out the bid, not in judgment.

6. AFFIDAVIT OF NON-COLLUSION (Page 6)

Each proposal must have thereon or attached thereto the notarized affidavit of the bidder that such proposal is genuine, and not sham or collusive, or made in the interest or in behalf of any person not therein named, and that the bidder has not directly, or indirectly, induced or solicited any other bidder to put in a sham bid, or any other person, firm or corporation to refrain from bidding, and that the bidder has not in any manner sought by collusion to secure for himself an advantage over any other bidder. Any bid not accompanied by, or which is made without such affidavit, or in violation thereof, will not be considered. If the bidder is a corporation, said affidavit shall be signed by a duly authorized officer of the corporation. Any bidder making a false affidavit may be excluded from future bidding.

- (a) Is Affidavit (page 6) properly filled in and signed? Initial
- (b) Is Affidavit notarized including certificate of the notary and notary seal? Initial

7. BID BOND OR CHECK ACCOMPANYING BID (Page 7)

Each bidder must submit with its proposal either a check certified by a responsible bank in the City of Los Angeles or a cashier's check issued by a responsible bank, payable to the order of the City of Los Angeles, for an amount not less than 10 percent of the aggregate sum of the bid; or a corporate surety bond of a satisfactory surety company for said amount, and so payable as a guarantee that the bidder will enter into the proposed contract if it is awarded to it. If the successful bidder fails to enter into the contract awarded to it, and to supply the necessary faithful performance and labor and material bonds, as well as proof of the insurance coverage detailed in the notice of award, within ten days of receipt from the City of the contract and the proper bid forms, then the sum posted by certified or cashier's check or guaranteed by the bid bond is forfeited to the City. Such forfeiture shall not preclude recovery of any sum or costs over and above the amount posted or guaranteed which the City sustains by reason of such default or failure to contract.

NOTE: BID BOND SUBMITTED ON A FORM OTHER THAN PAGE 7 IS NOT ACCEPTABLE AND BID WILL BE RULED NON-RESPONSIVE AND DISQUALIFIED.

If the successful bidder executes the contract and the accompanying faithful performance and labor and material bonds, and submits proof of insurance coverage within ten days of receipt of the contract and bond forms, the check for bond accompanying the successful bid will be returned. All checks accompanying rejected bids will be returned upon rejection. Bid Bonds cannot be returned, as they are part of the file; however, the Bond automatically expires 90 days from the date of the bid opening.

No bid will be considered unless it is accompanied by such certified or cashier's check or bond.

- (a) Have you included a certified or cashier's check for an amount not less than ten percent (10%) of the total sum of the bid in accordance with item 7 above?; or Initial

- (b) Have you included a corporate surety bond (bid bond) for an amount not less than ten percent (10%) of the total sum of the bid in the Bid Bond form provided in this package (Page 7)?..... _____ Initial
- (c) If corporate surety bond (bid bond), is it properly filled out, signed by surety with seal, signed by bidder, and on form provided in this bid package? _____ Initial
- (d) Have you thoroughly reviewed the instructions, information, award procedures and forms provided, and completed, signed all of the Business Inclusion Program (BIP) Forms thru the City of Los Angeles BAVN website; www.labavn.org (Pages 15 -15R) with your bid? _____ Initial
- (e) Have you listed on Schedule "A" all subcontractors, suppliers, and your firm regardless of the amount of money involved and have you indicated which of those firms listed qualify as a MBE, WBE, SBE, EBE or DVBE? _____ Initial
- (f) Have you completed the participation section at the lower left corner of Schedule "A" and included your firm (if MBE/WBE/SBE/EBE/DVBE qualified) and all MBE/WBE/SBE/EBE/DVBE qualified subcontractors and/or suppliers in your calculation? _____ Initial

8. BONDS FOR FAITHFUL PERFORMANCE AND FOR PAYMENT OF LABOR, MATERIAL AND SUPPLIES

The amount of the bond to be given to secure the faithful performance of the contract for said work shall be 100 percent of the contract thereof, computed as hereinafter provided.

The Surety executing the bonds MUST appear in the Federal Register, a publication of the U. S. Department of the Treasury, and MAY NOT underwrite the bonds for more than the Treasury limitation expressly outlined in said Register.

The amount of the bond to be given to secure payment for labor, material, equipment and supplies furnished for the performance of the work to be done under the contract and for any work or labor of any kind done in connection therewith shall be equal to 100 percent of the contract price for the work. The contract price shall be computed from the quantities given in Schedule of Quantities herein and the prices bid in the proposal. The forms of bonds required for the faithful performance of the contract and to secure payment for material, labor and supplies will be such that the City may proceed against the Contractor and its sureties on the bonds immediately upon any default in the performance of the contract, or in payments for labor, material and supplies, without waiting for the completion of the work and the accumulation of damages.

The forms of bonds required may be examined at the office of the Board of Recreation and Park Commissioners, or copies will be furnished if desired, to those proposing to bid.

9. ADDITIONAL SURETIES

If at any time during the continuance of the contract, the sureties, or any of them, shall, in the opinion of the Board of Recreation and Park Commissioners, become irresponsible, the said Board of Recreation and Park Commissioners shall have the right to require additional and sufficient sureties, which the Contractor shall furnish to the satisfaction of the Said Board of Recreation and Park Commissioners within ten days after notice, and in default thereof the contract may be suspended by the said Board of Recreation and Park Commissioners and the work completed as provided in Section 45 of the General Conditions.

10. CONTRACTOR GOVERNMENTAL PROJECT REFERENCE SHEET (Pages 8-8A)

If your firm has not been awarded a project with the Department of Recreation and Parks within the last three (3) years, have you completed and submitted the above required pages with your bid?..... _____ Initial

11. NOTICE TO PROSPECTIVE CONTRACTORS PERTAINING TO NONDISCRIMINATION IN EMPLOYMENT (Pages 9-9A)

Has Bidder reviewed the requirements pertaining to discrimination in employment on page 9A and completed and signed at the bottom? _____ Initial

12. PREVAILING WAGE RATES (Pages 9 - 9A)

Has Bidder reviewed the requirements pertaining to the payment of prevailing wage rate on page 9A _____ Initial

13. EQUAL BENEFITS ORDINANCE

Has Bidder reviewed and complied with the Equal Benefits Ordinance through www.labavn.org? (Pages 10 – 11)..... _____ Initial

14. NON DISCRIMINATION, EQUAL EMPLOYMENT PRACTICES AND AFFIRMATIVE ACTION PROGRAM (CONSTRUCTION) (Pages 12 – 13)

(a) Has Bidder reviewed and complied with Nondiscrimination, Equal Employment Practices and Affirmative Action Program (Construction) pages 12 – 13?..... Initial

(b) Has Bidder completed the ANTICIPATED EMPLOYMENT UTILIZATION REPORT (Page 13) and submitted report with your bid?..... Initial

15. APPRENTICE UTILIZATION ON PUBLIC WORKS (Pages 14-14B)

Has Bidder reviewed the requirements pertaining to apprentice employment and training on Public Works projects, (pages 14 - 14B) and signed and submitted page 14B with your bid?..... Initial

16. BUSINESS INCLUSION PROGRAM (BIP) AFFIDAVIT FORMS

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) subcontractors must be completed on the Business Assistance Virtual Network (BAVN), www.labavn.org. All BIP outreach documentation must be submitted on BAVN by 4:30 p.m. on the calendar day following the date bids are received by the Board.

Has Bidder reviewed and complied with the requirements of the BIP through www.labavn.org (Pages 15–15R)..... Initial

17. SCHEDULE "A" – SUBCONTRACTORS AND SUPPLIERS INFORMATION FORM (Page 16, et seq.)

Bidders must submit with their bid the SUBCONTRACTORS AND SUPPLIERS INFORMATION FORM provided in the Bidding Documents as Schedule "A" (Page 16, et seq.). The Bidder must list itself and all subcontractors and/or suppliers regardless of the amount of money involved. Bidders must indicate if they and any of the other firms listed qualify as MBEs, WBEs, SBEs, EBEs, or DVBEs.

MBE/WBE/SBE/EBE/DVBE qualifications are defined and outlined in the accompanying BIP packet (pages 15-15R). Regardless of amount, the Bidder must list on Schedule "A" 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 dollar value of such transaction. In the case of joint ventures who bid as primes, any one of two or more entities which comprise the joint venture may be listed as a MBE, WBE, SBE, EBE or DVBE subcontractor if the entity is otherwise qualified as such.

18. Has Bidder reviewed and complied with the Contractor Responsibility Questionnaire and submitted required Documentation with your bid? (Pages 18 - 18I)..... Initial

19. Has Bidder reviewed and complied with the Slavery Disclosure Ordinance through www.labavn.org? (Page 20)..... Initial

20. Has the bidder reviewed the revised Municipal Lobbying Ordinance and submitted the new CEC Form 50 you're your bid? (Pages 21- 21W and Pages 22 - 22A). **ALERT: Failure to submit CEC Form 50 with the bid will result in the bid being NON-RESPONSIVE**..... Initial

21. DIVISION I - GENERAL CONDITIONS AND GENERAL REQUIREMENTS.

It is recommended that all bidders, including those who have bid or have been awarded Department of Recreation and Parks' jobs previously, familiarize themselves with any updated revisions of the Instructions to Bidders herein and revised General Conditions and General Requirements. Initial

22. CONTRACTORS LICENSE AND CLASSIFICATION

"JOINT VENTURE LICENSE REQUIREMENT NOTICE" - The State Contractors' License Board has informed the Department of Recreation and Parks that a Joint Venture Contractors License on this project (if applicable), is available and issued over the counter at the locations listed below:

Rosemead Regional Office
8855 Valley Blvd., Suite 221
Rosemead, California 91770
(213) 620-4180

Santa Ana Southern Office
28 Civic Center Plaza, Room 690
Santa Ana, California 92701
(714) 558-4086

- (a) Are your contractor's license number, expiration date, and classifications listed on page 3D?..... Initial
- (b) Are you using the correct contractor's license for the firm bidding? Initial
- (c) Do you have the proper current and approved license classification as specified on the front of the bid specifications at the time you submit your bid? Initial
- (d) If a "joint venture", do you have a current joint venture license? Initial

23. **BID PROTEST PROCEDURES** - The purpose of these procedures is to provide a method for resolving, prior to award, protests regarding the award of construction contracts by the City, by and through its Board of Recreation and Park Commissioners (Board). These procedures are for the benefit of the City and are not intended to establish an administrative requirement which must be exhausted by the protesting bidder prior to pursuing any legal remedy which may be available. For this reason, no bidder shall have any right to due process, should the City fail to follow these procedures for any reason within its discretion. However, failure by a bidder to follow the protest procedures as discussed below will create the presumption that any subsequent legal action in a court of competent jurisdiction is of no merit. These procedures will enable the Board of Recreation and Park Commissioners to ascertain all of the facts necessary to make an informed decision regarding the award of the contract.

- a. A protest relative to a particular bid must be submitted in detail and in writing and postmarked within 14 calendar days after the receipt of bids. The day of the bid receipt shall be considered as day one.
- b. All protests must be addressed to; Board of Recreation and Park Commissioners, 221 N. Figueroa St., Ste. 300, Los Angeles, CA 90012.
- c. Advance, officially signed and dated, copies of protests will be accepted if sent via fax within the protest period to the Board at fax #(213) 202-2610 and provided that approval of submittal by fax is obtained from Board staff prior to sending the fax, by calling them at (213) 202-2640.
- d. Prime Contractors are requested to advise their potential Subcontractors of this protest period policy. Furthermore, protests against a Prime Contractor by a Subcontractor with a direct financial interest which may be adversely affected by the determination of the protest may be considered by the Board beyond the protest period.
- e. The Board will only consider protests against any bidder(s) who appears to have a substantial and reasonable prospect of receiving an award if the protest is denied or sustained.
- f. Protests from agencies concerned with contract compliance matters may be considered by the Board beyond the protest period. These protests will receive due consideration if the agency submits the protest in a timely period and such protest affects a bidder who appears to have a substantial and reasonable prospect of receiving an award if the protest is denied or accepted.
- g. Protests meeting the above criteria will be analyzed and reported upon in a written report to the Board. Protesting parties will be notified of the time and date that the written report will be discussed in a public session of the Board. Protesting parties will be given the opportunity to present their arguments at the public session. Initial

24. Has Bidder reviewed and complied with the Iran Contracting Act of 2010 (Pages 23-23A)? **ALERT: Failure to submit the Iran Contracting Act of 2010 Compliance Affidavit (page 23A) with the bid will result in the bid being NON-RESPONSIVE**..... Initial

25. Has Bidder reviewed and complied with the California State Senate Bill 854? **ALERT: Failure to comply with the requirements of this Senate Bill will result in the bid being deemed NON-RESPONSIVE**..... Initial

26. Has Bidder reviewed and complied with the **Fair Chance Initiative for Hiring Ordinance** requirements? Initial

27. **CONTRACT**

The bidder to whom the award is made will be required to execute a written contract with the City, furnish good and approved bonds as herein specified, and furnish proof of adequate insurance coverage within ten days after the contract and bid forms are delivered to him.

The following documents are essential parts of the complete contract: The Notice Inviting Bids, Instructions to Bidders, Proposal and Specifications, and, if any, the plans for the work, all of which documents are on file in the office of the Board of Recreation and Park Commissioners.

28. **NAME OF CONTRACTOR** _____

CONTRACTOR'S ADDRESS _____
STREET _____
CITY _____ STATE _____ ZIP CODE _____

29. CONTRACTOR'S LICENSE NUMBER _____ Expiration Date _____

30. LICENSE CLASSIFICATIONS _____

31. CONTRACTOR'S TELEPHONE NUMBER (_____) _____

32. BIDDER'S CHECK LIST

(a) Have you completed, signed and initialed all pertinent sections of the "Bidder's Check List"? _____ Initial

(b) Have you included pages 3 thru 3E of the "Bidders Check List" with your bid? _____ Initial

By: (Signature) _____ Date _____

PRINT NAME _____

TITLE OR POSITION _____

PLEASE INDICATE BY AN "X" WHETHER YOU READ ABOUT THE "NOTICE INVITING BIDS" FOR THIS PROJECT IN ONE OF THE FOLLOWING:

- BIDDER DIGEST
- DODGE CONSTRUCTION NEWS (GREEN SHEET)
- EASTERN GROUP PUBLICATIONS (EAST SIDE SUN)
- FILIPINO AMERICAN NEWS
- KOREA TIMES
- LA OPINION
- LOS ANGELES BUSINESS ASSISTANCE VIRTUAL NETWORK (BAVN)
- LOS ANGELES SENTINEL
- PLAN ROOM WEST
- RAFU SHIMPO
- THE LOS ANGELES WAVE NEWSPAPER (SOUTHWEST WAVE)
- WORLD JOURNAL
- OTHER (PLEASE SPECIFY) _____

SCHEDULE OF WORK AND PRICES

City of Los Angeles - Department of Recreation and Parks

Alpine Recreation Center Expansion (a.k.a. Ord and Yale Street Park)

W.O. E170225F



BASE BID

ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	ITEM TOTAL
1	CONSTRUCTION OF THE PROJECT TITLED: ALPINE RECREATION CENTER EXPANSION (AKA ORD & YALE STREET PARK) PER PLANS (SHEET NOS 1 THRU 140) AND SPECIFICATIONS EXCLUDING BID ITEMS 2, 3, 4 AND 5. (REFER TO GENERAL REQUIREMENTS FOR DESCRIPTION OF WORK)	LS			\$
2	ALLOWANCE FOR GROUND BREAKING CEREMONY (REFER TO GENERAL REQUIREMENTS)				\$ 5,000.00
3	ALLOWANCE FOR BUILDING PERMIT ONLY PER GENERAL REQUIREMENTS - ALL OTHER PERMIT FEES SUCH AS DEMOLITION, GRADING, ELECTRICAL, PLUMBING, ETC., MUST BE INCLUDED IN THE LUMP SUM PRICE IN BID ITEM 1.				\$ 35,000.00
4	ALLOWANCE FOR UNFORESEEN OR DIFFERING SITE CONDITIONS				\$ 110,000.00
TOTAL BASE BID AMOUNT (Bid Items 1 through 4):				\$	

ADDITIVE ALTERNATE BID

BIDDERS MUST SUBMIT BID AMOUNT FOR ITEM NO. 5

ITEM	DESCRIPTION	UNIT	QTY.	UNIT PRICE	ITEM TOTAL
5	CONSTRUCTION OF THE PROJECT TITLED: ALPINE RECREATION CENTER EXPANSION (AKA ORD & YALE STREET PARK) PER PLANS (SHEET NOS. 141 THRU 195) AND SPECIFICATIONS. (REFER TO DRAWING NO. G1.14A)	LS			\$
Total Additive Alternate Bid:				\$	

BASE BID + ADDITIVE ALTERNATE BID

Total Base Bid Amount + Additive Alternate Bid Amount:	\$
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Unit abbreviations: LS=lump sum

NOTES
A. AWARD OF CONTRACT: Award of this contract will be based on the responsive and responsible bidder having the lowest "Total Base Bid Amount". The lowest "Total Base Bid Amount" shall be the amount that includes all the work specified in Bid Items 1 through 4.
B. FIXED COST ITEMS: Bid Item Nos. 2 through 4 are considered Fixed Cost Items at the time of bid. The pre-printed dollar amounts in figures listed in the SCHEDULE OF WORK AND PRICES shall not be changed or deleted. Any alterations or deletions or provisions applied to FIXED CASH PRICES will render the proposal irregular and non-responsive and may cause the bid to be rejected. Payment and mark up of FIXED CASH ALLOWANCE Items is to be governed by the GENERAL REQUIREMENTS.
C. ADDITIVE ALTERNATE BID: Bid Item 5 is an ADDITIVE ALTERNATE BID. Scope of the bid alternate is shown on plan sheet nos. 141 thru 195. The Additive Alternate Bid amount is the cost of the added scope shown on plan sheet nos 141 thru 195. The City reserves the right to accept or reject the Additive Alternate Bid after the lowest responsive and responsible bidder has been determined prior to the award of the contract.
D. ENHANCED ELECTRICAL SAFETY POLICY is applicable on this project for on-site electrical work. See Specifications General Requirements Section 01412.

SCHEDULE OF WORK AND PRICES
(Continued)
PROPOSAL – SIGNATURE PAGE

(Name of Contractor) _____ agree(s) to begin work and complete it on or before the dates set therefore in the specifications.

(Name of Contractor) _____ agree(s), furthermore, that in case of Contractor default in executing the required Contract, with necessary bonds, within the time fixed by the Instructions to Bidders, the proceeds of the check or bond accompanying this bid shall become the property of the City of Los Angeles.

(a) INDIVIDUAL (Sign here if individual)
(Signature) _____

(Address) _____

(b) CO-PARTNERSHIP
Name of co-partnership firm _____

(Address) _____

(Signatures of co-partners) _____

1. _____

(Address) _____

2. _____

(Address) _____

3. _____

(Address) _____

(c) CORPORATION
Name of corporation _____

(Address) _____

*(Sign here if corporation) _____ Title
*Signature of 1st officer of corporation

(Corporate seal to be affixed here) _____ Title
*Signature of 2nd officer of corporation

*Approved signature methods for corporations:

(a) Two signatures: One by the Chairman of the Board of Directors, President or any vice president and One by the Secretary, assistant secretary, chief financial officer or any assistant treasurer; or

(b) One signature by corporate designated individual together with the properly attested resolution of the Board of Directors authorizing the person to sign.

AFFIDAVIT TO ACCOMPANY PROPOSALS OR BIDS

I _____, being first duly sworn, depose and say that I am
(Insert name)

(Insert "sole owner," "a partner," "president," "secretary," or other proper title)

Of _____
(Insert name of bidder)

who submits herewith to the Department of Recreation and Parks the attached proposal and hereby declare:

- (1) That I am the person who signed the hereto attached proposal; that said proposal is genuine; that the same is not sham or collusive; that all statements of fact therein are true; that such proposal was not made in the interest or behalf of any person, partnership, company, association, organization or corporation not therein named or disclosed.
- (2) That the bidder has not directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interest of the public body which is to award the contract, or of any other bidder, or anyone else interested in the proposed contract; that the bidder has not in any manner sought by collusion to secure for himself, itself, themselves, an advantage over any other bidder.
- (3) That prior to the public opening and reading of bids the said bidder:
 - (a) did not, directly or indirectly, induce or solicit anyone else to submit a false or sham bid.
 - (b) did not, directly or indirectly, collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham bid, or that anyone should refrain from bidding or withdraw its bid;
 - (c) did not, in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix the bid price of said bidder or of anyone else, or to raise or fix any overhead, profit or cost element of its/ their price or of that of anyone else;
 - (d) did not, directly or indirectly, submit its/ their bid price or any breakdown thereof, or the contents thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, or to any individual or group of individuals, except to the awarding authority or to any person or persons who have a partnership or other financial interest with said bidder in its/ their business.

ADDENDA - This proposal is submitted with respect to the changes to the contract included in Addenda numbers:

(Fill in Addenda received) _____, _____, _____, _____, _____, _____.

A bid may be found non-responsive if the bidder fails to acknowledge all Bid Addenda issued as posted on LABAVN for this project.

I certify or declare under penalty of perjury that the foregoing is true and correct.

Signed: _____
(Title)

Subscribed and sworn before me

this _____ day of _____, 20____
(Seal of Notary)

Notary Public

WARNING
BIDS WILL NOT BE CONSIDERED UNLESS THE
AFFIDAVIT HEREON IS FULLY EXECUTED,
INCLUDING THE CERTIFICATE OF THE
NOTARY AND THE NOTARIAL SEAL.

BID BOND

(10% of aggregate amount of bid)
(Not required if certified check accompanies the bid)

KNOW ALL MEN BY THESE PRESENTS: That we, _____

as principal, and _____

as surety, are held and firmly bound unto the City of Los Angeles, State of California, in the sum of ten per cent of the aggregate amount of bid for the payment whereof we hereby bind ourselves, our successors, heirs executors, and administrators, jointly and severally, firmly by these presents.

The condition of the foregoing obligation is such that, whereas the above bounden principal is about to submit to the Board of Recreation and Park Commissioners of the City of Los Angeles a bid or proposal for the performance of the work therein mentioned, in compliance with the plans and specifications therefore, pursuant to published notice inviting bids;

Now, if the bid or proposal of the principal is accepted and the work awarded to the principal by said Board of Recreation and Park Commissioners, and if the principal shall fail or neglect to enter into a contract therefore in accordance with the provisions of said bid or proposal and the accompanying Instructions to Bidders, and to execute faithful performance and labor and material surety bonds to the satisfaction of the Board of Recreation and Park Commissioners of said City; then the sum guaranteed by this bond is forfeited to the City of Los Angeles.

It is expressly agreed and understood that any errors, clerical, mathematical, or otherwise, in the bid or proposal shall not be or constitute a defense to forfeiture under this bond.

WITNESS our hands and seals this _____ day of _____ A.D., 20__

(Seal)

Principal

By _____
Title

(Seal)

Surety

By _____
Title

Signature of ATTORNEY-IN-FACT must be notarized.

CONTRACTOR MUST USE THIS FORM
IMPORTANT

CONTRACTOR GOVERNMENTAL PROJECT REFERENCE SHEET

All contractors bidding on projects for the City of Los Angeles, Department of Recreation and Parks, who have not been awarded a project with the Department within the last three (3) years, are required to complete the following reference information. This information will be reviewed as part of the bid package for determining the successful contractor.

List all project in chronological order from the most recent project, even if not completed, going back at least three years. Make sure to include all projects involving local, county, state and federal agencies.

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

Name of Project _____
Location of Project _____
Amount of Contract _____ Duration in Months _____
Awarding Agency _____
Awarding Agency Address _____
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Name of Project _____
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Awarding Agency _____
Awarding Agency Address _____
Awarding Agency Phone Number (Include Area Code) _____
Awarding Agency Project Liaison _____
Project Liaison Phone Number (Include Area Code) _____

NOTICE

NOTICE TO PROSPECTIVE CONTRACTORS PERTAINING TO NON- DISCRIMINATION IN EMPLOYMENT AND PREVAILING WAGE RATES

The California Labor Code requires that prevailing wages must be paid on all City of Los Angeles public works projects. All personnel employed in actual construction on this project must be paid at least the prevailing wage for the craft they are working in. Current prevailing wage rates may be obtained by contacting the Office of Contract Compliance at (213) 847-1922. Information on prevailing wages can also be obtained from the California Department of Industrial Relation's website at <http://www.dir.ca.gov/DLSR/PWD>

NOTICE TO PROSPECTIVE CONTRACTORS PERTAINING TO
NON-DISCRIMINATION IN EMPLOYMENT AND PREVAILING WAGE RATES

A. In contractual proceedings where a notice inviting proposals for the work, services, information, or property required to be furnished or supplied to the City or to be sold to the City is published either in accordance with Sections 371 of the Charter of said City or is otherwise published, such notice shall specify that the provisions of Los Angeles Administrative Code Section 10.8 through 10.8.6 hereof applicable to any such notice will be part of any contract awarded by the City pursuant to such notice.

B. In contractual proceedings where a notice is not published as provided in subsection A, the contractor or contractors will be advised at the outset of negotiations that the provisions of subsection 10.8 through 10.8.6 hereof will be a part of any contract entered into by the City as a result of such negotiations.

NONDISCRIMINATION CLAUSE – Required in All Contracts

The contractor agrees and obligates itself 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, sexual orientation, age, disability, marital status, domestic partner status, or medical condition. All subcontracts awarded under this contract shall contain a like nondiscrimination clause.

PREVAILING WAGE RATES

The California Labor Code requires that prevailing wages must be paid on all City of Los Angeles public works projects. All personnel employed in actual construction on this project must be paid at least the prevailing wage for the craft they are working in. Current prevailing wage rates may be obtained by contacting the City of Los Angeles Office of Contract Compliance at (213) 847-1922, (213) 847-2777 (fax). Information on prevailing wages can also be obtained from the California Department of Industrial Relations' website at <http://www.dir.ca.gov/DLSR/PWD>.

Pursuant to the provisions of the Labor Code of the State of California the general prevailing rate of wages for each craft, classification or type of workman needed in the execution of contracts under the jurisdiction of the Board of Recreation and Park Commissioners, shall be those rates as determined by the Director of the Department of Industrial Relations of the State of California. Copies of the applicable Determinations by the said Director are on file in the said office of the said Board and are hereby incorporated and made a part hereof the same as though fully set forth herein. Copies of the said Determination may be obtained at or by request to the said office of said Board.

In the event that the wage determination decision of the Director of Industrial Relations has been superseded by any subsequent wage determination decision(s) published up to and including 10 days prior to bid opening, the most recent applicable wage decisions shall be incorporated by reference, and the successful bidder agrees to be bound by it regardless of what is contained in the specifications.

Contractor or Company Name

By (Signature)

Date

Ordinance No. 175115

An ordinance amending Section 10.8.2.1 of the Los Angeles Administrative Code in its entirety to clarify the requirement that City Contractors shall not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners.

THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:

Section 1, Section 10.8.2.1 of the Los Angeles Administrative Code is amended to read:

Sec. 10.8.2.1. Equal Benefits Ordinance

(A) Legislative Findings.

The City awards many contracts to private firms to provide services to the public and to City Government. Many City contractors and subcontractors perform services that affect the proprietary interests of City government in that their performance impacts the success of City operations. The City holds a proprietary interest in the work performed by many employees employed by City contractors and subcontractors. In a very real sense, the success or failure of City operations may turn on the success or failure of these enterprises, for the City has a genuine stake in how the public perceives the services rendered for them by such businesses.

Discrimination in the provision of employee benefits between employees with domestic partners and employees with spouses results in unequal pay for equal work. Los Angeles law prohibits discrimination based on marital status and/or sexual orientation. The City's departments and contracting agents are required to place in all City contracts a provision that the company choosing to do business with the City agrees to comply with the City's nondiscrimination laws.

It is the City's intent, through the contracting practices outlined in this Ordinance, to assure that those companies choosing to do business with the City will equalize the total compensation between similarly situated employees with spouses and with domestic partners. The provisions of this Ordinance are designed to insure that the City's contractors will maintain a competitive advantage in recruiting and retaining capable employees, thereby improving the quality of the goods and services the City and its people receive, and insuring protection of the City's property.

(B) Definitions. For purposes of Equal Benefits Ordinance only, the following shall apply.

1. Awarding Authority means any Board or Commission of the City, or any employee or officer of the City, that is authorized to award or enter into any Contract, as defined in this ordinance, on behalf of the City, and shall include departments having control of their own funds and which adopt policies consonant with the provisions of the Equal Benefits Ordinance.
2. Benefits means any plan, program or policy provided or offered by a Contractor to its employees as part of the employer's total compensation package. This includes but is not limited to the following types of benefits: bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pension and retirement benefits, and travel benefits
3. Cash Equivalent means the amount of money paid to an employee with a Domestic Partner (or spouse, if applicable) in lieu of providing Benefits to the employee's Domestic Partner (or spouse, if applicable). The Cash Equivalent is equal to the direct expense to the employer of providing Benefits to an employee for his or her Domestic Partner (or spouse, if applicable) or the direct expense to the employer of providing Benefits for the dependents and family member of an employee with a Domestic Partner (or spouse, if applicable).
4. City means City of Los Angeles
5. Contract means an agreement the value of which exceeds \$5,000.00. It includes agreements for work or services to or for the City, for public works or improvements to be performed, agreements for the purchase of goods, equipment, materials, or supplies, or grants to be provided, at the expense of the City or to be paid out of monies under the control of the City. The term also includes a Lease or License, as defined in the Equal Benefits Ordinance.
6. Contractor means any person or persons, firm, partnership, corporation, joint venture, or any combination of these, or any governmental entity acting in its proprietary capacity that enters into a Contract with any Awarding Authority of the City. The term does not include Subcontractors.
7. Designated Administrative Agency (DAA) means the Office of Contract Compliance.

8. Domestic Partner means any two adults, of the same or different sex, who have registered as domestic partners with a governmental entity pursuant to state or local law authorizing this registration or with an internal registry maintained by the employer of at least one of the domestic partners.
9. Equal Benefits Ordinance means Los Angeles Administrative Code 10.8.2.1 et seq., as amended from time to time.
10. Equal Benefits means the equality of benefits between employees with spouses and employees with Domestic Partners, between spouses of employee and Domestic Partners of employees, and between dependents and family members of spouses and dependents and family members of Domestic Partners.
11. Lease or License means any agreement allowing others to use property owned or controlled by the City, any agreement allowing others the use of City property owned or controlled by the City, any agreement allowing others the use of City property in order to provide services to or for the City, such as for concession agreements and any agreement allowing the City to use property owned or controlled by others
12. Subcontractor means any person or person, firm, Partnership Corporation, joint venture, or any combination of these, and any governmental entity, that assists the Contractor in performing or fulfilling their terms of the Contract. Subcontractors are not subject to the requirements of the Equal Benefits Ordinance unless they otherwise have a Contract directly with the City.

(C) Equal Benefits Retirements.

1. No awarding authority of the City, shall execute or amend any contract with any contractor that discriminates in the provision of Benefits between employees with spouses and employees with Domestic Partners, between spouses of employees and Domestic Partners of employees, and between dependents and family members of spouses and dependents and family members of Domestic Partners.
2. Contractor must permit access to, and upon request, must provide certified copies of all of its records pertaining to its Benefits policies and its employment policies and practices to the DAA, for the purpose of investigation or to ascertain compliance with the Equal Benefits Ordinance.
3. A Contractor must post a copy of the following statement in conspicuous places at its place of business available to employees and applicants for employment: "During the performance of a Contract with the City of Los Angeles, the Contractor will provide equal benefits to its employees with spouses and its employees with domestic partners." The posted statement must also include a City contact telephone number which will be provided each Contractor when the Contract is executed.
4. A Contractor must not set up or use its contracting entity for the purpose of evading the requirements imposed by the Equal Benefits Ordinance.

(D) Other options for compliance. Provided that the Contractor does not discriminate in the provision of Benefits, a Contractor may also comply with the Equal Benefits Ordinance in the following ways:

1. A Contractor may provide an employee with the Cash Equivalent only if the DAA determines that either:
 - a. The Contractor has made a reasonable, yet unsuccessful effort to provide Equal Benefits; or
 - b. Under the circumstances, it would be unreasonable to require the Contractor to provide Benefits to the Domestic Partner (or spouse, if applicable).
2. Allow each employee to designate a legally domiciled member of the employee's household a being eligible for spousal equivalent Benefits.
3. Provide Benefits neither to employees' spouses nor to employees' Domestic Partners.

(E) Applicability.

1. Unless otherwise exempt, a Contractor is subject to and shall comply with all applicable provisions of the Equal Benefits Ordinance.
2. The requirements for the Equal Benefits Ordinance shall apply to a Contractor's operations as follows:
 - a. A Contractor's operations located within the City limits, regardless of whether there are employees at those locations performing work in the Contract.
 - b. A Contractor's operations on real property located outside of the City limits if the property is owned by the City has a right to occupy the property, and if the Contractor's presence at or on the property is connected to a Contract with the City.

- c. The Contractor's employees located elsewhere in the United States but outside of the City limits if those employees are performing work on the City Contract.
 - 3. The requirements of the Equal Benefits Ordinance do not apply to collective bargaining agreements ("CBA") in effect prior to January 1, 2000. The Contractor must agree to propose to its union that the requirements of the Equal Benefit Ordinance be incorporated into its CBA upon amendment, extension, or other modification of a CBA occurring after January 1, 2000.
- (F) Mandatory Contract Provisions Pertaining to Equal Benefits. Unless otherwise exempted, every Contract shall contain language that obligates the Contractor to comply with the applicable provisions of the Equal Benefits Ordinance. The language shall include provisions for the following:
- 1. During the performance of the Contract, the Contractor certifies and represents that the Contractor will comply with the Equal Benefits Ordinance.
 - 2. The failure of the Contractor comply with the Equal Benefits Ordinance will be deemed to be a material breach of the Contract by the Awarding Authority.
 - 3. If the Contractor fails to comply with the Equal Benefits Ordinance the Awarding Authority may cancel, terminate or suspend the Contract, in whole or in part, and all monies due or to become due under the Contract may be retained by the City. The City may also pursue any and all other remedies at law or in equity for any breach.
 - 4. Failure to comply with the Equal Benefits Ordinance may be used as evidence against the Contractor in actions taken pursuant to the provisions of Los Angeles Administrative Code Section 10.40, et seq., Contractor Responsibility Ordinance.
 - 5. If the DAA determines that a Contractor has set up or used its Contracting entity for the purpose of evading the intent of the Equal Benefits Ordinance, the Awarding Authority may terminate the Contract on behalf of the City. Violation of this provision may be used as evidence against the Contractor in actions taken pursuant to the provisions of Los Angeles Administrative Code Section 10.40, et seq., Contractor Responsibility Ordinance.
- (G) Administration
- 1. The DAA is responsible for the enforcement of the Equal Benefits Ordinance for all City Contracts. Each Awarding authority shall cooperate to the fullest extent with the DAA in its enforcement activities.
 - 2. In enforcing the requirements of the Equal Benefits Ordinance, the DAA may monitor, inspect, and investigate to insure that the Contractor is acting in compliance with the Equal Benefits Ordinance.
 - 3. The DAA shall promulgate rules and regulations and forms for the implementation of the Equal Benefits Ordinance. No other rules, regulations or forms may be used by an Awarding Authority of the City to accomplish this contract compliance program.
- (H) Enforcement
- 1. If the contractor fails to comply with the Equal Benefits Ordinance:
 - a. The failure to comply may be deemed to be a material breach of the contract by the Awarding Authority; or
 - b. The Awarding Authority may cancel, terminate or suspend, in whole or in part, the contract; or
 - c. Monies due or to become due under the Contract may be retained by the City until compliance is achieved;
 - d. The City may also pursue any and all other remedies at law or in equity for any breach.
 - e. The City may use failure to comply with the Equal Benefits Ordinance as evidence against the Contractor in actions taken pursuant to the provisions of Los Angeles Administrative Code Section 10.40, et seq., Contractor Responsibility Ordinance.
- (I.) Non-applicability, exceptions and Waivers.
- 1. Upon request of the Awarding Authority, the DAA may waive compliance with the Equal Benefits Ordinance under the following circumstances:
 - a. The Contract is for the use of City property, and there is only one prospective Contractor willing to enter in the Contract; or
 - b. The Contract is for needed goods, services, construction of a public work or improvement, or interest in or right to use real property that is available only from a single prospective Contractor, and that prospective contractor is otherwise qualified and acceptable to the City; or

- c. The Contract is necessary to respond to an emergency that endangers the public health or safety, and no entity which complies with the requirements of the Equal Benefits Ordinance capable of responding to the emergency is immediately available; or
 - d. The City Attorney certifies in writing that the Contract involves specialized litigation requirements such that it would be in the best interests of the City to waive the requirements of the Equal Benefits Ordinance; or
 - e. The Contract is (i) with a public entity; (ii) for goods, services construction of a public work or improvement, or interest in or right to use real property; and (iii) that is either not available from another source, or is necessary to service a substantial public interest. A Contract for interest in or the right to use real property shall not be considered as not being available from another source unless there is no other site of comparable quality or accessibility available from another source; or
 - f. The requirements of the Equal Benefits Ordinance will violate or are inconsistent with the terms or conditions of a grant, subvention or agreement with a public agency or the instructions of an authorized representative of the agency with respect to the grant, subvention or agreement, provided that the Awarding Authority has made a good faith attempt to change the terms or conditions of the grant, subvention or agreement to authorize application of the Equal Benefits Ordinance; or
 - g. The contract is for goods, a service or a project that is essential to the City or city residents and there are no qualified responsive bidders or prospective Contractors who could be certified as being in compliance with the requirements of the Equal Benefits Ordinance; or
 - h. The contract involves bulk purchasing arrangements through City, Federal, State, or Regional entities that actually reduce the City's purchasing costs and would be in the best interests of the city.
2. The Equal Benefit Ordinance does not apply to contracts which involve:
 - a. The investment of trust monies, bond proceeds or agreements relating to the management of these funds, indentures, security enhancement agreements (including, but not limited to, liquidity agreements, letters of credit, bond insurance) for City tax-exempt and taxable financing, deposits of City's surplus funds in financial institutions, the investment of City monies in competitively bid investment agreements, the investment of City monies in securities permitted under the California State government Code and/or the City's investment policy, investment agreements, repurchase agreements, City monies invested in U.S. government securities or pre-existing investment agreements;
 - b. Contracts involving City monies in which the Treasurer or the City Administrative Officer finds that either:
 - (i) No person, entity or financial institution doing business in the City, which is in compliance with the Equal Benefits Ordinance, is capable of performing the desired transaction(s); or
 - (ii) The City will incur a financial loss or forego a financial benefit which in the opinion of the Treasurer or City Administrative Officer would violate his or her fiduciary duties.
 3. The Equal Benefits Ordinance does not apply to contracts for gifts to the City.
 4. Nothing in this subsection shall limit the right of the City to waive the provisions of the Equal Benefits Ordinance.
 5. The provisions of this Subsection shall apply to the Equal Benefits Ordinance only. The Equal Benefits Ordinance is not subject to the exemptions provided in Section 10.9 of this Code.
- (J.) Consistency with Federal or State Law. The provisions of the Equal Benefits Ordinance do not apply where the applications of these provisions would violate or be inconsistent with the laws, Rules or regulations federal or state law, or where the application would violate or be inconsistent with the terms or conditions of a grant or contract with the United States of America, the State of California, or the instruction of an authorized representative of any of these agencies with respect to any grant or contract.
- (K.) Severability. If any provision of the Equal Benefits Ordinance is declared legally invalid by any court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
- (L.) Timing of Application
1. The requirements of the Equal Benefits Ordinance shall not apply to Contracts executed or amended prior to January 1, 2000, or to bid packages advertised and made available to the public, or any bids received by the City, prior to January 1, 2000 and would otherwise be subject to the Equal Benefits Ordinance.
 2. The requirements of the Equal Benefits Ordinance shall apply to competitively bid Contracts that are amended after April 1, 2003, and to competitively bid Contracts that result from bid packages advertised and made available to the public after May 1, 2003.

3. Unless otherwise exempt, the Equal Benefits Ordinance applies to any agreement executed or amended after January 1, 2000, that meets the definition of a Contract as defined within Subsection 10.8.2.1(b).

"Domestic Partners" means, for the purposes of this Article, any two adults, of the same or different sex, who have registered with a governmental entity pursuant to state or local law authorizing this registration or with a internal registry maintained by an employer of at least one of the domestic partners.

Sec. 3, The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of FEB 12, 2003

J. MICHAEL CAREY, City Clerk

By Signed by Deputy _____ Deputy

Approved Feb 28, 2003

BY Signed by City of Los Angeles Mayor _____ Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

BY Signed by Laurel L. Lightner
LAUREL L. LIGHTNER
Deputy City Attorney

File No. 99-0908-S3
83745

Equal Benefits Ordinance

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 (EBO).

All Bidders/Proposers shall complete and submit the Equal Benefits Ordinance Compliance Affidavit, available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.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 uploaded onto the City's BAVN. 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 web site at <http://bca.lacity.org>.

**Nondiscrimination, Equal Employment Practices and Affirmative Action Program
(Non-Construction and Construction)**

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., 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.

Bidders/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 web site at <http://bca.lacity.org>.

EXCERPTS FROM THE CALIFORNIA LABOR CODE
RELATING TO APPRENTICES ON PUBLIC WORKS
Chapter 4 of Division 3
THE SHELLY-MALONEY APPRENTICE LABOR STANDARDS ACT OF 1939
(Note: Boldface type denotes key points)

3098. An awarding agency whose public works contract falls within the jurisdiction of Section 1777.5 shall, within five days of the award, send a copy of the award to the Division of Apprenticeship Standards. When specifically requested by a local joint apprenticeship committee, the division shall notify the local joint apprenticeship committee regarding all such awards applicable to the joint apprenticeship committee making the request. Within five days of a finding of any discrepancy regarding the ratio of apprentices to journeymen, pursuant to the certificated fixed number of apprentices to journeymen, the awarding agency shall notify the Division of Apprenticeship Standards.

(Amended by Stats. 1974, Ch. 1095.)

Chapter 1 of Division 2
APPRENTICES ON PUBLIC WORKS

1776. Each contractor and subcontractor shall keep an accurate payroll record, showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice or worker employed by him in connection with the public work. The contractor's and subcontractor's payroll records shall be available for inspection at all reasonable hours, and a copy shall be made available to the employee or its authorized representative, the Division of Labor Standards Enforcement, and the division of Apprenticeship Standards. The body awarding the contract may charge a reasonable fee for copying such records. The body awarding the contract shall be required to retain the records filed pursuant to this section for 90 days after completion of the contract. After a complaint has been filed with the awarding body or the Division of Labor Standards Enforcement alleging that a contractor or subcontractor has paid less than the prevailing wage on a public works project, the contractor or subcontractor shall upon written notice from either the awarding body or the Division of Labor Standards Enforcement within 10 days file with the body awarding the contract a certified copy of the payroll records.

(Amended by Stats. 1976, Ch. 599.)

1777.5 Nothing in this chapter shall prevent the employment of property registered apprentices upon public works.

Every such apprentice shall be paid the standard wage paid to apprentices under the regulations of the craft or trade at which he is employed, and shall be employed only at the work of the craft or trade to which he is registered.

Only apprentices, as defined in Section 3077, who are in training under apprenticeship standards and written apprentice agreements under Chapter 4 (commencing at Section 3070), Division 3, of the Labor Code, are eligible to be employed on public works. The employment and training of each apprentice shall be in accordance with the provisions of the apprenticeship standards and apprentice agreements under which he is training.

When the contractor to whom the contract is awarded by the state or any political subdivision, or any subcontractor under him, in performing any of the work under the contract or subcontract, employs workmen in any apprenticeable craft or trade, the contractor and subcontractor shall apply to the joint apprenticeship committee administering the apprenticeship standards of the craft or trade in the area of the site of the public work for a certificate approving the contractor or subcontractor under the apprenticeship standards for the employment and training of apprentices in the area or industry affected; provided, however, that the approval as established by the joint apprenticeship committee or committees shall be subject to the approval of the Administrator of Apprenticeship. The joint apprenticeship committee or committees, subsequent to approving the subject contractor or subcontractor, shall arrange for the dispatch of apprentices to the contractor or subcontractor in order to comply with this section. There shall be an affirmative duty upon the joint apprenticeship committee or committees administering the apprenticeship standards of the craft or trade in the area of the site of the public work to ensure equal employment and affirmative action in apprenticeship committees provided they are already covered by the local apprenticeship standards. The ratio of apprentices to journeymen who shall be employed in the craft or trade on the public work may be the ratio stipulated in the apprenticeship standards under which the joint apprenticeship committee operates but in no case shall the ratio be less than one apprentice for each five journeymen, except as otherwise provided in this section.

The contractor or subcontractor, if he is covered by this section, upon the issuance of the approval certificate, or if he has been previously approved in such craft or trade, shall employ the number of apprentices or the ratio of apprentices to journeymen stipulated in the apprenticeship standards. Upon proper showing by the contractor that he employs apprentices in such craft or trade in the state on all of its contracts on an annual average of not less than one apprentice to each five journeymen, the Division of Apprenticeship Standards may grant a certificate exempting the contractor from the 1-to-5 ratio as set forth in this section. This section shall not apply to contracts of general contractors involving less than thirty thousand dollars (\$30,000) or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than two thousand dollars (\$2,000) or fewer than five working days.

"Apprenticeable craft or trade," as used in this section, shall mean a craft or trade determined as an apprenticeable occupation in accordance with rules and regulations prescribed by the Apprenticeship Council. The joint apprenticeship committee shall have discretion to grant a certificate, which shall be subject to the approval of the Administrator of Apprenticeship, exempting a contractor from the 1-to-5 ratio set forth in this section when it finds that any one of the following conditions is met:

- (a) In the event unemployment for the previous three-month period in such area exceeds an average of 15 percent, or
- (b) In the event the number of apprentices in training in such area exceeds a ratio of 1 to 5, or
- (c) If there is a showing that the apprenticeable craft or trade is replacing at least one-thirtieth of its journey annually through apprenticeship training, either (1) on a statewide basis, or (2) on a local basis.
- (d) If assignment of an apprentice to any work performed under a public works contract would create a condition which would jeopardize its life or the life, safety, or property of fellow employees or the public at large or if the specific task to which the apprentice is to be assigned is of such a nature that training cannot be provided by a journeyman.

When such exemptions are granted to an organization which represents contractors in a specific trade from the 1-to-5 ratio on a local or statewide basis the member contractors will not be required to submit individual applications for approval to local joint apprenticeship committees, provided they are already covered by the local apprenticeship standards.

A contractor to whom the contract is awarded, or any subcontractor under him, who, in performing any of the work under the contract, employs journeymen or apprentices in any apprenticeable craft or trade and who is not contributing to a fund or funds to administer and conduct the apprenticeship program in any such craft or trade in the area of the site of the public work, to which fund or funds other contractors in the area of the site of the public work are contributing, shall contribute to the fund and funds in each craft or trade in which he employs journeymen or apprentices on the public work in the same manner as the other contractors do, but where the trust fund administrators are unable to accept such funds, contractors not signatory to the trust agreement shall pay a like amount to the California Apprenticeship Council. The contractor or subcontractor may add the amount of such contributions in computing its bid for the contract. The Division of Labor Standards Enforcement is authorized to enforce the payment of such contributions to the funds as set forth in Section 227.

The body awarding the contract shall cause to be inserted in the contract stipulations to effectuate this section. Such stipulations shall fix the responsibility of compliance with this section for all apprenticeable occupations with the prime contractor.

All decisions of the joint apprenticeship committee under this section are subject to the provisions of Section 3081.
(Amended by Stats. 1976, Ch. 1179.)

1777.6 It shall be unlawful for an employer or a labor union to refuse to accept otherwise qualified employees as registered apprentices on any public works, on the ground of the race, religious creed, color, national origin, ancestry, sex, or age, except as provided in Section 3077, of such employee.

(Amended by Stats, Ch. 1179.)

1777.7 In the event a licensed contractor willfully fails to comply with the provisions of Section 1777.5, such licensee shall be denied the right to bid on any public works contract for a period of one year from the date the determination of non-compliance is made by the Administrator of Apprenticeship and, notwithstanding the provisions of Section 1727, upon receipt of such a determination the awarding body shall withhold from contract progress payments then due or to become due the sum of five thousand dollars (\$5,000). Any determination shall be issued after a full investigation, a fair and impartial hearing, and reasonable notice thereof in accordance with reasonable rules and procedures prescribed by the California Apprenticeship Council. Any funds withheld by the awarding body pursuant to this section shall be released to the contractor upon issuance of an order to that effect by the administrator, or upon completion of the contract.

The interpretation and enforcement of Sections 1777.5 and 1777.7 shall be in accordance with the rules and procedures of the California Apprenticeship Council. (Amended by Stats. 1976, Ch. 538.)

APPRENTICE UTILIZATION

Any contract awarded hereunder will require the contractor to comply with the provision of Labor Code, State of California, Section 1777.5, relating to apprentice employment and training; and that the prime contractor will assume full responsibility for compliance to said section for all apprenticeable occupations on the project period. Compliance with said Section 1777.5 of Labor Code is not required for public works contracts involving less than \$30,000 or twenty working days.

Contractor or Company Name

By (Signature), Date

**CITY OF LOS ANGELES BUSINESS INCLUSION PROGRAM (BIP) FOR
A REQUEST FOR BIDS (RFB)**

On 12/14/11 the Board of Recreation and Park Commissioners (hereinafter referred to as the "Board" or the "Awarding Authority") adopted the City of Los Angeles Business Inclusion Program (BIP) for Department request for bids or proposals as follows.

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) subcontractors must be completed on the Business Assistance Virtual Network (BAVN), www.labavn.org.

All BIP outreach documentation must be submitted on the BAVN by 4:30 p.m. on the calendar day following the date bids are received by the Board.

Failure to submit the required documentation by 4:30 p.m. on the calendar day following the date bids are received by the Awarding Authority will render the bid non-responsive.

The Department of Recreation and Parks anticipated levels of

MBE Participation:	<u>18</u> %
WBE Participation:	<u>4</u> %
SBE Participation:	<u>25</u> %
EBE Participation:	<u>8</u> %
DVBE Participation:	<u>3</u> %

NOTE: BIP outreach information and/or assistance may be obtained through Department of Public Works, BIP phone-line at (213) 847-0618. Technical assistance in using the BAVN may be obtained through the e-mail link on the BAVN's website.

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BOARD OF RECREATION AND PARK COMMISSIONERS BUSINESS INCLUSION OUTREACH PROGRAM

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CITY OF LOS ANGELES BUSINESS INCLUSION PROGRAM (BIP) FOR USE ON CITY-FUNDED REQUEST FOR BIDS CONTRACTS

A. General

This project is subject to the City of Los Angeles, BIP outreach requirements which are to be followed by bidders on advertised Request for Bids. The City is committed to ensuring full and equitable participation by minority, women, small, emerging, disabled veteran, and other sub-bid or subcontracting businesses in the provision of all goods and services to the City on a contractual basis. The BIP is set forth herein. Bidders shall be fully informed concerning the requirements of this Program. Bidders are encouraged to use MBE/WBE/SBE/EBE/DVBE firms whenever there is a need to subcontract portions of the work. **Failure to comply with the City's BIP Outreach requirements will render the bid non-responsive.**

B. MBE/WBE/SBE/EBE/DVBE/OBE Participation

The BIP outreach policy requires the bidder to make an outreach in order to include sub-bid participation by MBEs, WBEs, SBES, EBEs, DVBEs, and OBEs which is anticipated by the City to produce levels of participation **as stated on Page 1.**

C. Definitions

1. Minority or Women Business Enterprise (MBE or WBE): For the purpose of this program, means 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 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 \$14 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 \$3.5 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 veteran

5. Other Business Enterprise (OBE): For the purpose of this program, means any business which 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 purposes of this program, the term "Minority person" means 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 U.S. Trust Territories of the Pacific, and the 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 services; the veteran must have a service-connected disability of at least 10% or more, and the veteran must reside in California.
8. Certifications must be current **on the date bids for the project are opened** if recognition is to be given towards MBE/WBE participation on this project.
 - 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) Los Angeles County Metropolitan Transportation Authority (Metro); 4) Any certifying agency that is a part of the State of California, Unified Certification Program (CUCP) so long as the certification meets all of the City of Los Angeles' MBE/WBE certification requirements; or 5) Southern California Minority Business Development Council, Inc. (SCMBDC) for MBE certifications only.

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

1. City of Los Angeles
Office of Contract Compliance, 1149 S. Broadway, Suite 300, Los Angeles, CA 90015 Telephone: (213) 847-2684 Fax: (213) 847-2777
Internet address: <http://bca.lacity.org>
2. CalTrans
State of California, Department of Transportation, Civil Rights Group, 1823 14th Street, Sacramento, CA 95814
Telephone: (916) 324-1700 To order a directory, call (916) 445-3520
Internet address: <http://www.dot.ca.gov/hq/bep/>
3. Los Angeles County Metropolitan Transportation Authority
Equal Opportunity Department, 1 Gateway Plaza, Los Angeles, CA 90012
Telephone: (213) 922-2600 Fax: (213) 922-7660
Internet address: <http://www.mta.net>
4. Southern California Minority Business Development Council, Inc. (for a fee)
800 W. 6th Street, Suite 850, Los Angeles, CA 90017
Telephone: (213)689-6960 Fax: (213) 689-1707
Internet address: www.scmbdc.org

- 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; or 2) State of California, Office of Small Business & Disabled Veterans Business Enterprise Services so long as the certification meets all of the City of Los Angeles' SBE and EBE certification criteria.

Note: 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.

- c. Certification as a Disabled Veteran Business Enterprise: A DVBE must be certified by State of California, Office of Small Business & Disabled Veterans Business Enterprise Services.
9. Business Inclusion Program Outreach Documentation: The bidder must take affirmative steps prior to bid opening to ensure that a maximum effort is made to recruit sub-bidder/subcontractors. Minority, women, small, emerging, disabled veteran owned and controlled businesses must be considered along with other business enterprises whenever possible as sources of supplies, construction and other services. The required affirmative steps for BIP Outreach documentation are outlined in Paragraph D herein. The BIP Outreach documentation must be submitted as described in Paragraph D herein. Failure to submit the BIP Outreach documentation as described will render the response non-responsive.
 10. Subcontract: For the purpose of this program, the term "Subcontract" denotes an agreement between the prime Contractor and an individual, firm or corporation for the performance of a particular portion(s) of the work which the prime Contractor has obligated itself.
 11. Subcontractor: An individual, firm, or corporation having a direct contract with the contractor 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.
 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 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 contractor.
 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 C, Definitions, Item 8, on the date bids for the project are opened before credit may be allowed toward the respective MBE, WBE, SBE, EBE, and/or DVBE participation level.
- b. Work performed by a MBE, WBE, SBE, EBE, and/or DVBE prime contractor will not be a consideration when determining a prime contractor's BIP Outreach. The prime contractor will be required to make a BIP Outreach to obtain certified MBEs, WBEs, SBEs, EBEs, and DVBEs through subcontracting or materials and supplies acquisition to reach anticipated participation levels.
- c. 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.
- d. 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 OBE participation, unless the vendor manufactures or substantially alters the materials/supplies.
- e. MBE and/or WBE credit shall not be given to a Joint Venture partner listed as a subcontractor by a Joint Venture bidder.
- f. MBE, WBE, SBE, EBE, and/or DVBE 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.
- g. A firm which qualifies as both a MBE and a WBE will be credited as either MBE participation or as WBE participation, but will not be credited for both. However, a MBE and/or WBE firm may also receive SBE, EBE and/or DVBE credit if so qualified.
- h. A SBE, EBE, DVBE prime contractor shall receive pledged participation credit for the work performed by its own workforce.

D. BIP Outreach Documentation

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Woman Business Enterprises (WBEs), Small Business Enterprises (SBEs), Emerging Business Enterprises (EBEs), Disabled Veteran Business Enterprises (DVBEs), and 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 bidders 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 bidder'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 Business Assistance Virtual Network (BAVN). The BAVN can be accessed at www.labavn.org or by going to the City's Webpage (www.lacity.org) and linking onto "Bids, RFPs & Grants." Failure to meet the anticipated MBE, WBE, SBE, EBE, and/or DVBE participation levels will not by itself 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 bid non-responsive and will result in its rejection.** *Compliance with the BIP Outreach requirements is required even if the bidder has achieved the anticipated MBE, WBE, SBE, EBE, and DVBE participation levels.* Adequacy of a bidder's BIP Outreach will be determined by the Board after consideration of the indicators of BIP Outreach as set forth below.

Any technical difficulties while utilizing the BAVN should be reported immediately using the following steps:

1. Email BAVN Support at ITA.BAVN@lacity.org.
2. Email Department of Public Works, Bureau of Engineering, Project Award & Control (PAC) Division, BIP Coordinator at eng.bavn@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 Department of Public Works, Bureau of Engineering, PAC at (213) 847-0618.

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 bidders name will be evaluated. Therefore, submission by a third party will result in the bidder being deemed non-responsive.

1	LEVEL OF ANTICIPATED MBE, WBE, SBE, EBE, and DVBE PARTICIPATION
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The bidder has performed a BIP Outreach in an attempt to obtain sub-bid/subcontract participation by MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs which could be expected by the Awarding Authority 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 bidder meet the subcontracting expectations for the project.

Required Documentation: No documentation is required from the bidder.

2	ATTENDED PRE-BID MEETING
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The bidder attended the pre-bid meeting scheduled by the Project Manager to inform all bidders of the requirements for the project for which the contract will be awarded. This requirement may be waived if the bidder certified 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 bidder's company must attend the pre-bid meeting scheduled for this project. Credit may not be given if the employee arrives late or fails to sign the pre-bid meeting attendance roster. This requirement will be waived if the bidder 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 the event attendance documents.

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

3	SUFFICIENT WORK IDENTIFIED FOR SUBCONTRACTORS
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The bidder has identified the minimum number, as determined by the Awarding Authority, of specific items of work that will be performed by sub-bidders/subcontractors. This will ensure an opportunity for subcontractor 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 BAVN's BIP Outreach system. The outreach must be to potential MBE, WBE, SBE, EBE, DVBE, and OBE sub-bidders/subcontractors that are currently registered on the BAVN. Failure of the bidder to outreach in all of the work areas selected by the City as potential subcontracting work areas may result in the bid being deemed non-responsive.

Note: City staff will access the BAVN and verify compliance with this indicator after the BIP Outreach submission deadline.

4	WRITTEN NOTICES TO SUBCONTRACTORS
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All notifications must be provided utilizing BAVN, and made not less than **fifteen (15) calendar days** prior to the date the Prime Bid/Proposal is required to be submitted to the Awarding Authority. In all instances, bidders must document that invitations for subcontracting bids were sent to available MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs for each item 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 BAVN’s BIP Outreach system. The notification must be to potential sub-bidders/subcontractors currently registered on the BAVN. If the bidder is aware of a potential subcontractor that is not currently registered on the BAVN, it is the bidder’s responsibility to encourage the potential subcontractor to become registered so that the bidder can include them as part of their BIP Outreach. Notifications must contain areas of work selected to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person’s name, address, and telephone number. Bidders are required to send notifications to a sufficient number of MBE, WBE, SBE, EBE, DVBE and OBE firms in each work area chosen, as determined by the City. What is considered sufficient will be determined by the total number of subcontractors registered on the BAVN in each specific work area.

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 subcontractors that need to be notified for each work area.

# of Subcontractors 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 bidder’s failure to utilize this notification function will result in their bid being deemed non-responsive.

Note: Bidders will not be able to utilize the BAVN’s BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the bid submittal deadline. In utilizing the BAVN’s notification function, bidders will receive a message if they have failed to outreach to a sufficient number of firms when they go to view their summary sheet. Bidders 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 bidder non-responsive if the wording is perceived to seriously limit subcontractor responses. City staff will access the BAVN and verify compliance with this indicator after the bid submission deadline. In case of technical error, please follow the process for reporting these errors as outlined in Section D.

The bidder provided interested sub-bid enterprises/subcontractors with information about the plans, specifications and requirements for the selected sub-bid/subcontracting work.

Required Documentation: Include in Indicator No. 4, information detailing how, where and when the bidder will make the required information available to interested subcontractors. The notification must be performed using the BAVN's BIP Outreach system.

Note: At the time a bidder utilizes the BAVN's BIP Outreach notification function, the required information will automatically be included in the notification. Bidders will not be able to utilize the BAVN's BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the bid submittal deadline. City staff will access the BAVN and verify compliance with this indicator after the bid submittal deadline.

The bidder has responded to every unsolicited offer sent by a Registered Subcontractor using BAVN and has evaluated in good faith bids or quotes submitted by interested MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs. Bidders must not unjustifiably reject as unsatisfactory a bid or quote offered by a Registered Subcontractor, as determined by the Awarding Authority. The bidder must submit a list of all subcontractors for each item 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 quotes received. This list must include an explanation of the evaluation that lead to the bid or quote being rejected and the explanation must have been communicated to the subcontractor using BAVN.

Required Documentation:

a) An online Summary Sheet organized by work area, listing the following:

- the bids and/or quotes received;
- the name of the subcontractor who submitted the bid/quote;
- the dollar amount of the bid/quote;
- a brief reason given for selection/non-selection as a subcontractor;
- the subcontractor selected for that work area.

b) Copies of all MBE, WBE, SBE, EBE, DVBE, and OBE bids or quotes must be submitted prior to the bidder being awarded the contract.

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

The reasons for selection/non-selection should be included in the notes section of the online Summary Sheet. If the bidder elects to perform a work area with its own forces and they received a sub-bid, they must include a bid that shows their own costs for the work. **All bids received, regardless of whether or not the bidder outreached to the subcontractor, must be submitted and included on the on-line Summary Sheet.** To that extent, the City expects the bidder to submit a bid from each subcontractor listed on the online Summary Sheet. **All potential subcontractors with whom the bidder has had contact outside of the BAVN must be documented on the online Summary Sheet.**

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

Note: City staff may request copies of all of the bids received from sub-bidders/subcontractors as part of the BIP Outreach evaluation process. Bidders will not be able to edit their Summary Sheet on the BAVN's BIP Outreach Summary Sheet function after 4:30 p.m. on the first calendar day following the day of the bid submittal deadline. City staff will access the BAVN and verify compliance with the summary sheet provision of this indicator after the bid submittal deadline. Contractors are required to have each one of their bid-listed subcontractors registered on the BAVN prior to the bidder being awarded the contract. In case of technical error, bidders must follow the process for reporting these errors as outlined in Section D.

7

BOND, LINES OF CREDIT, AND INSURANCE ASSISTANCE

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

Required Documentation: Include in Indicator No. 4, information about the bidder's efforts to assist with bonds, lines of credit and insurance. The notification must be performed using the BAVN's BIP Outreach notification system.

Note: At the time a bidder utilizes the BAVN's BIP Outreach notification function, the required information will automatically be included in the notification. Bidders will not be able to utilize the BAVN's BIP Outreach notification function if there are less than fifteen (15) calendar days prior to the bid submittal deadline. Bidders 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 bidder non-responsive if the wording is perceived to seriously limit subcontractor responses or is deemed contrary to the intent of this indicator. City staff will access the BAVN and verify compliance with this indicator after the bid submittal deadline.

The bidders shall submit completed BIP Outreach documentation either via the BAVN's BIP Outreach system or prior to being awarded 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 specified deadline will be treated at a higher level of scrutiny and may require third party documentation in order to substantiate. Such information shall be submitted promptly upon request by the Awarding Authority.

E. Award of Contract

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

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

F. Subcontractors

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

1. All Subcontractors who will be working on the Project shall be approved in writing by the Awarding Authority or its designee prior to any work being performed by said subcontractor, regardless of the dollar amount of work to be performed, and whether or not they were listed in the original bid.
 - A. No other entity, including, but not limited to, the Project Engineer, Program Manager, or Construction Manager, is authorized to grant either initial approval of Subcontractor(s) or Subcontractor substitution(s), unless so designated by the Awarding Authority.
2. Any reduction, increase, or other change to any Subcontract amount without prior approval of the Awarding Authority or its designee is considered an Unauthorized Subcontractor Substitution and is subject to a penalty of ten (10) percent of the Subcontract amount, whether bid-listed or not. A subcontract dollar value increased or reduced as the result of a Change Order issued by the Engineer to add or delete from the original scope of work shall not be subject to a penalty for an Unauthorized Subcontractor Substitution.
 - A. A penalty in the amount of ten (10) percent of the subcontract amount will be assessed for each subcontractor when it is found the Contractor did not pay the entire Bid-listed and/or approved dollar amount of the respective subcontractor and there has been no approval by the Awarding Authority or its designee for a reduction in the subcontract dollar amount.
 - B. In the event it is found that the Contractor did not pay any of the Bid-listed and/or approved dollar amount of a subcontract without a change in scope of the original Contract, which resulted in a deletion of the subcontract work, a Change Order to the contract shall be issued deleting the unpaid dollar amount of the subcontract. In addition, the Contractor shall be penalized ten (10) percent of the subcontract amount and the City may impose sanctions as a result of such action.
3. If the contractor fails to specify a Subcontractor, or if the Contractor specifies more than one Subcontractor for the same portion of Work to be performed under the contract in excess of one-half or 1 percent of the Contractor's total original bid or \$10,000.00, whichever is greater, the Contractor agrees that it is fully qualified to perform that portion of work itself, and that it shall perform that portion itself.

4. Subletting or subcontracting of any portion of the Work with a total value of more than ½ of 1 percent of the Contractor's total original bid, or \$10,000.00, whichever is greater, for which no Subcontractor was designated in the original Bid will be permitted only in cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the Awarding Authority or its designee setting forth the facts constituting the emergency or necessity.
5. All requests for approval of Subcontractors must contain the following information:
 - A. Project Name
 - B. Project Work Order Number
 - C. Subcontractor's Name
 - D. Subcontractor's Business Address
 - E. Subcontractor's Business Phone Number
 - F. Subcontractor's Status (MBE, WBE, SBE, EBE, DVBE, OBE)
 - G. Subcontractor's State of California Contractor License Number
 - H. Subcontractor's City of Los Angeles Business Tax Receipt Certificate Number
 - I. Dollar Amount of Work to be performed
 - J. Description of Work to be performed
6. No Bid-listed Subcontractor will be approved for a dollar amount of work less than that specified in the original Bid.
7. Failure to obtain approval of the Awarding Authority or its designee in writing prior to each Subcontractor performing work on the project may result in suspension of work by that subcontractor, removal of work performed by the unapproved subcontractor, a penalty of ten (10) percent of the unapproved subcontract amount, and possible sanctions against the contractor.
8. The contractor shall set forth in its bid the following: The name, location of the place of business, telephone number, California State Contractor's License Number, and dollar amount of each Subcontractor who will perform work, labor, service, and/or supply specifically fabricated materials or equipment in an amount in excess of one-half of 1 percent of the contractor's total bid, or \$10,000.00, whichever is greater, for all subcontractors listed.
9. It shall be considered an Illegal Subcontractor Substitution for anyone other than the bid-listed or approved subcontractor(s), including the prime contractor, to perform any portion of the work designated to be performed by said subcontractor without prior approval of the Awarding Authority or its designee. An Illegal Subcontractor Substitution is subject to a penalty of ten (10) percent of the subcontract amount, whether bid listed or not.
10. Failure of the Contractor to request and obtain approval from the Awarding Authority or its designee for a reduction in either a Bid-listed Subcontract amount or the Subcontract amount of a Subcontractor added after the date of the original Bid will result in a penalty of ten (10) percent of the Subcontract amount and possible sanctions against the Contractor.
11. Additional Subcontractors may be added after the time of the original Bid. The dollar value of Work to be performed by any additional subcontractor(s) may not be greater than ½ of 1 percent of the Contractor's original total Bid, or \$10,000.00, whichever is greater, unless the Subcontractor will be performing Work added by Change Order causing changes or deviations from the original Contract.
 - A. No approval(s) for additional Subcontractor(s) will be granted which will result in the Prime Participation Level falling below that required by the original Contract.

G. Subcontractor Substitution

In addition to the requirements for obtaining approval of all subcontractors prior to their working on the project, the following shall apply regarding substitution of any subcontractor, whether Bid-listed or not, during construction:

It is considered a substitution if anyone other than the Bid-listed and/or approved Subcontractor(s), including the Contractor, performs any portion of the work designated to be performed by said Subcontractor, or if the contractor reduces the dollar amount of any subcontractor without written approval of the Inspector.

All substitutions of Subcontractors, whether bid-listed or approved after the date of the original Bid opening, shall be approved in writing by the Awarding Authority or its designee prior to any Work being performed by the substituting Subcontractor.

Failure to obtain approval for any Subcontractor substitution, regardless of the dollar amount of the work performed, may result in rejection of the affected work, a penalty of ten (10) percent of the subcontract amount, and possible sanctions against the contractor.

There shall be no decrease in dollar value of Work to be performed by Subcontractor(s) approved as a substitute for any Subcontractor, whether Bid-listed or approved after the original date of Bid opening, without a change in scope of the Work to be performed by the originally Bid-listed or approved Subcontractor. Written evidence of a change of scope must be provided by the Engineer prior to approval of a change in dollar value of a Subcontractor either Bid-listed or approved after the original date of Bid opening.

1. A Contractor whose Bid is accepted may not:
 - A. Reduce the dollar amount of any subcontractor without the written approval of the Awarding Authority or its designee.
 - B. Substitute any person as Subcontractor in place of a subcontractor listed in the original bid or approved to work on the project after award, except that the Awarding Authority or its designee may consent to the substitution of another subcontractor for one of the following situations:
 - a. When the subcontractor listed in the original bid or proposal or approved after award after having had a reasonable opportunity to do so fails or refuses to execute a written contract, when that written contract, based on the general terms, conditions, plans and specifications for the project involved or the terms of that subcontractor's written bid, is presented to the subcontractor by the contractor.
 - b. When the subcontractor becomes bankrupt or insolvent.
 - c. When the subcontractor fails or refuses to perform its subcontract.
 - d. When the subcontractor fails or refuses to meet the bond requirements of the contractor.
 - e. When the contractor demonstrates to the Awarding Authority or its designee's satisfaction that the name of the subcontractor was listed as the result of an inadvertent clerical error.

- f. When the subcontractor is not licensed pursuant to the State of California Contractor's License Law to perform the work designated.
 - g. When the subcontractor refuses to obtain a City of Los Angeles Business Tax Receipt Certificate (BTRC).
 - h. When the Awarding Authority or its designee concurs with the contractor that the work being performed by the subcontractor is unsatisfactory and not in substantial accordance with the Contract Documents, or the subcontractor is delaying or disrupting progress of the work.
 - i. When the subcontractor fails to submit an Affirmative Action Plan acceptable to the Awarding Authority.
 - j. When the Awarding Authority determines the subcontractor is not a responsible contractor.
- C. Permit a subcontract to be voluntarily assigned or transferred, or allow it to be performed by anyone other than the original subcontractor listed in the original bid or approved to perform that portion of work after award, without the consent of the Awarding Authority or its designee.
- D. Other than in the performance of Change Orders causing changes or deviations from the original contract, sublet or subcontract any portion of the work in excess of 1 half of 1 percent of the contractor's total original bid as to which its original bid did not designate a subcontractor.
2. A request for substitution of any Subcontractor, whether Bid-listed or not, must be made in writing to the Awarding Authority or its designee, and must include letter(s) of explanations to the reason for the requested substitution.
3. The Contractor shall conduct a BIP Outreach prior to requesting any Subcontractor substitution, regardless of the status (MBE, WBE, SBE, EBE, DVBE, OBE) of the Subcontractor being substituted for.
- A. The Contractor 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/subcontracting work is available, and document the following for submittal to the Awarding Authority or its designee along with all other required documentation:
 - a. The name of the company contacted, the contact person, telephone number, date and time of contact.
 - b. Response for each item of work that was solicited, including dollar amount(s).
 - c. Reason for selection or rejection of each sub-bid prospect.
 - d. In the event the Contractor is unable to find certified MBE, certified WBE, certified SBE, certified EBE, certified DVBE and/or OBE sub-bid prospects (first from the BIP Outreach Summary Sheet, then from other outreach methods) for

each trade, the Contractor is advised to contact the Awarding Authority or its designee for assistance prior to certifying under penalty of perjury that it was unable to fully meet this requirement.

- B. In the event that a subcontract is reduced due to a project change that will not be specified in a Change Order, the Contractor shall request approval for reducing the Subcontract by submitting the following:
 - a. The name of the company for which the reduction in the Subcontract amount is requested and the dollar amount of the requested reduction.
 - b. The reason for the reduction. Specific details of the reason for the requested reduction are required in order for the request to be considered.
- C. All documentation shall be submitted to the Awarding Authority or its designee.
 - a. Failure to provide all required information will result in rejection of the Substitution request until such time as all information is submitted.
- D. The information required for requesting substitution of any Subcontractor, whether Bid-listed or approved after the original date of Bid opening is:
 - a. Project Name
 - b. Project Work Order Number
 - c. Original Subcontractor's Name
 - d. Original Subcontractor's Business Address
 - e. Original Subcontractor's Business Phone Number
 - f. Original Subcontractor's Status (MBE, WBE, SBE, EBE, DVBE, OBE)
 - g. Letter of withdrawal from original Subcontractor (when applicable)
 - h. Letter of explanation from the Prime Contractor stating reason(s) for request
 - i. Substituting Subcontractor's Name
 - j. Substituting Subcontractor's Business Address
 - k. Substituting Subcontractor's Business Phone Number
 - l. Substituting Subcontractor's State of California Contractor's License Number
 - m. Substituting Subcontractor's Status (MBE, WBE, SBE, EBE, DVBE, OBE)
 - n. Substituting Subcontractor's City of Los Angeles Business Tax Receipt Certificate Number (BTRC)
 - o. Dollar amount of Work to be performed by substituting Subcontractor
 - p. Description of Work to be performed by substituting Subcontractor
 - q. BIP Outreach Documentation

4. Penalties:

A Contractor violating any provision(s) of this subsection shall be deemed in violation of the Contract, and the Awarding Authority at its discretion may:

- A. Cancel the Contract.
- B. Assess the Contractor a penalty of not more than ten (10) percent of the amount of the Subcontract(s) involved.

5. Potential Penalties:
At the end of each construction project, before calculation of any actual final subcontracting penalties, the City may withhold as disputed funds 15% of all subcontract(s) that appear to be in violation of any subcontracting provision of the project, and 15% of all subcontract(s) which performed work on the project without, or prior to, approval by the Awarding Authority or its designee.

H. Submittal Documents

1. List of Subcontractors: Bidders will submit with their Bid the List of Subcontractors. The Bidder shall list the name, business address, business telephone, contact person and a description of work or supplies to be provided by each of the firms which will perform more than ½ of 1 percent, or \$10,000, whichever is greater, of the original Bid amount on the project. This list is considered the bidder's list of subcontractors that will be utilized on the project, and bidders are expected to use the firms, for the total dollar amounts, listed on the List of Subcontractors.
2. Subcontractors/Subcontractor Substitutions: Bidders will be required to submit this form prior to contract award. The bidder shall complete, sign, and submit this form to the Awarding Authority or its designee. A request for this form by City staff should not be construed as a recommendation for award. This form is a summary of the requirements listed under Section F. Subcontractors, and Section G. Subcontractor Substitutions, and does not supersede any of the procedures or requirements listed in those sections.

I. 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/subcontractor will result in sanctions set forth in provisions pertaining to listing of subcontractors.

J. Final Subcontracting Report Submittal

The Contractor must submit the Final Subcontracting Report, attached as page 15R, to the Awarding Authority or its designee, within **fifteen (15) calendar days** after the issuance of the Statement of Completion or a request for the report by the Awarding Authority, whichever comes first. Failure to comply may result in the assessment of liquidated damages in the amount of **\$100.00** per day by the Awarding Authority.

SUBCONTRACTORS / SUBCONTRACTOR SUBSTITUTIONS
(MUST BE SUBMITTED PRIOR TO AWARD OF A CONTRACT)

Project Name _____

Work Order Number _____

Contractor _____

Acceptance by the City of Los Angeles of this Contractor's Bid does not indicate automatic approval of the subcontractor(s) listed in the Bid-proposal.

By acknowledging with the signature of an authorized representative below, the Contractor understands that it must obtain approval for **all** Subcontractors, at all levels, whether Bid-Listed or not, from the Awarding Authority or its designee prior to the Subcontractor(s) performing any work on this project.

The Contractor understands that no entity other than the Awarding Authority or its designee has the authority to approve either an original request for approval or request for substitution of any subcontractor(s).

The Contractor further understands that Subcontractors approved for work on any other project for the City of Los Angeles does not constitute approval to work on this project also, and that there are no "blanket approvals" of Subcontractors for this, or any other, project.

The Contractor also understands that it may not substitute any Subcontractor, at any level, whether Bid-listed or not, without the approval of the Awarding Authority or its designee.

The Contractor understands and acknowledges that there may be a penalty assessed of no more than ten (10) percent of the subcontract amount of each Subcontractor for any of the following:

1. Failure to obtain approval for any Subcontractor(s), at any level, whether Bid-listed or not, from the Awarding Authority or its designee prior to the subcontractor(s) beginning work on the project.
2. Performing the work of any subcontractor(s) at any level, whether Bid-listed or not, without the approval of the Awarding Authority or its designee.
3. Reducing the Bid-listed and/or approved dollar amount of work to be performed by any Subcontractor(s), at any level, whether Bid-listed or not, for any reason, without the approval of the Awarding Authority or its designee.
4. Substituting for any Subcontractor(s), at any level, whether Bid-listed or not, without the approval of the Awarding Authority or its designee.
5. Assigning the work of any Subcontractor(s), at any level, whether Bid-listed or not, to anyone other than said Subcontractor, without the approval of the Awarding Authority or its designee.

Authorized Contractor Representative (Print Name)

Authorized Contractor Representative Signature

Date

FINAL SUBCONTRACTING REPORT

(SUBMIT WITHIN 15 DAYS OF ISSUANCE OF THE STATEMENT OF COMPLETION or WHEN REQUESTED BY THE AWARDING AUTHORITY)

Project Title: _____
 Contractor: _____

Work Order No.: _____
 Address: _____

Contact Name: _____

Name, Address and Telephone # of Bid-listed Subcontractor/Supplier/Trucker	Description of Work	MBE/WBE SBE/EBE DVBE/OBE	Original \$ Amount	Final \$ Amount	Reason For Discrepancy (Change Order Nos. and \$)

I certify that the above information is complete and correct.

Signature

Title

Telephone Number

Date

For City of Los Angeles use only:
 Final \$ Amounts Final \$ Amounts % Achieved % Pledged % Achieved % Pledged

Final Contract \$	MBE \$		
	WBE \$		
	SBE \$		

Final Contract \$	EBE \$		
	DVBE \$		
	OBE \$		

Final Contract \$	Total Cash Allowances Paid to Contractor \$	Final Contract less Cash Allowances Paid to Contractor \$	MSM \$		
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SCHEDULE "A" (Continued)
SUBCONTRACTORS AND SUPPLIERS

SUBCONTRACTORS OR SUPPLIERS NAME, ADDRESS, TELEPHONE NO.	SUB	SUPPLIER	CONTRACTOR LICENSE NO.	DESCRIPTION OF WORK OR SUPPLIES TO BE PROVIDED	MBE	WBE	SBE	EBE	DVBE	OBE	DOLLAR VALUE OF SUBCONTRACTOR or SUPPLIER (note if add/deduct item)
	<input type="checkbox"/>	<input type="checkbox"/>									Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>									Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>									Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>									Base: \$ _____ Add's: \$ _____ Ded's: \$ _____
	<input type="checkbox"/>	<input type="checkbox"/>									Base: \$ _____ Add's: \$ _____ Ded's: \$ _____

PLEDGE OF COMPLIANCE WITH CONTRACTOR RESPONSIBILITY ORDINANCE

Contractor Responsibility Ordinance

Bidders/Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the provisions of Los Angeles Administrative Code Section 10.40 et seq., Contractor Responsibility Ordinance (CRO). Bidders/ Proposers shall refer to Contractor Responsibility Ordinance, for further information regarding the requirements of the Ordinance.

All Bidders/Proposers shall complete and return, with their proposal, the Responsibility Questionnaire included in the Appendix/Attachment. Failure to return the completed Questionnaire may result in a Bidder/Proposer being deemed non-responsive.

(CRO RFP Language – rev. 7/1/03)

ARTICLE ____ - CONTRACTOR RESPONSIBILITY ORDINANCE

Unless otherwise exempt in accordance with the provisions of the Ordinance, this Contract is 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, which requires CONTRACTOR/CONSULTANT to update its responses to the responsibility questionnaire within thirty calendar days after any change to the responses previously provided if such change would affect CONTRACTOR'S/CONSULTANT'S fitness and ability to continue performing the CONTRACTOR/CONSULTANT pledges, under penalty of perjury, to comply with all applicable federal, state and local laws in the performance of this contract, including but not limited to, laws regarding health and safety, labor and employment, wages and hours, and licensing laws which affect employees. The CONTRACTOR/CONSULTANT further agrees to:

1. Notify the awarding authority within thirty (30) calendar days after receiving notification that any government agency has initiated an investigation which may result in a finding that the CONTRACTOR/CONSULTANT is not in compliance with all applicable federal, state and local laws in performance of this contract;
2. Notify the awarding authority with thirty (30) calendar days of all findings by a government agency or court of competent jurisdiction that the CONTRACTOR/CONSULTANT has violated the provisions of Section 10.40.3(a) of the Ordinance;
3. Ensure that its subcontractor(s) working on the CONTRACTOR'S/CONSULTANT'S City Contract submit a Pledge of Compliance to awarding authorities; and
4. Ensure that its subcontractor(s) working on the CONTRACTOR'S/CONSULTANT'S City Contract submit a Pledge of Compliance and requirement to notify Awarding Authorities within thirty (30) calendar days after any government agency or court of competent jurisdiction has initiated an investigation or has found that the subcontractor has violated Section 10.40.3(a) of the Ordinance in performance of the subcontract

(CRO Contract Language (Rev. 10/01/01))

CITY OF LOS ANGELES

PLEDGE OF COMPLIANCE WITH CONTRACTOR RESPONSIBILITY ORDINANCE

Los Angeles Administrative Code (LAAC) Section 10.40 et seq. (Contractor Responsibility Ordinance) provides that, unless specifically exempt, City contractors working under service contracts of at least \$25,000 and three 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, and construction contracts of any amount; public lessees; public licensees; and certain recipients of City financial assistance or City grant funds, shall 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 its subcontractor(s), shall submit this Pledge of Compliance to the awarding authority.

The contractor agrees to comply with the Contractor Responsibility Ordinance and the following provisions:

- (a) To comply with all federal, state, and local laws in the performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws, which affect employees.
(b) To notify the awarding authority within 30 calendar days after receiving notification that any governmental agency has initiated an investigation which may result in a finding that the contractor did not comply with any federal, state, or local law in the performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws, which affect employees.
(c) To notify the awarding authority within 30 calendar days of all findings by a governmental agency or court of competent jurisdiction that the contractor has violated any federal, state, or local law in the performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws which affect employees.
(d) If applicable, to provide the awarding authority, within 30 calendar days, updated responses to the Responsibility Questionnaire if any change occurs which would change any response contained within the Responsibility Questionnaire and such change would affect the contractor's fitness and ability to continue the contract.
(e) To ensure that subcontractors working on the City agreement (including contractors or subcontractors of a public lessee, licensee, sublessee, or sublicensee that perform or assist in performing services on the leased or licensed premises) shall comply with all federal, state, and local laws in the performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws, which affect employees.
(f) To ensure that subcontractors working on the City agreement (including contractors or subcontractors of a public lessee, licensee, sublessee, sublicensee that perform or assist in performing services on the leased or licensed premises) submit a Pledge of Compliance.
(g) To ensure that subcontractors working on the City agreement (including contractors or subcontractors of a public lessee, licensee, sublessee, or sublicensee that perform or assist in performing services on the leased or licensed premises) shall comply with paragraphs (b) and (c).

Failure to complete and submit this form to the Awarding Authority may result in withholding of payments by the City Controller, or contract termination.

Company Name, Address and Phone Number

Signature of Officer or Authorized Representative Date

Print Name and Title of Officer or Authorized Representative

Awarding City Department Contract Number

B. BUSINESS ORGANIZATION/STRUCTURE

Indicate the organizational structure of your firm. "Firm" includes a sole proprietorship, corporation, joint venture, consortium, association, or any combination thereof.

Corporation: Date incorporated: ____/____/____ State of incorporation: _____

List the corporation's current officers.

President: _____

Vice President: _____

Secretary: _____

Treasurer: _____

Check the box only if your firm is a publicly traded corporation.

List those who own 5% or more of the corporation's stock. Use Attachment A if more space is needed. Publicly traded corporations need not list the owners of 5% or more of the corporation's stock.

Partnership: Date formed: ____/____/____ State of formation: _____

List all partners in your firm. Use Attachment A if more space is needed.

Sole Proprietorship: Date started: ____/____/____

List any firm(s) that you have been associated with as an owner, partner, or officer for the last five years. Use Attachment A if more space is needed. Do not include ownership of stock in a publicly traded company in your response to this question.

Joint Venture: Date formed: ____/____/____

List: (1) each firm that is a member of the joint venture and (2) the percentage of ownership the firm will have in the joint venture. Use Attachment A if more space is needed. **Each member of the Joint Venture must complete a separate Questionnaire for the Joint Venture's submission to be considered as responsive to the invitation.**

C. OWNERSHIP AND NAME CHANGES

1. Is your firm a subsidiary, parent, holding company, or affiliate of another firm?

Yes No

If **Yes**, explain on Attachment A the relationship between your firm and the associated firms. Include information about an affiliated firm only if one firm owns 50% or more of another firm, or if an owner, partner or officer of your firm holds a similar position in another firm.

2. Has any of the firm's owners, partners, or officers operated a similar business in the past five years?

Yes No

If **Yes**, list on Attachment A the names and addresses of all such businesses, and the person who operated the business. Include information about a similar business only if an owner, partner or officer of your firm holds a similar position in another firm.

3. Has the firm changed names in the past five years?

Yes No

If **Yes**, list on Attachment A all prior names, addresses, and the dates they were used. Explain the reason for each name change in the last five years.

4. Are any of your firm's licenses held in the name of a corporation or partnership?

Yes No

If **Yes**, list on Attachment A the name of the corporation or partnership that actually holds the license.

Bidders/Contractors must continue on to Section D and answer all remaining questions contained in this Questionnaire.

The responses in this Questionnaire will not be made available to the public for review. This is not a public document. [CPCC §20101(a)]

D. FINANCIAL RESOURCES AND RESPONSIBILITY

5. In the past five years, has your firm ever been denied bonding?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance.

6. Is your firm now, or has it ever been at any time in the last five years, the debtor in a bankruptcy case?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance.

7. Is your firm in the process of, or in negotiations toward, being sold?

Yes No

If **Yes**, explain the circumstances on Attachment B.

E. INSURANCE

8. In the past five years, has any bonding company made any payments to satisfy any claims made against a bond issued on your firm's behalf?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance.

9. Indicate whether your firm currently has a workers' compensation insurance policy in effect, whether it is legally self-insured, or whether it currently has no workers' compensation insurance policy in effect.

Workers' Compensation Insurance Policy Currently in Effect

Legally Self-Insured

No Workers' Compensation Policy Currently in Effect

If you have no worker's compensation insurance policy currently in effect, and you are not legally self-insured, provide an explanation on Attachment B.

10. List the Experience Modification Rate (EMR) issued to your firm annually by your workers' compensation insurance carrier for the last three years. Begin with the most recent year (YR 1) that an EMR rate was issued (EMR -1). If any of the rates for the three years is or was 1.00 or higher, you may provide an explanation on Attachment B.

YR. 1: ___ EMR-1: ___ YR 2: ___ EMR-2: ___ YR. 3: ___ EMR-3:

11. Within the past five years, has your firm ever had employees but was without workers' compensation insurance or state approved self-insurance?

Yes No

If **Yes**, explain on Attachment B each instance. If **No**, attach a statement from your workers' compensation insurance provider that you have been continuously insured for the past five years.

F. PERFORMANCE HISTORY

12. How many years has your firm been in business? _____ Years.
13. Has your firm ever held any contracts with the City of Los Angeles or any of its departments?
 Yes No

If, **Yes**, list on Attachment B all contracts your firm has had with the City of Los Angeles for the last 10 years. For each contract listed in response to this question, include: (a) entity name; (b) name of a contact and phone number; (c) purpose of contract; (d) total cost; (e) starting date; and (f) ending date.

14. List on Attachment B all contracts your firm has had with any private or governmental entity (other than the City of Los Angeles) over the last five years that are similar to the work to be performed on the contract for which you are bidding or proposing. For each contract listed in response to this question, include: (a) entity name; (b) name of a contact and phone number; (c) purpose of contract; (d) total cost; (e) starting date; and (f) ending date.
 Check the box if you have not had any similar contracts in the last five years.
15. In the past five years, has a governmental or private entity or individual terminated your firm's contract prior to its completion of the contract?
 Yes No
 If **Yes**, explain on Attachment B the circumstances surrounding each instance.
16. In the past five years, has your firm used any subcontractor to perform work on a government contract when you knew that the subcontractor had been debarred by a governmental entity?
 Yes No
 If **Yes**, explain on Attachment B the circumstances surrounding each instance.
17. In the past five years, has your firm defaulted on a contract or been debarred or determined to be a non-responsible bidder or contractor?
 Yes No
 If **Yes**, explain on Attachment B the circumstances surrounding each instance.

G. DISPUTES

18. In the past five years, has your firm been the defendant in court on a matter related to any of the following issues? For parts (a) and (b) below, check **Yes** even if the matter proceeded to arbitration without court litigation. For part (c), check **Yes** only if the matter proceeded to court litigation. If you answer **Yes** to any of the questions below, explain the circumstances surrounding each instance on Attachment B. You must include the following in your response: the name of the plaintiffs in each court case, the specific causes of action in each case; the date each case was filed; and the disposition/current status of each case.
- (a) Payment to subcontractors?
 Yes No
- (b) Work performance on a contract?
 Yes No
- (c) Employment-related litigation brought by an employee?
 Yes No

19. Does your firm have any outstanding judgments pending against it?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance.

20. In the past five years, has your firm been assessed liquidated damages on a contract?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance and identify all such projects, the amount assessed and paid, and the name and address of the project owner.

H. COMPLIANCE

21. In the past five years, has your firm or any of its owners, partners or officers, ever been investigated, cited, assessed any penalties, or been found to have violated any laws, rules, or regulations enforced or administered, by any of the governmental entities listed on Attachment C (Page 10)? For this question, the term "owner" does not include owners of stock in your firm if your firm is a publicly traded corporation.

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance, including the entity that was involved, the dates of such instances, and the outcome.

22. If a license is required to perform any services provided by your firm, has your firm, or any person employed by your firm, been investigated, found to have violated, cited, assessed any penalties, or subject to any disciplinary action by a licensing agency for violation of any licensing laws in the past five years?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance in the last five years.

23. In the past five years, has your firm, any of its owners, partners, or officers, ever been penalized or given a letter of warning by the City of Los Angeles for failing to obtain authorization from the City for the substitution of a Minority-owned (MBE), Women-owned (WBE), or Other (OBE) business enterprise?

Yes No

If **Yes**, explain on Attachment B the circumstances surrounding each instance in the last five years.

24. Provide on **Attachment B**, the name(s), address(s) and telephone number(s) of the apprenticeship program sponsor(s) approved by the California Division of Apprenticeship Standards that will provide apprentices to your company for use on any public works projects that you are awarded by the City of Los Angeles.

Provide on **Attachment B**, the name(s), address(s) and telephone number(s) of the apprenticeship program sponsor(s) approved by the California Division of Apprenticeship Standards that have provided apprentices to your company on any public works project on which your firm has participated within the last 3 years.

I. BUSINESS INTEGRITY

25. For questions (a), (b), and (c) below, check **Yes** if the situation applies to your firm. For these questions, the term "firm" includes any owners, partners, or officers in the firm. The term "owner" does not include owners of stock in your firm if your firm is a publicly traded corporation. If you check **Yes** to any of the three questions below, explain on Attachment B the circumstances surrounding each instance.

(a) Is a governmental entity or public utility currently investigating your firm for making (a) false claim(s) or material misrepresentation(s)?

Yes **No**

(b) In the past five years, has a governmental entity or public utility alleged or determined that your firm made (a) false claim(s) or material misrepresentation(s)?

Yes **No**

(c) In the past five years, has your firm been convicted of, or found liable in a civil suit for, making (a) false claim(s) or material misrepresentation(s) to any governmental entity or public utility?

Yes **No**

26. In the past five years, has your firm, any of its owners or officers been convicted of a crime involving the bidding of a government contract, the awarding of a government contract, the performance of a government contract, or the crime of theft, fraud, embezzlement, perjury, or bribery? For this question, the term "owner" does not include owners of stock in your firm if your firm is a publicly traded corporation.

Yes **No**

If **Yes**, explain on Attachment B the circumstances surrounding each instance.

CERTIFICATION UNDER PENALTY OF PERJURY

I certify under penalty of perjury under the laws of the State of California that I have read and understand the questions contained in this questionnaire and the responses contained herein and on all Attachments. I further certify that I have provided full and complete answers to each question, and that all information provided in response to this Questionnaire is true and accurate to the best of my knowledge and belief.

Print Name, Title

Signature

Date

ATTACHMENT A FOR SECTIONS A THROUGH C

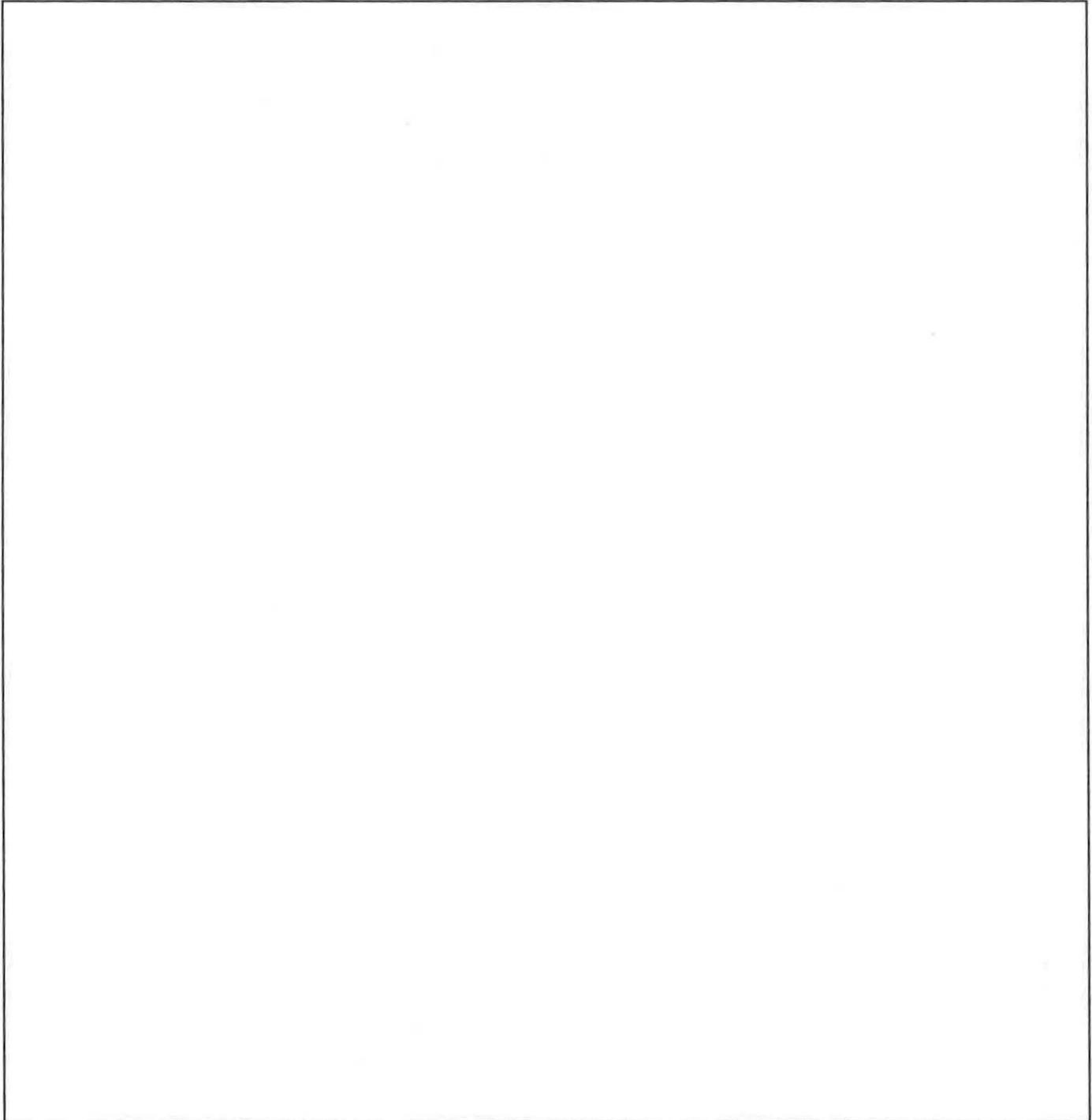
Where additional information or an explanation is required, use the space below to provide the information or explanation. Information submitted on this sheet must be typewritten. Include the number of the question for which you are submitting additional information. Make copies of this Attachment if additional pages are needed.

Page _____

ATTACHMENT B FOR SECTIONS D THROUGH I

Where additional information or an explanation is required, use the space below to provide the information or explanation. Information submitted on this sheet must be typewritten. Include the number of the question for which you are submitting additional information. Make copies of this Attachment if additional pages are needed.

Page _____



ATTACHMENT C: GOVERNMENTAL ENTITIES FOR QUESTION NO. 21

Check **Yes** in response to Question No. 21 if your firm or any of its owners, partners or officers, have ever been investigated, cited, assessed any penalties, or found to have violated any laws, rules, or regulations enforced or administered, by any of the governmental entities listed below (or any of its subdivisions), including but not limited to those examples specified below. The term "owner" does not include owners of stock in your firm if your firm is a publicly traded corporation. If you answered Yes, provide an explanation on Attachment B of the circumstances surrounding each instance, including the entity involved, the dates of such instances, and the outcome.

FEDERAL ENTITIES**Federal Department of Labor**

- American with Disabilities Act
- Immigration Reform and Control Act
- Family Medical Leave Act
- Fair Labor Standards Act
- Davis-Bacon and laws covering wage requirements for federal government contract workers
- Migrant and Seasonal Agricultural Workers Protection Act
- Immigration and Naturalization Act
- Occupational Safety and Health Act
- anti-discrimination provisions applicable to government contractors and subcontractors
- whistleblower protection laws

Federal Department of Justice

- Civil Rights Act
- American with Disabilities Act
- Immigration Reform and Control Act of 1986
- bankruptcy fraud and abuse

Federal Department of Housing and Urban Development (HUD)

- anti-discrimination provisions in federally subsidized/assisted/sponsored housing programs
- prevailing wage requirements applicable to HUD related programs

Federal Environmental Protection Agency

- Environmental Protection Act

National Labor Relations Board

- National Labor Relations Act

Federal Equal Employment Opportunity Commission

- Civil Rights Act
- Equal Pay Act
- Age Discrimination in Employment Act
- Rehabilitation Act
- Americans with Disabilities Act

STATE ENTITIES**California's Department of Industrial Relations**

- wage and labor standards, and licensing and registration
- occupational safety and health standards
- workers' compensation self insurance plans
- Workers' Compensation Act
- wage, hour, and working standards for apprentices
- any provision of the California Labor Code

California's Department of Fair Employment and Housing

- California Fair Employment and Housing Act
- Unruh Civil Rights Act
- Ralph Civil Rights Act

California Department of Consumer Affairs

- licensing, registration, and certification requirements
- occupational licensing requirements administered and/or enforced by any of the Department's boards, including the Contractor's State Licensing Board

California's Department of Justice**LOCAL ENTITIES**

City of Los Angeles or any of its subdivisions for violations of any law, ordinance, code, rule, or regulation administered and/or enforced by the City, including any letters of warning or sanctions issued by the City of Los Angeles for an unauthorized substitution of subcontractors, or unauthorized reductions in dollar amounts subcontracted.

OTHERS

Any other federal, state, local governmental entity for violation of any other federal, state, or local law or regulation relating to wages, labor, or other terms and conditions of employment.

SECURITY GUARD SERVICES

In the event the successful contractor elects to provide a security guard at the project site, the contractor will guarantee that the security personnel are properly trained, qualified, and certified, and meet the minimum requirements and qualifications, and have the following licenses and permits in the files:

1. All current and required licenses, certificates and/or permits, permanent "Guard Card" and permanent "Gun Card" (when the site or assignment requires the security officer to be armed, otherwise a permanent "Gun Card" is not required).
2. Permits and/or licenses to carry and use pepper spray, handcuffs, solid PR-24 baton, firearms/weapons.
3. Certificate of Knowledge and Powers of Arrest for private persons.
4. Special Officer permits from the LAPD. (L.A.M.C. Sect. 52.34, LAPD Special Officer's Permit).
5. Valid Class C California Driver's License and/or California I.D.
6. Authorization for release of all Security Officer and Field Supervisor file information to the Contract Administrator.

In Addition, security officers/guards who have been involved in any of the following will not be accepted for assignment to City owned project sites:

1. Any Felony Conviction.
2. Any high-grade misdemeanor.
3. Any Sex Crime Conviction.
4. Any military conduct that involved dishonorable discharge, bad conduct, or an undesirable discharge.

Verification for above violations, military conduct, and crime will be done through California Dept. of Justice, DMV, and/or FBI.

Presentation of Documents:

All Contract Security Officers and Field Supervisors shall present all required identification, certificates, permits, etc. upon demand of Contract Administrator or authorized designee/officer. Failure of any Security Officer and/or Field Supervisor to comply will result in immediate removal from all City Facilities

Slavery Disclosure Ordinance

Unless otherwise exempt, in accordance with the provisions of the Slavery Disclosure Ordinance, any contract awarded pursuant to this RFB/RFP/RFQ will be subject to the Slavery Disclosure Ordinance, Section 10.41 of the Los Angeles Administrative Code.

All Bidders/Proposers shall complete and upload the Slavery Disclosure Ordinance Affidavit (one (1) page) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract.

Bidders/Proposers seeking additional information regarding the requirements of the Slavery Disclosure Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

Municipal Lobbying Ordinance



◆◆◆ Los Angeles Municipal Code §§ 48.01 *et seq.*

Effective January 30, 2013

Prepared by



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**Los Angeles Municipal Lobbying Ordinance
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Municipal Lobbying Ordinance

Los Angeles Municipal Code Chapter IV, Article 8

Repealed and Re-added by Ordinance No. 169916, effective 8/10/94.

SEC. 48.01. Title and Findings

- A. **Title.** This Article shall be known and may be cited as the Los Angeles Municipal Lobbying Ordinance.
- B. **Findings.** The following findings are adopted in conjunction with the enactment of this Article:
1. City Government functions to serve the needs of all citizens.
 2. The citizens of the City of Los Angeles have a right to know the identity of interests which attempt to influence decisions of City government, as well as the means employed by those interests.
 3. All persons engaged in compensated lobbying activities aimed at influencing decisions by City government must, when so engaged, be subject to the same regulations, restrictions and requirements, regardless of their background, training or other professional qualifications or license.
 4. Complete public disclosure of the full range of activities by and financing of lobbyists and those who employ their services is essential to the maintenance of citizen confidence in the integrity of local government.
 5. It is in the public interest to ensure that lobbyists do not misrepresent facts, their positions, or attempt to

deceive officials through false communications, do not place City officials under personal obligation to themselves or their clients, and do not represent that they can control the actions of City officials.

6. It is in the public interest to adopt these amendments to the City's regulations of lobbyists to ensure adequate and effective disclosure of information about efforts to lobby City government.

History:

Amended by Ord. No. 169916, effective 8/10/94.

SEC. 48.02. Definitions

The following terms used in this Article shall have the meanings set forth below. Other terms used in this Article shall have the meanings set forth in the California Political Reform Act of 1974, as amended, and in the regulations of the California Fair Political Practices Commission, as amended, if defined therein.

"Activity expense" means any payment, including any gift, made to or directly benefiting any City official or member of his or her immediate family, made by a lobbyist, lobbying firm, or lobbyist employer.

"Agency" means the City of Los Angeles or any department, bureau, office, board, commission, other agency of the City, or any other government agency, required to adopt a conflict of interest code subject

to City Council approval, and includes the City's Community Redevelopment Agency and the Los Angeles City Housing Authority.

"At the behest" means under the control of, at the direction of, in cooperation, consultation, coordination, or concert with, at the request or suggestion of, or with the express prior consent of any elective City officer or candidate for elective City office. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elective City officer or candidate if the donation is solicited through a newspaper publication, through radio, television, or other mass media, or through a suggestion made to the entire audience at a public gathering. A donation to a religious, charitable, or other nonprofit organization is not made at the behest of an elective City officer or candidate solely because the name of the officer or candidate is listed with other names on written materials used to request donations or the officer or candidate makes a speech to the entire audience or is honored and given an award at an event sponsored by the organization.

"Attempting to influence" means promoting, supporting, opposing or seeking to modify or delay any action on municipal legislation by any means, including but not limited to providing or using persuasion, information, statistics, analyses or studies. A person attempts to influence municipal legislation when he or she engages in lobbying activities for the purpose of influencing a decision.

"City official" means any elective or appointed City officer, member, employee or consultant (who qualifies as a public official within the meaning of the Political Reform Act) of any agency, who,

as part of his or her official duties, participates in the consideration of any municipal legislation other than in a purely clerical, secretarial or ministerial capacity.

"Client" means both

- (1) the person who compensates a lobbyist or lobbying firm for the purpose of attempting to influence municipal legislation and
- (2) the person on whose behalf a lobbyist or lobbying firm attempts to influence such municipal legislation, even if the lobbyist or lobbying firm is compensated by another person for such representation.

However, if a lobbyist or lobbying firm represents a membership organization and individual members of that organization, an individual member is not a client solely because the member is individually represented by the lobbyist or lobbying firm unless the member makes a payment for such representation in addition to usual membership fees.

"Compensated services" means services for which compensation was paid during a reporting period or for which the lobbyist or lobbying firm became entitled to compensation during that period.

"Controlled committee" means any committee controlled by an elective City officer or candidate for any elective City office, including any campaign, officeholder, legal defense fund, or ballot measure committee.

"Direct communication" means appearing as a witness before, talking to (either by telephone or in person),

corresponding with, or answering questions or inquiries from, any City official or employee, either personally or through an agent who acts under one's direct supervision, control or direction.

"Donation" means a payment for which full and adequate consideration is not received.

"Elective city officer" means the Mayor, City Attorney, Controller and Member of the City Council.

"Elective officer" means any person who is a City Council Member, City Attorney, Controller or Mayor, whether appointed or elected.

"Fundraiser" means an individual who receives compensation to engage in fundraising activity as defined in this section.

"Fundraising activity" means soliciting a contribution or hosting or sponsoring a fundraising event or hiring a fundraiser or contractor to conduct any event designed primarily for political fundraising at which contributions for an elective City officer, candidate for elective City office, or any of his or her controlled committees are solicited, delivered or made.

"Host or sponsor" means to provide the use of a home or business to hold a political fundraising event without charging market value for the use of that location; to ask more than 25 persons to attend the event; to pay for at least a majority of the costs of the event; or to provide the candidate, campaign, committee and/or fundraiser more than 25 names to be used for invitations to the event.

"Lobbying activities" includes the following and similar compensated conduct when that conduct is related to a direct communication to influence any municipal legislation:

- (1) engaging in, either personally or through an agent, written or oral direct communication with a City official;
- (2) drafting ordinances, resolutions or regulations;
- (3) providing advice or recommending strategy to a client or others;
- (4) research, investigation and information gathering;
- (5) seeking to influence the position of a third party on municipal legislation or an issue related to municipal legislation by any means, including but not limited to engaging in community, public or press relations activities; and
- (6) attending or monitoring City meetings, hearings or other events.

"Lobbying entity" means a lobbyist, lobbying firm or lobbyist employer, as defined in this article.

"Lobbying firm" means any entity, including an individual lobbyist, which receives or becomes entitled to receive \$1,000 or more in monetary or in-kind compensation for engaging in lobbying activities (either personally or through its agents) during any consecutive three-month period, for the purpose of attempting to influence municipal legislation on behalf of any other person, provided any partner, owner,

shareholder, officer or employee of the entity qualifies as a lobbyist. Compensation does not include reimbursement of or payment for reasonable travel expenses. An entity receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this article or is received for other activities as well; however, only that portion of compensation received for the lobbying activities shall count toward the qualification threshold. An entity **"becomes entitled to receive compensation"** when the entity agrees to provide services regulated by this Article, or performs those services, whether or not payment is contingent on the accomplishment of the client's purposes.

"Lobbyist" means any individual who is compensated to spend 30 or more hours in any consecutive three-month period engaged in lobbying activities which include at least one direct communication with a City official or employee, conducted either personally or through agents, for the purpose of attempting to influence municipal legislation on behalf of any other person.

Compensation does not include reimbursement of or payment for reasonable travel expenses. A person receives compensation within the meaning of this definition whether or not the compensation is received solely for activities regulated by this Article or is received for both lobbying activities and other activities as well. However, only the compensation for the lobbying activities shall be calculated to determine whether an individual qualifies as a lobbyist. An individual **"becomes entitled to receive**

compensation" when the individual or the entity in which the individual is an employee, partner, owner, shareholder or officer, agrees to provide services regulated by this Article, or performs those services, regardless of whether payment is contingent on the accomplishment of the client's purposes. A lobbyist includes a person who owns an investment in a business entity if that person attempts to influence municipal legislation on behalf of the business entity and if the person acquires the investment as compensation for his or her lobbying services or in contemplation of performing those services.

"Lobbyist employer" means an entity, other than a lobbying firm, that employs a lobbyist in-house to lobby on its behalf.

"Major filer" means any person who makes payments or incurs expenditures totaling \$5,000 or more during any calendar quarter for public relations, media relations, advertising, public outreach, research, investigation, reports, analyses, studies, or similar activities, for the purpose of attempting to influence action on any proposed or pending matter of municipal legislation, if these payments or expenditures are not required to be reported on a lobbyist or lobbying firm quarterly report. A **"major filer"** does not include a lobbyist, lobbyist employer, or lobbying firm. Expenditures and payments for regularly published newsletters or other routine communications between an organization and its members shall not be counted for the purpose of this definition.

"Municipal legislation" means any legislative or administrative matter proposed or pending before any agency (as defined in this Article), including but

not limited to those involving the granting, denial, revocation, restriction or modification of a license, permit or entitlement for use (including all land use permits) if the Mayor, the City Council, any of its committees, any agency board, commission, committee, or general manager, or any agency officer or employee charged by law with holding a hearing and making a decision, is charged by law with making a final decision on the matter. However, "municipal legislation" does not include any of the following:

- (1) A request for advice or for an interpretation of laws, regulations, City approvals or policies, or a direct response to an enforcement proceeding with the City Ethics Commission.
- (2) Any ministerial action. An action is ministerial if it does not require the City official or employees involved to exercise discretion concerning any outcome or course of action.
- (3) Any action relating to the establishment, amendment, administration, implementation or interpretation of a collective bargaining agreement or memorandum of understanding between an agency and a recognized employee organization, or a proceeding before the Civil Service Commission or the Employee Relations Board. Further, it does not include management decisions as to the working conditions of represented employees that clearly relate to the terms of such collective bargaining agreement or memorandum of understanding. Nevertheless,

"municipal legislation" does include any action relating to collective bargaining taken by the City Council, any of its committees or members (including the staffs of such members), or by the Mayor or his or her office.

- (4) Preparation or compilation of any radius map, vicinity map, plot plan, site plan, property owners or tenants list, abutting property owners list, photographs of property, proof of ownership or copy of lease, or neighbor signatures required to be submitted to the City Planning Department.

"Person" means any individual, business entity, trust corporation association, committee, or any other organization or group of persons acting in concert.

"Solicit" means to ask, personally or through an agent, that another person make a contribution to an elective City officer or candidate for City office, or to his or her controlled committee, including allowing one's signature to be used on a written request for funds. For purposes of this article, a lobbying entity solicits a contribution only when the lobbying entity does so

- (1) at the behest of the elective City officer or candidate for elective City office, or his or her campaign treasurer, campaign manager, or member of his or her fundraising committee, or
- (2) if the lobbying entity has informed the candidate or officer that the person is soliciting the contributions.

A person does not solicit, however, by making a request for funds publicly to at least a majority of persons who attend

any public gathering, or by making a request that appears published in a newspaper, on radio or television.

History:

Amended by Ord. No. 169916, effective 8/10/94.

Amended by Ord. No. 172479, effective 4/10/99.

Amended by Ord. No. 175432, effective 9/28/03.

Amended by Ord. No. 178064, effective 1/15/07.

Amended by Ord. No. 178356, effective 3/12/07.

SEC. 48.03. Exemptions

The following persons are exempt from the requirements of this Article:

- A. Any public official acting in his or her official capacity, and any government employee acting within the scope of his or her employment.
- B. A newspaper or other regularly published periodical, radio or television station or network, including any individual who owns, publishes or is employed by such newspaper, periodical or station or network, when, in the ordinary course of its business, it publishes or broadcasts news, editorials or other comments, or paid advertising, which directly or indirectly attempts to influence action on municipal legislation. This exemption does not apply to any other action by any such newspaper, periodical, station or network, or by any such person, to attempt to influence municipal legislation, if such activity otherwise regulated by this Article.
- C. A person acting without any compensation or consideration other than reimbursement or payment of reasonable travel expenses.
- D. Any person whose only activity is submitting a bid on a competitively bid

contract, submitting a written response to or participating in an oral interview for a request for proposals or qualifications, or negotiating the terms of a written agreement with any City agency if selected pursuant to that bid or request for proposals or qualifications. Except with regard to persons covered by subsections E and F, this exemption shall not apply to any person who attempts to influence the action of the Mayor or Mayor's staff, any member of the City Council or their staffs, or any board or commission member with regard to any such contract.

- E. Any organization exempt from federal taxation pursuant to Section 501(c)(3) of the Internal Revenue Code, which receives funding from any federal, state or local government agency for the purpose of representing the interests of indigent persons and whose primary purpose is to provide direct services to those persons, if the individual or individuals represented by the organization before any City agency provide no payment to the organization for that representation. This exemption shall not apply to direct contracts with a City official in other than a publicly noticed meeting, for the purpose of attempting to influence a City decision with regard to any City funding which the organization is seeking.
- F. Any person employed by an organization described in Subsection E with respect to his or her activities as an employee of the organization.

History:

Amended by Ord. No. 169916, effective 8/10/94.