REQUEST FOR PROPOSALS

As-Needed Talent Agent / Talent Provider Services

Release Date: November 8, 2017

Pre-Proposal Conference: November 28, 2017 @9:30 AM
Figueroa Plaza
Department of Recreation and Parks
221 North Figueroa Street, Suite 300A
Los Angeles, CA 90012

Due Date: January 9, 2018 @1:00 PM
Department of Recreation and Parks
Office of the Board of Commissioners
221 N. Figueroa Street, Suite 300
Los Angeles, CA 90012

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FOR
AS-NEEDED TALENT AGENT / TALENT PROVIDER SERVICES

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REQUEST FOR PROPOSALS
FOR
AS-NEEDED TALENT AGENT / TALENT PROVIDER SERVICES

I. INTRODUCTION

The Department of Recreation and Parks (RAP) offers access to parks, beaches, mountain trails, campgrounds and historical sites. In addition, RAP hosts and provides a variety of musical events and concerts throughout the year at various RAP locations, as well as other events that require outside performers of many varieties. Musical events and concerts such as Summer Concert Series, Winter Concert program, Winter Holiday Festival, etc., are featured every year. Due to the popularity of these events, RAP is seeking to expand programming and to contract high profile musicians, musical groups and performers for the enjoyment of the public.

RAP is seeking experienced contractors to provide talent agent / talent provider services on an as-needed basis to secure Musicians, Musical Groups and Performers to provide as-needed family-oriented entertainment and acts to the public at various RAP and City of Los Angeles sponsored events and programs.

II. OBJECTIVE

The objective of this Request for Proposals (RFP) is to enter into Personal Service Contract(s) (Contract) for as-needed talent agent / talent provider services with multiple proposers responding to this RFP.

The term of the Contract will be for a period of one (1) year, with two (2) one (1) year options to renew, exercisable at the sole discretion of the General Manager of RAP (General Manager), in an amount not to exceed Two Million Dollars ($2,000,000.00) per year per Contract.

The contract amounts stated herein are an estimate; nothing herein guarantees that the total compensation amount will be reached. RAP, in entering into a Contract with the selected proposers, guarantees no minimum amount of business or compensation. The contract awarded through this RFP shall be subject to funding availability and to early termination by RAP, as provided in Standard Provisions for City Contracts (Rev. 10/17) (Exhibit A).

III. DEFINITION

Talent Agent / Talent Provider services include but is not limited to the following:

- The Talent Agent / Talent Provider will submit a list of their particular agencies’ contracted performers including but not limited to, children’s, pop, swing, rock, classical and unique artistry, and performance acts. Performance acts will include but not limited to magicians, jugglers, balancing acts, novelty acts, entertainments, and other family oriented acts.
- The Talent Agent / Talent Provider will provide for the agreed upon artist in their agency:
  - A contract including the band name, date, load in time, curtain time and length of performance.
  - A stage plot of the band.
  - An input sheet for the band.
• The Talent Agent / Talent Provider will include price list of various musical performers in their agency.
• The Talent Agent / Talent Provider will provide a quote to RAP for the list of artist booked including date, price, agents, booking fee, including deposit and balance amount and due date of fee.
• The Talent Agent / Talent Provider will provide an invoice to RAP for the list of artist booked including date, price, agents, booking fee, including deposit and the balance amount and due date of fee.
• The Talent Agent / Talent Provider will provide a Letter of Conformation with signature stating that all artist have been booked and contracted to perform at the selected venue.
• It is the responsibility of the Talent Agent / Talent Provider, after receiving payment from the City of Los Angeles for deposits and balances, to pay all musicians, artists and/or artist agencies on time in the form of required payment requested by the agent, agency or artist, and under no circumstances will a cash transaction take place.
• The Talent Agent / Talent Provider will also act as a Subcontractor Payee for talent booked by RAP out of any contracted agency or particular group.
  o When participating as a Subcontractor Payee, the Talent Agent / Talent Provider will work with RAP in providing quotes, invoices and Letters of Conformation.
  o When participating as a Subcontractor Payee, the Talent Agent / Talent Provider will still receive a booking fee or commission for acting as a Subcontractor Payee.
• Booking fee or commission paid to the Talent Agent / Talent Provider shall be calculated based on the amount of contract i.e., 1) For contract amounts of Sixty Thousand Dollars (60,000.00) or less – booking fee shall not exceed ten percent (10%) of contract amount and 2) For contract amounts over Sixty Thousand Dollars (60,000.00) – booking fee shall not exceed seven and one half percent (7.5%) of contract amount.
• Under no circumstances, will RAP pay a booking fee or commission in excess of those stated above to the Talent Agent / Talent Provider.

IV. SCOPE OF WORK

Under the guidance and direction of the RAP’s Facility Director securing services, the selected proposer (Contractor) shall secure or book Musicians, Musical Groups and Performers for the purpose of providing family-oriented musical performances and acts at various RAP and City-wide events.

A. Scheduling Musicians, Musical Groups and Performers:

1. RAP shall notify and inform Contractor of the type or types (musical genres) of musicians or entertainment acts required to perform for an event between eight (8) weeks to six (6) months prior to the scheduled event. RAP shall provide to Contractor the number of performance slots scheduled for each stage and day of the event that will require Musicians, Musical Groups and Performers.

2. Contractor shall provide to RAP a list of Musicians, Musical Groups and Performers that will be available to perform on each day of the event at least six (6) weeks prior to start of the event. The list of Musicians, Musical Groups and Performers (List) shall include the names, schedule of dates and times of performance listed by day and stage, description of performance (musical genre), number of Musicians,
Musical Groups and Performers and their fees. Contractor shall ensure that Musicians, Musical Groups and Performers are available to be scheduled for each of the required number of performance slots.

3. RAP will select Musicians, Musical Groups and Performers from the List and submit a written offer to the Contractor. The written offer shall include the name of selected Musicians, Musical Groups and Performers and the compensation that RAP will provide. RAP may approve, reject, add or request to replace Musicians, Musical Groups and Performers from the List. RAP reserves the right to package or bundle Musicians, Musical Groups and Performers when booking concerts and events.

4. If RAP rejects, adds to, or requests to replace any Musicians, Musical Groups and Performers on List, Contractor shall provide a new List within two (2) days after the request, and that new List shall be subject to the approval of RAP.

5. Upon approval of the List by RAP, Contractor shall provide confirmation within six (6) weeks prior to the event by submitting a final List of scheduled Musicians, Musical Groups and Performers to RAP.

6. Contractor shall be responsible for booking the Musicians, Musical Groups and Performers listed on the final List to perform on the scheduled time, date, and location of the event.

7. Contractor shall provide the lowest prices possible to RAP for performances by the Musicians, Musical Groups and Performers.

8. Contractor shall be responsible for directly compensating the Musicians, Musical Groups and Performers.

9. Contractor shall ensure that compensation paid to Musicians, Musical Groups and Performers shall not exceed the amount(s) agreed upon.

B. Contractor shall ensure that Musicians, Musical Groups and Performers:

1. Perform on the date, time, duration of services and at location agreed upon between Contractor and RAP;

2. Provide musical instruments and other equipment (which may or may not include sound equipment) necessary for each performance;

3. Provide adequate time for load in, set-up and take down of equipment and that Musicians, Musical Groups and Performers arrive at the designated facility at least ninety (90) minutes before performance to load in and set-up back line, instruments, and other necessary equipment for the duration of thirty (30) minutes; check audio line and level for the duration of thirty (30) minutes; and clear the stage and prepare for the duration of thirty (30) minutes before the scheduled start of performance (i.e. for costume change, paperwork completion, etc.)

C. Cancellation (applicable to the booking of local bands):

1. RAP or Contractor shall notify each other of cancellation no later than fifteen (15) days prior to date of scheduled performance and neither party will be liable for payment to the other.

2. If RAP gives notice of cancellation to Contractor fourteen (14) days or less prior to
date of scheduled performance, RAP shall pay Contractor one hundred percent (100%) of the fee agreed upon herein.

3. If Contractor gives notice of cancellation to RAP fourteen (14) days or less prior to date of scheduled performance, Contractor will perform a free show at date and time mutually agreeable to the Contractor and Facility Director, as compensation to RAP.

4. Notwithstanding the foregoing, either RAP or Contractor may cancel the performance due to circumstances beyond the reasonable control and without the fault and negligence of either party, as stated in PSC-6 of the Standard Provisions for City Contracts (Exhibit A). These circumstances would cover inclement weather, which includes, without limitation, heavy rain or excessive heat and/or natural disasters. If the event is cancelled or suspended due to circumstances described herein, neither party shall incur any liability for payment to the other party as a result of such cancellation.

V. PROPOSAL ITEMS

The following section will comprise the fundamentals of the Contract. In the written proposal, proposers should include detailed responses to each of the Proposal Items. If selected as the winning proposal, the proposer must be willing and able to commit to the Proposal. The contents of a proposer’s response will be deemed a binding commitment and included as an attachment to the Contract.

Keeping in mind the talent agent / talent provider service needs of RAP and the requirements of the City as set forth in this RFP, proposers are encouraged to submit a practical and sustainable proposal. Accordingly, proposers must respond to each of the following items in their written proposal. Each response in the proposal must correspond to each of the numbered items herein.

NOTE: ONLY ONE OPTION FOR EACH PROPOSAL CRITERION WILL BE ACCEPTED PER SUBMITTAL. MULTIPLE PROPOSAL OPTIONS CONTAINED IN A SINGLE PROPOSAL WILL BE CAUSE TO FIND THE SUBMITTED PROPOSAL NON-RESPONSIVE TO THE RFP. HOWEVER, PROPOSERS ARE WELCOME TO SUBMIT MORE THAN ONE PROPOSAL IN RESPONSE TO THIS RFP.

Proposal Items

A. Experience and Minimum Qualifications
B. Proposed Services and Products
C. Prices of Proposed Services and Products

Proposer shall submit a list of their references, experience, and qualifications as stated below:

A. Experience and Minimum Qualifications
Only firms who possess minimum of five (5) years working in the field of providing entertainment, for public agencies and/or other large organizations will be considered. Proposer shall submit a list of their references, experience, and qualifications as stated below:
1. **Experience and Minimum Qualifications of Firm and Key Personnel**

Proposers shall supply information concerning the background and experience of the proposing firm and the key personnel proposing to work on RAP’s contract as listed in Scope of Work (Section IV of this RFP). RAP reserves the right to approve or reject key personnel. The following are minimum qualifications required from the proposer that must be met.

- Proposers must have a current California Talent Agency License
- Proposers must be bonded
- Proposers must provide a list of at least ten (10) outdoor music events / festivals over the last five (5) years in the Los Angeles area which their company provided talent.
- Proposers must provide a list of at least ten (10) national music artists that they have supplied to various events / concerts throughout the United States.
- Proposers must provide an annual list of talent and their respective price list available to their agency.

The following are examples of items that are to be included:

a. Profile of firm including a brief history, year founded, business entity type, location of headquarters and subsidiaries (if any), services provided, and approximate number of personnel. State past two (2) years annual gross revenue figures as stated on firm’s 2016 and 2017 tax or fiscal year returns.

b. Qualifications and experience of key personnel of the firm that will be assigned to this project. Submit resumes including title, duties/tasks, listing relevant licenses held, if applicable, qualifications, as well as years of relevant work experience.

2. **Experience with Similar Contracts**

Proposer shall provide a description of previous work experience in servicing similar contracts over the past five (5) years, preferably with public agency clients, but not limited to such.

a. Client’s name and address;

b. Beginning and ending dates of the contracts;

c. Summary of the Scope of Services provided;

d. Contact person to provide reference (include name and telephone number).

3. **References**

Submitted responses shall include at least two (2) reference letters from former or current clients to document work experience and client satisfaction. The letters are to include name, business address, and phone number of contact person.

**Note:** Submission of a proposal in response to this RFP constitutes permission to RAP to contact any identified previous clients to request information on the performance of the Proposer.

**B. Proposed Services and Products**

Provide a description of the services and products provided. The information to be submitted must include:

1. A narrative description of the type of talent agent / talent provider services that your company specializes in, including, but not limited to, a description of the types of acts or musical genres that are provided.
2. Details of the services and products to be provided, to include:
   a. Type of performer or entertainment service to be provided, including a brief description of act or show;
   b. Duration of act or show;
   c. Equipment that entertainer provides for performance.

C. Prices of Proposed Services and Products

1. Provide not to exceed prices for services and products for items above (Section V.B) on a fixed price basis for the first twelve (12) month period of the contract.

2. Provide not to exceed prices for services and products for items above (Section V.B) on a fixed price basis for the next renewal options. An updated price sheet for the above referenced items shall be provided at the beginning of the eighth (8th) month of the current contract period.

VI. EVALUATION AND AWARD

A. Evaluation Process and Criteria
RAP reserves the right to request additional information to clarify information submitted in response to this RFP. The evaluation of proposals will consist of two levels. Each proposer must pass Level I in order to advance to Level II.

Tentative Interview Dates:
Interviews of the proposers by the evaluation panel may be scheduled at a later date for the purpose of clarifying matters in the proposals or responding to questions by the evaluation panel.

Level I – Compliance with RFP Submittal Requirements:
RAP will conduct a preliminary evaluation of the following items from all proposals in response to this RFP by the deadline to determine compliance with proposal requirements and mandatory document submissions.

- Cover Letter
- Proposal Deposit
- Proposal Items
- Compliance Documents

Level II – Evaluation and Scoring Criteria of Proposal Items:
For the purposes of Level II evaluation, the responsive proposals will be evaluated, ranked and scored based on the criteria below:

Experience and Minimum Qualifications (40 points possible)
- Years and quality of experience in similar and relevant field(s).
- Variety and number of acts within their company’s representative talent group.

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<tr>
<td>1. Best Proposal</td>
<td>40 points</td>
<td>5. Fifth Best</td>
<td>28 - 30 points</td>
</tr>
<tr>
<td>3. Third Best</td>
<td>34 - 36 points</td>
<td>7. Seventh Best</td>
<td>22 - 24 points</td>
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<td>4. Fourth Best</td>
<td>31 - 33 points</td>
<td>8. Eighth Best</td>
<td>19 - 21 points</td>
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Proposed Services and Products (30 points possible)

- Variety of musical acts and variety of genres offered.
- Number of bands or musical groups offered within a particular musical genre.

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<td>30 points</td>
<td>5. Fifth</td>
<td>18 - 20</td>
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<tr>
<td>Second</td>
<td>27 - 29</td>
<td>Sixth</td>
<td>15 - 17</td>
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<tr>
<td>Third</td>
<td>24 - 26</td>
<td>Seventh</td>
<td>12 - 14</td>
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Prices of Proposed Services and Products (30 points possible)

- Appropriateness of basis of proposed prices.
- Appropriateness of proposed prices over the term of the contract.
- Practicality and soundness of proposed prices.

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B. Evaluation and Recommendation

Responsive proposals to this RFP will be scored in each of the criteria above and ranked according to scores achieved. A comprehensive evaluation of the proposals by a panel of City and/or non-City employees will be conducted.

Furthermore, the City reserves the right to conduct such investigations as the City considers appropriate with respect to the qualifications of each responsive proposer and any information contained in its proposal.

All proposals will be evaluated solely on the basis of the criteria listed above and the ranking of any outside expert review panel will serve as a basis to formulate the General Manager's recommendation, setting forth the reasons for recommendation in a Board Report. The Board of Recreation and Park Commissioners (Board) will consider the General Manager's recommendation during a public Board meeting and may accept or reject the General Manager's recommendation in making its decision as to the selection, if any, stating publicly the reasons for their action.

C. Award

The General Manager of RAP recommends contract awards to the Board. RAP shall notify all proposers in writing of the General Manager's recommendation.

The Board will consider the General Manager's recommendation during a public Commission meeting and may accept or reject the General Manager's recommendation in making their decision as to the selection.

Section 10.5 of the Los Angeles Administrative Code requires approval by the City Council of contracts for periods of longer than three (3) years. Contracts are deemed to be executed upon the date of signature, or as otherwise stipulated under the Terms section of the Contract.

Once the award is approved, the selected proposer will complete and submit the additional documents as required by this RFP, City Attorney, City Ordinance, State and/or Federal laws within sixty (60) calendar days from the date the contract is awarded by the Board.
D. **Insurance Requirements**

All insurance documents must be submitted and approved no later than fourteen (14) calendar days after the award of each as-needed project. Proposers shall refer to City of Los Angeles Insurance Requirements included in Exhibit B at the back of this document, and comply with all requirements within.

E. **Protest**

Should a proposer object on any ground to any provision or legal requirement set forth in the RFP, or any addendum to the RFP, the proposer must, not more than ten (10) calendar days after the RFP or addendum is issued, provide written notice to RAP setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

F. **City’s Right to Reject Proposals and to Waive Informalities**

In accordance with Los Angeles City Charter Section 371(c): “The City shall reserve the right to reject any and all bids or proposals and to waive any informality in the bid or proposal when to do so would be to the advantage of the City. The City may also reject the bid or proposal of any bidder or proposer who has previously failed to timely and satisfactorily perform any contract with the City.”

VII. **INSTRUCTIONS TO PROPOSERS**

A. **Submitting a Written Proposal**

To be considered for award of this Contract, proposing entities must submit a sealed, written proposal in response to the Proposal Items indicated in Section V of this RFP. Provide information about your background and your applicable experience. Proposals are evaluated based on several evaluation criteria as indicated in this RFP.

Proposers may wish to consider the following guidelines in preparing their proposals:

- Make sure your proposal is well-organized and easy to read.
- Verify that your proposal is complete and that you’ve completely responded to all Proposal Items and Compliance Documents in the RFP.
- Formulate responses precisely and with detail; avoid vague, meaningless, or open-ended responses. Explain how your response furthers the stated objective.

**IMPORTANT:**

**Charter Section 371(e)(10)**

In approving this RFP, the Board of Recreation and Parks (hereinafter the “Board”), in its capacity as the contract awarding authority for the Department of Recreation and Parks (RAP), finds, pursuant to Charter Section 371 (e) (10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by RAP for the improvement, operation and maintenance of the RAP’s concession. To select the best proposer for this concession, the Board finds it is necessary to utilize a standard request for proposals process and to evaluate proposals received based upon the criteria included in this RFP. The Board specifically finds that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet RAP’s needs and therefore opts to utilize the standard request for proposals process.

Your written submittal to this RFP process will be the primary basis on which the City will consider its award for the Contract; therefore, proposers should be as thorough and as detailed as possible.
when responding to each proposal item and assembling a proposal. In the written proposal, proposers must include responses to ALL proposal items requested herein below. Proposers will not be able to add to or modify their proposals after the proposal due date.

The City may deem a proposer non-responsive if the proposer fails to provide all required documentation and copies.

Proposals accepted by the City in writing constitute a legally binding contract offer. It is requested that proposals be prepared simply and economically, avoiding the use of unnecessary promotional material.

B. **Submittal Requirements:** Proposals must contain ALL of the following:

1. **Cover Letter**
   Proposers are to include a cover letter indicating the contact information for the entity proposing. Include, at a minimum:
   
   a. Key names, including title and position;
   b. Complete mailing address;
   c. Telephone and fax numbers (including office and cell numbers as appropriate);
   d. E-mail addresses, and any other information needed by City staff to contact proposers;
   e. Name of main point of contact; said point of contact will be the only recipient of all information related to this RFP and will function as the equivalent to the RAP’s Contract Coordinator; and
   f. Include a statement that the proposing entity confirms its acknowledgement and acceptance of the terms and conditions set forth herein, without exceptions.

2. **Proposal Deposit**
   All proposals must include a Two Thousand Dollar ($2,000.00) Proposal Deposit in the form of a cashier’s check only, payable to the City of Los Angeles. This amount shall be payable as a guarantee that the selected proposer(s) will enter into a Contract. The selected proposer shall have twenty (20) calendar days from the date the Contract is executed to review, sign and return to RAP.

   The Proposal Deposit of the successful proposer will be released upon receipt of the required evidence of insurance and execution of the Contract. In the event that an award is made and the successful proposer fails to execute the Contract and to provide the required insurance policies, the Proposal Deposit of that proposer will be forfeited and retained by RAP.

   The Proposal Deposits of unsuccessful proposers will be returned upon execution of Contracts with the awarded proposer(s). Proposal Deposits are maintained for all proposers in the event the successful proposer fails to execute the Contract and another proposer is considered for award. Please note that the execution of a Contract could take up to twelve (12) months to complete.
3. **Proposal Items**
Proposers are to submit complete, detailed responses to all of the Proposal Items in Section V of this RFP:
- Experience and Minimum Qualifications
- Proposed Services and Products
- Prices of Proposed Services and Products

4. **Level I - Compliance Documents**
This is a new RFP for a new contract. Previous compliance document submittals for other City projects and/or waivers do not apply. **New forms must be completed and processed.**

Additional information regarding some compliance documents may be available at the Pre-Proposal Conference, on a City website, and/or by phone with the administering Department of a given ordinance or compliance document. Exemptions from certain ordinances may also apply. RAP reserves the right to request additional information for clarification regarding submitted compliance documents during the evaluation process.

As part of the RFP process, all proposers are to review, complete, and submit the following compliance documents. Information, related forms, and instructions are located in Exhibit C of the RFP (Compliance Documents).

The following compliance documents **MUST** be included with the submittal:

- **a.** Proposer’s Signature Declaration and Affidavit of Non-Collusion Page (Section I.A of Exhibit C). The Affidavit of Non-Collusion document must be **signed** and **notarized**.
- **b.** Disposition of Proposals (Section I.B of Exhibit C).
  The document must be signed by an individual authorized to bind the proposer.
- **c.** Certification of Compliance with Child Support Obligations (Section I.C of Exhibit C)
- **d.** Contractor Responsibility Ordinance Statement (Section I.D of Exhibit C)
  All pages of the document must be completed and submitted with the proposal. The first **AND** last page must be signed.
- **e.** Contractor Responsibility Ordinance – Pledge of Compliance (Section I.E of Exhibit C)
- **f.** Living Wage Ordinance (LWO)/Service Contractor Worker Retention Ordinance (SCWRO) – **only if applying for an exemption** (Section I.F of Exhibit C). Submittal of LWO and SCWRO documents **only required if the proposer is applying for an exemption to the ordinance requirements.**
- **g.** Business Inclusion Program (BIP) Requirements (Section I.G of Exhibit C)

It is the policy of the City to provide Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and all Other Business Enterprise (OBE) concerns an equal opportunity to participate in the performance of all City contracts. Respondents will assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs, have an equal opportunity to compete for, and participate in, City contracts. Equal opportunity will be determined by the Respondents’ BIP outreach documentation, as described in Business Inclusion Program (BIP) Requirements (Section I.E of Exhibit B), of this RFP. Participation by MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs may be in the form of subcontracting. Proposers must refer to Business Inclusion Program (BIP) Requirements (Section I.G of Exhibit C) of this RFP for additional
information and instructions. BIP outreach must be performed using the Business Assistance Virtual Network (www.labavn.org). A proposer’s failure to utilize and complete their BIP Outreach as described in Business Inclusion Program (BIP) Requirements (Section I.G of Exhibit C) may result in their proposal being deemed non-responsive.

The anticipated participation levels are as follows:

<table>
<thead>
<tr>
<th>Participation</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MBE Participation</td>
<td>18%</td>
</tr>
<tr>
<td>WBE Participation</td>
<td>4%</td>
</tr>
<tr>
<td>SBE Participation</td>
<td>25%</td>
</tr>
<tr>
<td>EBE Participation</td>
<td>8%</td>
</tr>
<tr>
<td>DVBE Participation</td>
<td>3%</td>
</tr>
</tbody>
</table>

h. Municipal Lobbying Ordinance/Bidder Certification – CEC Form 50. Please read the instructions in Section I.H of Exhibit C.

i. Los Angeles Residence Information (Section I.I of Exhibit C)

j. Reporting Requirements After Award of Contract (Section I.J of Exhibit C)

k. Compliance with Los Angeles City Charter Section 470(C)(12) (Measure H) (Section I.K of Exhibit C) – CEC Form 55

l. Nondiscrimination – Equal Employment Practices Certification (Section I.L of Exhibit C)

m. Child Care Policies (Section I.M of Exhibit C)

n. Iran Contracting Act of 2010 (Section I.N of Exhibit C)

o. Americans with Disabilities Act Certification (Section I.O of Exhibit C)

Only the Proposer(s) selected for award of the Contract shall submit the following additional required items [within ten (10) calendar days after the notice of award of this Contract]:

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>p. Business Tax Registration Certificate (Section II.P of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>q. Affirmative Action Plan (Section II.Q of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>r. City-Approved Proof of Insurance (Section II.R of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>s. City-Approved Performance Deposit (Section II.S of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>t. Form W-9, Request for Taxpayer Identification Number (TIN) and Certification (Section II.T of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>u. LWO/SCWRO – additional related forms from item (f) above (Section II.U of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>v. Slavery Disclosure Affidavit (Section II.V of Exhibit C)</td>
<td></td>
</tr>
<tr>
<td>w. Equal Benefits Ordinance Statement / First Source Hiring Ordinance Compliance Affidavit (Section II.W of Exhibit C)</td>
<td></td>
</tr>
</tbody>
</table>

Failure to submit any forms or comply with any requirements of the RFP Response may render the response non-responsive and no contract will be awarded. Missing signatures on a form will render it incomplete, which may result in the Response being deemed non-responsive.

All above documents must be completed, signed, submitted and/or uploaded in order for the Contract to be compliant. Failure to upload all required documents will render the awarded contract noncompliant, meaning no work can be performed under the contract, and no payments will be made until all required forms are uploaded to BAVN.
Failure of the successful Proposer(s) to submit all the required documents shall cause the proposal to be deemed non-responsive and will result in cancellation of the award and forfeiture of the proposal deposit.

**Los Angeles City Business Assistance Virtual Network (BAVN) submittals**

The following documents are to be uploaded to the City of Los Angeles Business Assistance Virtual Network (BAVN) at [www.labavn.org](http://www.labavn.org) within ten (10) calendar days after the notice of award of this contract:

- Equal Benefits Ordinance/First Source Hiring Ordinance
- Slavery Disclosure Ordinance

**C. Proposal Submittal Information:**

**Deadline for Submission**
To be considered, qualifications must be received by the Office of the Board of Commissioners on or before January 9, 2018 at 1:00 PM

**Where to Submit your Proposal**
The complete submission package shall be placed in a sealed envelope or box labeled “As-Needed Talent Agent / Talent Provider Services RFP (SCG 17-101).” Said envelope or box shall have the name and address of the Proposer on the outside and be delivered to:

Los Angeles Department of Recreation and Parks  
Office of the Board of Commissioners  
Attention: Board Secretary  
221 North Figueroa Street, Suite 300  
Los Angeles, CA 90012

**Number of Copies**
Please provide two (2) complete Request for Proposals (RFP) documents, including all pages, (including addenda), each with original “wet” initials/signatures and required forms, attachments and documentation must be submitted, of which at least one must be unbound. In addition, a scanned PDF electronic copy must be submitted along with the two (2) originally signed copies of the complete RFP on CD, DVD, or USB Flash drive. Plainly identify the respective documents.

**Important Notices**
Proposers who mail their proposals should allow adequate mail delivery time to ensure timely receipt of the proposals. Late proposals will not be considered for review. The City reserves the right to determine the timeliness of all proposals submitted. At the day and time appointed, all timely submitted proposals will be opened and the names of the proposers announced. No other information about the proposals will be made public until such time as a recommendation concerning proposals is made to the Board of Recreation and Park Commissioners.

The City reserves the right to extend the deadline for submission should such action be in the best interest of the City. In the event the deadline is extended, proposers will have the right to revise their proposals. Proposals may be withdrawn by written request, signed by an authorized representative of the company and submitted to the Board Office prior to the scheduled closing time for receipt of proposals. Faxed withdrawals will be accepted by the Board at (213) 202-2610, Attn: Board Secretary. After withdrawing a previously submitted response to the RFP, the proposer may submit another response to the RFP at any time up to the specified due date and time.
A submitted response to the RFP will be returned only if the above-described withdrawal requests explicitly requests that it be returned. It will be returned either to a representative of the submitting entity who personally presents the withdrawal request with original signature to the Board Office or by USPS mail after the original signed request is received. The submitted response to the RFP will be sent by means of some other service only if the submitting entity pays for that service.

Submission of proposals pursuant to this RFP shall constitute acknowledgement and acceptance of the terms and conditions set forth herein. All or portions of this RFP and the contents of the proposal submitted by the successful proposer may become contractual obligations if a Contract is awarded. Failure of the successful proposer to accept these obligations may result in cancellation of the award and forfeiture of the Proposal Deposit. The City reserves the right to withdraw this RFP at any time without prior notice and return deposits.

All proposals submitted to this RFP become the property of the City of Los Angeles, Department of Recreation and Parks.

**Mandatory Pre-Proposal Conference**

- **Date:** November 28, 2017 at 9:30 AM
- **Location:** Figueroa Plaza Building  
  221 North Figueroa Street  
  Conference Room 300A  
  Los Angeles, California 90012

**Contact with City Personnel**

Please direct all comments and questions to the Contract Coordinator. All contact regarding this RFP or any matter relating thereto must be in writing and may be mailed, e-mailed, or faxed as follows:

- **Name:** Robert Feld, Contracts Administration
- **Address:** Department of Recreation and Parks  
  221 North Figueroa Street, Suite 180, Los Angeles, CA 90012
- **E-mail:** robert.feld@lacity.org
- **Fax:** (213) 202-2614 (Cover Sheet required)

The purpose of the conference is to clarify the contents of this RFP and to discuss the talent agent / talent provider service needs of the Department. Attendance is mandatory. **It is highly recommended that prospective proposers read the complete RFP prior to the conference and begin preparation of their proposal in order to maximize the benefits of the conference.**

To further maximize the effectiveness of the conference, the Contract Coordinator requests that, to the extent possible, proposers provide questions in writing prior to the conference. This will enable the Contract Coordinator to prepare responses in advance. Specific questions concerning the RFP should be submitted in writing to the Contract Coordinator:

```
Department of Recreation and Parks
Contracts Administration, Attn: Robert Feld  
221 North Figueroa Street, Suite 180  
Los Angeles, CA 90012
```

Additional questions may be accepted, in writing, at the conference. However, responses may be deferred and provided as addenda to the RFP at a later date. **Questions will be deemed late and may not be answered after January 2, 2018 at 3:00 PM.**
All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFP. When submitting questions, please specify the RFP section number, paragraph number, and page number, and quote the passage that prompted the question. This will ensure that the passage can be quickly found in the RFP. The City reserves the right to group similar questions when providing answers.

If the City requirements or the specifications prevent proposers from submitting a proposal that would be beneficial to the City, please address the concern to the Contract Coordinator.

Questions may address concerns that the application of minimum requirements, evaluation criteria and/or business requirements would unfairly disadvantage proposers or, due to unclear instructions, may result in the City not receiving the best possible responses from proposers.

D. **Document Check**

Please check the contents of your RFP package carefully to ensure that you have in your possession all the necessary documents as referenced within the RFP, including any addenda. If you are missing any items, you should make a written request to the Contract Coordinator at the following address:

Department of Recreation and Parks
Contracts Administration
221 North Figueroa Street, Suite 180
Los Angeles, CA 90012
Fax: (213) 202-2614

The complete RFP package and all forms and information are also available at www.laparks.org/proposal.htm. Should you find a discrepancy in or omissions from said documents, or have questions as to their meaning, notify the Contract Coordinator at the above address in writing or fax no later than the deadline date for receiving proposals. The City of Los Angeles will not be bound by any oral statements or representations.

E. **Contractual Arrangements**

The proposer(s) selected to perform the services outlined in this RFP will enter into a Contract, approved as to form by the City Attorney, directly with the City of Los Angeles, which will include the Standard Provisions for City Contracts attached to this RFP as Exhibit A.

F. **Verification of Information**

RAP reserves the right to verify the information received in the proposal. If a proposer knowingly and willfully submits false information or data, RAP reserves the right to reject that proposal. If it is determined that a Contract was awarded as a result of false statements or other data submitted in response to this RFP, RAP reserves the right to terminate the Contract.

G. **Cost of Preparation**

All costs of proposal preparation shall be borne by the proposer. The City shall not, in any event, be liable for any expenses incurred by the proposer in the preparation and/or submission of the proposal. All proposers who respond to solicitations do so solely at their own expense.

VIII. **LIST OF APPENDIXES**

A. Standard Provisions for City Contracts (Rev. 10/17)
B. Insurance Requirements (Form Gen. 146)
C. Compliance Documents and Forms
TALENT AGENT/TALENT PROVIDER SERVICES
TALENT AGENT/TALENT PROVIDER SERVICES
Required Insurance and Minimum Limits

Name: ___________________________ Date: 09/29/2017

Agreement/Reference: RFP for As-Needed Talent Agent / Talent Provider Services

Evidence of coverages checked below, with the specified minimum limits, must be submitted and approved prior to occupancy/start of operations. Amounts shown are Combined Single Limits ("CSLs"). For Automobile Liability, split limits may be substituted for a CSL if the total per occurrence equals or exceeds the CSL amount.

<table>
<thead>
<tr>
<th>Limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Workers' Compensation - Workers' Compensation (WC) and Employer's Liability (EL)</td>
</tr>
<tr>
<td>☐ Waiver of Subrogation in favor of City</td>
</tr>
<tr>
<td>☐ Longshore &amp; Harbor Workers</td>
</tr>
<tr>
<td>☐ Jones Act</td>
</tr>
<tr>
<td>WC Statutory</td>
</tr>
<tr>
<td>EL $1,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>✓ General Liability</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Los Angeles must be named as an Additional Insured</td>
</tr>
<tr>
<td>☐ Products/Completed Operations</td>
</tr>
<tr>
<td>☐ Fire Legal Liability</td>
</tr>
<tr>
<td>☐ Sexual Misconduct $1,000,000</td>
</tr>
</tbody>
</table>

| ✓ Automobile Liability (for any and all vehicles used for this contract, other than commuting to/from work) |

<table>
<thead>
<tr>
<th>✓ Professional Liability (Errors and Omissions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discovery Period 12 Months After Completion of Work or Date of Termination</td>
</tr>
</tbody>
</table>

| ✓ Property Insurance (to cover replacement cost of building - as determined by insurance company) |
| ☐ All Risk Coverage |
| ☐ Flood |
| ☐ Earthquake |
| ☐ Boiler and Machinery |
| ☐ Builder's Risk |

| ✓ Pollution Liability |
| ☐ |

| ✓ Surety Bonds - Performance and Payment (Labor and Materials) Bonds |
| 100% of the contract price |

| ✓ Crime Insurance |
| ☐ |

Other: Sent to Robert Feld @ RAP

1) If a contractor has no employees and decides to not cover herself / himself for worker's compensation, please complete the form entitled "Release for Waiver of Workers' Compensation Insurance Requirement" located at http://cao.lacity.org/risk/InsuranceForms.htm

2) In the absence of imposed auto liability requirement, all contractors using vehicles during the course of their contract must adhere to the financial responsibility laws of the State of California.
CITY OF LOS ANGELES

INSTRUCTIONS AND INFORMATION
ON COMPLYING WITH CITY INSURANCE REQUIREMENTS

(Share this information with your insurance agent or broker.)

1. Agreement/Reference all evidence of insurance must identify the nature of your business with the CITY. Clearly show any assigned number of a bid, contract, lease, permit, etc. or give the project name and the job site or street address to ensure that your submission will be properly credited. Provide the types of coverage and minimum dollar amounts specified on the Required Insurance and Minimum Limits sheet (Form Gen. 146).

2. When to submit: Normally, no work may begin until an Office of the City Administrative Officer, Risk Management insurance certificate approval number (“CA number”) has been obtained, so insurance documents should be submitted as early as practicable. For As-needed Contracts, insurance need not be submitted until a specific job has been awarded. Design Professionals coverage for new construction work may be submitted simultaneously with final plans and drawings, but before construction commences.

3. Acceptable Evidence and Approval Electronic submission is the best method of submitting your documents. Track4LA® is the CITY’s online insurance compliance system and is designed to make the experience of submitting and retrieving insurance information quick and easy. The system is designed to be used by insurance brokers and agents as they submit client insurance certificates directly to the City. It uses the standard insurance industry form known as the ACORD 25 Certificate of Liability Insurance in electronic format – the CITY is a licensed redistributor of ACORD forms. Track4LA® advantages include standardized, universally accepted forms, paperless approval transactions (24 hours, 7 days per week), and security checks and balances. The easiest and quickest way to obtain approval of your insurance is to have your insurance broker or agent access Track4LA® at http://track4la.lacity.org and follow the instructions to register and submit the appropriate proof of insurance on your behalf.

Insurance industry certificates other than the ACORD 25 that have been approved by the State of California may be accepted, however submissions other than through Track4LA® will significantly delay the insurance approval process as documents will have to be manually processed. All certificates must provide a thirty (30) days’ cancellation notice provision (ten (10) days for non-payment of premium) AND an Additional Insured Endorsement naming the CITY an additional insured completed by your insurance company or its designee is the preferred form of evidence of insurance. If policy includes an automatic or blanket additional insured endorsement, the ACORD certificate must state the City is covered by this endorsement. An endorsement naming the CITY an Additional Named Insured and Loss Payee as Its Interests May Appear is required on property policies. All evidence of insurance must be authorized by a person with authority to bind coverage, whether that is the authorized agent/broker or insurance underwriter. Completed Insurance Industry Certificates other than ACORD 25 Certificates are sent electronically to CAO.insurance.bonds@lacity.org.

Additional Insured Endorsements DO NOT apply to the following:

1. Indication of compliance with statute, such as Workers’ Compensation Law or the California Financial Responsibility Law for Automobile Liability.

2. Professional Liability insurance.

Verification of approved insurance and bonds may be obtained by checking the Office of the City Administrative Officer, Risk Management, Insurance & Bonds Compliance System at http://eao.lacity.org/risk/index.htm.
3. **Renewal** when an existing policy is renewed, have your insurance broker or agent submit a new Acord 25 Certificate or edit the existing Acord 25 Certificate through Track4LA® at [http://track4la.lacity.org](http://track4la.lacity.org).

4. **Alternative Programs/Self-Insurance** risk financing mechanisms such as Risk Retention Groups, Risk Purchasing Groups, off-shore carriers, captive insurance programs and self-insurance programs are subject to separate approval after the CITY has reviewed the relevant audited financial statements. To initiate a review for approval of your program, you should complete and submit the Applicant’s Declaration of Self Insurance form ([http://cao.lacity.org/risk/InsuranceForms.htm](http://cao.lacity.org/risk/InsuranceForms.htm)) to the Office of the City Administrative Officer, Risk Management for consideration.

5. **General Liability** insurance covering your operations (and products, where applicable) is required whenever the CITY is at risk of third-party claims which may arise out of your work or your presence or special event on CITY premises. **Sexual Misconduct** coverage is a required coverage when the work performed involves minors. **Fire Legal Liability** is required for persons occupying a portion of CITY premises. (Information on two (2) City insurance programs, the SPARTA program, an optional source of low-cost insurance which meets most minimum requirements, and PROMPT COVER, which provides liability coverage for short-term special events on CITY premises or streets, is available at [www.2sparta.com](http://www.2sparta.com), or by calling (800) 420-0555.

6. **Automobile Liability** insurance is required only when vehicles are used in performing the work of your Contract or when they are driven off-road on CITY premises; it is not required for simple commuting unless CITY is paying mileage. However, compliance with California law requiring auto liability insurance is a contractual requirement.

7. **Errors and Omissions** coverage will be specified on a project-by-project basis if you are working as a licensed or other professional. The length of the claims discovery period required will vary with the circumstances of the individual job.

8. **Workers' Compensation and Employer’s Liability** insurance are not required for single-person contractors. However, under state law these coverages (or a copy of the state's Consent to Self Insure) must be provided if you have any employees at any time during the period of this contract. Contractors with no employees must complete a Request for Waiver of Workers’ Compensation Insurance Requirement form from [http://cao.lacity.org/risk/InsuranceForms.htm](http://cao.lacity.org/risk/InsuranceForms.htm). **A Waiver of Subrogation** on the coverage is required only for jobs where your employees are working on CITY premises under hazardous conditions, e.g., uneven terrain, scaffolding, caustic chemicals, toxic materials, power tools, etc. The Waiver of Subrogation waives the insurer’s right to recover (from the CITY) any workers’ compensation paid to an injured employee of the Contractor/Consultant.

9. Property Insurance is required for persons having exclusive use of premises or equipment owned or controlled by the CITY. **Builder’s Risk/Course of Construction** is required during construction projects and should include building materials in transit and stored at the project site.

10. **Surety** coverage may be required to guarantee performance of work. A **Crime Policy** may be required to handle CITY funds or securities, and under certain other conditions. **Specialty coverages** may be needed for certain operations. For assistance in obtaining the CITY-required bid, payment and performance surety bonds, please see the City of Los Angeles Bond Assistance Program website at [http://cao.lacity.org/risk/BondAssistanceProgram.pdf](http://cao.lacity.org/risk/BondAssistanceProgram.pdf) or call (213) 258-3000 for more information.
TALENT AGENT/TALENT PROVIDER SERVICES
COMPLIANCE DOCUMENTS

REQUEST FOR PROPOSALS

Los Angeles Department of Recreation and Parks
Contracts Unit
221 N. Figueroa St. Suite 180
Los Angeles, CA 90012
Telephone: (213) 202-5621
Fax: (213) 202-2614
Web: www.laparks.org/proposal.htm
COMPLIANCE DOCUMENTS – REQUEST FOR PROPOSALS
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SECTION I – Compliance Documents to be submitted by All Respondents

Initial
A. Respondent’s Signature Declaration and Affidavit

B. Disposition of Proposals

C. Certification of Compliance with Child Support Obligations

D. Contractor Responsibility Ordinance Statement

E. Contractor Responsibility Ordinance – Pledge of Compliance

F. Living Wage Ordinance (LWO) / Service Contractor Worker Retention Ordinance (SCWRO)

G. Business Inclusion Program

H. Municipal Lobbying Ordinance/Bidder Certification – CEC Form

I. Los Angeles Residence Information

J. Reporting Requirements after Award of Contract

K. Compliance with Los Angeles City Charter Section 470(c)(12) (Measure H)

L. Equal Employment Practices Certification

M. Child Care Policies

N. Iran Contracting Act of 2010

O. Americans with Disabilities Act Certification

SECTION II – Compliance Documents to be submitted by Potential Awardees

P. Business Tax Registration Certificate

Q. Affirmative Action Plan

R. City-Approved Proof of Insurance

S. City-Approved Performance Bond

T. Form W-9, Request for Taxpayer Identification Number (TIN) and Certification

U. Living Wage Ordinance (LWO) / Service Contractor Worker Retention Ordinance (SCWRO)

V. Slavery Disclosure Affidavit Additional Forms

W. Equal Benefits Ordinance Statement/First Source Hiring Ordinance Compliance Affidavit

CITY OF LOS ANGELES
DEPARTMENT OF RECREATION AND PARKS
SECTION I

Compliance Documents to be submitted by All Respondents
SECTION A
RESPONDENT’S SIGNATURE DECLARATION AND AFFIDAVIT

With each Response, a statement shall be submitted and signed by the respondent under penalty of perjury that: The response is genuine, not a sham or collusive; the response is not made in the interest or behalf of any person not named therein; the respondent has not directly or indirectly induced or solicited any person to submit a false or sham response or to refrain from responding; and the respondent has not in any manner sought by collusion to secure an advantage over any other respondent.

INSTRUCTIONS:

a. Sign and Notarize the Document
b. Submit with the Response

Signatures:

Individual: (e.g., Individual dba [Name or Company], etc.) – Individual must sign affidavit.

Partnership: At least ONE General Partner must sign the affidavit.

Corporation: It is preferred that the PRESIDENT and SECRETARY of the corporation sign the affidavit on behalf of the corporation, but a VICE-PRESIDENT may sign in the absence of the President and an Assistant Secretary or Treasurer may sign in the absence of the Secretary.

Note: An Authorized Agent may sign for a Corporation, provided the City is furnished a certified copy of the Board of Directors Resolution authorizing such person to execute the document on behalf of the Corporation. An acknowledgement at the base of the Resolution must state it is unchanged, in force, and be signed by the Corporate Secretary with the current date.
AFFIDAVIT TO ACCOMPANY PROPOSALS

I/We,
______________________________________________

being first duly sworn, deposes and states: That the undersigned

(Insert “Sole Owner”, “General Partner”, “President”, “Secretary”, or other proper title)

Is of _____________________________________________

(Name of form business entity)

Who submits herewith to City of Los Angeles the attached proposal:

Affiant deposes and states: 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.

Affiant deposes and states: That the proposer has not directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interests of the public body which is to award the contract, or of any other proposer, or anyone else interested in the proposed contract: that the proposer has not in any manner sought by collusion to secure for itself an advantage over any other proposer.

Affiant further deposes and states that prior to the public opening and reading of proposals the said proposer:

(a) Did not, directly or indirectly, induce or solicit anyone else to submit a false or sham proposal;

(b) Did not, directly or indirectly, collude, conspire, connive or agree with anyone else that said proposer or anyone else or fix the proposal price of said proposer or of anyone else, or to raise or fix any overhead, profit or cost element of its price or of that of anyone else;

(c) Did not, directly or indirectly, submit its proposal price or any breakdown thereof, or the contents thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association, organization, proposal 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 proposer in its business.

I understand and agree that any falsification in the affidavit will be grounds for rejection of this proposal or cancellation of any concession contract awarded pursuant to this proposal.

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

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Subscribed and sworn to before me this ____________ day of ____________

(Signature)

(Month/Year) (Date)

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

SECTION B

DISPOSITION OF PROPOSALS

All Responses submitted in response to the RFP shall become the property of the City of Los Angeles and a matter of public record. Respondents must identify all copyrighted material, trade secrets, or other proprietary information that they claim are exempt from disclosure under the Public Records Act, and indemnify and defend the City of Los Angeles for its refusal to disclose such material from person making a request therefore.

INSTRUCTIONS:

a. Sign the Document
b. Submit with the Response

Signatures:

The person signing must be authorized to bind the Respondent.
DISPOSITION OF PROPOSALS

All proposals submitted in response to the RFP shall become the property of the City of Los Angeles and a matter of public record. Proposers must identify all copyrighted materials, trade secrets, or other proprietary information that they claim are exempt from disclosure under the Public Records Act (California Code, Section 6250 et seq.)

In the event such an exemption is claimed, the proposer must state in the proposal that the proposer will defend any action brought against the City for its refusal to disclose such material, trade secret, or other proprietary information to any party making such a request. The proposer is required to state in the proposal that:

“The proposer will indemnify the City or Agency and hold it harmless from any claim or liability and defend any action brought against the City of Los Angeles for its refusal to disclose copyrighted material, trade secrets, or other proprietary information to any persons making a request therefore.”

Proposer’s obligations herein include, but are not limited to, all attorney’s fees (both in house and outside counsel), costs of litigation incurred by the City or its attorneys (including all actual costs incurred by the City, not merely those costs recoverable by a prevailing party, and specifically including costs of experts and consultants) as well as all damages or liability or any nature whatsoever arising out of any such suits, claims, and causes of action brought against the City, through and including any appellate proceedings. Proposer’s obligations to the City under this indemnification provision shall be due and payable on a monthly, on-going basis within thirty (30) days after each submission to Proposer of the City’s invoices for all fees and costs incurred by the City, as well as all damages or liability of any nature.

“I have read and understand the Disposition of Proposals and agree that the City of Los Angeles may release any materials and information contained in the proposal submitted by the undersigned’s firm in the event that the required hold harmless statement is not included in the Proposal.”

____________________________
Signature of person authorized to bind proposer

____________________________
Date
Responders must complete, sign, and return with their response the “Certification of Compliance with Child Support Obligations.”, and agree to comply with all terms and conditions within. Failure to return the signed and completed certification with your response will result in your response being deemed non-responsive.

**INSTRUCTIONS:**

a. Complete and sign the document
b. Submit with the Response
CITY OF LOS ANGELES
CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS

The undersigned hereby agrees that ________________________________ will:

Name of Business

1. Fully comply with all applicable State and Federal employment reporting requirements for it employees.
2. Fully comply with and implement all lawfully served Wage and Earnings Assignment Order and Notices of Assignment.
3. Certify that the principal owner(s) of the business are in compliance with any Wage and Earnings Assignment Orders and Notices of Assignment applicable to them personally.
4. Certify that the business will maintain such compliance throughout the term of the contract.
5. This certification is a material representation of fact upon which reliance was placed when the parties entered into this transaction.
6. The undersigned shall require that the language of this Certification be included in all subcontractors and that subcontractors shall certify and disclose accordingly.

To the best of my knowledge, I declare under penalty of perjury that the foregoing is true and was executed at:

__________________________________________
City/County/State

__________________________________________
Date

Name of Business

Address

Signature of Authorized Office or Representative

Print Name

Title

Telephone Number
SECTION D

CONTRACTOR RESPONSIBILITY ORDINANCE STATEMENT

The Contractor Responsibility Ordinance (CRO) requires a determination, via the CRO questionnaire, that prospective contractors are responsible and capable of fully performing the work before a contract is awarded by the City of Los Angeles. Additional information may be found at the following website:

http://bca.lacity.org/index.cfm?nxt=soo&nxt_body=content_cro.cfm

INSTRUCTIONS:

The questionnaire must be completed, appropriately signed, and submitted with the proposal (Pages 1 through 9).
1. **What is the Contractor Responsibility Ordinance?**

The Contractor Responsibility Ordinance (CRO) requires that each department make a determination as to whether prospective contractors are responsible and capable of fully performing the work before being awarding a City contract. The Ordinance also requires prospective contractors to complete a Responsibility Questionnaire that will be posted on the internet for 14 calendar days for public review.

2. **When was the Ordinance adopted?**

The City Council adopted the CRO on November 21, 2000. Regulations implementing the Ordinance were adopted on June 19, 2001.

3. **Who is responsible for the administration and enforcement of the Ordinance?**

Three (3) departments were named as administrative agencies responsible for the administration of the CRO. Each Designated Administrative Agency (DAA) administers the Ordinance for a specific type of agreement. The three DAA’s, the type of agreement each DAA is responsible for, and contact information for each DAA is provided in the table below.

<table>
<thead>
<tr>
<th>Administrative Agency</th>
<th>Agreement Type</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Works, BCA</td>
<td>Service</td>
<td>Russ Strazella (213) 580-5012</td>
</tr>
<tr>
<td>Public Works, BCA</td>
<td>Construction</td>
<td>Russ Struzella (213) 580-5012</td>
</tr>
<tr>
<td>General Services</td>
<td>Procurement</td>
<td>Raymond Richards (213) 485-4591</td>
</tr>
</tbody>
</table>

4. **Are all service, procurement, and construction agreements subject to the CRO?**

Generally, an agreement, including one processed as an Authorization for Expenditure (AFE) with a Letter of Agreement, is covered by the CRO if it meets one of the definitions below.

**Service agreements:** Agreements covered under the general category of a “service agreement” include:
- An agreement for $25,000.00 or more and for at least three months in which a contractor will provide services to or for the City.
- An agreement for a lease or license of City property if the service to be performed on the property is something that City employees could perform.
- An agreement for the lease or license of City property that is in a location where a substantial number of the general public might visit.
• An agreement for the grant of City financial assistance for $100,000 or more if the agreement is for the purpose of economic development or job growth. City financial assistance may also include loans if certain conditions are met. (Refer to Sec. 10.40.0(b) of the CRO.)
Purchase agreements: Purchase agreements are covered if they are for One Hundred Thousand Dollars ($100,000.00) or more. Agreements to purchase garments are covered if they are for Twenty-Five Thousand Dollars ($25,000.00) or more.

Construction agreements: All construction agreements are covered, regardless of amount or term.

5. When did the Ordinance become applicable?

The Ordinance is being applied to Invitations for Bids (IFB) (including Requests for Proposals, Requests for Qualifications, “sole-sourced” contracts, and any other procurement process) released to the public on or after September 4, 2001. An agreement entered into as a result of an IFB released prior to that date is not subject to the CRO unless it is amended after September 4, 2001, and the amended agreement meets the definitions stated in the answer to Question #4 above.

6. If an IFB is subject to the CRO, what must a department do?

The department must inform prospective bidders/proposers that the CRO is applicable to the IFB. The department must also include the appropriate Responsibility Questionnaire for bidders/proposers to fill out. Depending on the type of contract to be awarded, one of three Questionnaires may be included in the IFB: Service; Procurement; and Construction.

7. What is a Responsibility Questionnaire?

The Responsibility Questionnaire asks for information about the bidder/proposer: business organization or structure; financial resources and responsibility; performance history; prior disputes; and history in complying with laws. Before a department awards a contract, the department will consider information contained in the Questionnaire as part of the review of a bidder/proposer’s responsibility, as well as any information contained in the Office of Contract Compliance’s Contractor Evaluation database [http://caodocs.ci.la.ca.us/ContEval/] regarding the proposer’s prior performance on City contracts.

8. What must a bidder/proposer do when responding to an IFB?

If the IFB is subject to the CRO, the bidder/proposer must complete the Responsibility Questionnaire and return it to the City department with the bid/proposal. If a bidder/proposer does not submit a completed Questionnaire with the bid/proposal, the City department may consider the bidder/proposer to be non-responsive to the IFB and may disqualify the bidder/proposer from the rest of the IFB process.

9. Is a separate Questionnaire required for each IFB?

Unless the IFB is exempt, a separate Questionnaire must be submitted for each IFB to which a bidder/proposer responds.

10. What will the City do with the Questionnaire?

The department responsible for awarding the agreement will review the information contained in the
submitted questionnaires, and if necessary, follow up with the bidder/proposer to clarify any information contained in the Questionnaire. The awarding authority will send the completed Questionnaires to the appropriate DAA. The DAA will post the Questionnaires on the City’s Bidder/Contractor Responsibility website: www.lacity.org/bidresp. This posting also applies to “sole-sourced” contracts, so the completed Questionnaire from a proposed “sole-sourced” contractor must be forwarded to the appropriate DAA for posting.
11. **How long will the Questionnaires be posted?**

The Questionnaires will be posted on the internet for fourteen (14) calendar days. Unless an exemption applies, a department cannot award an agreement until the posting requirement has been met.

12. **What happens during the fourteen (14) calendar-day posting period?**

The general public will be able to review the Questionnaires posted. If, during the fourteen (14) calendar-day posting period, the DAA receives information that calls into question a bidder/proposer’s responsibility, the DAA will investigate the matter. In that case, no agreement may be awarded until the DAA finishes its investigation. Information obtained during the investigation will be provided to the department to consider in its determination of a bidder/proposer’s responsibility.

13. **How does a department know that the posting requirement has been met?**

The awarding department should complete the top portion of the Posting Verification Form and forward it to the DAA along with the Questionnaires. The DAA will complete the bottom portion of the Posting Verification Form and return it to the department when the posting requirement has been met.

14. **Are contract amendments subject to the CRO?**

If an agreement is amended after September 4, 2001, and the amended agreement meets the definitions stated in the answer to Question #4 above, it is subject to the CRO. Contractors do not have to submit a Questionnaire; however, the CRO Contract Language must be incorporated into the amended agreement.

15. **After the agreement is awarded, or the agreement is amended, what does the CRO require the contractor to do?**

The CRO requires a contractor 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.

- Notify the awarding authority within 30 calendar days after receiving notice that any governmental agency has started an investigation into violations of, or has found that the contractor has violated, any federal, state, or local law in the performance of the contract.

- When applicable, provide the awarding authority, within thirty (30) calendar days, updated responses to the Questionnaire if a change occurs that would affect the contractor’s responsibility and ability to continue the agreement.

- Ensure that subcontractors working on the City agreement comply with all federal, state, and local laws in the performance of the agreement.

- Ensure that subcontractors working on the City agreement submit a Pledge of Compliance to comply with the CRO.
16. **What happens if a contractor is found to be in violation of the Ordinance?**

The DAA will notify the contractor that a violation has been found and give the contractor ten (10) calendar days to correct the violation. If the contractor fails to do so, the City may terminate the agreement and pursue all available contractual remedies. The City may also hold a non-responsibility hearing and debar the contractor from doing business with the City for five (5) years.

17. **What about subcontractors?**

Subcontractors are subject to the CRO, and the contractor must ensure that each of its subcontractors complies with the CRO. Subcontractors do not need to complete a Questionnaire, but they must submit to the awarding department a Pledge of Compliance with the Ordinance before they can start work on a City agreement.

18. **What if a subcontractor is found to be in violation of the Ordinance?**

Because the prime contractor is responsible for ensuring that all its subcontractors comply with the CRO, the sanctions listed in the answer to Question #16 may be applied to the prime contractor if the subcontractor does not correct the violation(s).

19. **Are there any exemptions under the Ordinance?**

Generally, two (2) categories of exemptions exist under the CRO:

1. Agreements exempt from all the CRO requirements:
   - Contracts with a governmental entity such as the United States of America, the State of California, a county, city or public agency of such entities, or a public or quasi-public corporation located therein and declared by law to have such status.
   - Contracts for the investment of trust moneys or agreements relating to the management of trust assets.
   - Banking contracts entered into by the Treasurer pursuant to California Government Code Section 53630 et seq.

2. Agreements that are only exempt from the requirement that a bidder/proposer submit a Questionnaire. The contractor must still comply with all other CRO provisions.
   - Agreements awarded on the basis of emergency circumstances when the awarding authority finds that the City would suffer a financial loss or that City operations would be adversely impacted. This exemption is subject to approval by the DAA.
   - Agreements for goods or services that are proprietary or available from only one source. This exemption is subject to approval by the DAA.
   - Agreements awarded under the authority of Charter Sections 371(e)(5), (6), (7) or (8). The awarding authority must certify in writing that the contract is entered into
in compliance with the requirements of those Charter sections.

20. Where can I obtain a copy of the Contractor Responsibility Ordinance and the Rules and Regulations?

All CRO-related information and documents can be found on the CRO website: http://www.lacity.org/bidresp.
RESPONSES TO THE QUESTIONS CONTAINED IN THIS QUESTIONNAIRE MUST BE SUBMITTED ON THIS FORM.

In responding to the Questionnaire, neither the City form, nor any of the questions contained therein, may be retyped, recreated, modified, altered, or changed in any way, in whole or in part. Bidders or Proposers that submit responses on a form that has been retyped, recreated, modified, altered, or changed in any way shall be deemed non-responsive. The signatory of this questionnaire guarantees the truth and accuracy of all statements and answers to the Questions herein. Failure to complete and return this questionnaire, any false statements, or failure to answer (a) question(s) when required, may render the bid/proposal non-responsive. All responses must be typewritten or printed in ink. Where an explanation is required or where additional space is needed to explain an answer, use the Responsibility Questionnaire Attachments. Submit the completed form and all attachments to the awarding authority. Retain a copy of this completed form for future reference. Contractors must submit updated information to the awarding authority if changes have occurred that would render any of the responses inaccurate in any way. Updates must be submitted to the awarding authority within 30 days of the change(s).

A. CONTACT INFORMATION

CITY DEPARTMENT INFORMATION

<table>
<thead>
<tr>
<th>City Department/Division Awarding Contract</th>
<th>City Contact Person</th>
<th>Phone</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>City Bid or Contract Number and Project Title (if applicable)</th>
<th>Bid Date</th>
</tr>
</thead>
</table>

BIDDER/CONTRACTOR INFORMATION

<table>
<thead>
<tr>
<th>Bidder/Proposer Business Name</th>
<th>Contractor’s License Number</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Contact Person, Title</th>
<th>Phone</th>
<th>Fax</th>
</tr>
</thead>
</table>

TYPE OF SUBMISSION:

The Questionnaire being submitted is:

☐ An initial submission of a completed Questionnaire.

☐ An update of a prior Questionnaire dated _________/_______/_______.

☐ No change. I certify under penalty of perjury under the laws of the State of California that there has been no change to any of the responses since the last Responsibility Questionnaire dated _________/_______/_______ was submitted by the firm. Attach a copy of that Questionnaire and sign below.

Print Name, Title Signature Date

TOTAL NUMBER OF PAGES SUBMITTED, INCLUDING ALL ATTACHMENTS: ___________

Responsibility Questionnaire (rev 1/25/12)
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.

________________________________________________________________________

________________________________________________________________________
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)]
C. 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.

D. 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.
E. 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.

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

☐ Yes  ☐ No

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

19. 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.

G. COMPLIANCE

20. 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.

21. 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.

22. 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.

23. 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

24. 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

25. 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**

### STATE ENTITIES

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

Responsibility Questionnaire (rev 1/25/12)
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.
SECTION E
CONTRACTOR RESPONSIBILITY ORDINANCE PLEDGE OF COMPLIANCE

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 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 contract. In accordance with the provisions of this Ordinance, by signing this Contract, 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), as defined in the Ordinance, comply with the requirements of the Pledge of Compliance and the requirement to notify Awarding Authorities within thirty 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.

For further information on Contractor Responsibility Ordinance:
http://bca.lacity.org/site/pdf/cro/CRO%20Contractor%20Responsibility%20Ordinance.PDF

INSTRUCTIONS:

a. Complete and sign the document
b. Submit with the Response
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 Twenty-Five Thousand Dollars ($25,000.00) and three (3) months, contracts for the purchase of goods and products of at least One Hundred Thousand Dollars ($100,000.00), contracts for the purchase of garments of at least Twenty-Five Thousand Dollars ($25,000.00), 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 thirty (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 thirty (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 thirty (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.

<table>
<thead>
<tr>
<th>Company Name, Address and Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Officer or Authorized Representative Date</td>
</tr>
<tr>
<td>Print Name and Title of Officer or Authorized Representative</td>
</tr>
<tr>
<td>Awarding City Department Contract Number</td>
</tr>
</tbody>
</table>

SRIS/CRO-3, Pledge of Compliance (Rev. 5/25/04)
Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of Twenty-Five Thousand Dollars ($25,000.00) and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of the Los Angeles Administrative Code Section 10.37 et seq., Living Wage Ordinance and 10.36 et seq. Service Contractor Worker Retention Ordinance. Additional information may be found at the following websites:

http://bca.lacity.org/index.cfm?nxt=lco&nxt_body=content_lwo.cfm

http://bca.lacity.org/index.cfm?nxt=soo&nxt_body=content_scwro.cfm

INSTRUCTIONS:

If applying for an exemption, complete and submit the appropriate exemption forms with the response; if no exemptions are claimed, mark “NOT APPLICABLE” on the forms, and submit them with the response.
1. **What is the Living Wage Ordinance?**

The Living Wage Ordinance (LWO) requires employers who have agreements with the City to pay their employees at least a minimum “living wage” and to provide certain benefits. If the agreement is subject to the LWO, the employer must do the following:

- Pay employees working on the subject agreement a wage rate that is at least equal to the “living wage” rate. The “living wage” is adjusted annually and becomes effective July 1 of each year. Employers can obtain information about the living wage rate currently in effect by going to Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance (OCC) website at www.lacity.org/bca/OCCmain.html.
- Provide employees with at least twelve (12) paid days off per year for sick leave, vacation, or personal necessity; and at least ten (10) unpaid sick days off per year.
- Tell employees who make less than Twelve Dollars ($12.00) per hour that they may qualify for the federal Earned Income Tax Credit and provide them with the forms required to apply for the credit.
- Cooperate with the City by providing access to the work site and to payroll and related documents so that the City can determine if the employer is complying with the LWO.
- Pledge to comply with federal laws prohibiting an employer from retaliating against employees for union organizing.
- Not retaliate against any employee who makes claims about non-compliance with the LWO.

2. **When was the Ordinance adopted?**

The LWO was adopted in May, 1997 and amended in January, 1999.

3. **What types of agreements are subject to the Ordinance?**

Generally, the LWO covers the following types of agreements:

- An agreement in an amount over Twenty-Five Thousand Dollars ($25,000.00) and for at least three (3) months in which an employer will provide services to or for the City.
- An agreement for the lease or license of City property if the service being performed on the property is something that City employees would otherwise do.
- An agreement for the lease or license of City property that is in a location where a substantial number of the general public might visit.
- An agreement in which the City gives financial assistance for the purpose of promoting economic development or job growth.
- An agreement in which the City determines that applying the LWO would be in the best interest of the City.
4. Is an agreement subject to the LWO if it was entered into before May, 1997?

Agreements executed after May, 1997 are subject to the LWO. An agreement entered into before May 1997 may become subject to LWO if it is later amended or modified in order to add time or money to the original agreement.

5. Are there any requirements that would apply to an employer who does not have an agreement with City that is subject to the LWO?

All employers are required to comply with the LWO’s prohibition against retaliation, even if the employer does not have an agreement with the City that is subject to the Ordinance.

6. Are all employees covered by the Ordinance?

Intentionally left blank 8/18/06

7. Are an employer’s subcontractors subject to the requirements of the Ordinance?

A subcontractor may be covered by the Ordinance if the subcontractor performs work on the subject agreement. If so, the subcontractor must also comply with the requirements of the LWO, including all reporting requirements. The prime contractor is responsible for the making sure that the subcontractor complies with the LWO.

8. What happens if an employer is found to be in violation of the Ordinance?

Payments due may be withheld. Also, the employer may be deemed to be in material breach of the agreement. When that happens, the City may take the following steps:

- Terminate the agreement and pursue all available contractual remedies.
- Debar the employer from doing business with the City for three (3) years or until all penalties and restitution have been fully paid, whichever occurs last.
- Bring a lawsuit against the employer for all unpaid wages and health benefit premiums and/or seek a fine of up to One Hundred Dollars ($100.00) for each day the violation remains uncorrected.

9. What if a subcontractor is found to be in violation of the Ordinance?

Because the prime contractor is responsible for making sure that all its subcontractors comply with the LWO, the sanctions listed in answer #8 may be applied to the prime contractor if the subcontractor does not correct the violation(s).

10. What can an employee do if an employer is in violation of the Ordinance?

The employee can submit a complaint to the Office Contract Compliance which will investigate the complaint. Also, the employee can bring his or her own lawsuit against the employer for:

- Back pay for failing to pay the correct wages or correct health benefit premiums.
• Reinstatement and back pay for retaliation.
• Triple the amount of the back pay that is owed if the violation was found by the court to be willful.

11. **Are there any exemptions available under the Ordinance?**

An employer may apply for an exemption based on the following categories:

- Service agreements that are less than three (3) months or Twenty-Five Thousand Dollars ($25,000.00) or less.
- Agreements for the purchase of goods, property, or the leasing of property (with City as the lessee).
- Construction contracts that do not meet the definition of a service agreement.
- Employees who are required to have an occupational license in order to provide services to or for the City are exempt.
- Employers who are party to a collective bargaining agreement (CBA) that has language stating that the CBA shall supersede the LWO.
- Financial assistance recipients who meet the requirements stated in Section 10.37.1(c) of the LWO.
- Employers (contractors, subcontractors, financial assistance recipients) organized under IRS Code, Section 501(c)(3) whose chief executive officer’s hourly wage rate is less than eight times the hourly wage rate of the lowest paid worker are be exempt. However, this exemption does not apply to child care workers.
- Lessees or licensees who have no more than a total of seven employees and who have annual gross revenue of less than Four Hundred Fifty-Four Thousand Sixteen Dollars ($454,016.00) (effective July 1, 2009). The qualifying annual gross revenue is adjusted every July.
- One-person contractors, lessees, licensees or financial assistance recipients who employ no workers.
- Agreements that involve other governmental entities.

12. **Who is responsible for the administration and enforcement of the Ordinance?**

The Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, located at 1149 S. Broadway Street, Suite 300, Los Angeles, CA 90015. For additional information, please call (213) 847-2625, or go to the Office of Contract Compliance website at [http://bca.lacity.org](http://bca.lacity.org).
LIVING WAGE ORDINANCE STATUTORY EXEMPTIONS

Living Wage Ordinance (LWO) statutory exemptions are now divided into the following three categories:

1. Exemptions that do not require approval from the Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance (OCC).
2. Exemptions that do not require OCC approval but require a Contractor Certification of Exemption.
3. Exemptions that require submission of an Application for Exemption and OCC approval of the Application.

1. The following exemptions do not require OCC approval or any Contractor Certification: Departments only need to indicate the exemption in the appropriate category on the LWO Departmental Determination of Coverage Form.
   
a. Less than three (3) months OR less than Twenty-Five Thousand Dollars ($25,000.00) (LAAC 10.37.1(j)). Service contracts or Authority for Expenditures that do not meet these thresholds are not covered by the LWO.

   b. Other governmental entities (LAAC 10.37.1(g)). Agreements with other governmental entities such as Los Angeles County, the State of California, or the University of California, are not covered by the LWO. Subcontractors to these entities are also not covered by the LWO.

   c. Purchase of goods, property, or the leasing of property, with the City as lessee (LAAC 10.37.1(j)). Such contracts are categorically exempt from the LWO unless they include a service component that is more than just incidental (regular and recurring services is required). Examples of such categorically exempt contracts include contracts to purchase office supplies or to lease space to be occupied by City departments.

   d. Construction contracts, not conforming to the definition of a service contract (LAAC 10.37.1(j)). Such contracts are categorically exempt from the LWO. Examples include construction of buildings and infrastructure.

   e. City financial assistance not meeting thresholds (LAAC 10.37.1(c)). Agreements to provide a contractor with City financial assistance (which typically mean grants or loans provided at interest rates that are lower than the Applicable Federal Rate) are categorically exempt from the LWO if they meet both of the following:

      (1) The assistance given in a 12-month period is below One Million Dollars ($1,000,000.00) AND less than One Hundred Thousand Dollars ($100,000.00) per year.
      (2) The assistance is not for economic development or job growth.

   f. Business Improvement Districts (BID) (LWO Regulation #11). Service agreements are categorically exempt from the LWO if the services are funded with the BID’s assessment money collected by the City after the formation of the BID. Service contracts in which City money is used to hire firms to help in forming the BID remain subject to the LWO unless the contractor otherwise qualifies for an exemption.

2. The following exemption categories do not require OCC approval, but the contractor must still submit a Contractor Certification of Exemption from Living Wage (OCC/LW-13). No OCC approval is required for the exemption to be valid. However, the department must include the Contractor Certification of Exemption with the contract.

   a. 501(c)(3) Non-profit organizations (LAAC 10.37.1(g)): Employers (contractors, subcontractors, financial assistance recipients) organized under IRS Code Section 501(c)(3) are exempt from the LWO if the hourly wage rate of the corporation’s highest paid employee is less than eight times the hourly wage rate of the corporation’s lowest paid worker. However, the exemption does not extend to
3. **The following exemption categories require submission of an application for exemption and OCC approval of the application to be valid.**

   **a. Collective bargaining agreements (CBA) that supersede the LWO (LAAC 10.37.12):** Contractors whose employees are covered by a CBA that supersede the requirements of the LWO are not subject to the LWO. A copy of the CBA with the superseding language or a letter from the union indicating that the union has agreed to allow the CBA to supersede the LWO will be required. Example: Labor agreement between parking contractor and a labor union with language that wages and benefits in the CBA shall supersede the LWO. Contractors must use the LWO Application for Non-Coverage or Exemption form (Form OCC/LW-10) and submit a copy of the CBA or a letter from the union.

   **b. Occupational license (LAAC 10.37.1(f)):** Employees required to possess an occupational license in order to provide the services under the City agreement are not subject to the LWO. However, only the individual employees who are required to possess an occupational license are exempt. Employees who work on the City contract and are not required to possess an occupational license remain subject to the LWO. Example: Under California Labor Code Sections 7375 – 7380, a person must be licensed by the State of California in order to inspect and certify cranes and derricks used in lifting services. Contractors must use the LWO Application for Non-Coverage or Exemption form (Form OCC/LW-10) and submit a listing of the employees who possess occupational licenses and a copy of the licenses.

   **c. Small business exemptions for Public Lessees/Licensees (LAAC 10.37.1(i)):** Small business that lease property from the City may apply for OCC approval for LWO exemption if the lessee or licensee:

   1. employs no more than a total of seven (7) employees; and
   2. has annual gross revenues of less than Four Hundred Fifty-Four Thousand Sixteen Dollars ($454,016.00) (adjusted July 1, 2009). This applies only to lessees with lease agreements executed after February 24, 2001, and to amendments executed after February 24, 2001 that add monies or extend term. Use the Application for “Small Business” Exemption (Form OCC/LW-20) and submit the application with the documents requested on that form.

   **d. City financial assistance agreements that exceed the LWO monetary thresholds may apply for one of the exemptions below.** Applicants and departments should refer to Regulation #3(c) for the requirements and the documents that must be submitted with the LWO Application for Non-Coverage or Exemption (OCC/LWO-10).
(1) The City financial assistance recipient (CFAR) is in its first year of operation (LAAC 10.37.1(c)).
(2) The CFAR employs fewer than five employees (LAAC 10.37.1(c)).
(3) The CFAR would face undue hardship because it employs the long-term unemployed or provides trainee positions to prepare employees for permanent positions (LAAC 10.37.1(c)). **REQUIRES COUNCIL APPROVAL.**
# LWO –DEPARTMENTAL EXEMPTION APPLICATION

**EXEMPTIONS THAT REQUIRE AWARDING DEPARTMENT APPROVAL**

This application for exemption must be submitted along with your bid or proposal to the AWARDING DEPARTMENT. INCOMPLETE SUBMISSIONS WILL BE RETURNED.

Los Angeles Administrative Code 10.37, the Living Wage Ordinance (LWO), presumns all City contractors (including service contractors, subcontractors, financial assistance recipients, lessees, licensees, sublessees, and sublicensees) are subject to the LWO unless an exemption applies.

### TO BE FILLED OUT BY THE CONTRACTOR:

1. **Company Name:**
2. **Phone Number:**
3. **Company Address:**
4. **Are you a Subcontractor?**

   - **Yes**
   - **No**

   If YES, state the name of your Prime Contractor:

   __________

5. **Type of Service Provided:**

### EXEMPTION INFORMATION:

CHECK OFF ONE BOX BELOW THAT BEST DESCRIBES THE TYPE OF EXEMPTION YOU ARE APPLYING FOR AND ATTACH THE SUPPORTING DOCUMENTATION LISTED ON THE RIGHT:

<table>
<thead>
<tr>
<th>EXEMPTION</th>
<th>SUPPORTING DOCUMENTATION REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>501(c)(3) Non-Profit Organizations:</td>
<td>1. ATTACH a copy of your 501(c)(3) letter from the IRS.</td>
</tr>
<tr>
<td>- A corporation organized under 501(c)(3) of the IRS Code qualifies for an exemption from the LWO if the highest paid employee makes less than eight times the hourly wage of the lowest paid employee.</td>
<td>2. ANSWER the following questions:</td>
</tr>
<tr>
<td>- The exemption is valid for all employees except Child Care Workers.</td>
<td>- <strong>STATE</strong> the hourly wage of HIGHEST paid employee in the organization: $</td>
</tr>
<tr>
<td>- Therefore, even if a 501(c)(3) organization meets the salary test, Child Care Workers performing work on the City agreement must still be paid the LWO required wage and time off benefits.</td>
<td>- <strong>STATE</strong> the hourly wage of LOWEST paid employee in the organization: $</td>
</tr>
<tr>
<td>- Under the LWO’s Rules and Regulations, a Child Care Worker is an employee “whose work on an agreement involves the care or supervision of children 12 years of age and under.”</td>
<td>- <strong>MULTIPLY</strong> B by 8: $</td>
</tr>
<tr>
<td>- This is read broadly so that the term would include, for example, tutors working with children 12 or under.</td>
<td>3. Based on Question 2 above, is A less than C?</td>
</tr>
</tbody>
</table>
| |     - **YES**
| |     - **NO** |
| One-Person Contractors: Contractors that have no employees are exempt from the LWO. If you have employees in the future, you must comply with the Ordinance. | 4. Will there be any Child Care Workers (as defined by the LWO Regulations) working on this Agreement? |
| |     - **YES**
| |     - **NO** |
| | 5. Fill & Submit LW-18 Subcontractor Information Form. |

I declare under penalty of perjury under the laws of the State of California that: (1) I am authorized to bind the entity listed above; (2) the information provided on this form is true and correct to the best of my knowledge; and (3) the entity qualifies for exemption from the LWO on the basis indicated above. By signing below, I further agree that should the entity listed above cease to qualify for an exemption because of a change in salary structure, non-profit status, the hiring of employees, or any other reason, the entity will notify the Awarding Department and the OCC of such change and comply with the LWO’s wage and time off requirements.

---

Print Name of Person Completing This Form
---

Signature of Person Completing This Form
---

Title
---

Phone #
---

Date
---

ANY APPROVAL OF THIS APPLICATION EXEMPTS ONLY THE LISTED CONTRACTOR FROM THE LWO DURING THE PERFORMANCE OF THIS CONTRACT. A SUBCONTRACTOR PERFORMING WORK ON THIS CONTRACT IS NOT EXEMPT UNLESS THE OFFICE OF CONTRACT COMPLIANCE HAS APPROVED A SEPARATE EXEMPTION FOR THE INDIVIDUAL SUBCONTRACTOR.

AWARDING DEPARTMENT USE ONLY:

Dept: __________

Dept Contact: __________

Contact Phone: __________

Contract #: __________

Approved / Not Approved – Reason: __________

By Analyst: __________

Date: __________

---

Form OCC/LW-13, Rev. 06/09

OFFICE OF CONTRACT COMPLIANCE, EOC SECTION: (213) 847-2625
# LWO EXEMPTION APPLICATION

**OCC APPROVAL REQUIRED**

This application for exemption must be submitted by the Contractor along with its bid or proposal to the AWARDING DEPARTMENT. Awarding Departments may also apply for an exemption for OCC approval. **INCOMPLETE SUBMISSIONS WILL BE RETURNED.**

Los Angeles Administrative Code section 10.37, the Living Wage Ordinance (LWO), presumes all City contractors are subject to the LWO unless this exemption application is approved.

## CONTRACTOR INFORMATION:

1. Company Name: __________________________ Phone #: __________________________
2. Company Address: __________________________
3. Are you a Subcontractor? [ ] Yes [ ] No If YES, state the name of your Prime Contractor:
4. Type of Service Provided: __________________________

## EXEMPTION INFORMATION:

CHECK OFF ONE BOX BELOW THAT BEST DESCRIBES THE TYPE OF EXEMPTION YOU ARE APPLYING FOR AND ATTACH THE SUPPORTING DOCUMENTATION LISTED ON THE RIGHT.

### TO BE REQUESTED BY AWARDING DEPARTMENTS ONLY

<table>
<thead>
<tr>
<th>EXEMPTION</th>
<th>SUPPORTING DOCUMENTATION REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Grant Funded Services, provided that the grant funding agency indicates in writing that the provisions of the Ordinance should not apply.</td>
<td>A copy of grant-funding agency’s determination to the OCC.</td>
</tr>
</tbody>
</table>

### TO BE REQUESTED BY CONTRACTORS ONLY

<table>
<thead>
<tr>
<th>EXEMPTION</th>
<th>SUPPORTING DOCUMENTATION REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] CFAR: First Year Financial Assistant Recipient</td>
<td>1. Memo justifying the exemption 2. Proof of startup date 3. List of employee names and hire dates 4. Copy of payrolls (20 weeks period for CFAR with less than 5 employees) 5. If applicable, a copy of the Awarding Authority’s Hardship Waiver Recommendation to City Council.</td>
</tr>
<tr>
<td>[ ] CFAR: Employing Fewer than Five Employees</td>
<td></td>
</tr>
<tr>
<td>[ ] CFAR: Hardship Waiver for Job Training and Preparation Programs</td>
<td></td>
</tr>
<tr>
<td>[ ] CFAR: Exemption for Certain Employees</td>
<td></td>
</tr>
<tr>
<td>[ ] Collective bargaining agreement with supersession language</td>
<td>A copy of the CBA with the superseding language clearly marked OR A letter from the union stating that the union has agreed to allow the CBA to supersede the LWO.</td>
</tr>
<tr>
<td>[ ] Student work-study or employment program</td>
<td>Documentation detailing program policies and guidelines, and the amount paid to the students</td>
</tr>
</tbody>
</table>

By signing, the contractor certifies under penalty of perjury under the laws of the State of California that the information submitted in support of this application is true and correct to the best of the contractor’s knowledge.

Print Name of Person (Contractor) Completing This Form __________________________
Signature of Person (Contractor) Completing This Form __________________________

Title __________________________ Phone #: __________________________ Date __________________________

**ANY DETERMINATION/APPROVAL IS APPLICABLE ONLY TO THE LISTED CONTRACTOR FROM THE LWO DURING THE PERFORMANCE OF THIS CONTRACT. A SUBCONTRACTOR PERFORMING WORK ON THIS CONTRACT IS NOT EXEMPT UNLESS THE OFFICE OF CONTRACT COMPLIANCE HAS APPROVED A SEPARATE APPLICATION FOR THE INDIVIDUAL SUBCONTRACTOR.**

**AWARDING DEPARTMENT USE ONLY:**

Dept: __________________________ Contact: __________________________ Phone #: __________________________ Contract #: __________________________

**OCC USE ONLY:**

Approved / Not Approved – Reason: __________________________
By Analyst: __________________________ Date: __________________________
1. What is the Service Contractor Worker Retention Ordinance?

The Service Contractor Worker Retention Ordinance (SCWRO), effective May, 1996, requires a successor contractor and its subcontractors to retain for a 90-day period certain employees who worked for the terminated contractor or its subcontractors for at least twelve (12) months. (See also Question #7 regarding which employees are covered.)

2. What is a successor contractor?

A successor contractor is one who has been awarded an agreement to provide services to or for the City that are similar to those that were provided under a recently terminated agreement.

3. What types of agreements are covered by the Ordinance?

The SCWRO covers the following types of agreements:

- For services in an amount over Twenty-Five Thousand Dollars ($25,000.00) and for at least three (3) months.
- In which the primary purpose is to provide services to or for the City (including leases and licenses).
- In which the City provides financial assistance for the purpose of promoting economic development or job growth.

4. What does the Ordinance require a terminated contractor to do?

The SCWRO requires the terminated contractor to provide the awarding authority with the names, addresses, dates of hire, hourly wage, and job classes of each employee who worked on the City agreement for that terminated contractor or its subcontractor. The awarding authority will provide the information to the successor contractor.

5. What does the Ordinance require a successor contractor to do?

The Ordinance requires the successor contractor to:

- Offer employment and retain for a ninety (90)-day period the employees who worked for at least twelve (12) months for the terminated contractor or its subcontractors.
• Not discharge the employees retained under the SCWRO without cause during the ninety (90) - day period.
• Perform a written performance evaluation of each employee retained under the SCWRO at the end of the ninety (90)-day period.

6. **Do the employees retained under the Ordinance receive any additional protection?**

Employees retained under the SCWRO are employed under the terms and conditions of the successor contractor or as required by law. However, if the agreement the employees are working under is subject to Living Wage Ordinance (LWO), the employees must be paid the wage rate and be provided the benefits required by LWO.

7. **Does the successor contractor have to retain all the prior contractor’s employees?**

The SCWRO covers only employees who meet all of the following requirements:

• Earn less than Fifteen Dollars ($15.00) per hour.
• Primary job is in the City working on or under the City agreement.
• Worked for the terminated contractor or its subcontractor for the preceding twelve (12) months or longer.
• Not a managerial, supervisory, or confidential employee; or an employee required to possess an occupational license.

8. **What if the successor contractor determines that fewer employees are required to provide the services than were required by the prior contractor?**

The names of the affected employees will be placed in order by seniority within each job classification. The successor contractor is required to retain employees based on seniority. The names of employees not retained will be placed on a preferential hiring list from which the successor contractor must use for subsequent hires.

9. **What happens if an employee is discharged in violation of the Ordinance?**

The employee may bring a lawsuit against the successor contractor. The employee can also submit a complaint to the Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance which will investigate the complaint.

10. **What if a contractor is found to be in violation of the Ordinance?**

The City may terminate the agreement or pursue other legal remedies.

11. **Who is responsible for administering and enforcing the Ordinance?**

The Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance, located at 1149 S. Broadway St., Suite 300, Los Angeles, CA 90015. For additional information, please call (213) 847-2625, or go to the Office of Contract Compliance web site at [http://bca.lacity.org](http://bca.lacity.org).
SECTION G

BUSINESS INCLUSION PROGRAM (BIP)

Established by Mayor’s Executive Directive No. 14, this program requires all respondents to Request for Bids (RFBs), Requests for Proposals (RFPs), and Requests for Qualifications (RFQs) to perform subcontractor outreach to all available MBE/WBE/SBE/EBE/DVBE/OBE firms which could perform a portion of the scope of work required in the respective RFB, RFP, or RFQ. As proof of the respondent’s outreach efforts, the respondent is required to perform the Business Inclusion Program Outreach on the Business Assistance Virtual Network (BAVN), www.labavn.org.

INSTRUCTIONS:

All Respondents must perform and submit the Business Inclusion Program Outreach as described in the following instructions.
CITY OF LOS ANGELES
BUSINESS INCLUSION PROGRAM (BIP) FOR A REQUEST FOR PROPOSALS (RFP)

Performance of a BIP outreach to Minority Business Enterprise (MBE), Woman Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and Other Business Enterprise (OBE) subconsultants 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 first calendar day following the day of the RFP response submittal deadline.

The Board of Public Works (Board) anticipated levels of

<p>| | |</p>
<table>
<thead>
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<tbody>
<tr>
<td>MBE Participation:</td>
<td>See RFP</td>
</tr>
<tr>
<td>WBE Participation:</td>
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<td>SBE Participation:</td>
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<td>EBE Participation:</td>
<td>See RFP</td>
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<tr>
<td>DVBE Participation:</td>
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NOTE: It is recognized that it is not possible at the time of submission of the RFP response to accurately predict the amount of work that can be subconsulted for any subsequent contract awarded as a result of this RFP. BIP Outreach Program information and/or assistance may be obtained through the City’s Office of Contract Compliance by e-mail at bca.biphelp@lacity.org.
DEPARTMENT OF PUBLIC WORKS' POLICY
BUSINESS INCLUSION PROGRAM FOR A REQUEST FOR PROPOSALS (RFP)

SUMMARY

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

A. GENERAL

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

Additional information and/or assistance in implementing this program may be obtained through the Office of Contract Compliance, Bureau of Contract Administration by e-mail at bca.biphelp@lacity.org.

B. DEFINITIONS

1. Minority or Women Business Enterprise (MBE or WBE): For the purpose of this program, Minority or Women Business Enterprise shall mean a business enterprise that meets both of the following criteria:
   a. A business that is at least fifty-one percent (51%) owned by one (1) or more minority persons or women, in the case of any business whose stock is publicly held, at least fifty-one percent (51%) of the stock is owned by one (1) 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, or vendor) whose three (3) year average annual gross revenue does not exceed $7 million.
   b. A business (construction contractors) whose three (3) year average annual gross revenue 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 revenue does not exceed $3.5 million.

4. Disabled Veteran Business Enterprise (DVBE): For the purpose of this program, Disabled Veteran

Rev. 12/30/12 (Public Works RFP – BAVN BIP)
Business Enterprise shall mean a business enterprise that meets the following criteria:

a. A business that is at least fifty-one percent (51%) owned by one or more disabled veterans.

b. A business whose daily business operations must be managed and controlled by one or more disabled veterans.

5. Other Business Enterprise (OBE): For the purpose of this program, Other Business Enterprise shall mean any business enterprise which either does not otherwise qualify or has not been certified as a Minority, Women, Small, Emerging, and/or Disabled Veteran Business Enterprise.

6. Minority person: For the purpose of this program, the term "Minority person" shall mean African Americans; Hispanic Americans; Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians); Asian-Pacific Americans (including persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas); and Subcontinent Asian Americans (including persons whose origins are from India, Pakistan and Bangladesh).

7. Disabled Veteran: For the purpose of this program, the term “Disabled Veteran” shall mean a veteran of the U.S. military, naval, or air service: the veteran must have a service-connected disability of at least 10% or more, and the veteran must reside in California.

8. Certification must be current **on the date the task work order for the project is assigned** if credit is to be allowed towards the anticipated levels of MBE, WBE, SBE, EBE, and/or DVBE participation on this contract.

   a. Certification as a Minority or Women Business Enterprise: an MBE/WBE must be certified by 1) City of Los Angeles, Bureau of Contract Administration; 2) State of California Department of Transportation (CalTrans); 3) Los Angeles County Metropolitan Transportation Authority (Metro); 4) Southern California Minority Supplier Development Council; or 5) 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.

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

   a. **City of Los Angeles**
      Bureau of Contract Administration, Office of Contract Compliance
      1149 S. Broadway, Suite 300, Los Angeles, CA 90015
      Telephone: (213) 847-2684 FAX: (213) 847-2777
      Internet address: [http://bca.lacity.org/](http://bca.lacity.org/)

   b. **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/](http://www.dot.ca.gov/hq/bep/)
c. **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](http://www.mta.net)

d. **Southern California Minority Supplier 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: [http://www.scmsdc.org](http://www.scmsdc.org)

9. Business Inclusion Program Outreach documentation: The respondent must take affirmative steps prior to submission of their RFP response to ensure that a maximum effort is made to recruit potential subconsultants. Minority, women, small, emerging, disabled veteran owned and controlled businesses must be considered along with other business enterprises whenever possible as sources of subconsulting services. Affirmative steps for BIP Outreach documentation are outlined in Paragraph C herein. The BIP Outreach documentation must be submitted as described in Paragraph C herein. Failure to submit the BIP Outreach documentation will render the response non-responsive.

10. Subcontract: For the purpose of this program, the term “Subcontract” denotes an agreement between the prime Consultant and an individual, firm or corporation for the performance of a particular portion of the work which the prime Consultant has obligated itself.

11. Subconsultant: An individual, firm, or corporation having a direct contract with the consultant for the performance of a part of the work which is proposed to be constructed or done under the contract or permit, including the furnishing of all labor, materials, or equipment. For the purposes of this Program, a subconsultant may also be referred to as a subcontractor.

12. Vendor and/or supplier: A firm that owns, operates or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. The firm must engage in, as its principal business, and 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, and/or DVBE.
   a. All listed MBE, WBE, SBE, EBE, and/or DVBE firms must be certified as defined under Paragraph B, Definitions, Item 4, on the date the task work order for the project is assigned before credit may be allowed toward the respective MBE, WBE, SBE, EBE, and/or DVBE pledged participation level.
b. Work performed by a MBE, WBE, SBE, EBE, and/or DVBE prime consultant will not be considered when determining a prime consultant’s BIP Outreach. The prime consultant will be required to make a BIP Outreach to obtain reasonable anticipated MBE, WBE, SBE, EBE, and/or DVBE participation levels through subconsulting or materials and supplies acquisition.

c. Recognition for materials and/or supplies is limited to 60 percent of the amount to be paid to the vendor for such materials/supplies in computing the pledged levels of MBE, WBE, SBE, EBE, and/or DVBE participation, unless the vendor manufactures or substantially alters the materials/supplies.

d. 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.

e. A firm which qualified 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.

f. A listed MBE, WBE, SBE, EBE, and/or DVBE firm must be potentially available to perform a commercially useful function, i.e., must be potentially responsible for the execution of a distinct element of the work and potentially available to carry out its responsibility by performing, managing and supervising the work.

g. MBE/WBE credit shall not be given to a Joint Venture partner listed as a subconsultant by a Joint Venture respondent.

h. A SBE, EBE, DVBE prime consultant shall receive pledged participation credit for the work performed by its own workforce.

C. BIP OUTREACH DOCUMENTATION

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), Small Business Enterprises (SBEs), Emerging Business Enterprises (EBEs), Disabled Veteran Business Enterprises (DVBEs), and all Other Business Enterprises (OBEs) an equal opportunity to participate in the performance of City contracts. In order to maximize this participation while minimizing the administrative impact on City staff and RFP respondents alike, the Mayor’s Office has developed a BIP. The BIP requires City departments to set anticipated participation levels based on the opportunities presented in their advertised contracts and Department’s achievement of its annual goals. A respondent’s BIP Outreach to MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs shall be determined by their compliance with the following BIP Outreach process which will be performed on the City’s Business Assistance Virtual Network (BAVN). The BAVN can be accessed by going to the City’s Webpage (www.lacity.org) and linking onto “Bids, RFPs & Grants” or directly at www.labavn.org. 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 non-compliance with this policy. **However, failure to comply with the BIP Outreach documentation requirements as described in this section will render the RFP response non-responsive and will result in its rejection.** Compliance with the BIP Outreach requirements is required even if the proposer has achieved the anticipated MBE, WBE, SBE, EBE, and DVBE participation levels. Adequacy of a respondent’s BIP Outreach will be determined by the Board 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 Bureau of Contract Administration, Subcontractor Outreach and Enforcement Section (SOE) at bca.biphelp@lacity.org.
3. If you are not contacted within 15 minutes during normal City working hours (7:00 a.m. to 4:30 p.m. Monday-Friday), call (213) 847-2605 and ask for an SOE Analyst to assist you.

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

Each indicator (2-7) is evaluated on a pass/fail basis. All indicators (2-7) must be passed to be deemed responsive. Only BIP Outreach documentation submitted under the respondent’s name will be evaluated. Therefore submission by a third party will result in the respondent being deemed non-responsive.

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

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

**2 ATTENDED PRE-SUBMITTAL MEETING**

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

**Required Documentation:** An employee of the respondent’s company must attend the pre-submittal meeting scheduled for this project. Credit may not be given if the employee arrives late or fails to sign the pre-submittal meeting attendance roster. This requirement will be waived if the respondent both certifies in writing that it is informed as to the BIP Outreach requirements for the project and has participated in a City-sponsored or City-approved matchmaking event in the prior 12 months as is evidenced by the event attendance documents.

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

**3 SUFFICIENT WORK IDENTIFIED FOR SUBCONSULTANTS**

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

**Required Documentation:** Outreach via e-mail in the selected potential work items. 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 subconsultants who are currently registered on the BAVN. Failure of the respondent to 
outreach in all of the potential work items selected by the City as potential subconsulting work items may result in 
the RFP response being deemed non-responsive.

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

### 4 WRITTEN NOTICES TO SUBCONSULTANTS

All notifications must be provided utilizing BAVN, and made not less than **fifteen (15) calendar days** prior to the 
date the RFP responses are required to be submitted. In all instances, respondents must document that invitations 
for subconsulting 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 potential work items to potentially 
available MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs for each anticipated work item to be performed. The 
notification must be performed using the BAVN’s BIP Outreach system. The notification must be to potential 
subconsultants currently registered on the BAVN. If the respondent is aware of a potential subconsultant that is 
not currently registered on the BAVN, it is the respondent’s responsibility to encourage the potential 
subconsultant to become registered so that the respondent can include them as part of their outreach.

Notifications must contain areas of work anticipated to be subconsulted, City of Los Angeles project name, name 
of the respondent, and contact person’s name, address, and telephone number. Respondents are required to send 
notifications to a sufficient number of firms comprised of MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs in each 
potential work item chosen, as determined by the City. What is considered sufficient will be determined by the 
total number of potential subconsultants in each specific work item.

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

<table>
<thead>
<tr>
<th># of Subconsultants in NAICS Code</th>
<th>% Prime Must Notify</th>
<th>Number Prime Must Notify</th>
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<tbody>
<tr>
<td>1 – 10</td>
<td>100%</td>
<td>1-10</td>
</tr>
<tr>
<td>11 – 20</td>
<td>80%</td>
<td>9-16</td>
</tr>
<tr>
<td>21 – 50</td>
<td>60%</td>
<td>13-30</td>
</tr>
<tr>
<td>51 – 100</td>
<td>40%</td>
<td>21-40</td>
</tr>
<tr>
<td>101 – 200</td>
<td>25%</td>
<td>26-50</td>
</tr>
<tr>
<td>&gt; 200</td>
<td>10%</td>
<td>20+</td>
</tr>
</tbody>
</table>

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

**Note:** Respondents 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 RFP response submittal deadline. In utilizing the BAVN’s notification 
function, respondents will receive a message if they have failed to outreach to a sufficient number of firms when 
they go to view their summary sheet. Respondents 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 respondent non-responsive if the wording is perceived to seriously limit potential subconsultant 
responses. City staff will access the BAVN and verify compliance with this indicator after the RFP
submission deadline. Respondents are encouraged to print their BIP Outreach summary sheet prior to logging out as documented proof of their progress.

5 PLANS, SPECIFICATIONS AND REQUIREMENTS

The respondent provided interested potential subconsultants with information about the availability of project scope, services requested, and other requirements for the anticipated subconsulting work.

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

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

6 NEGOTIATED IN GOOD FAITH

The respondent has responded to every unsolicited offer sent by a registered subconsultant using BAVN and has evaluated in good faith bids or proposals submitted by interested potential MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs. Respondents must not unjustifiably reject as unsatisfactory a bid or proposal offered by a registered subconsultant, as determined by the Board. The respondent must submit a list of all subconsultants for each item of work, including dollar amounts of bids or proposals received. This list must include an explanation of the evaluation that lead to the bid or proposal being rejected and the explanation must have been communicated to the subconsultant using BAVN.

**Required Documentation:**
- a) Schedule A List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants;
- b) An online Summary Sheet organized by work area, listing the following:
  1) the responses and/or bids received;
  2) the name of the subconsultant who submitted the bid/quote;
  3) a brief reason given for selection/non-selection as a subconsultant;
- c) Copies of all potential MBE/WBE/SBE/EBE/DVBE/OBE bids or quotes received must be submitted prior to award of a contract by the City;

The reasons for selection/non-selection should be included in the notes section of the online Summary Sheet. If the respondent elects to perform a listed work area with its own forces, they must include a bid/quote for comparison purposes and an explanation must be provided and included on the summary sheet. **All bids/quotes received, regardless of whether or not the respondent outreached to the subconsultant, must be submitted and included on the online Summary Sheet.** To that extent, the City expects the respondent to submit a bid from each subconsultant listed on the online Summary Sheet, including those listed on the respondent’s Schedule. **A. All potential subconsultants with whom the respondent 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 RFP response submittal deadline.
If a bid/quote is submitted by a firm that is not registered with the BAVN, the respondent is required to add that firm to their Summary Sheet. A respondent’s failure to utilize the BAVN’s Summary Sheet function will result in their RFP response being deemed non-responsive.

**Note:** For the purposes of this RFP only, letters of intent acknowledging a potential subconsultant’s interest in being contacted for work and/or hourly rates for their type of work will be considered the “bids or quotes received.” Staff will request copies of all of the bids/quotes received as part of the BIP Outreach evaluation process. Respondents must have a bid/quote from each potential subconsultant listed on their Schedule A prior to submission of the Schedule A. The submission of the Schedule A is outlined in G herein. Respondents are encouraged to submit all of their bids/quotes with their RFP response submittal. Respondents 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 RFP response submittal deadline. City staff will access the BAVN and verify compliance with the summary sheet provision of this indicator after the RFP submission deadline. Respondents are required to have each of the subconsultants on their Schedule A registered on the BAVN prior to being awarded the contract.

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

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

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

**Note:** At the time a respondent utilizes the BAVN’s BIP Outreach notification function, the required information will automatically be included in the notification. Respondents 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 RFP response submittal deadline. Respondents 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 respondent non-responsive if the wording seriously limits potential subconsultant 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 RFP submission deadline.

The respondent shall submit completed BIP Outreach documentation either via the BAVN’s BIP Outreach system or prior to award, as specified for each indicator. The Board in its review of the BIP Outreach documentation may request additional information to validate and/or clarify that the BIP Outreach submission was adequate. Any additional information submitted after the response due date and time will be treated at a higher level of scrutiny and may require third-party documentation in order to substantiate its authenticity. Such information shall be submitted promptly upon request by the Board.

### D. AWARD OF CONTRACT

The Board reserves the right to reject any and all RFP responses. The award of a contract will be to the responsive, responsible Respondent whose submittal complies with all requirements prescribed herein. This includes compliance with the required BIP Outreach. A positive and adequate demonstration to the satisfaction of the Board that a BIP Outreach to include potential MBE/WBE/SBE/EBE/DVBE/OBE subconsultants’ participation was made is a condition for eligibility for award of the contract.
In the event that the Board considers awarding away from a respondent because of the respondent’s failure to supply adequate BIP Outreach documentation, the Board shall afford the respondent an opportunity to present further evidence to the Board prior to a public hearing of the respondent’s BIP Outreach evaluation.

E. **SUBCONSULTANT SUBSTITUTION**

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

1. **Substitution During Contract Duration:** The contract award requires that the level of all subconsultant participation shall be maintained throughout the duration of the contract. To this extent, any unapproved reduction in the listed subcontract amount will be considered an unauthorized substitution.

   a. The Consultant shall request approval of the Board for all substitutions of bid-listed (Schedule B) subconsultants.

   b. The request shall be in writing and submitted to the designated Project Manager for the Board. The request shall give the reason for the substitution, the name of the subconsultant and the name of the replacement.

2. **MBE/WBE/SBE/EBE/DVBE/OBE Subconsultant Substitution:** The Board requires that whenever the Consultant seeks to substitute a bid-listed (Schedule B) subconsultant, the Consultant must make a BIP Outreach to replace the subconsultant.

   a. The Consultant shall contact some of each of the following: certified MBE, certified WBE, certified SBE, certified EBE, certified DVBE, and OBE sub-bid prospects from each trade (see Schedule A) for which sub-bid/subconsulting work is available and document the following for submittal:

      1. Name of company contacted; contact person and telephone number; date and time of contact.

      2. Response for each item of work which was solicited, including dollar amounts.

      3. Reason for selection or rejection of sub-bid prospect.

      4. In the event that the Consultant is unable to find some certified MBE, certified WBE, certified SBE, certified EBE, certified DVBE, and OBE sub-bid prospects, (first from their Schedule A, then from other outreach methods) for each trade, the Consultant should contact the Office of Contract Compliance by e-mail at bca.biphelp@lacity.org for assistance prior to certifying under penalty of perjury that it was unable to fully meet this requirement.

   b. The Consultant shall submit all documentation to the Department’s Project Manager who may refer it to the Office of Contract Compliance for review and approval.

3. In the event that a subcontract is reduced due to a project change that will not be specified in a change order, the Consultant shall request approval for reducing the subcontract by documenting the following for submittal:
a. The name of the company for which the subcontract reduction is requested and the dollar amount of the reduction.

b. The reason for the reduction. Specific details should be given in order for the Consultant’s request to be processed promptly.

c. The Consultant shall submit all documentation to the Department’s Project Manager who may refer it to the Office of Contract Compliance for review and approval.

F. **SUB-AGREEMENT FALSIFICATION**

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

G. **SUBMITTAL DOCUMENTS**

1. List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants (Schedule A)

   Respondents shall submit with their RFP response the List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants, provided herein as Schedule A. The respondent shall list the name, address, telephone, contact person and a description of work or supplies to be provided by each of the firms which may be utilized to perform portions of work in a specific task. This list is considered the respondent’s list of prequalified subconsultants which will be utilized when preparing a proposal for a specific project or task work order. For this reason, it is expected that the respondent will list multiple potential subconsultants for each specific area of work. Respondents are expected to only use the firms listed on the Schedule A when preparing a proposal for a specific project or task work order. In the event that the respondent has either a desire to update their Schedule A or a need to solicit subconsultants that are not on the Schedule A, the respondent will be expected to perform an outreach which, at a minimum, conforms to the requirements set forth under “E. Subconsultant Substitutions” of this document.

2. Task Work Order List of Subconsultants (Schedule B)

   At the time a specific task work order is assigned to the consultant, the consultant must submit the Task Work Order List of Subconsultants (Schedule B). The Schedule B is required prior to commencement of work. The consultant is committing itself to utilizing the subconsultants listed on this schedule for the portions of work and subcontract amounts for which they are listed. It is expected that the subconsultants listed on the Schedule B will be from the pool of potential subconsultants listed on the Schedule A. If the consultant needs to list subconsultants that are not on their Schedule A, the consultant needs to refer to the directions included under “1. List of Potential MBE/WBE/SBE/EBE/DVBE/OBE Subconsultants (Schedule A)” for additional details on the process for adding subconsultants to their Schedule A.

3. MBE/WBE/SBE/EBE/DVBE/OBE Utilization Profile (Schedule C)

   During the term of the contract, the consultant must submit a separate MBE/WBE/SBE/EBE/DVBE/OBE Utilization Profile (Schedule C) for each task work order when submitting an invoice to the City.
4. Final Subconsulting Report (Schedule D)

Upon completion of each task work order, a summary of these records shall be prepared on the "Final Report of Subconsulting and Purchases" form (Schedule D) and certified correct by the consultant or its authorized representative. The completed form shall be furnished to the Department within 15 working days after completion of the task work order.

H. RESPONSIBILITY FOR IMPLEMENTATION AND MONITORING

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

I. AWARD OF CONTRACT

Nothing herein restricts the discretion of the Board of Public Works to reject all proposals in accordance with Charter Section 371.
Schedule A
LIST OF POTENTIAL MBE/WBE/SBE/EBE/DVBE/OBE SUBCONSULTANTS
(NOTE: COPY THIS PAGE AND ADD ADDITIONAL SHEETS AS NECESSARY, SIGN ALL SHEETS)

<table>
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<tr>
<th>No.</th>
<th>Company Name</th>
<th>Address</th>
<th>Telephone/Contact Person</th>
<th>License No.</th>
<th>MBE/WBE/SBE/EBE/DVBE/OBE</th>
<th>Description of work to be performed.</th>
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NOTE: I hereby declare that I will be utilizing this list to solicit proposals from these subconsultants before responding to a specific project/individual Task Work Order under the Request for Qualifications for Pre-Qualified On-Call Architectural and Related Professional Services Consultants List.

__________________________________________  _____________________________________________
Signature of Person Completing this Form       Printed Name of Person Completing this Form

___________  __________
Title        Date

MUST BE SUBMITTED WITH THE RFP RESPONSE
SECTION H
MUNICIPAL LOBBYING ORDINANCE (MLO)

The City’s Municipal Lobbying Ordinance (Ord No. 169916) requires certain individuals and entities to register with the City Ethics Commission and requires public disclosure of certain lobbying activities, including money received and spent. Additionally, for all construction contracts, public leases, or licenses of any value and duration; goods or service contracts with a value greater than Twenty-Five Thousand Dollars ($25,000.00) and a term of at least three (3) months, each Respondent must submit with its response a certification, on forms CEC Form 50, prescribed by the City Ethics Commission, that the Respondent acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance, if the Respondent qualifies as a lobbying entity. A copy of the ordinance can be found at:


INSTRUCTIONS:

All Respondents must complete the enclosed Bidder Certification Forms (CEC Form 50) and submit them with the Response.
Bidder Certification
CEC Form 50

This form must be submitted to the awarding authority with your bid or proposal for the contract noted below. Please write legibly.

☐ Original filing  ☐ Amended filing (original signed on __________; last amendment signed on __________)

Bid/Contract/BAVN Number: 

Awarding Authority (Department):

Name of Bidder: 

Phone:

Address:

Email:

CERTIFICATION

I certify the following on my own behalf or on behalf of the entity named above, which I am authorized to represent:

A. I am a person or entity that is applying for a contract with the City of Los Angeles.

B. The contract for which I am applying is an agreement for one of the following:
   1. The performance of work or service to the City or the public;
   2. The provision of goods, equipment, materials, or supplies;
   3. Receipt of a grant of City financial assistance for economic development or job growth, as further described in Los Angeles Administrative Code § 10.40.1(h); or
   4. A public lease or license of City property where both of the following apply, as further described in Los Angeles Administrative Code § 10.37.1(i):
      a. I provide services on the City property through employees, sublessees, sublicensees, contractors, or subcontractors, and those services:
         i. Are provided on premises that are visited frequently by substantial numbers of the public; or
         ii. Could be provided by City employees if the awarding authority had the resources; or
      iii. Further the proprietary interests of the City, as determined in writing by the awarding authority;
      b. I am not eligible for exemption from the City’s living wage ordinance, as eligibility is described in Los Angeles Administrative Code § 10.37.1(b).

C. The value and duration of the contract for which I am applying is one of the following:
   1. For goods or services contracts—a value of more than $25,000 and a term of at least three months;
   2. For financial assistance contracts—a value of at least $100,000 and a term of any duration;
   3. For construction contracts, public leases, or licenses—any value and duration.

D. I acknowledge and agree to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if I qualify as a lobbying entity under Los Angeles Municipal Code § 48.02.

I certify under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information in this form is true and complete.

Date: _____________

Signature: _____________

Name: _____________

Title: _____________
Los Angeles Administrative Code § 10.40.1

(h) "City Financial Assistance Recipient" means any person who receives from the City discrete financial assistance in the amount of One Hundred Thousand Dollars ($100,000.00) or more for economic development or job growth expressly articulated and identified by the City, as contrasted with generalized financial assistance such as through tax legislation.

Categories of such assistance shall include, but are not limited to, bond financing, planning assistance, tax increment financing exclusively by the City, and tax credits, and shall not include assistance provided by the Community Development Bank. City staff assistance shall not be regarded as financial assistance for purposes of this article. A loan shall not be regarded as financial assistance. The forgiveness of a loan shall be regarded as financial assistance. A loan shall be regarded as financial assistance to the extent of any differential between the amount of the loan and the present value of the payments thereunder, discounted over the life of the loan by the applicable federal rate as used in 26 U.S.C. Sections 1274(d), 7872(f). A recipient shall not be deemed to include lessees and sublessees.

Los Angeles Administrative Code § 10.37.1

(l) "Public lease or license".

(a) Except as provided in (l)(b), "Public lease or license" means a lease or license of City property on which services are rendered by employees of the public lessee or licensee or sublessee or sublicensee, or of a contractor or subcontractor, but only where any of the following applies:

1. The services are rendered on premises at least a portion of which is visited by substantial numbers of the public on a frequent basis (including, but not limited to, airport passenger terminals, parking lots, golf courses, recreational facilities), or
2. Any of the services could feasibly be performed by City employees if the awarding authority had the requisite financial and staffing resources, or
3. The DAA has determined in writing that coverage would further the proprietary interests of the City.

(b) A public lessee or licensee will be exempt from the requirements of this article subject to the following limitations:

1. The lessee or licensee has annual gross revenues of less than the annual gross revenue threshold, three hundred fifty thousand dollars ($350,000), from business conducted on City property.
2. The lessee or licensee employs no more than seven (7) people total in the company on and off City property;
3. To qualify for this exemption, the lessee or licensee must provide proof of its gross revenues and number of people it employs in the company's entire workforce to the awarding authority as required by regulation;
4. Whether annual gross revenues are less than three hundred fifty thousand dollars ($350,000) shall be determined based on the gross revenues for the last tax year prior to application or such other period as may be established by regulation;
5. The annual gross revenue threshold shall be adjusted annually at the same rate and at the same time as the living wage is adjusted under section 10.37.2 (a);
6. A lessee or licensee shall be deemed to employ no more than seven (7) people if the company's entire workforce worked an average of no more than one thousand two-hundred fourteen (1,214) hours per month for at least three-fourths (3/4) of the time period that the revenue limitation is measured;
7. Public leases and licenses shall be deemed to include public subleases and sublicenses;
8. If a public lease or license has a term of more than two (2) years, the exemption granted pursuant to this section shall expire after two (2) years but shall be renewable in two-year increments upon meeting the requirements therefor at the time of the renewal application or such period established by regulation.
Prohibited Contributors (Bidders)
Form 55

This form must be completed in its entirety and submitted with your bid or proposal to the City department that is awarding the contract. Failure to submit a completed form may affect your bid or proposal. If you have questions about this form, please contact the Ethics Commission.

☐ Original filing  ☐ Amended filing (original signed on __________; last amendment signed on __________)

Reference Number (bid or contract number, if applicable):

Date Bid Submitted:

Description of Contract (title of RFP and service to be provided):

City Department Awarding the Contract:

BIDDER INFORMATION

Name: 

Address: 

Email: 

Phone: 

SCHEDULE SUMMARY

Please complete all three of the following:

1. SCHEDULE A — Bidder’s Principals (check one)
   - The bidder is the individual listed above and has no other principals (Schedule A is not required).
   - The bidder is the individual listed above or an entity and has other principals, who are listed on the attached Schedule A pages.

2. SCHEDULE B — Subcontractors and Their Principals (check one)
   - The bidder has no subcontractors on this bid or proposal whose subcontractors are worth $100,000 or more (Schedule B is not required).
   - The bidder has one or more subcontractors on this bid or proposal with subcontractors worth $100,000 or more, and those subcontractors and their principals are listed on the attached Schedule B pages.

3. TOTAL NUMBER OF PAGES SUBMITTED (including this cover page): _______

BIDDER’S CERTIFICATION

I certify that I understand, will comply with, and have notified my principals and subcontractors of the requirements and restrictions in Los Angeles City Charter section 470(c)(12) and any related ordinances. I certify under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information provided on this form and the attached pages is true and complete to the best of my knowledge and belief.

Date: __________________ Signature: __________________

Name: __________________ Title: __________________

Revised February 2016

Los Angeles City Charter § 470(c)(12)
Los Angeles Municipal Code §§ 49.7.32(8)(3), (4)
SCHEDULE A — BIDDER’S PRINCIPALS

Please identify the names and titles of all of the bidder’s principals (attach additional sheets if necessary). Principals include a bidder’s board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the bidder of at least 20 percent and employees of the bidder who are authorized by the bid or proposal to represent the bidder before the City.

☐ Check this box if additional Schedule A pages are attached.

Name: __________________________ Title: __________________________
Address: __________________________

Name: __________________________ Title: __________________________
Address: __________________________

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Address: __________________________
SCHEDULE B — SUBCONTRACTORS AND THEIR PRINCIPALS

Please identify all subcontractors whose subcontracts are worth $100,000 or more. Separate Schedule B pages are required for each subcontractor who meets that threshold.

Subcontractor: __________________________________________
Address: ________________________________________________

Check one of the following:

☑ The subcontractor listed above is an individual and has no other principals.

☑ The subcontractor listed above is an individual or an entity and has principals, and their names and titles are identified below (attach additional sheets if necessary). Principals include a subcontractor’s board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the subcontractor of at least 20 percent and employees of the subcontractor who are authorized by the bid or proposal to represent the subcontractor before the City.

☐ Check this box if additional Schedule B pages are attached.

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Form 55
Instructions

Bidders who respond to certain City contract solicitations are limited by City law in their ability to financially participate in City elections. They are prohibited from making campaign contributions to and engaging in certain fundraising activity for City candidates and officeholders. They are also required to disclose their identities and the identities of their subcontractors and principals. Form 55 must be used for that purpose, and these instructions provide information about how to complete it.

If you have questions about Form 55, please contact the Ethics Commission.
(213) 978-1960
ethics.bidder@lacity.org

Bidder Responsibilities

You are a bidder required to complete Form 55 when all of the following apply:

- You submit a response or proposal for an RFP (request for proposals), RFQ (request for qualifications), RFB (request for bids), or any other written or verbal request to enter into a City contract; and
- The contract you seek is expected to be valued at $100,000 or more, and
- The contract must be approved by an elected office (City Council, Mayor, City Controller, or City Attorney).

Form 55 is used to disclose information about the following individuals and entities:

- You (the bidder);
- Your principals;
- Your subcontractors with subcontracts valued at $100,000 or more; and
- The principals of those subcontractors.

The campaign finance restrictions and requirements in Los Angeles City Charter § 4.700(1)(c)(2) and Los Angeles Municipal Code § 8.7.35 apply to all of those individuals and entities. They are subject to the laws because of the positions they hold in relation to a City bid, not because they are disclosed on your Form 55.

You are required to do all of the following:

1. Submit your Form 55 with your bid or proposal documents to the City department awarding the contract.

2. Amend your Form 55 within 10 days if the information in the form changes after you submit it with your bid.

3. Notify your principals and subcontractors of the campaign finance restrictions and requirements that apply to them.
Form 55 Instructions

Page 1: Cover Page and Bidder Information

You must complete all sections on the cover page.

A. Original or Amended Filing

Original Filing – Check this box if this is the first time you are submitting a Form 55 in connection with a City contract that you currently seek or have been awarded.

Amended Filing – Check this box if you are making changes to a Form 55 that was previously submitted in connection with the same City contract that you are seeking or have been awarded. For an amended filing, you must provide the later of:

- The date that your original Form 55 submission was signed, or
- The date that your most recent amendment was signed.

Example 1
Your law firm submitted a Form 55 last month when responding to an RFP with the City Attorney’s Office for legal services. Your law firm is now responding to an RFP with the Port of Los Angeles for a different contract to provide legal services. Check the “Original Filing” box on the Form 55 submitted to the Port, because this is the first time your firm is submitting Form 55 in connection with the legal services contract with the Port.

Example 2
Your company submitted a Form 55 last week when responding to an RFP with the Department of Water and Power (DWP) for construction services. This week, your company moved its offices to a new location. Your company is required to update its contact information on the Form 55 submitted with its proposal. Check the “Amended Filing” box, because your company is submitting an updated version of the Form 55 that was submitted in connection with the same construction services contract with DWP.

B. Reference Number

If applicable, provide the bid number, contract number, RFP number, or other identifying number or code assigned to the bid or potential contract that you seek. You can usually find this number on the City solicitation package (e.g., the RFP documents). However, not all solicitations have a reference number.

If there is no reference number for the bid or contract, enter “NA” in this box.

C. Date Bid Submitted

Enter the date that you submit your bid or response documents to the City department awarding the contract.

D. Description of Contract

Provide the following information in this section:

- Title of the RFP, RFQ, or RFB as listed on the City solicitation documents, and
- Description of the services to be provided under the contract sought.

A brief description of the contract is usually given in the RFP, RFQ, RFB, or solicitation documents. If you cannot find one, describe what will be performed under the contract.
E. City Department Awarding the Contract

Provide the name of the City department that will be awarding the contract you seek.

F. Bidder Information

Provide all of the following information:
- Your full legal name;
- Your street address;
- Your telephone number; and
- Your email address.

The email address and telephone number provided in this section will be used to contact you if there are questions about the information provided in your Form 55. Remember to amend your Form 55 to keep this information current.

G. Schedule Summary

1. Schedule A – Bidder’s Principals

In this section, indicate whether you have principals to disclose. Check only one box in this section. A principal is any of the following:
- Board chair;
- President;
- Chief executive officer;
- Chief operating officer;
- An individual who serves in the functional equivalent of one of the above positions;
- An individual who holds an ownership interest of 20% or more, or
- An employee authorized to represent you before the City regarding this contract.

Check the first box if you are an individual and do not have other principals.

Check the second box if you are an entity (corporation, company, partnership, organization, etc.) or if you are an individual who has other principals. Attach to the cover page as many Schedule A pages as necessary to identify all of your principals.

Most bidders are entities that have principals. So most bidders must check the second box and attach Schedule A pages to the cover page.

Example 1
You are putting together a proposal for a City contract on behalf of your employer, Bidder, Inc. The proposal must include a Form 55. Because Bidder, Inc. is an entity, you must check the second box and disclose Bidder, Inc.'s principals on attached Schedule A pages.

Example 2
You are an individual submitting a proposal for a City contract and must complete a Form 55. You have two employees who are authorized to represent you before the City on this proposal. You must check the second box and disclose yourself and those employees as your principals on attached Schedule A pages.
2. **Schedule B – Subcontractors and Their Principals**

In this section, indicate whether you have one or more subcontractors with subcontracts valued at $100,000 or more on the City contract you seek. Check only one box in this section.

Check the **first box** if you do not have subcontractors with subcontracts worth $100,000 or more.

Check the **second box** if you do have subcontractors with subcontracts worth $100,000 or more. Attach to the cover page as many Schedule B pages as necessary to identify all of your subcontractors and their principals.

**Example 1**

Your construction company is submitting a response to a City RFP to provide construction services on a development project and must submit a Form 55. For the proposed project, you expect to hire ABC Company as a subcontractor that will perform $50,000 worth of work and XYZ Corporation as another subcontractor that will perform $200,000 worth of work. Check the second box and attach Schedule B pages to disclose XYZ Corporation and its principals.

**Example 2**

Your architecture firm is submitting a response to a City RFP to provide landscape design services at a new park, and a Form 55 is required. For the proposed project, you expect to hire two subcontractors: More Sunshine, Inc., which will provide consulting services worth $30,000, and Beautiful Parks Company, which will perform $85,000 worth of the work. Check the first box, indicating that you do not have any subcontractors with subcontracts valued at $100,000 or more.

3. **Total Number of Pages Submitted**

Enter the total number of Form 55 pages that you are submitting, including the cover page and all attached Schedule A and B pages.

4. **Bidder’s Certification**

Form 55 must be signed by an authorized representative of the bidder. By signing this section, you are certifying under penalty of perjury all of the following:

- You understand and will comply with the requirements and restrictions in Los Angeles City Charter § 470(e)(12) and Los Angeles Municipal Code § 46.7.35;

- You have notified your principals and subcontractors of the requirements and restrictions; and

- The information you provided in the Form 55 and all attached pages is true and complete.
Page 2: Schedule A — Bidder’s Principals

You must complete this section to disclose your principals. See page 3 of these instructions for a definition of “principal”.

Provide the name, title, and address for each of your principals. If you need more space, mark the box indicating that you are attaching additional Schedule A pages. You may attach as many additional Schedule A pages as necessary to disclose all of your principals.

Remember to include all attached Schedule A pages in the total page count on your cover page.

Page 3: Schedule B — Subcontractors and Their Principals

You must complete this section to disclose your subcontractors with subcontracts worth $100,000 or more. You must also disclose the principals of those subcontractors. “Principal” is defined the same for bidders and for subcontractors. See page 3 of these instructions for the definition.

You must submit at least one Schedule B page for each subcontractor. Provide the name and address of the subcontractor, and then mark the appropriate box to indicate whether the subcontractor has principals.

If a subcontractor has more principals than will fit on one page—or if you have multiple subcontractors to disclose—mark the box indicating that you are attaching additional Schedule B pages. You may attach as many additional Schedule B pages as necessary to disclose all of your subcontractors with subcontracts worth $100,000 or more and all of their principals.

Remember to include all attached Schedule B pages in the total page count on your cover page.
The City Council, on January 7, 1992, adopted a motion that requires bidders to state their headquarter address as well as the percentage of their workforce residing in the City of Los Angeles. All Respondents must complete the Los Angeles Residence Information form in order to be considered for a contract award.

**INSTRUCTIONS:**

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

Organization: __________________________________________________________

I. Corporate or Main Office Address:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

II. Total Number of Employees in the Organization:

III. Percentage of the Bidder’s Total Workforce Employed within the City of Los Angeles:

________________________________ ; Percentage Residing in the City:________________

IV. Address of any Branch Offices Located within the City of Los Angeles and Total Number Employed in each Los Angeles Branch:

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

V. Percentage of the Workforce in each Los Angeles Branch Offices that is Employed within

The City:_______________ ; Percentage Residing in the City:________________
SECTION J

REPORTING REQUIREMENTS AFTER AWARD OF CONTRACT

Respondent is responsible for submitting a Monthly Ethnic Composition of Work Force (ECWF) report by the 10th of each month for the preceding month. Subcontractors with a contract valued at greater than Five Thousand Dollars ($5,000.00) must also submit the ECWF as well. The Respondent will be responsible to submit a list of subcontractors working on every project, note which subcontractors have subcontracts in excess of Five Thousand Dollars ($5,000.00), and ensure such subcontractors submit an Affirmative Action Plan prior to commencing work.

INSTRUCTIONS:

1. Complete and sign the document.
2. Submit with the Response.
The contractor is required to provide a Monthly Ethnic Composition of Work Force (ECWF) Report due by the tenth (10th) of each month for the preceding month. Contractors should submit the original to the Department of Recreation and Parks, Planning, Construction and Maintenance Branch, authorized City representative at the job site. This report must also be submitted by all subcontractors whose contracts exceed Five Thousand Dollars ($5,000.00).

The contractor awarded this project will be required to submit a list of all subcontractors on the project prior to commencing work and indicate by an asterisk (*) those whose sub-subcontracts exceed Five Thousand Dollars ($5,000.00).

The contractor is reminded that pursuant to the City’s Affirmative Action Ordinance, subcontractors whose contracts exceed Five Thousand Dollars ($5,000.00) must submit an Affirmative Action Plan prior to commencing work.

The contractor awarded the contract is responsible for the preparation and submission of all reports. Failure to submit the required reports may delay the contractor’s payment requests.

Contractor/Bidder/Respondent has read the “REPORTING REQUIREMENTS AFTER AWARD OF A CONTRACT” above and made it a part of the Response documents for this contract.

Contractor or Name of Company

By: (Signature)  Date
SECTION K

COMPLIANCE WITH LOS ANGELES CITY
CHARTER SECTION 470(c)(12) (MEASURE H)

Charter Section 470(c)(12) and related ordinances state that respondents may not make campaign contributions to and/or engage in fundraising for certain elected City officials or candidates for elected City office from the time they submit a response until either the contract is approved or, for awarded responders, twelve (12) months after the contract is signed. The respondent’s principals and subcontractors performing $100,000 or more in work on the contract, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising. By submitting the Bidder Contributions form (CEC Form 55), as prescribed by the City Ethics Commission, the respondent acknowledges and agrees to comply with the requirements of Charter Section 470(c)(12) and related ordinances. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission as (213) 978-1960 or ethics.lacity.org.

INSTRUCTIONS:

All respondents must complete the Bidder Contributions form (CEC Form 55) and submit it with the Response. Responses submitted without a completed CEC Form 55 shall be deemed nonresponsive. Responders who fail to comply with City law may be subject to penalties, termination of contract, and debarment.
Prohibited Contributors (Bidders)
Form 55

This form must be completed in its entirety and submitted with your bid or proposal to the City department that is awarding the contract. Failure to submit a completed form may affect your bid or proposal. If you have questions about this form, please contact the Ethics Commission.

☐ Original filing  ☐ Amended filing (original signed on __________; last amendment signed on __________)

**Reference Number**  (bid or contract number, if applicable):  

**Date Bid Submitted:**

**Description of Contract**  (title of RFP and services to be provided):

**City Department Awarding the Contract:**

**BIDDER INFORMATION**

Name: ___________________________

Address: _________________________

Email: ___________________________  Phone: _______________________

**SCHEDULE SUMMARY**

Please complete all three of the following:

1. **SCHEDULE A — Bidder’s Principals (check one)**
   - [ ] The bidder is the individual listed above and has no other principals (Schedule A is not required).
   - [ ] The bidder is the individual listed above or an entity and has other principals, who are listed on the attached Schedule A pages.

2. **SCHEDULE B — Subcontractors and Their Principals (check one)**
   - [ ] The bidder has no subcontractors on this bid or proposal whose subcontracts are worth $100,000 or more (Schedule B is not required).
   - [ ] The bidder has one or more subcontractors on this bid or proposal with subcontracts worth $100,000 or more, and those subcontractors and their principals are listed on the attached Schedule B pages.

3. **TOTAL NUMBER OF PAGES SUBMITTED (including this cover page): ________

**BIDDER’S CERTIFICATION**

I certify that I understand, will comply with, and have notified my principals and subcontractors of the requirements and restrictions in Los Angeles City Charter section 470(c)(12) and any related ordinances. I certify under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information provided on this form and the attached pages is true and complete to the best of my knowledge and belief.

Date: __________________________  Signature: _________________________

Name: ___________________________  Title: ___________________________

Revised February 2016  Los Angeles City Charter § 470(c)(12)  Los Angeles Municipal Code §§ 49.7.35(B)(3), (4)
**SCHEDULE A — BIDDER’S PRINCIPALS**

Please identify the names and titles of all of the bidder’s principals (attach additional sheets if necessary). Principals include a bidder’s board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the bidder of at least 20 percent and employees of the bidder who are authorized by the bid or proposal to represent the bidder before the City.

- Check this box if additional Schedule A pages are attached.

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**Revised February 2016**

Los Angeles City Charter § 470(c)(12)
Los Angeles Municipal Code §§ 49.7.35(B)(3), (4)
### SCHEDULE B — SUBCONTRACTORS AND THEIR PRINCIPALS

*Please identify all subcontractors whose subcontracts are worth $100,000 or more. Separate Schedule B pages are required for each subcontractor who meets that threshold.*

**Subcontractor:**  
- **Address:**

**Check one of the following:**

- ☐ The subcontractor listed above is an individual and has no other principals.
- ☐ The subcontractor listed above is an individual or an entity and has principals, and their names and titles are identified below (attach additional sheets if necessary). Principals include a subcontractor’s board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the subcontractor of at least 20 percent and employees of the subcontractor who are authorized by the bid or proposal to represent the subcontractor before the City.

☐ Check this box if additional Schedule B pages are attached.

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Respondents 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.

Construction projects with the City of Los Angeles for which the consideration is One Thousand Dollars ($1,000.00) or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. All Respondents shall complete the Non-Discrimination/Equal Employment Practices Affidavit (two (2) pages) prior to award of a City contract valued at One Thousand Dollars ($1,000.00) or more.

Construction projects with the City of Los Angeles for which the consideration is Five Thousand Dollars ($5,000.00) or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4 and10.8.13, herewith referred to as the Affirmative Action Program. All Bidders/Proposers/Respondents shall complete and upload, the City of Los Angeles Affirmative Action Plan Affidavit (four (4) pages) prior to award of a City construction contract valued at Five Thousand Dollars ($5,000.00). Respondents are required to complete item #6 on page four (4) of the City of Los Angeles Affirmative Action Plan Affidavit.

Additionally, Respondents must complete and submit to the awarding department, the Anticipated Employment Utilization Report for each contract awarded prior to issuance of a “Notice to Proceed” to effectuate the requirements of the Los Angeles Administrative Code Section 10.8.13, applicable to construction contracts. Furthermore, the same requirements apply to all subcontractors who must also submit the Anticipated Employment Utilization Report prior to commencing work on the contract.

**INSTRUCTIONS:**

1. Complete and sign the document.
2. Submit with the Response.
CITY OF LOS ANGELES

NONDISCRIMINATION • EQUAL EMPLOYMENT PRACTICES
CONSTRUCTION & NON-CONSTRUCTION CONTRACTOR

Los Angeles Administrative Code (LAAC), Division 10, Chapter 1, Article 1, Section 10.8 stipulates that the City of Los Angeles, in letting and awarding contracts for the provision to it or on its behalf of goods or services of any kind or nature, intends to deal only with those contractors that comply with the non-discrimination and Affirmative Action provisions of the laws of the United States of America, the State of California and the City of Los Angeles. The City and each of its awarding authorities shall therefore require that any person, firm, corporation, partnership or combination thereof, that contracts with the City for services, materials or supplies, shall not discriminate in any of its hiring or employment practices, shall comply with all provisions pertaining to nondiscrimination in hiring and employment, and shall require Affirmative Action Programs in contracts in accordance with the provisions of the LAAC. The awarding authority and/or Office of Contract Compliance of the Department of Public Works shall monitor and inspect the activities of each such contractor to determine that they are in compliance with the provisions of this chapter.

I. Los Angeles Administrative Code Section 10.8.2 All Contracts: Non-discrimination Clause

Notwithstanding any other provision of any ordinance of the City of Los Angeles to the contrary, every contract which is let, awarded or entered into with or on behalf of the City of Los Angeles, shall contain by insertion therein a provision obligating the contractor in the performance of such contract not to discriminate in his or her employment practices against any employee or applicant for employment because of the applicant’s race, religion, national origin, ancestry, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition. All contractors who enter into such contracts with the City shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor’s contract with the City.


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

A. During the performance of this contract, the contractor agrees and represents that it will provide equal employment practices and the contractor and each subcontractor hereunder will ensure that in his or her employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status or medical condition.

1. This provision applies to work or service performed or materials manufactured or assembled in the United States.

2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work or service category.

3. The contractor agrees to post a copy of Paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status or medical condition.

C. As part of the City’s supplier registration process, and/or at the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify in the specified format that he or she has not discriminated in the performance of City contracts against any employee or applicant for employment on the basis or because of race, religion, national origin, ancestry, sex, sexual orientation, age, disability, marital status or medical condition.
D. The contractor shall permit access to and may be required to provide certified copies of all of his or her records pertaining to employment and to employment practices by the awarding authority or the Office of Contract Compliance for the purpose of investigation to ascertain compliance with the Equal Employment Practices provisions of City contracts. On their or either of their request the contractor shall provide evidence that he or she has or will comply therewith.

E. The failure of any contractor to comply with the Equal Employment Practices provisions of this contract may be deemed to be a material breach of City contracts. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made or penalties assessed except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor.

F. Upon a finding duly made that the contractor has failed to comply with the Equal Employment Practices provisions of a City contract, the contract may be forthwith canceled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such failure to comply may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor is an irresponsible bidder or proposer pursuant to the provisions of Section 371 of the Charter of the City of Los Angeles. In the event of such a determination, such contractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until the contractor shall establish and carry out a program in conformance with the provisions hereof.

G. Notwithstanding any other provision of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.

H. The Board of Public Works shall promulgate rules and regulations through the Office of Contract Compliance, and provide necessary forms and required language to the awarding authorities to be included in City Request for Bids or Request for Proposal packages or in supplier registration requirements for the implementation of the Equal Employment Practices provisions of this contract, and such rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive orders. No other rules, regulations or forms may be used by an awarding authority of the City to accomplish the contract compliance program.

I. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.

J. At the time a supplier registers to do business with the City, or when an individual bid or proposal is submitted, the contractor shall agree to adhere to the Equal Employment Practices specified herein during the performance or conduct of City Contracts.

K. Equal Employment Practices shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:

1. Hiring practices;

2. Apprenticeships where such approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;

3. Training and promotional opportunities; and

4. Reasonable accommodations for persons with disabilities.

L. All contractors subject to the provisions of this section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with all such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor’s contract with the City.
Equal Employment Practices Provisions Certification – The Contractor by its signature affixed hereto declares under penalty of perjury that:

1. The Contractor has read the Nondiscrimination Clause in Section I above and certifies that it will adhere to the practices in the performance of all contracts.
2. The Contractor has read the Equal Employment Practices Provisions as contained in Section II above and certifies that it will adhere to the practices in the performance of any construction contract or non-construction contract of One Thousand Dollars ($1,000.00) or more.

---------------------------------------------------------------
COMPANY NAME

---------------------------------------------------------------
AUTHORIZED SIGNATURE

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ADDRESS

---------------------------------------------------------------
NAME AND TITLE (TYPE OR PRINT)

---------------------------------------------------------------
CITY, COUNTY, STATE, ZIP

---------------------------------------------------------------
TELEPHONE/E-MAIL

Form OCC/ND-EEP-1 (7/11)
Any Responders who have an employee need of child care and who have adopted a stated policy on child care shall receive preference in contracting with the City of Los Angeles. In order to determine which firms qualify for contract preference, all Respondents must complete and return with their response the Vendor Child Care Policy Program – Child Care Declaration Statement. Failure to return the signed and completed declaration (must be signed in two (2) places) may result in your response being deemed non-responsive.

INSTRUCTIONS:

1. Complete and sign the document in two (2) places.
2. Submit with the Response
CHILD CARE POLICIES

This Contract is subject to the policy of the City of Los Angeles regarding City Child Care Policies and Vendor System as adopted by City Council. CONTRACTOR is required to complete the Child Care Declaration statement which is attached hereto as Form D and Form E.

I. City Child Care Policy and Vendor System – On February 24, 1987, the City Council adopted the Child Care Policy for the City of Los Angeles. This policy acknowledges the importance of quality, affordable, accessible child care to the individual, family, work place and community. The City further recognizes that existing child care services and facilities are not adequate to meet current demand, and that such demand is increasing. Failure to address this critical unmet need will have serious, detrimental effects on the physical, social and economic life of Los Angeles. Thus, the City Child Care Policy was adopted, committing the City to use its resources as educator, employer, model and facilitator to act as a catalyst in expanding the supply of quality, affordable child care in Los Angeles.

The City Child Care Policy includes an item specifically designed to address the development and implementation of child care policies and practices by vendors, as follows:

THE CITY OF LOS ANGELES SHALL ENCOURAGE ALL ITS VENDORS TO ADOPT A STATED POLICY ON CHILD CARE. TO THE EXTENT PERMITTED BY LAW, VENDORS WITH STATED CHILD CARE POLICIES SHALL RECEIVE PREFERENCE IN CONTRACTING WITH THE CITY OF LOS ANGELES.

It is the goal of the City to promote and facilitate the establishment and implementation of child care policies and practices which address the critical unmet local need for quality, affordable child care services.

A company may, after a review and due consideration, determine that child care is not an employee need or that a child benefit/service cannot feasibly be offered by the company. In this case, a written policy statement to this effect would also qualify a company for the vendor preference.

II. Request Child Care Policy Information from Vendors – All vendor applicants should complete the “Child Care Declaration Statement” form, declaring whether the business has a stated child care policy and/or offers any form of child care assistance to employees. Those vendors indicating they have a stated child care policy for employees should file a copy of said policy along with the “Declaration Form”.

III. Definition of a Stated Child Care Policy – A “Stated Child Care Policy” is a written statement of intent and/or attitude by an employer regarding the provision of child care assistance to employees.

IV. Definitions of Child Care Assistance – The following definitions apply to the various forms of child care assistance listed on the “Child Care Declaration Statement.”

A. EMPLOYER SUBSIDIZED CHILD CARE CENTER(S) – Group care for children (may range from twelve [12] to three hundred [300] children), in a licensed setting such as a preschool or other center, which may serve infants, toddlers, preschoolers or school-age children; the center receives funds, goods and/or services from an employer which thus subsidizes part or all of the
child care center operating costs, and employees of the subsidizing employer may enroll dependents in this center.

B. **EMPLOYER SUBSIDIZED CHILD CARE HOME(S)**
Care for up to fourteen (14) children in the home of a licensed caregiver; may include one (1) home or a network of two (2) or more family day care homes, which receive funds, goods and/or services from an employer who thus subsidizes part of all of the home operating costs; employees of the subsidizing employer may enroll dependents in this care home.

C. **CHILD CARE REIMBURSEMENT IN ADDITION TO OTHER BENEFITS**
Employer helps employees pay for child care expenses by reimbursing the employee or his/her care provider for all or part of the cost of child care; allows employee to select the child care provider, or employer may designate providers or conditions (e.g. only reimburse licensed providers); such reimbursement is provided to the employee in addition to the other employee benefits.

D. **CHILD CARE REIMBURSEMENT IN A FLEXIBLE BENEFIT PACKAGE**
System which allows employees to make individual choices among a range of benefits provided by the employer (e.g., health, dental, retirement, etc.) and child care is included as a benefit choice.

E. **PAID PARENTAL LEAVE**
Employees are given paid time off work due to childbirth or adoption, with a guaranteed return to the same or a comparable job and seniority status.

F. **PURCHASE OF SERVICES FOR EMPLOYEES IN A COMMUNITY CHILD CARE PROGRAMS**
Company contributes funds, goods and/or services to a child care program in the community (center or family day care home), for the purpose of preferential consideration for use by employees.

G. **SALARY SET-ASIDE/FLEXIBLE SPENDING ACCOUNT FUNDED WITH EMPLOYEE SALARY DOLLARS**
Employer has set up a qualified Dependent Care Assistance Plan under IRS Section 125 and 129, which allows employees to designate an amount up to Five Thousand Dollars ($5,000.00) per year to be set aside from their salaries to pay for dependent care; since such a salary set aside is not taxed, both employee and employer receive financial benefits.

H. **CHILD CARE REFERAL SERVICES**
A service to employees which provides information, referrals and consultation regarding local child care services (e.g., locations, hours, rates).

I. **PARENTING SEMINARS**
Company offers workshops, educational presentations, and related activities to provide information and support in such areas as parenting skills, work-family relations, child development, and related topics; may be provided by in-house staff or by contracted services.

J. **COUNSELING OF A SELF-SUPPORTING CENTER**
Company provides (through in-house or contracted services) group, family or individual counseling services to support employees in the resolution of work/family issues.
K. START-UP OF A SELF-SUPPORTING CENTER
Company has provided funds, goods and/or services to directly assist in the land acquisition, design, construction, renovation, equipment, furnishing or other costs associated with starting a child care program; this was one-time-only assistance for start-up, with the center now operating on a self-supporting basis.

L. START-UP CONTRIBUTIONS TO A CONSORTIUM CENTER
Company has provided funds, goods and/or services to a child care center, working in cooperation to develop and support a child care service available to employees of contributing companies.

M. FLEXIBLE WORK HOURS
Employees are allowed to make choices about work schedules, with such possible options as 5-day/40-hour vs. 4-day/40-hour work weeks or flexible hours scheduled within a day; may include establishment of “core” working hours during which an employee must be present at the work site.

N. FLEXIPLACE/WORK-AT-HOME
Company offers employees the option to work in their homes; may be available part- or full-time.

O. PERMANENT PART-TIME/JOB SHARING
Company offers job opportunities in which employees may work less than full-time while retaining permanent employment status, and/or two employees may share a single full-time position with salary and benefits prorated between the two employees.

P. WORK-AT-HOME FOLLOWING MATERNITY LEAVE
Employees are offered the option to perform their jobs at home for a period following leave for childbirth or adoption.

Q. UNPAID PARENTAL LEAVE
Employees are allowed unpaid time off due to childbirth or adoption, with a guaranteed return to the same or a comparable job and seniority status.

R. DONATION TO ENHANCE AN EXISTING CHILD CARE PROGRAM
Company has contributed funds, goods and/or services to a child care program, for the purpose of improving the quality, affordability, or accessibility of said program.

All Requests for Proposals, Requests for Qualifications, Invitations for Bids, advertisements for bids, and other similar documents must give notice of these provisions to those who bid on or submit proposals for prospective contracts with the City. All bidders and proposers are required to complete the attached Certification of Compliance with Child Support Obligations. Failure to return the completed certification as part of the bid or proposal will result in the bid or proposal being deemed unresponsive and being rejected.
CITY OF LOS ANGELES

VENDOR CHILD CARE POLICY PROGRAM

CHILD CARE DECLARATION STATEMENT

The business concern listed below declares the following status on the “Child Care Policy of the City of Los Angeles, XI. Vendors” as defined in the attached supplementary instructions to bidders. It is incumbent upon the concern to notify the City of any changes applicable to this declaration.

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Note: A “stated child care policy” may include services and/or benefits for employees and their families, including infants through school-age child care centers or family day care homes, before and after school programs, day camps, and services for ill children with special needs, family leave, and more. Please refer to the attached instructions for definitions. Please check ALL items on the form that apply to your business concern.

**Part One**

**DOES YOUR BUSINESS HAVE A STATED CHILD CARE POLICY?**

If YES, please attach a copy

**Part Two**

**DOES YOUR BUSINESS PROVIDE CHILD CARE ASSISTANCE?**

If YES, please check which from(s) of assistance

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<th>Level I Assistance</th>
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<th>Level III Assistance</th>
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<tr>
<td>Subsidized company child care center</td>
<td>Subsidized Network of child care homes</td>
<td>Flexible work hours</td>
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<td>Child care reimbursement in addition to other benefits</td>
<td>Child care reimbursement in a flexible benefit package</td>
<td>Flex-place/work-at-home</td>
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<td>Paid parental leave</td>
<td>Purchase of spaces for employees in community child care program(s) (centers or homes)</td>
<td>Permanent part-time/job sharing</td>
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<td>Salary set aside/flexible spending account funded with employee salary dollars/Section 125</td>
<td>Start-up of a self-supporting center</td>
<td>Work-at-home following maternity leave</td>
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<tr>
<td>Child care referral services</td>
<td>Start-up contributions to a “consortium center”</td>
<td>Unpaid parental leave</td>
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<tr>
<td>Parenting seminars</td>
<td>Level III Assistance</td>
<td>Donations to enhance child care programs</td>
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<tr>
<td>Counseling on work/family issues</td>
<td>Flexible work hours</td>
<td>Other: (Describe)</td>
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<tr>
<td>Start-up of a self-supporting center</td>
<td>Flex-place/work-at-home</td>
<td>(Describe)</td>
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<tr>
<td>Start-up contributions to a “consortium center”</td>
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**I HAVE READ AND COMPLETED:**

(Signed) ________________________________ (Date) __________

For additional information on child care options and benefits for employees, please contact the City Child Care Coordinator’s Office, 333 South Spring Street, Los Angeles, CA 90013.

Do not write in this space

Date Filed: 184 (11/89) Expiration Date: 50-184 (11/89)
SECTION N
IRAN CONTRACTING ACT OF 2010

In accordance with California Public Contract Code Sections 2200-2208, all bidders submitting proposals for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at One Million Dollars ($1,000,000.00) or more are required to complete, sign, and submit the “Iran Contracting Act of 2010 Compliance Affidavit”.

INSTRUCTIONS:

1. Complete and sign the document (either certifying compliance, or requesting exemption).
2. Submit with the Response.
IRAN CONTRACTING ACT OF 2010 COMPLIANCE AFFIDAVIT

(The California Legislature adopted the Iran Contracting Act of 2010 to respond to policies of Iran in a uniform fashion (PCC § 2201(q)). The Iran Contracting Act prohibits bidders engaged in investment activities in Iran from bidding on, submitting proposals for, or entering in to or renewing contracts with public entities for goods and services of One Million Dollars ($1,000,000) or more (PCC § 2203(a)). A bidder who “engages in investment activities in Iran” is defined as either:

1. A bidder providing goods or services of Twenty Million Dollars ($20,000,000.00) or more in the energy sector of Iran, including provision of oil or liquefied natural gas tankers, or products used to constructor maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or

2. A bidder that is a financial institution (as that term is defined in 50U.S.C. § 1701) that extends Twenty Million Dollars ($20,000,000.00) or more in credit to another person, for forty-five (45) days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created by the California Department of General Services (DGS) pursuant to PCC § 2203(b) as a person engaging in the investment activities in Iran.

The bidder shall certify that at the time of submitting a bid for new contract or renewal of an existing contract, the bidder is not identified on the DGS list of ineligible businesses or persons and that the bidder is not engaged in investment activities in Iran in violation of the Iran Contracting Act of 2010.

California law establishes penalties for providing false certifications, including civil penalties equal to the greater of Two Hundred Fifty Thousand Dollars ($250,000.00) or twice the amount of the contract for which the false certification was made; contract termination; and three- (3) year ineligibility to bid on contracts (PCC § 2205).

To comply with the Iran Contracting Act of 2010, the bidder shall provide its vendor or financial institution name, and City Business Tax Registration Certificate (BRTC) if available, in completing ONE (1) of the options shown below.

OPTION #1: CERTIFICATION
I, the official named below, certify that I am duly authorized to execute this certification on behalf of the bidder or financial institution identified below, and that the bidder or financial institution identified below is not on the current DGS list of persons engaged in investment activities in Iran and is not a financial institution extending Twenty Million Dollars ($20,000,000.00) or more in credit to another person or vendor, for forty-five (45) days or more, if that other person or vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current DSG list of persons engaged in investment activities in Iran.

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (printed)</th>
<th>BRTC(orn/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>By (Authorized Signature)</td>
<td></td>
</tr>
<tr>
<td>Print Name and Title of Person Signing</td>
<td></td>
</tr>
<tr>
<td>Date Executed</td>
<td>City Approval (Signature)</td>
</tr>
</tbody>
</table>

OPTION #2: EXEMPTION
Pursuant to PCC § 2203(c) and (d), a public entity may permit a bidder or financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit a proposal for, or enter into, or renew, a contract for goods and services. If the bidder or financial institution identified below has obtained an exemption from the certification requirement under the Iran Contracting Act of 2010, the bidder or financial institution shall complete and sign below and attach documentation demonstrating the exemption approval.

<table>
<thead>
<tr>
<th>Vendor Name/Financial Institution (printed)</th>
<th>BRTC(orn/a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>By (Authorized Signature)</td>
<td></td>
</tr>
<tr>
<td>Print Name and Title of Person Signing</td>
<td></td>
</tr>
<tr>
<td>Date Executed</td>
<td>City Approval (Signature)</td>
</tr>
</tbody>
</table>
SECTION O

AMERICANS WITH DISABILITIES ACT (ADA) CERTIFICATION

All Respondents receiving an award under this RFP must fill out the Certification Regarding Compliance with the Americans with Disabilities Act (ADA) and submit it to the City of Los Angeles Department of Recreation and Parks (RAP) Board of Commissioners (Board).

INSTRUCTIONS:

Complete and submit the ADA Certification form to the Board within the time frame specified in the RFP after receiving a Notice of Award. This form is not required with the Response and need not be attached to the Response.
CERTIFICATION REGARDING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

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

1. The Contractor/Borrower/Agency (hereafter Contractor) is in compliance with and will continue to comply with the Americans with Disabilities Act 42 U.S.C. 12101 et. seq. and its implementing regulations.

2. The Contractor will provide for reasonable accommodations to allow qualified individuals with disabilities to have access and participate in its programs, services and activities in accordance with the provisions of the Americans With Disabilities Act.

3. The Contractor will not discriminate against persons with disabilities nor against persons due to their relationship or association with a person with a disability.

4. The Contractor will require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. This Certification is a material representation of fact upon which the City relied when entering into this agreement.

AGREEMENT NUMBER: ________________________________

CONTRACTOR: ___________________________________

_________________________________________________

NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

_________________________________  ____________________

SIGNATURE                   DATE
SECTION II

Compliance Documents to be submitted by Selected Proposer
All Respondents receiving an award under this RFP must obtain a Business Tax Registration Certificate Number (BTRC) from the City of Los Angeles Department of Finance - Tax/Permit Division, unless exempt. Registration is renewable annually.

INSTRUCTIONS:

Complete the BTRC Number or Business Tax Exemption Number form, and submit it to the Board within the time frame specified in the RFP after receiving a Notice of Award. If an application is pending and no number has been received yet, a copy of the application must be attached. If the Respondent has an exemption, enter the exemption number and provide an explanation. This form is not required with the Response and need not be attached to the Response.
All persons who do business with or within the City Of Los Angeles, must first file with the Department of Finance (Tax/Permit Division), and obtain from that office a Business Tax Registration Certificate account number (BBTRC) or Vendor Registration Number (VRN). Registration is renewable annually. For further information, contact the Tax and Permit Division located at 200 N. Spring St., Rm101, Los Angeles, CA  90012  (213) 473-5901

(Authority: Article 1, Chapter 2, Section 21.00 et seq. – LAMC)

Company Name: ____________________________________________________________

Enter your current Business Tax Registration or Vendor Registration Number:

**Old format:**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>FUND</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

New Format:

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>FUND</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

State effective dates here: __________________________ to __________________________

If you have an application pending in the Department of Finance, and have not yet received your number, a copy of your application must be submitted with your bid, proposal or agreement.

IF YOU HAVE RECEIVED AN EXEMPTION FORM THE Department of Finance, provide an explanation for the exemption and the exemption number.

**Exemption Number:**

<table>
<thead>
<tr>
<th>ACCOUNT NUMBER</th>
<th>-</th>
<th>CLASS</th>
</tr>
</thead>
<tbody>
<tr>
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</tbody>
</table>

Explanation:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Los Angeles Administrative Code (LAAC), Division 10, Chapter 1, Section 10.8 establishes a Nondiscrimination / Affirmative Action Program requirement for all Contractors doing business with the City of Los Angeles.

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

Questions pertaining to this requirement should be directed to the Office of Contract Compliance at (213) 847-1922. Respondents 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/.

INSTRUCTIONS:

a. Construction services to or for the City for which the consideration is One Thousand Dollars ($1,000.00) or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. All Respondents shall complete the Non-Discrimination/Equal Employment Practices Certification (two [2] pages) available.

b. Construction services to or for the City for which the consideration is Five Thousand Dollars ($5,000.00) or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. All Respondents shall complete and upload the City of Los Angeles Affirmative Action Plan (four [4] pages) available.

Furthermore, subject subcontractors shall be required to submit the Non-Discrimination/Equal Employment Practices Certification and Affirmative Action Plan to the successful Respondent prior to commencing work on the contract. The subcontractors’ Non-Discrimination/Equal Employment Practices Certification(s) and Affirmative Action Plan(s) shall be retained by the successful Respondent and shall be made available to the Office of Contract Compliance upon request.
SECTION R
CITY-APPROVED PROOF OF INSURANCE

In addition to the insurance requirements set forth in the RFP, all insurance documents must be submitted and approved no later than five (5) days after the award of each as-needed project.

Refer to Form Gen 133 for more information about the City insurance requirements

INSTRUCTIONS:

Respondents shall comply with the City insurance requirements in Form Gen 133 (see separate exhibit attached to RFP) and have all insurance documents submitted and approved no later than five (5) days after award of each as-needed project. The Respondent must also comply with any additional insurance requirements that may be set forth in the RFP.
A Performance Bond may be required once an as-needed project is awarded to Contractor. If it is determined that a performance bond is required, the awarded Contractor(s) will be required to maintain a minimum Performance Bond in an amount equal to or greater than the awarded bid dollar amount unless otherwise stated by the Contract Administrator. If a Performance Bond is required, it is requested that acceptable bond documents be submitted within ten (10) working days after notice of award of any as-needed contract. Bonds must be obtained from an insurance company with a Certificate of Authority from the California Insurance Commissioner authorizing the company to write surety insurance within the State of California.

**INSTRUCTIONS:**

If a performance bond is requested upon the notice of award of the contract, the Respondent shall have ten (10) days to submit proof of the performance bond. Refer to the RFP language for instructions on how to submit proof of the performance bond.
The Department requires Form W-9, “Request for Taxpayer Identification Number (TIN) and Certification,” from all entities doing business with the Department in order for the Department to conduct financial transactions with said entities, such as returning proposal deposits or processing payments.

**INSTRUCTIONS:**

All Respondents must submit Form W-9 upon notification of contract award. The name listed on Form W-9 must match the respondents’ legal business name as listed on the Responder’s Signature Declaration and Affidavit. The most recent Form W-9, along with instructions for completing the form can be found at [http://www.irs.gov/Forms-&-Pubs](http://www.irs.gov/Forms-&-Pubs).
SECTION U

LIVING WAGE ORDINANCE AND SERVICE CONTRACT WORKER RETENTION ORDINANCE ADDITIONAL FORMS

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of Twenty-Five Thousand Dollars ($25,000.00) and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of the Los Angeles Administrative Code Section 10.37 et seq., Living Wage Ordinance and 10.36 et seq. Service Contractor Worker Retention Ordinance. Additional information may be found at the following websites:

http://bca.lacity.org/index.cfm?nxt=lco&nxt_body=content_lwo.cfm

http://bca.lacity.org/index.cfm?nxt=soo&nxt_body=content_scwro.cfm

INSTRUCTIONS:

If Respondent is not exempt from the Living Wage Ordinance, then upon Notice of Award, the Living Wage Ordinance Additional Forms must be completed and submitted as per the instructions on each form. For forms requiring submission to the Awarding Department, the forms are to be submitted to the Los Angeles Department of Recreation and Parks Board of Commissioners. These forms are not required with the Response and need not be attached to the Response.

Failure to submit forms on time will result in the contract being noncompliant, and no payments will be made until the forms are completed and submitted.
LWO – SUBCONTRACTOR DECLARATION OF COMPLIANCE FORM
REQUIRED DOCUMENTATION FOR ALL SUBCONTRACTS SUBJECT TO LWO

This form must be signed within 90 DAYS of the execution of the subcontract and RETAINED by the PRIME CONTRACTOR.

TO BE FILLED OUT BY THE PRIME CONTRACTOR:

1. Company Name: ___________________________ Phone #: ___________________________
2. Company Address: ___________________________
3. Awarding Department: _______________________
4. Project Name: _______________________________

IF A SUBCONTRACTOR FAILS TO COMPLETE AND SUBMIT THIS FORM TO PRIME CONTRACTOR ON THE CITY CONTRACT, THE PRIME CONTRACTOR MAY BE DEEMED TO BE IN VIOLATION OF THE LIVING WAGE ORDINANCE (LWO) FOR FAILING TO ENSURE ITS SUBCONTRACTOR’S COMPLIANCE WITH THE ORDINANCE. THIS MAY RESULT IN WITHHOLDING OF PAYMENTS DUE TO THE PRIME CONTRACTOR, OR TERMINATION OF THE PRIME CONTRACTOR’S AGREEMENT WITH THE CITY.

THE PRIME CONTRACTOR MUST INFORM THEIR SUBCONTRACTORS OF THE FOLLOWING:

THE LIVING WAGE ORDINANCE REQUIRES:
That a subcontractor (including a sublessee, a sublicensee, or a service contractor to a City financial assistance recipient) that works on or under the authority of an agreement subject to the LWO must comply with all applicable provisions of the Ordinance unless specifically approved for an exemption.

THE LIVING WAGE ORDINANCE REQUIRES THAT SUBJECT EMPLOYERS PROVIDE TO EMPLOYEES:

- As of July 1, 2017, a wage of at least $11.48 per hour with health benefits of $1.25 per hour, or $12.73 per hour without health benefits (to be adjusted annually on July 1);
- At least 96 compensated hours off per year for sick leave, vacation or personal necessity at the employee’s request (pro-rated for part-time employees);
- At least 80 additional hours off per year of uncompensated time off for personal or immediate family illness (pro-rated for part-time employees). Refer to the LWO Rules and Regulations, available on the Bureau of Contract Administration website at http://bca.lacity.org/index.cfm, for details regarding the wage and benefit requirements of the Ordinance; and
- Information of their possible right to the federal Earned Income Tax Credit (EITC) and make available the forms required to secure advance EITC payments from the employer.

THE LIVING WAGE ORDINANCE ALSO REQUIRES EMPLOYERS:

- To permit access to work sites for authorized City representatives to review the operation, payroll and related documents, and to provide certified copies of the relevant records upon request by the City.
- Not to retaliate against any employee claiming non-compliance with the provisions of these Ordinances and to comply with federal law prohibiting retaliation for union organizing.

TO BE FILLED OUT BY THE SUBCONTRACTOR:

1. Company Name: ___________________________ Company Phone Number: ___________________________
2. Company Address: ___________________________
3. Type of Service Provided by Subcontractor to Prime: ___________________________
4. Amount of Subcontract: ___________________________
   Subcontract Start Date: ______/____/____ End Date: ______/____/____

By signing this Declaration of Compliance, the subcontractor certifies that it will comply with all applicable provisions of the LWO, and its implementing Rules and Regulations, including any amendments or revisions to the Ordinances and Regulations.

Print Name of Person Completing this Form ___________________________ Signature of Person Completing this Form ___________________________
Title ___________________________ Phone #: ___________________________ Date ___________________________
# LWO – EMPLOYEE INFORMATION FORM

**REQUIRED DOCUMENTATION FOR ALL CONTRACTS SUBJECT TO LWO**

This form must be submitted to the AWARDING DEPARTMENT within **30 DAYS** of contract execution. **INCOMPLETE SUBMISSIONS WILL BE RETURNED.**

**THE LIVING WAGE ORDINANCE (LWO) REQUIRES THAT SUBJECT EMPLOYERS PROVIDE TO EMPLOYEES:**

- As of July 1, 2017, a wage of at least $11.48 per hour with health benefits of $1.25 per hour, or $12.73 per hour without health benefits (to be adjusted annually on July 1);
- At least 96 compensated hours off per year for sick leave, vacation or personal necessity at the employee’s request (pro-rated for part-time employees); and
- At least 80 additional hours off per year of uncompensated time off for personal or immediate family illness (pro-rated for part-time employees). Refer to the LWO Rules and Regulations, available on the Bureau of Contract Administration website at [http://bca.lacity.org/index.cfm](http://bca.lacity.org/index.cfm), for details regarding the wage and benefit requirements of the Ordinance; and
- Information of their possible right to the federal Earned Income Tax Credit (EITC) and make available the forms required to secure advance EITC payments from the employer.

**THE LIVING WAGE ORDINANCE (LWO) ALSO REQUIRES EMPLOYERS:**

- Not to retaliate against any employee claiming non-compliance with the provisions of this Ordinance and to comply with federal law prohibiting retaliation for union organizing.

---

### TO BE FILLED OUT BY THE CONTRACTOR:

1. Company Name: ___________________________ Email Address: ___________________________

2. STATE the number of employees working ON THIS CITY CONTRACT: __________

3. ATTACH a copy of your company's 1st PAYROLL under THIS CITY CONTRACT.

4. Do you provide health benefits (such as medical, dental, vision, mental health, and disability insurance) to your employees?  
   - [ ] Yes  
   - [ ] No

   If YES, provide the employer’s monthly contribution amount(s) toward the health benefits premium(s) for each employee working on THIS CITY CONTRACT.

---

**FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL RESULT IN WITHHOLDING OF PAYMENTS BY THE CITY CONTROLLER, OR A RECOMMENDATION TO THE AWARDING AUTHORITY FOR CONTRACT TERMINATION.**

**ALL INFORMATION SUBMITTED IS SUBJECT TO VERIFICATION, AND FALSE INFORMATION MAY RESULT IN CONTRACT TERMINATION.**

I understand that the employee information provided herein will be used by the City of Los Angeles, Office of Contract Compliance for the purpose of monitoring the Living Wage Ordinance.

---

Print Name of Person Completing this Form: ___________________________  
Signature of Person Completing this Form: ___________________________

Title: ___________________________  
Phone #: ___________________________  
Date: ___________________________

---

**AWARDING DEPARTMENT USE ONLY:**

Dept: ___________________________  
Contact: ___________________________  
Phone #: ___________________________  
Contract #: ___________________________

---

Form OCC/LW-6, Rev. 07/17

OFFICE OF CONTRACT COMPLIANCE, EEOE SECTION: (213) 847-2625
**LWO – SUBCONTRACTOR INFORMATION FORM**

REQUIRED DOCUMENTATION FOR ALL CONTRACTS SUBJECT TO LWO

This form must be submitted to the AWARDING DEPARTMENT within 30 DAYS of contract execution. INCOMPLETE SUBMISSIONS WILL BE RETURNED.

**SECTION I: CONTRACTOR INFORMATION**

1. Company Name: ____________________ Contact Person: ____________________ Phone #: ____________________

2. Do you have subcontractors working on this City contract?  [ ] Yes  [ ] No

   If YES, a) STATE the number of your subcontractors ON THIS CITY CONTRACT: ____________________

   b) Complete Section II for EACH subcontractor, continue to Section III & IV (if applicable), AND SIGN Section V.

   If NO, This form is now complete – SIGN THE BOTTOM OF PAGE 2 AND SUBMIT TO THE AWARDING DEPARTMENT.

**SECTION II: SUBCONTRACTOR INFORMATION**

1. Subcontractor Name: ____________________

2. Contact Person: ____________________ Phone #: ____________________

3. Address: ____________________

4. Purpose of Subcontract: ____________________

5. Amount of Subcontract: $__________ Term: Start Date ____________________ / / __________ End Date ____________________ / / __________

6. Is this subcontractor exempted from or not subject to the LWO?  [ ] Yes  [ ] No

   If Yes, state reason below. And see Section III for the required document(s):

   ____________________

   1. Subcontractor Name: ____________________

   2. Contact Person: ____________________ Phone #: ____________________

   3. Address: ____________________

   4. Purpose of Subcontract: ____________________

   5. Amount of Subcontract: $__________ Term: Start Date ____________________ / / __________ End Date ____________________ / / __________

   6. Is this subcontractor exempted from or not subject to the LWO?  [ ] Yes  [ ] No

   If Yes, state reason below. And see Section III for the required document(s):

   ____________________

   1. Subcontractor Name: ____________________

   2. Contact Person: ____________________ Phone #: ____________________

   3. Address: ____________________

   4. Purpose of Subcontract: ____________________

   5. Amount of Subcontract: $__________ Term: Start Date ____________________ / / __________ End Date ____________________ / / __________

   6. Is this subcontractor exempted from or not subject to the LWO?  [ ] Yes  [ ] No

   If Yes, state reason below. And see Section III for the required document(s):

   ____________________

   Form LW-18, Rev. 4/17

   OFFICE OF CONTRACT COMPLIANCE, EEOE SECTION: (213) 847-2625
### SECTION II: SUBCONTRACTOR INFORMATION (continued)

1. Subcontractor Name: 
2. Contact Person: ___________________________ Phone #: ___________________________
3. Address: 
4. Purpose of Subcontract: 
5. Amount of Subcontract: $ ________ Term: Start Date __ / __ / _____ End Date __ / __ / _____
6. Is this subcontractor exempted from or not subject to the LWO? ☐ Yes ☐ No
   If Yes, state reason below. And see Section III for the required document(s):

### SECTION III: EXEMPTIONS or SUBCONTRACTS NOT SUBJECT TO THE LWO

<table>
<thead>
<tr>
<th>EXEMPTION Or NON-COVERAGES</th>
<th>SUPPORTING DOCUMENTATION REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>501(c)(3) non-profit organization¹</td>
<td>LW-28 - 501(c)(3) Non-Profit Exemption Form [link]</td>
</tr>
<tr>
<td>Collective bargaining agreement w/supersession language²</td>
<td>LW-10 - OCC Exemption Form [link]</td>
</tr>
<tr>
<td>Small Business³</td>
<td>LW-20 - Small Business Exemption Form (English &amp; Spanish) [link]</td>
</tr>
<tr>
<td>Governmental Entity⁴ or Utilities Companies⁵</td>
<td>NONE REQUIRED.</td>
</tr>
<tr>
<td>Construction contract⁶</td>
<td>NONE REQUIRED.</td>
</tr>
</tbody>
</table>

### SECTION IV: SUBCONTRACTS SUBJECT TO THE LWO (NOT ELIGIBLE FOR EXEMPTIONS)

Please have EACH of your Subcontractors that ARE SUBJECT to the LWO fill out the three forms below. Submit LW-6 and LW-18 ONLY to the Awarding Department (and supporting documentation, where applicable) and RETAIN LW-5 in your office.

1) Employee Information Form LW-6 - [link]
2) Subcontractor Information Form LW-18 - [link]
3) Subcontractor Declaration of Compliance Form (retain) LW-5 - [link]

### SECTION V: SIGNATURE

I understand that the Subcontractor Information provided herein is confidential and will be used by the City of Los Angeles' Office of Contract Compliance for the purpose of monitoring the Living Wage Ordinance.

Print Name of Person Completing This Form ___________________________ Signature of Person Completing This Form ___________________________

Title ___________________________ Phone #: ___________________________ Date ___________________________

### AWARDING DEPARTMENT USE ONLY

Dept: ___________________________ Dept Contact: ___________________________ Contact Phone: ___________________________
1 Non-Profit 501(c)(3) Organizations: A corporation claiming exemption under Section 10.37.15(b) of the LWO as a corporation organized under Section 501(c)(3) of the United States Internal Revenue Code must provide the following additional documents in support of the application for exemption:

(1) A copy of the most recent IRS letter indicating that the Employer has been recognized as a non-profit corporation organized under section 501(c)(3) of the United States Internal Revenue Code.

(2) The LW-28 501(c)(3) Non-Profit Exemption Application referred to in the LWO Rules and Regulations Appendix A must include the salary certification information. The salary certification must list the salary of the corporation’s chief executive officer (CEO), computed on an hourly basis, and the hourly wage rate of the lowest paid worker in the corporation. The salary of the CEO, when computed on an hourly basis, must be less than 8 times what the lowest paid worker is paid on an hourly basis. For purposes of this exemption, the “chief executive officer (CEO)” means the CEO of the 501(c)(3) corporation that entered into the agreement or the highest paid person employed by the corporation if the CEO is not the highest paid employee. The “lowest paid worker” refers to the lowest paid worker employed by the 501(c)(3) corporation that entered into the Agreement with the City, regardless of whether the person works on the City Agreement.

2 Exemption by Collective Bargaining Agreement – LAAC 10.37.12: An Employer subject to provisions of the LWO may, by collective bargaining agreement (CBA), provide that the CBA, during its term, shall supersede the requirements of the LWO for those Employees covered by the CBA. The provisions of the LWO should not be interpreted to require an employer to reduce the wages and benefits required by the CBA. All parties to the CBA must specifically waive in full or in part the benefits required by the LWO. An Employer applying for this exemption shall submit a copy of the CBA. If the CBA does not specifically indicate that the LWO has been superseded, the Employer shall submit written confirmation from the union representing the Employees working on the Agreement that the union and the Employer have agreed to let the CBA supersede the LWO.

(a) If the final CBA signed by the Employer and the union supersedes the LWO, in full or in part, the Employer shall be considered to be exempt from the LWO’s specified provisions for the time period covered by the effective dates of the superseding CBA. The Employer remains subject to all applicable provisions of the LWO for the time period not covered by the superseding CBA. If the Employer has not complied with the LWO requirements during the time period not covered by the superseding CBA, the Employer shall be required to make retroactive corrections for any period of violation, which may include making retroactive payments to affected employees for the relevant periods of violation.

(b) If the final CBA signed by the Employer and the union does not supersede the LWO, the Employer shall be required to comply with all applicable LWO requirements, including the wage and benefits provisions. Compliance shall also be required retroactively to the date that the Employer first became subject to the LWO. If necessary, the Employer shall provide retroactive payments to affected Employees for any time period during which the Employer did not comply with the LWO.

3 Small Business Exemptions for Public Lessees and Licensees – LAAC 10.37.15(a): A public lessee or licensee claiming exemption from the LWO under section 10.37.15(a) shall submit the application for “Small Business Exemption” referred to in the LWO Rules and Regulations Appendix A, along with supporting documentation to verify that it meets the requirement that the lessee or licensee employs no more than seven (7) people on and off City property.

(a) For purposes of this exemption, a lessee or licensee shall be deemed to employ a person if the person works for a company or entity that is owned or controlled by the lessee or licensee, regardless of where the company or entity is located; or if the person works for a company or entity that owns or controls the lessee or licensee, regardless of where the person works. The lessee or licensee meets the seven (7) person limit shall be determined using the total number of people employed by all companies or businesses, which the lessee or licensee owns or controls, or which own or control the lessee or licensee. For purposes of this example, “control” means that one company owns a controlling interest in another company.

(b) If a business operated by the lessee or licensee is part of a chain of businesses, the total number of people includes all everyone employed by the entire chain of businesses unless the business operated by the lessee or licensee is an independently owned and operated franchise.

(c) A public lessee or licensee shall be deemed to employ no more than seven (7) people if its entire workforce (inclusive of the people falling within the guidelines stated in subsections (a) and (b) above) worked an average of no more than 1,214 hours per month for at least three-fourths of the of the previous calendar year.

4 Governmental Entities – LAAC 10.37.14(b): Agreements with governmental entities are not subject to the requirements of the LWO. If an Agreement is not subject to the LWO because the Employer is a governmental entity, Subcontractors performing work for the governmental entity on the Agreement are also not subject to the LWO.

5 Utilities Companies – LAAC Section 10.37.14(c): Contract for work done directly by a utility company pursuant to an order of the Public Utilities Commission.

6 Construction contracts – LAAC Section 10.37.14(a): Construction contracts are not subject to the LWO unless 1) there are employees not covered by prevailing wage or 2) if the prevailing wage is less than the required rate in 10.37.2.
LWO SMALL BUSINESS EXEMPTION APPLICATION

This application for exemption is for lessees and licensees only and must be submitted along with your bid or proposal to the AWARDING DEPARTMENT. If approved, it will EXPIRE TWO (2) YEARS from the date of approval. This may be renewable in two (2) year increments upon meeting the requirements. INCOMPLETE SUBMISSIONS WILL BE RETURNED.

Los Angeles Administrative Code section 10.37, the Living Wage Ordinance (LWO), presumes all City contractors are subject to the LWO unless this exemption application is approved.

TO BE FILLED OUT BY THE CONTRACTOR:

1. Company Name: ___________________________ Phone Number: ___________________________

2. Company Address: ___________________________

3. Are you a Sublessee or Sublicensee?  Yes  No  If YES, state the name of your Prime Lessee or Prime Licensee: ___________________________

4. STATE the total number of businesses you have (inside and outside the City of Los Angeles premises): ___________________________

5. STATE the total number of businesses you have inside the City of Los Angeles premises only: ___________________________

6. Location of lease or license: ___________________________

WORKFORCE INFORMATION

CHECK OFF ONE BOX IN PART A THAT BEST DESCRIBES YOUR BUSINESS AND ATTACH DOCUMENTATION LISTED IN PART B:

PART A

☐ I have Seven (7) employees or LESS in the entire company (inside AND outside the City of Los Angeles premises).

☐ My company’s workforce worked an average of no more than 1,214 hours per month for at least three-fourths of the calendar year.

PART B:

SUBMITTING DOCUMENTATION REQUIRED

Submit a copy of your most recent State of California Form DE - 9C and the equivalent form(s) for business(es) in other states.

Submit a completed Employee Worksheet (Form OCC/LW-26B). Information on the Employee Worksheet may subsequently require verification through payroll records.

OR

Payrolls for the nine (9) months you would like to have reviewed.

If you DID NOT check off ANY boxes in PART A, your company IS NOT ELIGIBLE FOR AN EXEMPTION.

If you checked off ANY box in PART A, ATTACH supporting documentation, SIGN, AND SUBMIT EXEMPTION FORM.

By signing, the contractor certifies under penalty of perjury under the laws of the State of California that the information submitted in support of this application is true and correct to the best of the contractor’s knowledge.

Print Name of Person Completing this Form ___________________________ Signature of Person Completing this Form ___________________________

Title ___________________________ Phone # ___________________________ Date ___________________________

ANY APPROVAL OF THIS APPLICATION EXEMPTS ONLY THE LISTED CONTRACTOR FROM THE LWO DURING THE PERFORMANCE OF THIS CONTRACT. A SUBCONTRACTOR PERFORMING WORK ON THIS CONTRACT IS NOT EXEMPT UNLESS THE OFFICE OF CONTRACT COMPLIANCE HAS APPROVED A SEPARATE EXEMPTION FOR THE INDIVIDUAL SUBCONTRACTOR.

AWARDING DEPARTMENT USE ONLY:

Dept: ___________________________ Contact: ___________________________ Phone #: ___________________________ Contract #: ___________________________

OCC USE ONLY:

Approved / Not Approved – Reason: ___________________________

By Analyst: ___________________________ Date: ___________________________

Form LW-26A, Rev. 7/17

OFFICE OF CONTRACT COMPLIANCE, EEOC SECTION: (213) 847-2625
LWO EMPLOYEE WORKSHEET

This worksheet must be completed for EACH company or business for which you have a controlling interest, whether or not it is on City premises. You may COPY THIS FORM as necessary for EACH company. Include the names of ALL PERSONS employed by EACH company, and the number of hours worked each month for the current year.

1. Company Name: ____________________________ Company Phone: ____________________________

2. Company Address: ____________________________

3. Enter # of Hours worked:

<table>
<thead>
<tr>
<th>EMPLOYEE NAME</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUN</th>
<th>JUL</th>
<th>AUG</th>
<th>SEP</th>
<th>OCT</th>
<th>NOV</th>
<th>DEC</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

4. TOTAL HOURS

|       | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

5. Check each box indicating which nine (9) months you would like be reviewed:

- [ ] January
- [ ] February
- [ ] March
- [ ] April
- [ ] May
- [ ] June
- [ ] July
- [ ] August
- [ ] September
- [ ] October
- [ ] November
- [ ] December

6a. TOTAL HOURS for the nine (9) months selected in 5 above: ____________ 6b. DIVIDE 6a by 9: ____________ 6c. Is 6b less than 1,214? ☐ YES ☐ NO

7. If 6c is NO, then this contract IS NOT ELIGIBLE FOR AN EXEMPTION. If YES, SIGN and ATTACH this form to LW-26A.

I certify under penalty of perjury that the information herein is true and correct to the best of my knowledge. I will provide further documentation and proof upon request. I understand that the submission of false information may lead to the revocation of any approved exemption.

Print Name of Person Completing this Form: ____________________________

Signature of Person Completing this Form: ____________________________

Title: ____________________________

Phone #: ____________________________

Date: ____________________________

ANY APPROVAL OF THIS APPLICATION EXEMPTS ONLY THE LISTED CONTRACTOR FROM THE LWO DURING THE PERFORMANCE OF THIS CONTRACT. A SUBCONTRACTOR PERFORMING WORK ON THIS CONTRACT IS NOT EXEMPT UNLESS THE OFFICE OF CONTRACT COMPLIANCE HAS APPROVED A SEPARATE EXEMPTION FOR THE INDIVIDUAL SUBCONTRACTOR.

Form LW-26B, Rev. 7/17

OFFICE OF CONTRACT COMPLIANCE, EEOE SECTION: (213) 847-2625
SECTION V
SLAVERY DISCLOSURE ORDINANCE

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

Respondents seeking additional information regarding the requirements of the Slavery Disclosure Ordinance may visit the Bureau of Contract Administration’s web site at http://bc.a.lacity.org.

INSTRUCTIONS:

The selected Respondent 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 the award of a City contract. If the respondent is exempt from this requirement, then the Slavery Disclosure Ordinance Exemption form shall be completed and submitted with the response.
CITY OF LOS ANGELES - SLAVERY DISCLOSURE ORDINANCE

Unless otherwise exempt from the Slavery Disclosure Ordinance (SDO), a Company entering into a Contract with the City must complete an Affidavit disclosing any and all records of Participation or Investment in, or Profits derived from Slavery, including Slaveholder Insurance Policies, during the Slavery Era. The Company must complete and submit the Affidavit and any attachments ON LABAVN (www.labavn.org) before a Contract or Contract Amendment can be executed. The Affidavit must only be submitted once on LABAVN, but contractors are responsible for updating their Affidavit if changes occur to any information contained therein.

Questions regarding the Affidavit may be directed to the Department of Public Works, Bureau of Contract Administration, Office of Contract Compliance. Website: http://bca.lacity.org/index.htm; Phone: (213) 647-2626; E-mail: bca.eeo@lacity.org.

AFFIDAVIT DISCLOSING SLAVERY ERA PARTICIPATION, INVESTMENTS OR PROFITS

1. I, Jon Doe, am authorized to bind contractually the Company identified below.

2. Information about the Company entering into a Contract with the City is as follows:

   BAVN Company Id
   J and Y Inc - ITA TEST COMPANY
   Company Name
   1234 N Main St
   Street Address
   2135551888
   Phone
   test@email.com
   Email

3. The company came into existence in 2016 (year).

4. The Company has searched its records and those of any Predecessor Companies for information relating to Participation or Investments in, or Profits derived from Slavery or Slaveholder Insurance Policies. Based on that research, the Company represents that: (mark only the option(s) that apply):
   - The Company found no records that the Company or any of its Predecessor Companies had any Participation or Investments in, or derived Profits from, Slavery or Slaveholder Insurance Policies during the Slavery Era.
   - The Company found records that the Company or its Predecessor Companies Participated or Invested in, or derived Profits from Slavery during the Slavery Era. A description of the nature of that Participation, Investment, or Profit is required and should be sent to bca.eeo@lacity.org.

   - The Company found records that the Company or its Predecessor Companies bought, sold, or derived Profits from Slaveholder Insurance Policies during the Slavery Era. A list of names of any Enslaved Persons or Slaveholders under the Policies is required and should be sent to bca.eeo@lacity.org.

   TERMS OF ACCEPTANCE AND SIGNATURE:

I, Jon Doe, the requestor for this “SDO Affidavit”, warrant the truthfulness of the information provided in the document.

Electronic Signature:
Jon Doe 29 July, 2016
Signature Date

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.

Execution of document by E-signature. By clicking on the check box it indicates an electronic signature. This is considered the legal equivalent of a manual or “wet” signature. Once signed electronically, this document is considered original and legally binding.
DEFINITIONS

**Affidavit** means the form developed by the DAA and may be updated from time to time. The Affidavit need not be notarized but must be signed under penalty of perjury.

**Company** means any person, firm, corporation, partnership or combination of these.

**Contract** means any agreement, franchise, lease or concession including an agreement for any occasional professional or technical personal services, the performance of any work or service, the provision of any materials or supplies or rendering of any service to the City of Los Angeles or the public, which is let, awarded or entered into with or on behalf of the City of Los Angeles or any Awarding Authority of the City.

**Enslaved Person** means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the Slavery Era.

**Investment** means to make use of an Enslaved Person for future benefits or advantages.

**Participation** means having been a Slaveholder during the Slavery Era.

**Predecessor Company** means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the Company.

**Profit** means any economic advantage or financial benefit derived from the use of Enslaved Persons.

**Slavery** means the practice of owning Enslaved Persons.

**Slavery Era** means that period of time in the United States of America prior to 1865.

**Slaveholder** means holders of Enslaved Persons, owners of business enterprises using Enslaved Persons, owners of vessels carrying Enslaved Persons or other means of transporting Enslaved Persons, merchants or financiers dealing in the purchase, sale or financing of the business of Enslaved Persons.

**Slaveholder Insurance Policies** means policies issued to or for the benefit of Slaveholders to insure them against the death of, or injury to, Enslaved Persons.
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 upload, the Equal Benefits Ordinance Affidavit (two (2) pages) available on the City of Los Angeles’ Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract valued at $5,000. The Equal Benefits Ordinance Affidavit shall be valid for a period of twelve months 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 Equal Benefits Ordinance 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.
First Source Hiring Ordinance

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds Twenty-Five Thousand Dollars ($25,000.00) with a term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO). Bidders/Proposers shall refer to the "First Source Hiring Ordinance" for further information regarding the requirements of the Ordinance.

All Bidders/Proposers shall complete and upload the First Source Hiring Ordinance Affidavit (one [!] page) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) at www.labavn.org prior to award of a City contract. The First Source Hiring Ordinance Affidavit shall be valid for a period of twelve months from the date it is first uploaded onto the City's BAVN.

Bidders/Proposers seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration's web site at http://bca.lacity.org.

The Anticipated Job Opportunities Form (FSHO-1) shall only be required if there are anticipated job opportunities; this document is only required of the award proposer.

INSTRUCTIONS:

a. All proposers: Complete and upload the First Source Hiring Ordinance Affidavit at www.labavn.org.

b. Awarded proposer: Complete the Anticipated Job Opportunities Form (FSHO-1) ONLY if there are anticipated job opportunities.
EBO/FSHO COMPLIANCE

City of Los Angeles
Department of Public Works
Bureau of Contract Administration
Office of Contract Compliance
1149 S. Broadway, Suite 300, Los Angeles, CA 90015
Phone: (213) 847-2625  E-mail: bca.eeo@lacity.org

EQUAL BENEFITS ORDINANCE COMPLIANCE AFFIDAVIT

Prime contractors must certify compliance with Los Angeles Administrative Code (LACC) Section 10.8.2.1 et seq prior to the execution of a City agreement subject to the Equal Benefits Ordinance (EBO).

SECTION 1. CONTACT INFORMATION

BAVN Company Id: 10785  EIN/TIN:
Company Name: J and Y Inc - ITA TEST COMPANY
Company Address: 1234 N Main St
City: Los Angeles  State: AL  Zip: 70012
Contact Person: Jon Doe  Phone: 2135551888  E-mail: test@email.com
Approximate Number of Employees in the United States: 10
Approximate Number of Employees in the City of Los Angeles: 3

SECTION 2. EBO REQUIREMENTS

The EBO requires City Contractors who provide benefits to employees with spouses to provide the same benefits to employees with domestic partners. 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.

Unless otherwise exempt, the contractor is subject to and shall comply with the EBO as follows:

A. The Contractor’s operations located within the City limits, regardless of whether there are employees at those locations performing work on the City Contract, and
B. The Contractor’s operations located outside of the City limits if the property is owned by the City or 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 and
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.

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."

SECTION 3. COMPLIANCE OPTIONS

I have read and understand the provisions of the Equal Benefits Ordinance and have determined that this company will comply as indicated below:

☐ I have no employees.
☐ I provide no benefits.
☑ I provide benefits to employees only. Employees are prohibited from enrolling their spouse or domestic partner.
☐ I provide equal benefits as required by the City of Los Angeles EBO.
☐ I provide employees with a "Cash Equivalent." Note: The "Cash Equivalent" is the amount of money equivalent to what your company pays for spousal benefits that are unavailable for domestic partners, or vice versa.
☐ All or some employees are covered by a collective bargaining agreement (CBA) or union trust fund. Consequently, I will provide Equal Benefits to all non-union represented employees, subject to the EBO, and will propose to the affected unions that they incorporate the requirements of the EBO into their CBA upon amendment, extension, or other modification of the CBA.
☐ Health benefits currently provided do not comply with the EBO. However, I will make the necessary changes to provide Equal Benefits upon my next Open Enrollment period which begins on (Date) ________________
Our current company policies, i.e., family leave, bereavement leave, etc., do not comply with the provisions of the EBO. However, I will make the necessary modifications within three (3) months from the date of this affidavit.

FIRST SOURCE HIRING ORDINANCE COMPLIANCE AFFIDAVIT

Contractors (including loan or grant recipients) participating on a City contract that is subject to the First Source Hiring Ordinance (FSHO) are required to certify their compliance prior to contract execution.

As part of their obligations under the FSHO, Contractors must provide the Awarding Department a list of anticipated employment opportunities that they and their subcontractors expect to fill in order to perform the services under the contract. The FSHO-1 form (available at http://bca.lacity.org) should be utilized to inform the Awarding Authority of any such opportunities. If no opportunities are anticipated, contractors do not need to submit the FSHO-1 form prior to contract award, but must report any subsequent employment opportunities on the FSHO-3 form (available at http://bca.lacity.org) as described below.

During the term of the contract, the contractor and their subcontractors shall:

1. At least seven business days prior to making an announcement of a specific employment opportunity, provide notification of that employment opportunity by submitting the FSHO-3 form to the Community Development Department;
2. Interview qualified individuals referred by the City's referral resources; and
3. Prior to filling any employment opportunity, inform the Office of Contract Compliance of the names of the referral resources used, the names of the individuals referred, and the names of the referred individuals who were interviewed. If the referred individuals were not hired, the contractor should also provide the reasons they were not hired.

DECLARATION UNDER PENALTY OF PERJURY

I understand that I am required to permit the City of Los Angeles access to and upon request, must provide certified copies of all company records pertaining to benefits, policies and practices for the purpose of investigation or to ascertain compliance. Furthermore, I understand that failure to comply may be deemed a material breach of any City contract by the Awarding Authority. The Awarding Authority may cancel, terminate or suspend in whole or in part, the contract; monies due or to become due under a contract may be retained by the City until compliance is achieved. The City may also pursue any and all other remedies at law or in equity for any breach. The City may use the failure to comply as evidence against the Contractor in actions taken pursuant to the provisions of the LAFC Section 16.40, et seq., Contractor Responsibility Ordinance.

TERMS OF ACCEPTANCE AND SIGNATURE:

I, Jon Doe, the requestor for this 'EBO/FSHO Affidavit', warrant the truthfulness of the information provided in the document.

Electronic Signature:*
Jon Doe 26 July, 2016
Signature Date

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.

Execution of document by E-signature. By clicking on the check box it indicates an electronic signature. This is considered the legal equivalent of a manual or 'wet' signature. Once signed electronically, this document is considered original and legally binding.

BAVN-EBO/FSHO (05/2016)