

# City of Los Angeles



**Request for Proposals (RFP) for**

**BUSINESS IMPROVEMENT DISTRICT  
CONSULTANT SERVICES  
RAMP ID No. 204458**

**Issued by:**

**Office of the City Clerk  
Business Improvement District Division**

**Date Issued: October 5, 2022**

**Proposal Deadline: November 4, 2022 at 3:00 p.m. PST**

# RFP OVERVIEW

<b>DATE ISSUED:</b>	<b>October 5, 2022</b>
<b>RAMP ID No.:</b>	204458
<b>TITLE:</b>	Business Improvement District Consultant Services
<b>DESCRIPTION:</b>	The City of Los Angeles, Office of the City Clerk, is seeking proposals from qualified consultants or firms for consultant activities and services to establish the proposed Avalon Boulevard Business Improvement District.
<b>MANDATORY PRE-SUBMITTAL MEETING:</b>	<b>Thursday, October 13, 2022</b> at 10:30 a.m. Pacific Standard Time (PST) via Google Meet
<b>MANDATORY BUSINESS INCLUSION PROGRAM (BIP) OUTREACH AND SUMMARY SHEET</b>	<p>The BIP Outreach component must be completed online at <a href="http://www.rampla.org">www.rampla.org</a> by <b>October 21, 2022 at 11:59 p.m.</b> Two documents are required as a result of your BIP Outreach: 1) the Schedule A (<b>Exhibit I</b>), and 2) the BIP Summary sheet (<b>Exhibit H</b>).</p> <p>The BIP Summary sheet must be completed and submitted online at <a href="http://www.rampla.org">www.rampla.org</a> by <b>4:30 p.m. on November 5, 2022</b>, the first calendar day following the day of the RFP response submittal deadline.</p> <p><b>PLEASE REFER TO PAGE 22 FOR MORE DETAILS.</b></p>
<b>PROPOSAL DEADLINE:</b>	<b>Friday, November 4, 2022 by 3:00 p.m. PST</b>
<b>PROPOSAL DELIVERY ADDRESS:</b>	Christopher Garcia Office of the City Clerk Business Improvement District Division <a href="mailto:christopher.garcia@lacity.org">christopher.garcia@lacity.org</a> and <a href="mailto:Clerk.NBID@lacity.org">Clerk.NBID@lacity.org</a> .
<b>DEADLINE TO RSVP FOR MANDATORY PRE-SUBMITTAL MEETING</b>	<b>Wednesday, October 12, 2022</b> by 3:00 p.m. PST
<b>DEADLINES FOR QUESTIONS:</b>	<p><b>Deadline for Questions prior to Mandatory Pre-Submittal Meeting: Wednesday, October 12, 2022</b> by 3:00 p.m. PST</p> <p>Questions regarding this RFP must be submitted by email to <a href="mailto:christopher.garcia@lacity.org">christopher.garcia@lacity.org</a>. All questions and answers will be made available to all proposers on the RAMP website at: <a href="http://www.rampla.org">www.rampla.org</a>. No individual answers will be given.</p>

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# **1. The Opportunity**

## **1.1. Introduction**

The Office of the City Clerk (City Clerk) invites consulting service providers with expertise and resources to respond to this Request for Proposal (RFP) and provide consultant and outreach services for the proposed Avalon Boulevard Business Improvement District (ABBID) within the City of Los Angeles (City). The City seeks a provider that will identify the needs of the proposed district area and coordinate the process of establishment for the proposed ABBID.

## **1.2. Background**

The Avalon Boulevard Business Improvement District Proponents, with the support of the Wilmington Chamber of Commerce, has proposed the formation of the Avalon Boulevard Business Improvement District along properties fronting Avalon Boulevard, between Opp Street and Water Street in the Wilmington community of Los Angeles. The proponents state an ABBID will provide sanitation, safety, and security services and create a fertile business environment for local businesses and entrepreneurs. A draft boundary map of the proposed ABBID is included in this RFP as Exhibit M for reference.

On Wednesday, November 24, 2021, the Los Angeles City Council authorized the City Clerk to issue this RFP to hire a consultant who can provide a variety of professional services toward the establishment of the proposed ABBID. On April 7, 2022, the City Clerk issued a RFP (RAMP ID No. 202549). However, no responses to the RFP were received prior to the May 19, 2022 deadline. In response, the Los Angeles City Council, in consultation with Council District 15, the City Clerk and the business community, authorized the City Clerk to re-issue the RFP for this effort on September 6, 2022.

## **1.3. Anticipated Term of Contract and Funding Source**

The City Clerk intends to award a two (2) year contract to the person or entity who demonstrates it is the most qualified to provide the required services, at the best overall value to the City and reserves the right, at its option, to extend the contract for up to one additional (1) year term, with no guarantee of additional funds. The contract will be subject to review by the City Attorney and the Mayor's Office and is subject to approval by the City Council before contract execution and the start of services. A contract extension will be contingent upon the availability of funds, contractor's continuing compliance with applicable Federal, State, and local government legislation, and an evaluation of the contractor's performance.

## 2. Mandatory Meetings and Disclosures

### 2.1. Mandatory Pre-Submittal Meeting

A mandatory pre-submittal meeting will be held on **Thursday, October 13, 2022, at 10:30 am PST via Google Meet**. The specific meeting time will be posted on Los Angeles Business Assistance Virtual Network (LABAVN) at [www.rampla.org](http://www.rampla.org). All consultants interested in this program are required to attend this meeting. Failure to attend this meeting will result in a proposal being deemed non-responsive.

The purpose of the meeting is to provide assistance to prospective proposers on the interpretation of this RFP, its scope, or any other terms and conditions for the submission of proposals. The City will make a presentation and receive additional proposers' questions. Consultants are requested to submit questions for discussion at the meeting no later than **3:00 PM on Wednesday, October 12, 2022**, via email with the subject heading "Business Improvement District RFP" to [christopher.garcia@lacity.org](mailto:christopher.garcia@lacity.org). Written responses will be distributed to all consultants in attendance at the meeting and posted on the RFP listing on [www.rampla.org](http://www.rampla.org).

Proposer's planning to attend the conference must notify the Contract Administrator by email **no later than Wednesday, October 12, 2022, at 3:00 p.m. PST**, to the conference. Access information for the virtual conference and detailed instructions to "sign-in" on the day of the conference to register attendance will be provided via email **no later than Wednesday, October 12, 2022, at 5:00 p.m. PST**. Proposers must provide a valid email address of the person who will attend on behalf of the Proposer.

To register for the **mandatory proposer pre-proposal meeting**, please email Christopher Garcia at [christopher.garcia@lacity.org](mailto:christopher.garcia@lacity.org). Mr. Garcia will provide the link, via email, to the virtual **mandatory proposer pre-proposal meeting** by the close of business the afternoon the day before the **mandatory proposer pre-proposal meeting, or Wednesday, October 12, 2022, at 5:00 p.m. PST**, and only to the valid email address previously submitted of the person who will attend on behalf of the Proposer.

Proposers may be limited to a maximum number of separate call-in attendees and will be notified prior to the meeting of any limitations to the number of separate call-in attendees.

Attendees to the virtual conference must stay for the entire duration of the meeting and are responsible for all information that is presented. If Proposer attendance cannot be confirmed by the CITY, any proposal submitted by the Proposer will be deemed non-responsive.

If no notifications of attendance are received by **3:00 pm PST, on Wednesday, October 12, 2022**, the conference will be canceled, and any questions, along with the answers, will be posted at <http://www.rampla.org>. Attendance at the **mandatory proposer pre-proposal meeting** is **mandatory**. Attendees at the conference will be responsible for taking their own notes. The **mandatory proposer pre-proposal meeting will not be recorded**.

## 2.2. Required RFP Compliance Documents

As part of the RFP process, all proposers are to review, complete, and submit the following proposal components and compliance documents. **Previous compliance document submittals and/or waivers do not apply. New forms must be completed and processed.**

PROPOSAL CHECKLIST	
Follow this sequence in presenting your proposal with the checklist as the Table of Contents. Proposals must be ordered as indicated on this form.	
<u>PROPOSAL DOCUMENTS</u>	<u>PAGE NUMBER</u>
Cover Letter (on company letterhead)	
Table of Contents/Proposal Checklist	
Executive Summary	
Company Information, Background and Qualifications	
Key Personnel	
Proposed Solution	
Implementation Approach, Timeline, Milestones and Training	
Pricing	
Litigation Disclosure	
Knowledge of City of Los Angeles	
List of Open and Pending Contracts	
References	
<u>REQUIRED RFP COMPLIANCE DOCUMENTS TO BE SUBMITTED</u>	
Standard Provisions for City Services Contracts (Rev. 9/22[v.1]), Exhibit A	
Non-Collusion Affidavit, Exhibit B	
Contractor Responsibility Ordinance and Questionnaire (CROQ), Exhibit C	
Contract Responsibility Ordinance (CRO) Pledge of Compliance, Exhibit D	
Living Wage and Service Contract Worker Retention Ordinances (LWO & SCWRO) Form(s) (Submit ONLY if seeking exemption), Exhibit E	
Equal Benefits Ordinance Compliance/First Source Hiring Compliance Affidavits	Submit online
Slavery and Border Wall Disclosure Ordinance	Submit online
Bidder Certification: City Ethics Commission (CEC) Form 50, Exhibit F	
Prohibited Contributors (Bidders) Certification: City Ethics Commission (CEC) Form 55, Exhibit G	
Business Inclusion Program Outreach Summary Sheet, Exhibit H	Submit online
Business Inclusion Program (BIP) Requirements, Exhibit I	
Iran Contracting Act of 2010 Compliance Affidavit, Exhibit J	
Local Business Preference Program (LBPP) Ordinance, Exhibit K	
Child Support Obligations, Exhibit L	

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

### 2.3. Preliminary RFP Schedule

This schedule indicates estimated dates for the RFP process. The City may adjust this schedule as needed. Adjustments to dates below will be posted to the RFP listing on [www.rampla.org](http://www.rampla.org).

EVENT	DATE
Release of RFP	October 5, 2022
Deadline to RSVP for Mandatory Pre-Submittal Meeting	October 12, 2022 by 3:00 p.m. PST
Deadline for Questions for Mandatory Pre-Submittal Meeting	October 12, 2022 by 3:00 p.m. PST
Mandatory Pre-Submittal Meeting	October 13, 2022 at 10:30 a.m. PST
<b>RFP RESPONSES DUE</b>	<b>November 4, 2022 by 3:00 p.m. PST</b>
Anticipated Start of Services	December 2022/January 2023

### 3. Statement of Work

This section generally describes the work that the City expects to be performed and is not a complete list of all services that may be required or desired.

#### 3.1. Definitions

The following terms used in the RFP documents shall be construed as follows:

Administrative Contract - A contract between the City and a non-profit organization approved by City Council to provide services to the BID if the proposed BID is established or renewed by the City.

Assessment Ballot - A document that meets the requirements of California Government Code Section 53753(c). An Assessment Ballot will be generated by the City Clerk in a format that can be tallied electronically.

BID Establishment Feasibility Study - A report drafted, in accordance with the City Clerk's standards, by a consultant that provides well-documented evidence for the likelihood or unlikelihood of forming a BID within a specific target area.

Business Improvement District - A geographically defined area, commonly referred to as "BIDs", in which services, activities, and programs are paid for through a special assessment.

City - The City of Los Angeles, California, a municipal corporation.

City Clerk - The City of Los Angeles' Office of the City Clerk. "City Clerk" may be used interchangeably with "City."

Contract - A Contract between a Consultant and the City, awarded to a Consultant as a result of the RFP process, of which the original RFP, including the Standard Provisions for City Contracts and Certifications, are a part.

Consultant - The person, partnership, firm, or corporation to whom the City awards a Contract as a result of an RFP process to form a BID. "Consultant" may be used interchangeably with "Consulting Firm."

Database - A spreadsheet of current business and/or property owner information in a Microsoft Office Excel spreadsheet format that includes, but is not limited to, the following information: Assessor's Parcel Number, the name of the current property owner, situs address, parcel and/or improvement measurements (where applicable), individual assessment amounts, and the total assessment amount.

Engineer's Report - An Engineer's Report is a stand-alone document that accompanies and is supplemental to a BID's management district plan (MDP). This report serves to certify the facts and findings regarding parcel assessments and benefits found in the MDP. An engineer's report may be submitted with the MDP by the BID formation proponent group or consultant, but it must be prepared by a California state-certified and registered engineer. Proposition 218 requires that an assessment be supported by a "detailed engineers report" prepared by a Registered Professional Engineer.

Key Personnel - Personnel that may be assigned to work on projects within the scope of this RFP.

Management District Plan - A written description of a proposed BID's program for a given term, outlining the BID's formation process, the budget and governance for the BID, and the proposed services to be provided. In general, MDPs are a reflection of the preferences and priorities of the stakeholders in the proposed BID area. MDPs must be drafted in accordance with State law and City rules and policies. For specific details, please refer to Section 36622 of the California Streets and Highway Code.



Non-Profit Organization - A California non-profit 501(c) organization legally operating within the State of California and physically located within the vicinity of the BID area. Upon a BID's formation, the City will enter into an Administrative Contract with this organization to administer services within the BID.

Petition - A City-approved document signed by a property owner signifying support for the establishment of a BID in which the property owner will be a potential assessee.

Potential Assessee - A person who might be responsible for the payment of an assessment should a proposed BID be established.

Proponent Group - The core group of community members leading an effort to establish a BID.

Proposal - A formal written response prepared and delivered in accordance with an RFP.

Request For Proposal (RFP) - A document drafted and released by the City that outlines the scope of work for services to be provided by a Consultant. The document is used by Consultants as a basis for preparing and submitting their proposal.

Target Area - The geographic area, which is identified as having the potential to be, in part or in whole, within a feasible BID boundary. A draft boundary map of the proposed ABBID is included in this RFP as Exhibit M for reference.

### 3.2. Scope of Work

Consultants that meet the qualification and eligibility requirements above must be able to meet the following Scope of Work for BID outreach and formation.

1. **Community Outreach, Education, and Research**: Develop, implement, and document a process that actively engages all potential assessees within the ABBID Target Area, which should include (at a minimum) property owners, property management businesses, local community organizations and leaders, local business owners, and elected officials, to educate and build a consensus of support for the establishment of an ABBID. The outreach, education, and research process should include, but is not limited to:
  - a. Designing, organizing, and participating in community events, focus groups, and one-on-one meetings with potential stakeholders to survey, interview, and inform affected groups or individuals on potential BID-specific programs, goals, boundaries, and community needs. Where feasible, the Consultant should consult and collaborate with local community organizations when identifying and engaging with local property owners;
  - b. Producing and distributing informative, educational outreach materials such as brochures, web-based content, or other resources that provide stakeholders with information on the BID-specific initiatives or programs;
  - c. Work with the City Clerk and representatives of the City Council to gain authorization for the establishment of the BID, if a BID is determined to be feasible.
2. **BID Establishment Feasibility Study**: Determine the feasibility of establishing the ABBID within a proposed Target Area and submit a well-documented report to the City Clerk for evaluation. The feasibility reporting process should be conducted in a timely manner. This report should include the following elements:
  - a. Introduction/Executive Summary - This section should include a concise review and summary of the general background and purpose of the report and its findings.
  - b. Criteria - This section should identify the standards by which a BID establishment is evaluated. This should include an assessment of the Target Area's needs, economic impact, as well as any constraints or costs.

- c. **Methodology** - This section should include a description of the research methods employed to demonstrate the feasibility of establishing a BID within a Target Area. A minimum level of outreach and education set by the City Clerk, will be required as part of this research.
  - d. **Evaluation** - Using the established criteria, this section should present the facts, data, and evidence that supports each evaluative statement. This section should also identify any alternative options that should be taken into consideration when determining a BID's feasibility.
  - e. **Conclusions** - This section should sum up the Consultant's conclusions reached on the feasibility of establishing a BID.
  - f. **Recommendation** - This section should state the Consultant's final recommendation on the feasibility of establishing a BID, including Consultant's recommended course of action.
3. **BID Establishment**: If an ABBID is determined to be feasible, the Consultant will assist the ABBID Proponent Group through the legislative and other City processes necessary for the establishment of the BID. This includes the following:
- a. **Database Production**: Submit a spreadsheet of current business and/or property owner and assessment information in a Microsoft Office Excel spreadsheet format that includes, but is not limited to, the following information:
    - i. Assessor's Parcel Number;
    - ii. The name of the current property owner, situs address, parcel and/or improvement measurements (where applicable);
    - iii. Individual assessment amounts, and
    - iv. The total assessment amounts.
  - b. **Engineer's Report**: A Registered Professional Engineer, one that is either on staff or hired, must perform all necessary services under the applicable Contract. The Registered Professional Engineer's duties shall include, but are not limited to:
    - i. Preparation of a detailed, stand-alone Engineer's Report that complies with all applicable State and Constitutional law requirements, which:
      - 1. Identifies all parcels that will have a special benefit conferred upon them and upon which an assessment will be imposed;
      - 2. Identifies, defines, and separates the general from the special benefits conferred on each parcel and calculates the percentage and dollar amount of general benefit derived from BID services and activities;
      - 3. Provides evidentiary support for all assessments to be imposed on each parcel;
      - 4. Identifies all formulas used to calculate assessments for each parcel;
      - 5. Demonstrates that the assessment imposed on each parcel does not exceed the reasonable cost of the proportional special benefit conferred;
      - 6. When applicable, clearly identifies benefit zones and differences in assessments;
      - 7. Identifies with specificity any City and government-owned properties contained in the proposed BID;
      - 8. Provides clear and convincing evidence to support any finding or conclusion that publicly owned parcels actually receive no benefit, and are therefore exempt from assessment, and

9. Identifies the percentage of the total assessment and the total assessment amount the City will pay for each year under the proposed BID.
- ii. Consult with the City Clerk in the initial stages of the BID boundary formation process. This includes, but is not limited to:
  1. Informing the City Clerk of potential boundaries before the feasibility report is prepared and
  2. Evaluating potential boundaries with the assistance of a Registered Professional Engineer, identify potential benefit zones within the proposed BID (if appropriate), and make recommendations to the ABBID Proponent Group.
- c. Management District Plan: Consult with the City Clerk and the Registered Professional Engineer, if applicable, to develop a BID Management District Plan that complies with the requirements set forth in Section 36622 of the California Streets and Highway Code. This includes, but is not limited to:
  - i. The name of the BID;
  - ii. The specific number of years in which assessments will be levied. Please note that a new BID's term must not exceed five years. Upon renewal, a district shall have a term not to exceed 10 years;
  - iii. The proposed BID's governance and management structure;
  - iv. A map of the district in sufficient detail to locate each parcel of property and a description of the boundaries of the district, including benefit zones;
  - v. If businesses are to be assessed, each business within the BID;
  - vi. A description of the improvements, maintenance, and activities proposed for each year of operation of the BID and the maximum cost thereof;
  - vii. The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the BID;
  - viii. The proposed source or sources of financing, including the proposed method and basis of levying the assessment, which must be supported by the Engineer's Report in sufficient detail, to allow each potential assessee to calculate the amount of the assessment to be levied against their property or business;
  - ix. A list of the properties or businesses to be assessed, including the Assessor's Parcel Numbers for properties to be assessed; and
  - x. Any additional proposed rules and regulations to be applicable to the BID.
- d. City Review Process: Submit drafts of the following documents to the City Clerk for review and administrative approval:
  - i. A database
  - ii. An Engineer's Report;
  - iii. A Management District Plan, and
  - iv. Any other documentation required by the City Clerk. This may include property assessment data or other information required by the City Clerk to bill for any assessments that may be imposed.
- e. Petition and Assessment Ballot Drive: Upon approval of an ABBID Management District Plan and Engineer's Report, the Consultant must create and manage a BID petition

campaign, in accordance with the provisions set forth in Section 36621 of the California Streets and Highway Code and conduct an Assessment Ballot drive.

- f. Status Updates: Provide periodic status reports or intermittent progress reports in a timely fashion as requested by the City Clerk.
- g. Non-Profit Establishment: Upon formal establishment of an ABBID, the Consultant must facilitate the creation of a 501(c) non-profit organization to serve as a BID's owner's association, which will administer the BID in accordance with Section 36614.5 of the California Streets and Highways Code or other applicable laws. This would include, but is not limited to:
  - i. Filing a tax-exemption letter from either the Internal Revenue Service or the California Franchise Tax Board;
  - ii. Drafting Articles of Incorporation approved by the California Secretary of State;
  - iii. Drafting Bylaws for the BID;
  - iv. Drafting a letter of exemption for a business tax license from the City's Office of Finance Tax and Permit Division;
  - v. Develop and engage in stakeholder outreach with the purpose of recruiting individuals to serve as the BID's Board of Directors. The outreach process can include property owners, property management businesses, community leaders, and elected officials;
  - vi. Drafting a Board policy and procedure manual that includes financial policies, and
  - vii. Establish and facilitate staff training on board meeting procedures and policies that comply with California State law and City policies and ensure that financial checks and balances are in place.

### 3.3. Deliverables

1. **Project Initiation** - The Consultant will meet with the City Clerk to establish assignment details, task expectations, and management guidelines. The Consultant is expected to provide regular reports on the status of the project, on a basis set by the City Clerk.
2. **Community Outreach, Education, and Research** - The Consultant must provide proof of outreach, education, and research in accordance with Section 3.2, subsection 1 of this RFP, including, but not limited to:
  - a. Proof of outreach and engagement with property owners and local community organizations within the proposed Avalon Blvd. BID target area on the subject of establishing a property-based BID in accordance with applicable State and City laws.
    - i. Outreach and engagement must include at least five (5) organized meetings, two (2) surveys or questionnaires, and presentation and informational materials that would allow property-owners sufficient information and detail to consider the purpose of a potential BID. Proof may consist of meeting attendance records, completed surveys/questionnaires, and copies of the informational material provided to potential stakeholders.
  - b. Proof of outreach and engagement with local community organizations that serve the proposed Avalon Blvd. BID target area, commercial and business associations, local neighborhood councils, and neighboring BIDs. Proof may include meeting agendas, meeting minutes, or presentations made to these entities on the feasibility of an ABBID.
3. **Feasibility Study** - The Consultant must provide a completed BID Establishment Feasibility Study, submitted in accordance with Section 3.2, subsection 2 of this RFP, which should include, but is not limited to:

- a. Proof of original and well-cited recent research conducted on the proposed Target Area that supports the rationale for establishing an ABBID. This research should incorporate the outreach and education efforts taken prior to the drafting of the feasibility report. A completed study would include, but is not limited to thorough descriptions of:
    - i. The desired service needs of private property owners within the Target Area, independent from potential governmental property owners. This determination must be based on the input from at least 40% of the potential private property owners within the Target Area;
    - ii. The economic impact of a potential ABBID on the Target Area, including to what extent local business owners are or could be represented in the BID;
    - iii. How assessments would be calculated and spent in accordance with State and City law;
    - iv. What benefits potential property owners may or may not receive as a result of the BID's establishment, including the limits of BID actions under State and City law;
    - v. How the BID may be organized and governed as a non-profit organization, and;
    - vi. How the size and boundaries of the BID would be determined.
  - b. A detailed, well-reasoned evaluation of the BID's feasibility based on the facts, data, and evidence gathered from the aforementioned research. This section should identify any alternative options that should be taken into consideration if a property-based BID is not feasible.
- 4. Project Completion** - The project will be considered complete once the following deliverables are provided to the City Clerk:
1. A City-approved ABBID database, Engineer's Report, Management District Plan and proof of petition drive, submitted in accordance with Section 3.2, subsections 3(a), 3(b), 3(c), and 3(e) of this RFP.
  2. Proof of non-profit organization establishment in accordance with Section 3.2, subsection 3(g) of this RFP.

### 3.4. Optional Services and Transfer of Skills

Proposers are encouraged to offer materials and services, directly related to the specifications within this RFP, but not included in it, which will enhance the performance of the Consultant in the fulfillment of the goal(s) of this RFP.

## 4. Proposal Content and Submission Requirements

### 4.1. Proposal Format

All Proposals must meet the requirements outlined in this RFP and shall be based only on the material contained in the RFP, amendments, addenda, and other material published by the City relating to the RFP. The Proposer must disregard any previous RFP draft material. It is requested that proposals be prepared economically and avoid the use of unnecessary promotional material.

Proposals should include detailed responses to each Proposal Item. If selected, proposers must be willing and able to commit to the Proposal Items and all provisions in the Standard Provisions for City Contracts (Rev. 9/22[v.1]), posted as **Exhibit A**. The contents of the winning Proposal will be deemed as a binding commitment and included as an attachment to the Agreement.

Proposers must respond to each of the following items in their written proposal. Each response in the proposal must be in the same order as each of the numbered items below.

1. **Letter of Introduction:** Each Proposal must include a letter of introduction and an executive summary of the Proposal package, signed by a person authorized to bind the company to all commitments made in the Proposal. The letter of introduction must include the name, title, address and telephone number of the person(s) authorized to represent the Proposer regarding all matters related to the Proposal and any Contract subsequently awarded to said Proposer.
2. **Table of Contents**
3. **Executive Summary:** The Executive Summary should include a brief overview of the Proposal's principal elements and how the proposed approach meets the needs of the City. In addition, it should explain how the proposed solution will differentiate itself from other proposed solutions and the reasons the City should select the proposed solution, such as a list of unique features.
4. **Proposer Information, Background and Qualifications:** Each Proposal shall include the following detailed company information:
  - a. Date entity was established and location of entity when established.
  - b. Federal corporation ID number.
  - c. Current location of headquarters.
  - d. Total number of employees.
  - e. Total number of employees in the City and Southern California.
  - f. Specify number of years in business applicable to this RFP.
  - g. Brief history and description of the Consultant's business entity.
  - h. Description of experience working with and/or establishing BIDs in Los Angeles or in California.
5. **Key Personnel:** All persons expected to work on the duties related to this RFP shall be identified, including, at a minimum, the full name, title, duties, and qualifications of each person listed.
6. **Proposed Solution:** This section of the proposal shall include a comprehensive description of the proposed solution, including information regarding any additional proposed functions or capabilities that the City should consider relevant to the City's stated objectives and goals.
7. **Implementation Timeline, Milestones and Organization:** This section shall include the following information:
  - a. Project schedule that includes all tasks, deliverables, milestones and resources required.

- b. Project organization chart highlighting the key staff who will be assigned to accomplish the work.
8. **Pricing:** The Proposal shall include a clear and comprehensive listing of all costs associated with the proposed solution. All costs must be itemized.
9. **Litigation Disclosure:** The Proposal shall include a statement re-confirming eligibility to enter into a Contract with the City by clearly identifying any past or current litigation that the company was/is involved in which also involves or involved the City. If the company has not been involved in any past or current litigation with the City, the Proposal should include a statement to that fact.
10. **Knowledge of City of Los Angeles:** The Proposer shall specifically identify in writing any specific knowledge and experience of prior government work for the City of Los Angeles in the last five (5) years.
11. **List of Open and Pending Contracts:** Proposer shall list all open contracts by project name, location, and contracting entity.
12. **References:** The Proposer must submit a minimum of three (3) different references of clients for whom the Proposer has provided similar services as those listed in this RFP, within the past five (5) years. The list shall include the company name, address, contact person, telephone number of the contact person, and a description of services provided for each client listed as a reference.

## 4.2. Tips for a Successful Proposal

Proposers should consider the following guidelines in preparing their proposals:

1. Ensure the proposal is well-organized in its response to the defined objectives.
2. Verify that the proposal is complete and thoroughly responds to all Proposal Items and Compliance Documents described in the RFP and the Proposal Checklist on page 2.
3. Formulate responses precisely and with detail; please avoid vague, general, or open-ended responses. Explain how your response furthers the stated objectives and how you will be able to quantitatively demonstrate your success during the contract term if you are selected.
4. Make sure the Proposal demonstrates that your cost estimates are realistic and sustainable.
5. If there are significant risks in your strategy, flag these and include plans to mitigate those risks, addressing any contingencies that may arise.
6. If there are supports or resources the City could provide that would maximize your success as a Contractor or lower the cost of the proposal, please estimate the cost of these supports, which could include introductions, coordination, resources or services.

Your written submission in this RFP process will be the primary basis on which the City will consider its award; therefore, proposers should be as thorough and as detailed as possible when responding to each Proposal Item. Proposers will not be able to add to or change their proposals after the proposal submission deadline. The City may deem a proposer non-responsive if the proposer fails to provide all required documentation and copies.

## 4.3. Deadline for Submission of Proposals

**Proposals are due no later than 3:00 PM, Friday, November 4, 2022.** All proposals must be delivered to the City Clerk via an electronic PDF copy emailed to Christopher Garcia at [christopher.garcia@lacity.org](mailto:christopher.garcia@lacity.org) and [Clerk.NBID@lacity.org](mailto:Clerk.NBID@lacity.org) with the subject heading "Business Improvement District Consultant Services RFP". The City Clerk will provide each proposer with a time confirmation at the time that the proposal is delivered to the City Clerk. The City Clerk reserves the right to extend the deadline for response to this RFP, waive any informality in procedure should such action be deemed in the best interest of the City, and/or reject all proposals. Any materials

submitted will become part of the response and may be incorporated into any subsequent contract(s) between the City and the selected Proposer.

Proposers shall complete and return all applicable documents, including forms, attachments, appendices, and exhibits to this RFP. The City may deem a proposer non-responsive if the proposer fails to provide all required documentation and copies. Submission of a proposal shall constitute acknowledgment and acceptance of all terms and conditions contained in the RFP.

**Proposals submitted after the Proposal Submission Deadline shall be considered late and will not be reviewed.** Timely submission of proposals is the sole responsibility of the proposer. Proposers are encouraged to submit proposals well in advance of the proposal submission deadline.



## 5. Evaluation and Selection Process

### 5.1. Evaluation Criteria

An evaluation team will review and score each complete and fully responsive proposal. Proposals shall be determined eligible for review and evaluation based on the responsiveness and factuality or verifiability of the proposal documentation and information.

Proposals shall be evaluated based on *Demonstrated Ability*, *Response to Requirements*, and *Proposed Cost* and may include consideration of any or all of the listed factors at the City's sole discretion. These same criteria will be applied to evaluating Contractor performance during and after the contract period. The lowest cost proposer may not be determined to be the best proposer when all evaluation factors have been considered.

The evaluation categories are as follows:

#### **Demonstrated Ability (up to 60 points)**

- Experience working with property and business owners, community leaders, non-profit organizations, and public officials on community redevelopment, revitalization, or the establishment of Business Improvement Districts;
- Expertise of the proposer to complete the project;
- Quality of recently completed projects (i.e., adherence to schedules, deadlines, budgets);
- Quality of references demonstrating a proven track record of performance;
- Capacity and resources to provide services under this RFP (i.e., staff size, composition, breadth of services);
- Professional qualifications and education of staff; and
- Workload, availability, and accessibility of staff. Reliability of staff through completion of services.

#### **Response to Requirements (up to 20 points)**

- Overall completeness to RFP package and materials as described in the Proposal Requirements; and
- Clarity and comprehensiveness of the solution presented.

#### **Proposed Cost (up to 20 points)**

- While cost will not be the determining factor, costs will be compared with those submitted by other Proposers and evaluated based on the overall value of project services. The City reserves the right to accept other than the lowest priced offer.

The City Clerk reserves the right to use such other criteria as may be deemed appropriate in evaluating proposals, even if such criteria are not mentioned in the RFP.

### 5.2. Proposal Review Process

Proposals received by the Proposal Submission Deadline as specified in this RFP will be evaluated as outlined below.

#### **1. Preliminary Review – Level One**

Proposals will be reviewed to determine the completeness of required documentation (including compliance documents), whether minimum eligibility requirements have been met, and compliance with the City's Administrative and General Contracting Requirements.

Proposers that fail to submit or complete the required documentation and satisfactorily comply with the City's requirements will be deemed as non-responsive, eliminated from further consideration and will not proceed to the proposal evaluation process.

Proposers will be notified in writing or email regarding the results of the Level One review.

#### **2. Proposal Evaluation - Level Two**

A Review committee will be designated to evaluate/score the proposals. All eligible proposals shall be reviewed, scored, and ranked on the criteria outlined above.

The City reserves the right to verify information contained in the proposal. If the information cannot be verified, and if the errors are not willful, the City reserves the right to reduce the rating points. Additionally, the City Clerk's Office reserves the right to consult with other City departments during the evaluation process.

Based upon these evaluations, the selection committee shall develop a short-list of proposers, which, in its judgment, are the most qualified. The short-list of proposers, at the discretion of the City, may be required to make oral presentations to the review committee. The successful Proposer(s) will be named after the Proposals and presentations (if any) are evaluated to select the most qualified firm(s). Proposers will be notified of the time and place of any oral presentations no less than three (3) days prior to the event.

Proposers shall be notified in writing about funding recommendations and evaluation results.

### **5.3. Proposal Appeal Process**

The City will notify all proposers of the results of the preliminary review, proposal evaluations, and of their right to file an appeal. Proposers may make an appeal of procedural issues regarding non-responsiveness or regarding final award of contract. A protest based on non-selection alone or disagreement with the award of the contract is not sufficient grounds for a protest.

Appeals shall be delivered to the City Clerk no later than within five (5) business days from the date that the notification was emailed. Applicants may file an appeal by email with Christopher Garcia at [christopher.garcia@lacity.org](mailto:christopher.garcia@lacity.org) or by submitting a written request and identifying the specific reason for the appeal to:

**Office of the City Clerk  
Business Improvement District Division  
200 North Spring Street, Room 395  
Los Angeles, CA 90012**

**Attention: Christopher Garcia - Business Improvement District Consultant Services RFP**

Written appeals may not be more than three (3) typewritten pages and shall request an appeals review be granted. Written appeals must include the following information: a) The name, address and telephone number of the proposer; b) The name/title of RFP to which the organization responded; c) Detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original proposal. Only one appeal per proposal will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs.

A panel composed of selected staff will review the appeal for this RFP. After the close of the hearing the City Clerk, or her designee, shall make a final determination for the protest, and shall award the contract accordingly or reject all proposals. The decision of the panel will be the City Clerk's final recommendation.

## 6. Submission Terms

### 1. Addendum(a)

The City reserves the right to issue addendum(a) to this RFP, which may add additional requirements which a proposal must meet to be considered responsive. All addenda will be posted on the RFP listing on the LABAVN website at [www.rampla.org](http://www.rampla.org). All proposers must acknowledge any addendum(a) issued as a result of any change in this RFP on the Proposer Signature Declaration Page. Failure to indicate receipt of addendum(a) may result in a proposal being rejected as non-responsive.

### 2. In Writing

All proposals must be submitted in writing and proposers shall complete and return all applicable documents including, but not limited to, written responses, questionnaires, forms, appendices, spreadsheets, and any electronic files. The City may deem a proposer non-responsive and will be eliminated from further consideration in the evaluation process if the proposer fails to provide all required documentation, copies, or electronic files.

### 3. Best Offer

The proposal shall include the Proposer's best terms and conditions. Submission of the proposal shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of ninety (90) days from the submission deadline.

### 4. Authorized Signatures

Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. A non-officer individual, with authority to bind the Proposer to a contract, is sufficient to sign all applicable documents for this RFP. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive unless it is established that all contractual responsibility rests solely with one Proposer or one legal entity. The proposal must identify the responsible entity.

### 5. Information Requested and Not Furnished

The information requested and the manner of submission are essential to permit prompt evaluation of all proposals. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided.

### 6. Alternatives

The Proposer shall not change any wording in the RFP or associated documents. Any explanation or alternatives offered shall be submitted in a letter attached to the front of the proposal documents. Alternatives that do not substantially meet the City's requirements cannot be considered. Proposals offered subject to conditions and/or limitations may be rejected as non-responsive.

### 7. Proposal Errors

The Proposer is responsible for all errors or omissions incurred by Proposer in preparing the proposal. The Proposer will not be allowed to alter proposal documents after the Proposal Submission Deadline, except as permitted by the City. The City reserves the right to make corrections or amendments due to errors identified in the proposal by the City or the Proposer. This type of correction or amendment will only be allowed for typographical errors, transposition, or other obvious errors. Any changes will be date and time stamped and attached to the proposal. All changes must be coordinated in writing with, authorized by and made by the Contract Administrator.

### 8. Proposal Clarification

The City reserves the right to request at any phase of the evaluation process that Proposers clarify information provided in RFP responses, including assumptions used in the RFP response. All clarifications must be coordinated in writing with, authorized by, and made by the Contract Administrator. Clarifications must be submitted in writing by the requested deadline. Otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

If the City determines that all proposers failed to submit requested information or adequately responded to the same RFP question or request for data, the City may, at its discretion, issue an RFP Addendum and provide all proposers with an opportunity to respond to the RFP question. Responses to RFP Addendum questions must be submitted in writing by the stated deadline; otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

#### **9. Waiver of Minor Administrative Irregularities**

The City reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

#### **10. Interpretation and Clarifications of RFP Requirements**

The City will consider prospective recommendations or suggestions regarding any requirements before the pre-proposal conference. All recommendations or suggestions must be in writing and submitted to the Contract Administrator. The City reserves the right to change or amend any and all requirements of the RFP.

#### **11. Proposal Submission Deadline**

Timely submission of proposals is the sole responsibility of the Proposer. The City reserves the right to determine the timeliness of all submissions. The proposals, including all hard copies, redacted copies and electronic copies of the final proposals must be received by the Contract Administrator at the published location and by the published submission deadline included with this RFP. Proposers should allow ample time to clear security to meet the deadline listed above. All proposals will be date and time stamped upon receipt.

#### **12. Cost of RFP**

All costs of proposal preparation shall be borne by the Proposer. The City shall not, in any event, be liable for any pre-contractual expenses incurred by proposers in the preparation and/or submission of the proposals. Proposals shall not include any such expenses as part of the proposed budget.

#### **13. Withdrawal of Proposals**

The Proposer may withdraw a submitted proposal in writing at any time before the specified due date and time. A written request, signed by an authorized representative of the company, must be submitted to the Contract Administrator. After withdrawing a previously submitted proposal, the Proposer may submit another proposal at any time up to the Proposal Submission Deadline.

#### **14. Selection of Contractor**

The Proposer with the highest score based on the RFP criteria and that also satisfies all City contracting requirements will be recommended for selection. Selection is not restricted to the lowest offer or bid. Should contract negotiations not be successful with the selected Proposer, the City may, based on its exclusive discretion, negotiate with the next most qualified Proposer.

#### **15. Rejection of Proposals**

The City reserves the right to reject any or all proposals; to waive any minor informality in proposals received; to reject any unapproved alternate proposal(s); and reserves the right to reject the proposal of any proposer who has previously failed to perform competently in any prior business

relationship with the City. The rejection of any or all proposals shall not render the City liable for costs or damages.

The City reserves the right to select proposers whose proposals, in the sole judgment of the City, best meet the needs of the City. The City shall have the right to request that Respondents provide additional information regarding any particular services or group(s) of services contained in their proposals, and to enter into negotiations with Respondents for said service(s). The City reserves the right to reject any or all proposals; to waive any non-material irregularities or informalities in proposals received; to reject any unapproved alternate or incomplete proposal(s), and reserves the right to reject the proposal of any proposer who has previously failed to perform competently in any prior business relationship with the City. The rejection of any or all proposals will not render the City liable for costs or damages.

#### **16. RFP Withdrawal, Cancellation, Other Options**

The City reserves the right to withdraw or cancel the RFP at any time if it deems such action necessary. If such action is taken, the City may re-issue the RFP. The City also reserves the right to contract with more than one respondent to this RFP. Furthermore, the City may exercise its right not to select any proposer from this RFP, if it determines that there was no responsive proposer.

If an inadequate number of proposals is received or the proposals received are deemed non-responsive, not qualified, or not cost-effective, the City may, at its sole discretion, reissue the RFP or award a sole-source contract with a Contractor. The award of the contract is subject to the successful negotiation of the terms and conditions of an agreement.

The City reserves the right to verify all information in the proposal. If the information cannot be confirmed, the City reserves the right to reduce the rating points awarded. The City reserves the right to require a pre-award interview and site inspection.

#### **17. Contractor Evaluation Program**

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

#### **18. Standard Provisions for City Contracts**

The Standard Provisions for City Contracts (Rev. 9/22[v.1]) are described in **Exhibit A**. Proposers are advised that any contract awarded pursuant to this RFP shall be subject to all requirements in the City's Standard Provisions, which shall be incorporated into the contract.

#### **19. Non-discrimination, Equal Employment Practices & Affirmative Action Program**

Proposers are advised that any contract awarded pursuant to this RFP process shall be subject to the applicable provisions of Los Angeles Administrative Code Section ("LAAC") 10.8.2., Non-discrimination Clause.

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

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

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

## **20. Declaration of Non-collusion**

Pursuant to the LAAC, Division 10, Chapter 1, Article 2, Section 10.15, each proposal must include the declaration from the Proposer that the proposal is genuine, and not a sham or collusive, or made in the interest or on behalf of any person, and that the Proposer has not directly or indirectly induced or solicited any other Proposer to submit a sham proposal/bid, or any other person, firms, or corporation to refrain from bidding and that the Proposer has not sought by collusion to secure for himself/herself an advantage over any other Proposer.

Proposers must complete and submit the Declaration of Non-Collusion, signed by an officer authorized to bind the Proposer with the proposal. Failure to include this declaration with the proposal may render the proposal non-responsive and may result in its rejection. The Declaration is provided in **Exhibit B**.

## **21. Lobbying Law Compliance**

Proposers bidding for a contract, as defined in Los Angeles Administrative Code Section 10.40.1, shall submit with their bid, the Bidder Certification Form CEC 50 **Exhibit F** as prescribed by the City Ethics Commission acknowledging and agreeing to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance.

This ordinance serves to identify persons engaged in compensated lobbying activities aimed at influencing the decisions of City government. Additional information regarding these restrictions may be obtained from the City Ethics Commission at (213) 978-1960 or <http://ethics.lacity.org/>.

## **22. Campaign Contributions**

Proposers are subject to Charter Section 470(c)(12) and related ordinances. As a result, proposers 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 the Proposal until either the contract is approved or, for successful proposers, twelve months after the contract is signed. The Proposer'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.

Proposers must submit CEC Form 55, provided as **Exhibit G**, to the awarding authority at the same time the Proposal is submitted. The Form requires proposers to identify their principals, their subcontractors performing \$100,000 or more in work on the contract, and the principals of those subcontractors. Proposers must also notify their principals and subcontractors in writing of the restrictions and include such notice in contracts with subcontractors. Proposals submitted without a completed CEC Form 55 shall be deemed non-responsive. Proposers who fail to comply with City law may be subject to penalties, termination of contract and debarment. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or <http://ethics.lacity.org/>.

## **23. Business Inclusion Program Requirements (BIP)**

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. Proposers 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 proposer's BIP outreach documentation and the Business Inclusion Program for this RFP. Participation by MBEs, WBEs, SBEs, EBEs, DVBES, and OBEs may be in the form of subcontracting.

Proposers must refer to **Exhibit I**, Business Inclusion Program (BIP) Requirements, to this RFP for additional information and instructions. BIP outreach is required and must be performed using LABAVN ([www.rampla.org](http://www.rampla.org)). **A proposer's failure to complete their BIP Outreach as described will result in their proposal being deemed non-responsive and shall disqualify the proposal from further consideration in the evaluation process.**

The BIP Outreach component must be completed online at [www.rampla.org](http://www.rampla.org) by **October 21, 2022 at 11:59 p.m.** Two documents are required as a result of your BIP Outreach: 1) the Schedule A (**Exhibit I**), and 2) the BIP Summary sheet (**Exhibit H**).

Schedule A is required to be submitted even if a proposer does not receive any response from subcontractors to its solicitation. The Schedule A form is NOT available and cannot be submitted electronically on LABAVN where the outreach is conducted; a hard copy must be printed and submitted with original signatures by the proposal submission deadline.

The BIP Summary sheet must be completed and submitted online at [www.rampla.org](http://www.rampla.org) by **4:30 p.m., November 5, 2022**, the first calendar day following the day of the RFP response submittal deadline.

#### **24. Local Business Preference Program Ordinance**

Proposers are advised that any proposal submitted and contract awarded from this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.47, Local Business Preference Program (LBPP) Ordinance. The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate and operate in Los Angeles County. The LBPP Ordinance allows the Department to apply additional points to the Proposal's final score under certain conditions.

Proposers shall refer to Part B, "Local Business Preference Program" for further information regarding the requirements and application of the Ordinance.

If applicable, proposers may choose to complete and upload the Local Business Certification Affidavit of Eligibility available on the BAVN at [www.rampla.org](http://www.rampla.org) before the Proposal Submission Deadline. The City may request supporting documentation to verify qualification for designation as a Local Business. Only those proposers who apply and qualify for a Local Business designation (or otherwise qualify by using a qualified Local Subcontractor) by the RFP due date will be eligible for additional points that can be awarded under the ordinance.

Proposers seeking additional information regarding the requirements of the Local Business Preference Program Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>. The Local Business Preference Program Ordinance requirements can be found in **Exhibit K**.

#### **25. Confidentiality**

All documents, records, and information provided by the City to the Contractor, or accessed or reviewed by the Contractor, during the performance of the services will remain the property of the City. All documents, records, and information provided by the City to the Contractor, or accessed or reviewed by the Contractor and any of its employees during the performance of services are confidential (from now on collectively referred to as "Confidential Information"). The Contractor agrees not to provide Confidential Information, nor disclose their content or any information contained in it, either orally or in writing, to any other person or entity. The Contractor agrees that all Confidential Information used or reviewed in connection with the Contractor's work for the City



will be used only to carry out City business and cannot be used for any other purpose. The Contractor will be responsible for protecting the confidentiality and maintaining the security of City documents and records in its possession.

Any Confidential Information provided by the City to the Contractor, or accessed or reviewed by Contractor, during the performance of services, will be made available to its employees, agents, and subcontractors only on a need to know basis. Further, the Contractor will provide written instructions to all of its employees, agents, and subcontractors, with access to the Confidential Information about the penalties for its unauthorized use or disclosure.

The Contractor must not remove Confidential Information or any other documents or information used or reviewed in connection with the Contractor's work for the City from City facilities without prior approval from the City. At no cost to the City the Contractor will, at the conclusion of services, or at the request of the City, promptly return in an organized manner that preserves and protects the documentation, any and all Confidential Information and all other written materials, notes, documents, or additional information obtained by the Contractor during the course of work under the contract. The Contractor will not make or retain copies of any such information, materials or documents. The Contractor and its employees, agents, and subcontractors may have access to confidential employee personnel information; misuse of such information may adversely affect the subject individual's privacy rights and may violate various federal and State statutes. The Contractor will implement reasonable and prudent measures to keep secure personal employee information accessed by its employees, agents, and subcontractors during the performance of services. The Contractor will advise its employees, agents, and subcontractors of this confidentiality requirement.

The Contractor shall disclose the intent to use any service provider outside the continental United States of America to handle any aspect of the work within the scope of services, and shall describe to the City's satisfaction the methods which will be used to protect the City's interests and confidentiality of City records and information in doing so. The City reserves the right to approve any such service provider throughout the term of the contract at its sole and absolute discretion.

Any breach of security that occurs through the Contractor's website, offices or network shall require Contractor to be responsible for notifying City and all applicants affected by such breach. Contractor shall also be responsible for all costs associated with such notification. The Contractor shall indemnify the City for any breaches of its security and the improper disclosure of confidential information.

## **26. City Business Tax Registration Certificate (BTRC) and Government Taxation Forms**

The selected Proposer will be required to provide evidence of a valid BTRC issued by the City of Los Angeles. The selected Proposer shall obtain and keep current a BTRC and all such certificates required of it, and shall not allow any such certificates(s) to be revoked or suspended while any contract is in effect. The Office of Finance administers the BTRC program. They are located at City Hall, 200 North Spring Street, Room 101, Los Angeles, CA 90012 and their telephone number is (844) 663-4411. Forms and instructions can be accessed via the Internet at <http://finance.lacity.org>.

The selected Proposer will be required to provide a copy of a valid BTRC and submit a completed Form W-9 (IRS Request for Taxpayer Identification and Certificate and Form 590 (State of California Withholding Exemption Certificate) or Form 587 (Non-resident Withholding Certification), if the proposer is located outside of California.

## **27. Equal Benefits Ordinance**

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

All proposers shall complete and upload the Equal Benefits Ordinance Affidavit (two (2) pages) available on the BAVN ([www.labavn.org](http://www.labavn.org)) before the award of a City contract, the value of which



exceeds \$25,000. The Equal Benefits Ordinance Affidavit shall be effective for twelve months from the date it is first uploaded onto the City's BAVN. 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.

Proposers must download the actual form from [www.rampla.org](http://www.rampla.org). Proposers seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

## **28. First Source Hiring Ordinance**

Unless approved for an exemption, Contractors under contracts used primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Sections 10.44, et seq., First Source Hiring Ordinance (FSHO). Proposers shall refer to Standard Provisions for City Contracts (Rev. 9/22[v.1]), "First Source Hiring Ordinance", for further information regarding the requirements of the Ordinance. The First Source Hiring Ordinance Compliance Affidavit shall only be required of the proposer that is selected for award of a contract.

Proposers must download the actual form from [www.rampla.org](http://www.rampla.org).

## **29. Slavery and Border Wall Contracting Disclosure Ordinances**

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

Effective July 18, 2018, the DBWCO was combined with SDO on a revised Disclosure Ordinances Affidavit to be completed electronically on the Los Angeles Business Assistance Virtual Network (LABAVN).

Proposers must download the actual form from [www.rampla.org](http://www.rampla.org).

You will be required to register on LABAVN ([www.rampla.org](http://www.rampla.org)) in order to access the new compliance affidavit web form. The web form can be found by clicking on the "Profiles" tab. Scroll to the "Company Profile" section and click on "Compliance Documents". The web form should be completed and submitted by the time of RFP submission.

The web form will be verified by the Bureau of Contract Administration (BCA) only if your company is the successful Proposer/Bidder selected for contract award. Proposers/Bidders seeking additional information regarding the requirements of the SDO and the DBWCO may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

## **30. Contractor Responsibility Ordinance (CRO)**

Proposers are advised that any contract awarded pursuant to this RFP process shall be subject to the provisions of Los Angeles Administrative Code Section 10.40 et seq., Contractor Responsibility Ordinance (CRO).

All Proposers shall complete and return, with their proposal, the Pledge of Compliance (**Exhibit D**) and the Responsibility Questionnaire with Contractor Responsibility Ordinance (sample forms are provided in **Exhibit C**). The most recent forms must be downloaded at <https://bca.lacity.org/ordinances>. Failure to return the completed Questionnaire and form may result in the proposal being deemed non-responsive.

## **31. Living Wage Ordinance and Service Contractor Worker Retention Ordinance (LWO/SCWRO)**

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term

of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of Los Angeles Administrative Code Sections 10.37 et seq., Living Wage Ordinance (LWO) and 10.36 et seq., Service Contractor Worker Retention Ordinance (SCWRO). Proposers shall refer to **Exhibit E** for further information regarding the requirements of the Ordinances.

Proposers who believe that they meet the qualifications for one of the exemptions described in the LWO List of Statutory Exemptions shall apply for exemption from the Ordinance by submitting with their proposal the contractor LWO Exemption Application (Form OCC/LW-10), or the LWO - 501(c)(3) Non-Profit Exemption Application (Form OCC/LW-28). The List of Statutory Exemptions, the Application and the Certification are included in the Appendix G. Otherwise, the Living Wage Email Archive Software Solution RFP Page 18 of 26 Ordinance forms LW 18 and LW 6 will be required from the selected proposer. All Living Wage Ordinance forms can be found at <https://bca.lacity.org/LWO%20Printable%20Forms>.

### **32. Fair Chance Initiative for Hiring Ordinance**

City Contractors and subcontractors with 10 or more employees are prohibited under Los Angeles Administrative Code Section 10.48 from seeking a job applicant's criminal history information until a job offer is made and from withdrawing a job offer unless the employer performs an assessment of the applicant's criminal history and the duties of the position (Contractors and subcontractors must also comply with State requirements regarding the use of criminal history information in the job application process). Contractors and subcontractors are required to include information regarding the ordinance in all job solicitations and advertisements and to post notices informing job applicants of their rights. Additional information and forms may be found at the Department of Public Works, Bureau of Contract Administration website at <http://bca.lacity.org>.

### **33. Iran Contracting Act of 2010**

By California Public Contract Code Sections 2200-2208, all bidders submitting proposals for, entering into, or renewing contracts with the City for goods and services estimated at \$1,000,000 or more are required to complete, sign, and submit the "Iran Contracting Act of 2010 Compliance Affidavit", attached as **Exhibit J**. Failure to complete and submit such affidavit may result in its proposal being deemed non-responsive.

### **34. Bond Assistance Program**

For those Contractors wishing to bid on City projects but are experiencing difficulty obtaining the required bid, performance and payment bonds, the City of Los Angeles provides bonding assistance through the Los Angeles Bond Assistance Program (BAP LA). For more information regarding the BAP LA, please go to the City's Risk Management website at <http://cao.lacity.org/risk>.

### **35. Child Support Obligations**

Respondents are advised that any contract awarded pursuant to this RFP will be subject to the applicable provisions of Los Angeles Administrative Code Section 10.10., Child Support Assignment Orders. The child Support Obligations requirements can be found in Exhibit L.

### **36. COVID-19 Contractor Vaccination Requirements**

Employees of Contractor and/or persons working on its behalf, including, but not limited to, subcontractors (collectively, "Contractor Personnel"), while performing services under this Agreement and prior to interacting in person with City employees, contractors, volunteers, or members of the public (collectively, "In-Person Services") must be fully vaccinated against the novel coronavirus 2019 ("COVID-19"). "Fully vaccinated" means that 14 or more days have passed since Contractor Personnel have received the final dose of a two-dose COVID-19 vaccine series (Moderna or Pfizer-BioNTech) or a single dose of a one-dose COVID-19 vaccine (Johnson & Johnson/Janssen) and all booster doses recommended by the Centers for Disease Control and Prevention. Prior to assigning Contractor Personnel to perform In-Person Services, Contractor shall

obtain proof that such Contractor Personnel have been fully vaccinated. Contractor shall retain such proof for the document retention period set forth in this Agreement. Contractor shall grant medical or religious exemptions ("Exemptions") to Contractor Personnel as required by law. If Contractor wishes to assign Contractor Personnel with Exemptions to perform In Person Services, Contractor shall require such Contractor Personnel to undergo weekly COVID-19 testing, with the full cost of testing to be borne by Contractor. If Contractor Personnel test positive, they shall not be assigned to perform In-Person Services or, to the extent they have already been performing In-Person Services, shall be immediately removed from those assignments. Furthermore, Contractor shall immediately notify City if Contractor Personnel performing In-Person Services (1) have tested positive for or have been diagnosed with COVID-19, (2) have been informed by a medical professional that they are likely to have COVID-19, or (3) meet the criteria for isolation under applicable government orders.

### **37. Executive Directive 35: Equitable Access to Contracting Opportunities**

Respondents are advised, pursuant to Executive Directive 35, if a bidder is selected and awarded a contract, and if the contractor is a for-profit company or corporation, the contractor shall, within 30 days of the effective date of the contract and on an annual basis thereafter (i.e., within 30 days of the anniversary of the effective date of the contract), report the following information to City via the Regional Alliance Marketplace for Procurement ("RAMP") or via another method specified by City: contractor's and any subcontractor's annual revenue, number of employees, location, industry, race/ethnicity and gender of majority owner ("contractor/subcontractor Information";). On an annual basis, the contractor shall further request that any subcontractor input or update its business profile, including the contractor/subcontractor information, on RAMP or via another method prescribed by City.

## 7. General Terms and Conditions

### 1. Property of City / Proprietary Material

All proposals submitted in response to this RFP will become the property of the City and subject to the California Public Records Act (California Government Code Section 6250 et seq). Proposers must identify all trade secrets or other proprietary information that the proposers claim is exempt from the Public Records Act. The City Attorney will make an independent determination regarding whether the identified information is disclosable.

In the event a Proposer claims such an exemption, the Proposer is required to state in the proposal the following: "The Proposer will indemnify the City and its officers, employees, and agents, and hold them harmless from any claim or liability and defend any action brought against them for their refusal to disclose copyrighted material, trade secrets or other proprietary information to any person making a request therefore."

Failure to include such a statement shall constitute a waiver of a proposer's right to exemption from this disclosure.

### 2. Pre-Award Negotiations

Before the award of the contract, the successful Proposer(s) may be required to attend negotiation meetings that will be scheduled at a later date. The intent of the meeting(s) will be to discuss and negotiate contract requirements, prices/premiums, service level agreements, detailed scope of work specifications, ordering, invoicing, delivery, receiving and payment procedures, etc. to ensure successful administration of the contract.

### 3. Execution of Contract

A response to this RFP is a legally binding offer to contract with the City based upon the terms, conditions, service level agreement and specifications contained in the proposal submitted. A contract will be formed when the Office of the City Clerk awards the contract to the selected Proposer.

The Proposer to whom a contract is awarded shall be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, will be incorporated into and made a part of the final contract. However, the City reserves the right at its sole discretion to further negotiate the terms of the contract with the selected Proposer. All work assigned to the Proposer under a resulting contract will be subject to available funding, and no minimum level of work or funding is guaranteed.

The contract will, in any event, include fixed prices to be paid by the City for the Proposer to perform the services as provided herein under "Services Required."

Any contract made pursuant to this RFP must be accepted in writing by the Proposer. If for any reason the Proposer should fail to accept the contract in writing, then the Proposer may be deemed non-responsive and the City may commence contract negotiations with another proposer.

The Standard Provisions for City Contracts (Rev. 9/22[v.1]) (**Exhibit A**) will be incorporated and made part of the final contract. It is City policy that the terms and conditions of the Standard Provisions for City Contracts apply in their entirety to City contracts. The City reserves the right to negotiate any such terms and conditions in its sole discretion as it deems is in the best interest of the City.

Please note that the City takes a legal approach whereby all contracts contain an order of precedence. In the event of an inconsistency between the provisions of the Contractor's documents and the City's documents, the City's documents take precedence concerning the resolution of the inconsistency.

**4. Term of Contract**

The term of the resulting contract shall be two (2) years with one (1) additional one (1) year option/s to extend at the City's sole discretion.

**5. Amendments, Modifications and Change Orders**

Any amendments, adjustments, alterations, additions, deletions, or modifications in the terms and conditions of the resultant agreement must be made by written amendment or change order approved by the Contracting Authority, the Contractor, and signed by the City Attorney. If the Contractor performs any modification without a written amendment/change order, the City will neither pay for nor be obligated to accept said modification.

**6. Prime Contractor**

The proposer awarded the contract must be the prime Contractor performing the primary functions of the contract. If any portion of the contract is to be subcontracted, it must be clearly outlined in the proposal document as to what part(s) are to be subcontracted, the reasons for subcontracting and a listing of subcontractors. The City reserves the right to reject any proposal wherein use of subcontractors significantly affects the ability of the Proposer to function as the prime Contractor on the awarded contract. The prime Contractor will at all times be responsible for the acts and errors or omissions of its Subcontractors or joint participants and persons directly or indirectly employed by them.

**7. Subcontractors/Joint Ventures**

Acceptance or rejection of a Proposer's request to use subcontractors is at the sole discretion of the City. With the written approval of the City, the contractor may enter into subcontracts and joint participation agreements with others for the performance of portions of the resultant agreement.

The provisions of the resultant agreement shall apply to all subcontractors in the same manner as to the Contractor. In particular, the City will not pay, even indirectly, the fees and expenses of subcontractors that do not conform to the limitations and documentation requirements of the resultant agreement.

**8. Copies of Subcontractor Agreements**

Upon written request from the City, the Contractor shall supply the City with all subcontractor agreements.

**9. Supplier Performance Feedback Meetings**

The proposer awarded the resulting agreement is required to attend periodic performance feedback meetings at the request of the Contracting Authority. The meetings will be facilitated by the Contracting Authority and will focus on the Contractor's and the City's performance in fulfilling the service level requirements contained in the contract. The meetings will provide a forum to informally discuss opportunities for improving contract terms and conditions, service level requirements, and cost reductions for both parties.

**10. Replacement of Contractor's Staff**

The City reserves the right to have the Contractor replace any contract personnel with equally or better-qualified staff upon providing written notice to the Contractor. Also, the City reserves the right to approve in advance any changes in project personnel or levels of commitment by the Contractor to the project.

**11. Contractor's Address**

The address given in the proposal response will be considered the legal address of the Contractor and will be changed only by written notice to the City. The Contractor will supply an address to which certified mail can be delivered. The delivery of any communication to the Contractor personally, or to such address, or the depositing in the United States Mail, registered or certified

with postage prepaid, addressed to the Contractor at such address, will constitute a legal service thereof. Also, telephone numbers, fax numbers, and e-mail addresses (if applicable) must be provided.

## **12. Term & Option to Renew**

The term of any contract(s) established under this RFP shall be for the period identified in the RFP Introduction. The City reserves the right in its sole discretion to seek an extension of the term of the contract.

## **13. Standard Contract Provision Requirements**

Please carefully review the information contained in the City of Los Angeles Requirements and Checklist [**Exhibit A**], including the Standard Provisions for City Contracts (Rev. 9/22[v.1]). Compliance with these requirements and submission of necessary forms is mandatory at the time of submission of a proposal, before awarding the contract, or both. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided. These requirements will be discussed in detail at the Proposer Conference.

## **14. Governing Law**

All matters relating to the formation, validity, construction, interpretation, performance, and enforcement of the RFP and the resultant agreement/contract, must comply with all applicable laws of the United States of America, the State of California and the City.

## **15. California State Sales Tax**

Do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing.

## **16. California State Board of Equalization Permit**

The proposer must enter the company's State of California Board of Equalization permit number on the proposal form. If the company does not have this permit, the proposer must sign the proposal form declaring that the company has no California sales tax permit.

## **17. Federal Excise Taxes**

The City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. The Department of General Services, upon request, will furnish Federal excise exemption certificates.

## **18. Periodic Independent Audit**

The City reserves the right to assign an independent auditor to assess the quality of services being provided and the extent to which the Contractor and its subcontractors are conducting City business within generally accepted industry standard practices. Each Contractor will be required to cooperate fully with any external audit.

## **19. Financial Audit**

Firms providing services to the City will be responsible for the verification of the legitimacy of payments made to service providers and their subcontractors. The City, therefore, reserves the right for the staff of its Office of the Controller or their designee to conduct audits of financial accountability procedures.

**END OF REQUEST FOR PROPOSAL**