

Attachment No. 4
Contracting Requirements for New Hall

City Contracting Procedures

The following table contains a list of those City of Los Angeles Contracting Requirements for Personal Services Consultant Contracts and Construction Contracts that are required under the Agreement. With respect to each requirement, an "X" has been placed in the columns to the right to indicate whether the requirement applies to Personal Services Consultant Contracts, Construction Contracts, or both.

	Contract Requirement	Description	Compliance Method/ Issues/Comments	Pers. Svcs.	Const.
	<p>City of L.A. Non-Discrimination, Equal Employment Practices, Affirmative Action Requirements</p> <p><i>ORIGIN: LAAC Section 10</i> <i>Thresholds:</i> <i>Non-Discrimination Clause – All</i> <i>EEP: Const. \$1,000 to \$5,000</i> <i>Non-Const. \$1,000 to \$100,000</i> <i>AAP: Const. >=\$5,000</i> <i>Non-Const. >=\$100,000</i></p>	<p>City requires and monitors consultants and their agreement that it shall not discriminate, will provide equal employment practices and that each will adhere to an affirmative action program to ensure that in their 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.</p>	<p>New streamlined procedure. Non-Discrimination/Equal Employment Practices Affidavit and AAP Affidavit uploaded to BAVN as applicable (see thresholds). BCA reviews completeness of affidavit(s) prior to award.</p>	<p>X</p>	<p>X</p>

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	<p>Equal Benefits Ordinance</p> <p><i>ORIGIN: LAAC Section 10.8.2.1</i></p> <p><i>Threshold: >\$5,000</i></p>	<p>No Awarding Authority of the City shall execute or amend any contract that exceeds \$5,000 with any contractor that discriminates in the provision of benefits between spouses of employees and domestic partners of employees, and between dependents and family members of spouses and dependents and family members of domestic partners.</p>	<p>New streamlined procedure. Affidavit form uploaded to BAVN. BCA reviews completeness of affidavit prior to award but not full compliance audit. Random compliance audits performed on awarded contracts.</p>	X	X
	<p>Slavery Disclosure Ordinance</p> <p><i>ORIGIN: LAAC Section 10.41</i></p> <p><i>Threshold: All Agreements</i></p>	<p>City administers policy that requires full disclosure of any participation in or profits derived through slavery by companies seeking to do business with the City.</p>	<p>New streamlined procedure. SDO Affidavit form uploaded to BAVN and is good for one year. BCA reviews completeness of affidavit prior to award.</p>	X	X
	<p>Contractor Responsibility Ordinance</p> <p><i>ORIGIN: City Ordinance #173677</i></p> <p><i>Thresholds: Construction – All Non-Const.: >\$25,000 & 3 months</i></p>	<p>Requires that each department make a determination as to whether prospective contractors are responsible and capable of fully performing the work before being awarded a City contract.</p>	<p>Contractor completes responsibility questionnaire. BCA reviews prior to award.</p>	X	X

	Contract Requirement	Description	Compliance Method/ Issues/Comments	Pers. Sves.	Const.
	<p>Contract Bidder Certification of Compliance with Lobbying Laws <i>ORIGIN: LA Municipal Lobbying Ordinance</i> <u>Thresholds:</u> <i>Construction – All Non-Const.: >\$25,000 & 3 months</i></p>	<p>Any bidder for a contract shall submit with its proposal a Bidder Certification, proscribed by the City Ethics Comm., that the bidder acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Ordinance if the bidder qualifies as a lobbying entity under the Ordinance.</p>	<p>Contractor submits signed Disclosure Certification Form (CEC Form 50).</p>	<p>X</p>	<p>X</p>
	<p>Business Inclusion Program <i>ORIGIN: Mayor's Executive Directive No. 14</i> <i>Threshold: Any contract that must be advertised.</i></p>	<p>The policy of the City is 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.</p>	<p>Contractor performs BIP Outreach on the Business Assistance Virtual Network (www.labavn.org) and submits documents sufficient to pass an evaluation by BCA.</p>	<p>X</p>	<p>X</p>

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	<p>Child Support Assignment Orders</p> <p><i>ORIGIN: Council Ordinance #1721401</i></p>	<p>Requires that all contractors and subcontractors, performing work for the City, comply with all reporting requirements and wage and earning assignments relative to legally mandated child support.</p>	<p>Contractor submits signed statement.</p>	<p>X</p>	<p>X</p>
	<p>Contractor Performance Evaluation Ordinance</p> <p><i>ORIGIN: City Ordinance #173018</i></p>	<p>Assures that contractors are routinely evaluated in accordance with approved criteria and that this evaluative data is catalogued and readily accessible to and considered by contract awarding authorities prior to entering into contracts.</p>	<p>City completes an evaluation form.</p>	<p>X</p>	<p>X</p>
	<p>Monitoring and Enforcement of City of Los Angeles Business Tax Registration Certificate (BTRC)</p> <p><i>ORIGIN: LAMC Chp II, Article 1, Section 21.08</i></p>	<p>Contractor must have a BTRC prior to the award of a contract.</p>	<p>Contractor submits BTRC prior to award. All subcontractors shall have a current, valid BTRC in order to receive approval to work on any project. Approval will be withheld until such time as the subcontractor obtains a current, valid BTRC.</p>	<p>X</p>	<p>X</p>

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	<p>Bidder Contributions (CEC Form 55)</p> <p><i>ORIGIN: On March 8, 2011, voters passed Charter Amendment H.</i></p> <p><i>Threshold: >\$100,000</i></p>	<p>Applies to contracts and subcontracts over \$100,000 if the contract is approved by City Council or other elected officials. Generally this will not be the case for construction contracts, but currently does apply for Personal Services Contracts due to the Mayor's Office review as required by Executive Directive 3.</p>	<p>Contractor Submits CEC Form 55 and contract language is added. Completed form must be checked for compliance. Also applies to subcontracts over \$100,000, but they do not fill out individual forms – they are listed by the prime on their form.</p>	X	X
	<p>First Source Hiring Ordinance</p> <p><i>ORIGIN: City Ordinance #179281</i></p> <p><i>Threshold: >\$25,000 & 3 months</i></p>	<p>Amends Los Angeles Administrative Code to add a new Division 10, Chapter 1, Article 18 to establish a program that requires service contractors who hire new employees to perform work on a City contract to seek employee references through referrals from the City and other agencies interested in training and finding employment for the traditionally unemployed or under-employed.</p>	<p>Consultant submits Signed Declaration and Forms. BCA reviews selected proposer's compliance documents and issues a compliance determination prior to contract award.</p>	X	

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	<p>Living Wage Ordinance</p> <p><i>ORIGIN: LAAC Section 10.37</i></p> <p><i>Threshold: >\$25,000 & 3 months</i></p>	<p>Requires service contractors, lessees and financial assistance recipients to provide a minimum level of compensation that will improve the level of services rendered to and for the City.</p>	<p>Consultant submits signed declaration form within 30 days of contract execution. Program is complaint driven. Failure to comply may result in contract cancellation, payment withholding or debarment.</p>	<p>X</p>	
	<p>Service Contractor Worker Retention Ordinance</p> <p><i>ORIGIN: LAAC Section 10.36</i></p> <p><i>Threshold: >\$25,000 & 3 months</i></p>	<p>Encourages the retention of existing service workers when a change in contactors occurs.</p>	<p>Only applicable when a contract is being let to replace similar service provided by a prior contractor. Requires awarding authority to identify such instances and inform BCA. No forms are required with proposal.</p>	<p>X</p>	
	<p>Americans with Disabilities Act</p> <p><i>ORIGIN: U.S.C. Section 12101</i></p>	<p>City requires and monitors that consultant provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the Americans with Disabilities Act.</p>	<p>Consultant submits signed certification form.</p>	<p>X</p>	

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	Monitoring and Enforcement of Professional Licenses, Professional and Other Insurance <i>ORIGIN: BPW Policy</i>	City monitors and requires consultants to provide and maintain professional licenses, professional and other insurance required by local, state, and federal laws.	Consultant submits proof of licenses and monitored by BCA.	X	
	Project Labor Agreement (PLA) and Public Works Infrastructure Stabilization Policy (ISP) <i>ORIGIN: Board of Public Works Policy with City Council approval on 12/17/2010 (Council File No. 09-0963)</i>	Contractor's agreement to hire a specified percentage of workers who live within the boundaries of the City and County of Los Angeles. The core of the policy is to address unemployment and underemployment in concentrated poverty neighborhoods and to advance the skills of the local labor pool by utilizing the craft labor organizations signatory to the PLA as the primary source of all craft labor. The PLA is to be included on Public Works Capital Improvement Projects over \$2.8 Million.	Monitoring and enforcement by BCA.		X

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	<p>Board of Public Works Mandatory Subcontracting Minimum</p> <p><i>ORIGIN: Department of Public Works Policy</i></p> <p><i>Threshold: >\$100,000</i></p>	<p>To be eligible for award of a project by the Board of Public Works, contractor is required to subcontract a minimum percentage of its bid to any qualified available subcontractors, manufacturers, suppliers, brokers. Contractors must list, in their bid, all subcontractors, manufacturers, suppliers, and/or brokers, regardless of bid amount, that the bidder wishes to be credited toward achieving the required Mandatory Subcontracting Minimum (MSM) established for the project.</p>	<p>Listing of intended subcontractors to meet MSM in bid by contractor. Compliance is verified by BCA prior to contract award.</p>		X
	<p>First Time Bidder Evaluation</p> <p><i>ORIGIN: Department of Public Works Policy</i></p>	<p>BCA researches and evaluates the qualifications and work history of any Prime Contractor who has not previously been awarded a Public Works Project. BCA may also review a Prime Contractor if they have not been awarded a Public Works contract in the past 5 years.</p>	<p>Research, review and approval by BCA. BCA conducts a "First Time Bidder Investigation" to determine the fitness and capacity of the contractor to perform work on a Public Works Project. The results of this investigation are forwarded to the Board of Public Works prior to award of the project.</p>		X

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	<p>Approval of all subcontractors before they are allowed to begin work</p> <p><i>ORIGIN: Department of Public Works Policy</i></p>	<p>The Bureau of Contract Administration reviews and approves all subcontractors at any level regardless of dollar amount, for compliance with applicable laws and licenses, prior to beginning work on City projects.</p>	<p>Research, review and approval by BCA. Failure to comply shall result in a penalty of up to 10% of the total subcontract amount and possible sanctions by the Board of Public Works.</p>		X
	<p>Board of Public Works "Zero Spills Policy"</p> <p><i>ORIGIN: Board of Public Works Policy Adopted June 6, 1998</i></p>	<p>City monitors and requires contractors to adhere to the Board of Public Works "Zero Spills Policy" and holds all contractors liable, responsible and accountable for all construction related sewage spills caused by the contractor's negligent actions, including the costs for containment, clean-up, and impacts.</p>	<p>Monitoring by BCA of contractor's compliance. The Inspector monitors the contractor's field activities to ensure that all legally mandated actions are taken to mitigate any sewage spill or discharge.</p>		X

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	Vendor and/or Supplier and Broker Participation Recognition <i>ORIGIN: Department of Public Works Policy</i>	Bidders must list, in their bids, the names of vendors and/or suppliers and brokers and the dollar amounts for which the bidder has obligated itself, in conjunction with the policies established by the Business Inclusion Program and Mandatory Subcontracting Minimum requirements.	Submittal of form with bid by Contractor.	X	X
	Executive Directive No. PE-6: Hiring of "At Risk" Personnel in City Projects <i>ORIGIN: Mayor's Executive Directive No. PE-6</i>	City requests that each contractor state his or her respective willingness to voluntarily provide training and employment opportunities to "at-risk" individuals in the community.	Contractor submits signed declaration form.		X

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	<p>Bid listing of all Subcontractors performing more than ½ of 1 percent of the work of the project, or \$10,000, whichever is greater.</p> <p><i>ORIGIN: Public Contract Code Section 4104 Master General Conditions Section 00311</i></p>	<p>All prime contractors must list in their original bid for work all subcontractors who will perform work in an amount in excess of ½ of 1 percent of the prime contractor's total bid, or \$10,000 whichever is greater. If the Prime Contractor fails to bid-list a subcontractor for any portion of the work of the project, the Prime Contractor agrees that they shall perform that portion of the work themselves.</p>	<p>Contractor submits list of subcontractors with bid. Subcontractors not listed at the time of bid may be approved for work after award of the contract, but not for a dollar amount more than ½ of 1 percent of the prime contractor's original total bid, or \$10,000, whichever is greater; unless the work is the result of a change in scope of the work or work added by change order.</p>		X
	<p>Monitoring and Enforcement of California Contractor's License Requirement(s)</p> <p><i>ORIGIN: Public Contract Code</i></p>	<p>The Bureau of Contract Administration monitors and enforces the requirements that all Prime Contractors and/or subcontractors working on a Public Works project have a current, valid California Contractor's License to perform the work designated to be performed by that Prime and/or Subcontractor.</p>	<p>Monitoring and approval by BCA. Any Prime Contractor and/or Subcontractor found to have an improper license to perform the work designated, or a license that has been suspended or terminated, shall be immediately removed from the project and not allowed to work on the project until such time as the proper license is in effect.</p>		X

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	<p>Awarding Authority Approval of all subcontractor substitutions</p> <p><i>ORIGIN: Public Contract Code Section 4107</i></p>	<p>Based on the recommendation of the Bureau of Contract Administration acting on behalf of the Board of Public Works, all substitutions of a bid-listed or approved subcontractor shall be approved by the Board of Public Works in an open session of the Board. Acting on behalf of the Board of Public Works, the Bureau of Contract Administration may approve the substituting contractor perform work prior to formal approval by the Board.</p>	<p>Review and approval by BCA. Prime contractors may be penalized up to 10% of the subcontract amount if they fail to get approval for any substitution of a bid-listed subcontractor or a subcontractor approved to work on the project after award of the contract. "Substitution" is deemed to mean any person or entity other than those approved to perform the work, including the Prime Contractor. Failure to gain approval for any substitution may result in a suspension or rejection of the work in question. . Please review the form of Construction Contract and General Conditions to understand the extent to which the MSM will apply to this Project.</p>		<p>X</p>

	Contract Requirement	Description	Compliance Method/ Issues/Comments	Pers. Sys.	Const.
	<p>Progress Payments</p> <p><i>ORIGIN: Public Contract Code Section 20104.50</i></p> <p><i>METHOD OF COMPLIANCE: Contractor submits monthly payment request application for review and approval by BCA</i></p>	<p>The Bureau of Contract Administration administers the monthly progress payments to the general contractor for Public Works construction projects to ensure prompt payment as required by the Public Contract Code. The Prime Contractor must be paid within 30 days of receipt by the Bureau of Contract Administration of a properly executed and accepted payment request.</p>	<p>Contractor submits monthly payment request application for review and approval by BCA.</p> <p>Payment requests are not processed if the Prime Contractor fails to maintain insurance as required by the contract.</p>		<p>X</p>

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	<p>Release of Retention</p> <p><i>ORIGIN: Public Contract Code Section 7107</i></p>	<p>The Bureau of Contract Administration is responsible for administering the holding and release of a certain percentage of the contractor's progress payment as retention until Final Field Acceptance (FFA) of the project in compliance with the Public Contract Code (PCC). Per the PCC retention must be released within 60 days of the FFA except that 150% of disputed funds may be withheld.</p>	<p>BCA administers holding and releasing retention.</p>		<p>X</p>

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	<p>Progress and Retention Payment to Subcontractors</p> <p><i>ORIGIN: Public Contract Code Section 7107; California Business And Professions Code Section 7108.5</i></p>	<p>In conjunction with the listed subcontractor work provided by the general contractor, with their bid, the Bureau of Contract Administration oversees contractor's compliance with payments made to subcontractors in compliance with the Public Contract Code. The Prime Contractor is required to pay all subcontractors for their portion of work paid for on monthly progress payments, or out of retention proceeds with 7 days of receiving said payment.</p>	<p>Contractor submits documentation for review by BCA.</p>		<p>X</p>

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	<p>Local Business Preference Program</p> <p><i>ORIGIN: LAAC Section 10.21 Adopted by Council 10/14/11.</i></p> <p><i>Threshold: >\$150,000</i></p>	<p>Provides that bidders/proposers certified as "Local Businesses" would receive an 8% bid preference in the decision to award contracts. In the case of RFP's, local businesses would be entitled to an 8% bonus to their final evaluation score. There are also provisions for up to a 5% preference for non local businesses using certified local subcontractors. A bidder/proposer may be deemed a Provisionally Qualified Local Business on contracts exceeding \$1,000,000 and three years in duration.</p>	<p>Requires BCA Certifications as a "Local Businesses" on the Business Assistance Virtual Network.</p> <p>Requires calculation of the appropriate adjustment of scores or bids.</p> <p>Requires compliance monitoring for utilization of Local Businesses.</p>	<p>X</p>	<p>X</p>