

ORDINANCE NO. _____

An ordinance authorizing the Department of Public Works (DPW) to use the competitive sealed proposal selection process and the Construction Manager/General Contractor project delivery method, and establishing criteria relating to such contracts for the construction of various components comprising the Los Angeles Streetcar Project.

WHEREAS, Section 371(b) of the Los Angeles City Charter permits the letting of contracts pursuant to a competitive sealed proposal method, in accordance with criteria established by ordinance adopted by at least two-thirds of the City Council, and also allows for the use of design-build or other appropriate project delivery methods when justified by the type of project and approved by the contracting authority;

WHEREAS, the purpose of this ordinance is to establish criteria for the letting of contracts pursuant to a competitive sealed proposal method and authorize the use of the Construction Manager/General Contractor (CMGC) project delivery method for contracts between the DPW and the successful contractors for design, engineering, procurement, preconstruction services, demolition, construction, and related services for the Los Angeles Streetcar Project and its components (the Project);

WHEREAS, the primary goal of the Project is to design and construct a modern, fixed-rail streetcar system which will improve connections in the downtown Los Angeles transit network, address first-mile/last-mile difficulties, provide people with an alternative to traffic and parking, and revitalize downtown areas;

WHEREAS, time is of the essence and it is in the best interest of the City of Los Angeles to expedite implementation of the Project in order to more quickly realize the benefits of the Project and to shorten the overall disruption that the City may experience during the Project construction;

WHEREAS, it is advisable for the DPW to use the competitive sealed proposal selection process and the CMGC project delivery method, pursuant to the terms of this ordinance, to facilitate contemporaneous coordination between DPW staff, consultants, and constructors to expedite efficient development of the Project in an accurate and timely manner;

WHEREAS, the Los Angeles City Council desires to authorize the DPW to use the competitive sealed proposal selection process and the CMGC project delivery method for the Project; and

WHEREAS, the Los Angeles City Council desires to establish the criteria for the letting of contracts by the DPW for the Project pursuant to the competitive sealed proposal selection process.

NOW, THEREFORE,

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

Section 1. The Department of Public Works (DPW) may let contracts pursuant to the competitive sealed proposal selection process as provided herein and the Construction Manager/General Contractor (CMGC) project delivery method for the Los Angeles Streetcar Project (Project). The contracts shall be awarded by the Board of Public Works Commissioners (Board), on behalf of the DPW, subject to the City Council's right of review under Charter Section 245 or, if applicable, the City Council's right of approval under Charter Section 373. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City (as defined in Charter Section 371) than any other responsive proposal submitted. In order to utilize this method, the Board shall make a written finding supported by a written statement of facts that award to the lowest responsive and responsible bidder is not practicable or advantageous and shall also state in writing the reason for the particular award.

Sec. 2. The DPW may engage in contract negotiations after proposals have been opened to allow clarification and changes in the proposals. The DPW shall take adequate precautions to treat each proposer fairly.

Sec. 3. The DPW shall solicit proposals by issuing a Request for Proposals (RFP), which shall be subject to prior Board approval and which is reviewable by the City Council under Charter Section 245. Public notice of the RFP shall be given in writing or electronically to prospective contractors. The RFP shall state the time and place at which the proposals will be received by the DPW. Proposals received after the time and date specified shall be returned and shall not be considered.

Sec. 4. At a minimum, the RFP shall include: (a) a description of the services and items desired and the scope of work to be performed; (b) a statement of the evaluation criteria that will be used in evaluating proposals; and (c) a statement as to when and in what form costs or prices are to be submitted. In addition, the RFP shall require that proposers submit, at a minimum: (i) relevant experience; (ii) evidence of bonding capability; (iii) if applicable, a listing of subcontractors or a selection plan for subcontractors that meets specified requirements and which is sufficient to ensure that fair practices are used in such selection; (iv) a sealed cost proposal addressing the items included in the RFP; and (v) such other information as the DPW deems relevant and appropriate.

Sec. 5. The evaluation criteria shall be described in the RFP and shall identify evaluation factors and their relative importance to the proposed work. The criteria shall include, but not be limited to, an evaluation of the capability and experience of proposed team members with construction of similar, large, high profile, complex projects.

Sec. 6. Proposals shall be opened and their contents secured to prevent disclosure during the process of evaluating the proposals and negotiating with competing proposers. Adequate precautions shall be taken to treat each proposer fairly and to ensure that information gleaned from competing proposals is not disclosed to other proposers. Information contained in the proposals, including price and the name of the proposers, shall not be disclosed until a recommendation for award is made to the Board.

Sec. 7. Award shall only be made to the responsible and responsive proposer furnishing satisfactory security for performance whose final proposal is most advantageous to the City, except that the Board may reject any or all offers if rejection is in the best interest of the City. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City (as defined in Charter Section 371), than any other responsive proposal submitted. The Board shall document its findings regarding its determination.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of _____.

HOLLY WOLCOTT, City Clerk


By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By 
EDWARD M. JORDAN
Assistant City Attorney

Date 5-22-2017

File No. 11-0329-S7