

ORDINANCE NO. _____

An ordinance authorizing the Department of Public Works – Bureau of Engineering (BOE) to use the competitive sealed proposal selection process and design, build, finance, operate and maintain (DBFOM) project delivery method, and to establish criteria relating to such contracts for the development and operation of the Los Angeles Street Civic Building (the Project), a new civic building at 150 North Los Angeles Street.

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 allows for the use of DBFOM or other appropriate project delivery systems 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 award of contracts pursuant to a competitive sealed proposal method and authorize the use of the DBFOM project delivery method for contracts between BOE and the successful contractors for procurement, pre-construction services, construction and related services for select capital improvement projects related to the Project;

WHEREAS, the best interests of the City of Los Angeles are served by expediting implementation of the Project in order to more quickly realize the benefit of the Project, including, but not limited to, the development of office space for City departments, commercial spaces, and a childcare facility;

WHEREAS, it is advisable for BOE to use the competitive sealed proposal selection process and a DBFOM project delivery method, pursuant to the terms of this ordinance, because work related to the Project is highly specialized and has time constraints, making it critically important that the contractors have experience and expertise;

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

WHEREAS, the Los Angeles City Council desires to establish the criteria for the letting of contracts by BOE pursuant to such 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 – Bureau of Engineering (BOE) may use the competitive sealed proposal selection process as provided herein and the DBFOM alternative project delivery method for the following project: Los Angeles Street Civic Building (the Project). Such contracts shall be awarded by the Board of Public Works, on behalf of BOE. 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 addition, the Board shall make a written finding, supported by a written statement of facts, that adherence to the rule that the award be made to the lowest responsive and responsible bidder is not practicable or advantageous, and the Board also shall state in writing the reason for the particular award.

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

Sec. 3. BOE shall solicit proposals by issuing a Request for Proposals (RFP), which are subject to prior Board of Public Works approval. 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 shall be received. BOE shall not consider proposals received after the time and date specified, and will return untimely proposals unopened.

Sec. 4. At a minimum, the RFP shall include: (a) description of the services and items desired or 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) 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 selection; (iv) updated financial and other relevant information sufficient to provide evidence of financial ability to complete the work; and (v) such other information as BOE deems relevant and appropriate.

Sec. 5. BOE shall describe the evaluation criteria in the RFP, identifying evaluation factors and their relative importance to the proposed work or project. The criteria shall include, but not be limited to, a means to measure how well a proposal meets desired performance requirements and how the lowest ultimate cost shall be determined.

Sec. 6. The City shall open proposals and secure the contents of the responses to prevent disclosure during the process of 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. Except for the names of the proposers, BOE shall not disclose


information contained in the proposals, including price, until a recommendation for award is made to the Board of Public Works.

Sec. 7. The City shall award the contract to the responsible and responsive proposer whose final proposal is most advantageous to the City, except that the Board of Public Works may reject any or all offers if rejection is in the best interest of the City. The City through its Board of Public Works shall not make an award 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 of Public Works shall document its findings regarding this 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.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for
TANEA YSAGUIRRE
Deputy City Attorney

Date 9-21-2018

File No. 14-1604

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

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____