



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 17 - 0 1 5 5  
MAY 1 2 2017

REPORT RE:

**REVISED DRAFT ORDINANCE AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF SANITATION TO USE ALTERNATIVE PROJECT DELIVERY METHODS AND THE COMPETITIVE SEALED PROPOSAL FOR THE DEVELOPMENT OF AN ADVANCED WATER PURIFICATION FACILITY PROJECT AT HYPERION WATER RECLAMATION PLANT, AND UTILIZE A LOCAL SMALL BUSINESS PREFERENCE FOR RELATED CONTRACTS**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 16-1381-S1

Honorable Members:

As requested by the City Council, this Office previously prepared and transmitted for your consideration a draft ordinance that would authorize the Department of Public Works, Bureau of Sanitation (LASAN) to use alternative project delivery methods and the competitive sealed proposal selection process for capital improvement projects related to the development of an Advanced Water Purification Facility Project at Hyperion Water Reclamation Plant, consistent with City Charter Sections 371 and 375. Since our Office transmitted the draft ordinance on April 13, 2017, LASAN requested a few changes to the draft ordinance. Our Office has revised the draft ordinance and now transmits it approved as to form and legality. The changes are as follows:

1. Clarifying that the definition of "Local Business" for purposes of this ordinance includes businesses in the County of Los Angeles rather than businesses in the state or county;

2. Specifying that a proposal may be rejected as non-responsive if, at the time of submitting the proposal, the proposing contractor does not meet the local small business requirement established for this project. The request for proposals may specify evaluation criteria for proposers that exceed the contract specific local small business participation requirement;
3. Clarifying that LASAN is responsible for implementation and administration of the local small business preference and the Department of Public Works, Bureau of Contract Administration (BCA) is the Designated Administrative Agency for applicable certifications; and
4. Emphasizing that grant of a preference pursuant to this ordinance does not guarantee any contract award.

Council Rule 38 Referral

A copy of the revised draft ordinance was sent, pursuant to Council Rule 38, to LASAN, LAWA, LADWP and BCA with a request that all comments, if any, be presented directly to the City Council when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Adena M. Hopenstand at (213) 978-8130. She or another member of this Office along with representatives of LASAN will be present when you consider this matter to answer questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM:AH:cl  
Transmittal