

ORDINANCE NO. 186004

An ordinance authorizing the Department of Public Works, Bureau of Sanitation (LASAN) to use the competitive sealed proposal selection process and Design-Build-Finance-Maintain-Operate project delivery method, and establish criteria relating to such contracts for select capital improvement projects related to the development of an Organic Waste Material Processing Facility at Central Los Angeles Transfer Station (CLARTS) (the Project) to process up to 300 tons per day (TPD) of organic waste material.

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 Design-Build-Finance-Maintain-Operate 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 Design-Build-Finance-Maintain-Operate project delivery method for contracts between LASAN and the successful contractors for procurement, pre-construction services, construction and related services for select capital improvement projects related to the Project;

WHEREAS, time is of the essence to construct and operate the Project by 2025, as planned and advertised during public outreach efforts and help effectuate the Mayor's 2015 Executive Directive No. 7 Sustainable City Plan;

WHEREAS, it is in the best interest of the City of Los Angeles to expedite implementation of the Project because of the demanding and compressed time schedule to have the food waste pre-processing facility available for meeting the City's goals;

WHEREAS, it is advisable for LASAN to use the competitive sealed proposal selection process and a Design-Build-Finance-Maintain-Operate project delivery method, pursuant to the terms of this ordinance, because this type of work involves a new and advanced solid waste management approach and the City has time sensitive goals, making it critically important that the contractors have experience and expertise;

WHEREAS, the Los Angeles City Council desires to authorize LASAN to use the competitive sealed proposal selection process and Design-Build-Finance-Maintain-Operate project delivery method for the Project; and

WHEREAS, the Los Angeles City Council desires to establish the criteria for the letting of contracts by LASAN 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 Sanitation (LASAN) may use the competitive sealed proposal selection process, as provided herein, and the Design-Build-Finance-Maintain-Operate alternative project delivery method for the following project: Organic Waste Material Processing Facility at Central Los Angeles Recycling and Transfer Station (CLARTS) (the Project). Such contracts shall be awarded by the Board of Public Works on behalf of LASAN. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City of Los Angeles (City) (as defined in Charter Section 371) than any other responsive proposal submitted. In addition, the Board of Public Works 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 shall also state in writing the reason for the particular award.

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

Sec. 3. LASAN shall solicit proposals by issuing a Request for Proposals (RFP), which is subject to prior Board of Public Works approval. LASAN shall provide public notice of the RFP in writing or electronically to prospective contractors. The RFP shall state the time and place at which the proposals will be received. LASAN shall not consider proposals received after the time and date specified and will return those 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 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 list 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) updated financial and other relevant information sufficient to provide evidence of financial ability to complete the work; and (v) such other information as LASAN deems relevant and appropriate.

Sec. 5. LASAN 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 will 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, LASAN 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 
ADENA M. HOPENSTAND
Deputy City Attorney

Date 1/9/19

File No. CF 18-0861


M:\GENERAL COUNSEL DIVISION\ORDINANCES AND REPORTS\ORDINANCES - FINAL YELLOW\CLARTS OPF Ordinance 12.27.18.docx

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR





Ordinance Passed 02/19/2019

Approved 02/20/2019

Published Date: 02/26/2019
Ordinance Effective Date: 03/28/2019
Council File No.: 18-0861