

ORDINANCE NO. _____

An ordinance authorizing the Department of Public Works to use the competitive sealed proposal selection process and the design-build project delivery method, and establishing criteria relating to contracts for the Slauson Connect 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 allows for the use of design-build 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 to authorize the use of the design-build project delivery method for contracts between the Department of Public Works (DPW) and the successful contractors for procurement, pre-construction services, construction and related services for the Slauson Connect project (Project);

WHEREAS, the Project includes the construction of a community resource center that will include a daycare, after school programing, a tech center, multipurpose rooms, a commercial kitchen, a fitness center, and other programs and amenities, as well as the construction of a park along Slauson Avenue, and will serve as a multi-purpose community hub providing cutting-edge education, training, information, and resources to the surrounding community;

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

WHEREAS, it is advisable for the DPW to use the competitive sealed proposal selection process and the design-build project delivery method, pursuant to the terms of this ordinance, to expedite the delivery of the Project in a cost-effective manner and to enhance the ability to achieve the Project's intended benefits;

WHEREAS, the City Council desires to authorize the DPW to use the competitive sealed proposal selection process and the design-build 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 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 (DPW) may use the competitive sealed proposal selection process as provided herein and the design-build alternative project delivery method for the Slauson Connect project (Project). The contracts shall be awarded by the Board of Public Works (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 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. 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 precaution to treat each proposer fairly.

Sec. 3. The DPW shall solicit proposals by issuing a Request for Proposals (RFP), which are subject to prior Board approval. The DPW 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. The DPW shall not consider proposals received after the time and date specified and will return those proposals.

Sec. 4. At a minimum, the RFP shall include: (a) 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 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 DPW shall describe the evaluation criteria in the RFP, identifying evaluation factors and their relative importance to the 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 DPW 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, DPW shall not disclose information contained in the proposals, including price, until a recommendation for award is made to the Board.

Sec. 7. The Board shall award the contract to the responsible and responsive proposer 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. The Board 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 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 
EDWARD M JORDAN
Assistant City Attorney

Date 7/29/22

File No. 21-0619

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The Clerk of the City of Los Angeles hereby certifies 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 _____