

**ORDINANCE NO. \_\_\_\_\_**

An ordinance to allow the Board of Airport Commissioners to authorize its Chief Executive Officer to use alternative project delivery methods and the competitive sealed proposal selection process consistent with City Charter Sections 371 and 375 for the Airfield and Terminal Modernization Project and related projects at Los Angeles International Airport (LAX).

**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 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 letting of contracts pursuant to a competitive sealed proposal method and authorize the use of alternative project delivery methods for contracts between LAWA and the successful contractors for procurement, pre-construction services, construction, and related services for the Airfield and Terminal Modernization Project (ATMP) and related projects at LAX (collectively, the Projects);

**WHEREAS**, time is of the essence, and it is in the best interest of the City of Los Angeles to expedite implementation of the Projects in order to ensure the availability of facilities, roadways, and other improvements related to the ATMP prior to the 2028 Olympics, and to improve the passenger experience and prepare LAWA for future passenger growth;

**WHEREAS**, time is of the essence to shorten the overall disruption that LAX and its passengers will experience during the Project's construction;

**WHEREAS**, it is advisable for LAWA to use the competitive sealed proposal selection process and the alternative project delivery methods pursuant to the terms of this Ordinance because this type of work is highly specialized and complex, making it critically important that the contractors have the experience and expertise to carry it out in an accurate and timely manner;

**WHEREAS**, the Los Angeles City Council desires to authorize LAWA to use the competitive sealed proposal selection process and alternate project delivery methods for the Projects; and

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

**NOW, THEREFORE,**

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

Section 1. Los Angeles World Airports (LAWA) may use the competitive sealed proposal selection process as provided herein and alternative project delivery methods such as Design Build, Construction Manager at Risk, or Public Private Partnership (P3) for the Airfield and Terminal Modernization Project (ATMP) and related capital improvement projects at Los Angeles International Airport (LAX), (collectively, the Projects). Such contracts shall be awarded by the Board of Airport Commissioners (BOAC), on behalf of LAWA, 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 ultimate cost to the City (as defined in Charter Section 371) than any other responsive proposal submitted. In order to utilize this method, BOAC 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. Contract negotiations may be engaged in by LAWA after proposals have been opened to allow clarification and changes in the proposal. LAWA shall take adequate precaution to treat each proposer fairly.

Sec. 3. Proposals shall be solicited by issuing a request for proposal (RFP). 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 LAWA. 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 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 to the extent known 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 LAWA deems relevant and appropriate.

Sec. 5. The evaluation criteria shall be described in the RFP in a plan of evaluation that identifies 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. Proposals shall be opened and their contents secured to prevent disclosure during the process of negotiating with competing proposers. Adequate precautions shall be taken to treat each proposer fairly and to insure that information gleaned from competing proposals is not disclosed to other proposers. Except for the names of the proposers, information contained in the proposals, including price, shall not be disclosed until a recommendation for award is made to BOAC.

Sec. 7. Award shall only be made to the responsible and responsive proposer whose final proposal is most advantageous to the City, except that BOAC 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 responsive proposal submitted. The BOAC 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. 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   
BRIAN C. OSTLER  
Senior Assistant City Attorney

Date 2/28/22

File No. \_\_\_\_\_

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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.

CITY CLERK

MAYOR

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Ordinance Passed \_\_\_\_\_

Approved \_\_\_\_\_