CITY CONTRACTING REQUIREMENTS CHECKLIST

REQUIRED WITH PROPOSAL

SECTION I – Compliance Documents to be Submitted with Response by All Proposers

Proposers are required to complete and **submit** the following documents **with their response**.

A	Bidder Certification CEC Form 50 (Municipal Lobbying Ordinance)	
B	Prohibited Contributors (Bidders) CEC Form 55 (Campaign Finance Ordinance)	
C	Non-Collusion Affidavit	
D	Contractor Responsibility Ordinance Questionnaire	
E	Contractor Workforce Information Form (LA Residence Information)	
F	Certification of Compliance with Child Support Obligations	
G	Iran Contracting Act of 2010 Compliance Affidavit	
H	Living Wage Ordinance (LWO) / Service Contractor Worker Retention Ordinance (SCWRO)	

SECTION II – Compliance Documents to be Completed and Submitted on RAMPLA.ORG

Proposers are required to complete and submit the following documents **by the proposal due date.**

I	Equal Benefits Ordinance (EBO) / First Source Hiring Ordinance (FSHO)	
J	Disclosure Ordinances (Slavery and Border Wall Contracting)	
K	Local Business Preference Program (LBPP) **ONLY** required if the proposer chooses to participate in the Program.	

FOR INFORMATIONAL PURPOSES ONLY

SECTION III – Required Documents Prior to Award of Contract

Qualified OR selected proposers for contract award are required to submit these documents **before the contract is executed**.

L	Contractor Responsibility Ordinance Pledge of Compliance	
M	Certification of Compliance with the Americans with Disabilities Act	
N	Insurance Requirements: Workers' Compensation, General Liability, Auto Liability Proposer's insurance agent must submit Acord 25 Form to CAO Risk Management at https://kwikcomply.org	
O	Financial Guarantee: Performance Bond, Letter of Credit, etc. **ONLY** if required by the solicitation.	
P	Business Tax Registration Certificate (BTRC)	
Q	Internal Revenue Service (IRS) Form W-9	

SECTION IV – City Contract Compliance Requirements

Proposers are advised the following provisions will be part of the contract. **No forms or documents are required to be submitted**.

R	Nondiscrimination/Equal Employment Practices/Affirmative Action	
S	Contractor Performance Evaluation Ordinance	
T	Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance (Fair Chance Initiative for Hiring)	
U	Standard Provisions for City Contracts	

REQUEST FOR PROPOSALS
CITY CONTRACTING REQUIREMENTS

SECTION I

Compliance Documents to be Submitted with Response by All Proposers

Section A

Bidder Certification CEC Form 50
Municipal Lobbying Ordinance

The Municipal Lobbying Ordinance serves to identify persons engaged in compensated lobbying activities aimed at influencing decisions of City government. Proposers are required to submit with their response a completed and signed Bidder Certification CEC Form 50 acknowledging that, if the Proposer qualifies as a lobbying entity under Los Angeles Municipal Code Section 48.02 (the exemptions in Los Angeles Municipal Code Section 48.03 do not apply), the Proposer agrees to Bidder Certification CEC Form 50 comply with the disclosure requirements and prohibitions established in the Municipal Lobbying Ordinance.

A copy of the ordinance can be found at:
https://ethics.lacity.org/wp-content/uploads/Laws-Lobbying-MLO.pdf

Further information is available at:
https://ethics.lacity.gov/publications/bidders-contractors-brochure

https://ethics.lacity.org/pdf/forms/city/CEC50.pdf

INSTRUCTIONS

All Proposers **MUST complete and submit** the Bidder Certification CEC Form 50 with their response.

Responses submitted without a completed Bidder Certification CEC Form 50 **WILL** be deemed non-responsive and disqualified from being considered.

Section B

Prohibited Contributors (Bidders) CEC Form 55
Campaign Finance Ordinance

Charter Section 470(c)(12) and related ordinances state that proposers may not make campaign contributions to and/or engage in fundraising for any elected City official, candidate for elected City office, or City committee controlled by an elected City official or candidate from the time they submit a response until either the contract is approved or, for awarded proposers, twelve (12) months after the contract is signed. The proposer who bids on or submits a proposal or other response to a contract solicitation and subcontractors expected to receive $100,000 or more in work on the contract are subject to limitations on campaign contributions and fundraising. Proposer's principals, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

By submitting the Prohibited Contributors (Bidders) Form 55, as prescribed by the City Ethics Commission, the proposer acknowledges and agrees to comply with the requirements of Charter Section 470(c)(12) and related ordinances.

A copy of Los Angeles City Charter §470 can be found at:
https://ethics.lacity.org/wp-content/uploads/Charter-Sec-470.pdf

A copy of the ordinance can be found at:
https://ethics.lacity.org/wp-content/uploads/2019/01/CFO-20181219-Effective-20190128-Final.pdf

Further information is available at:
https://ethics.lacity.org/campaigns/

INSTRUCTIONS

All Proposers **MUST complete and submit** the Prohibited Contributors (Bidders) Form 55 with their response. Detailed instructions on proper completion of the form are provided here: Prohibited Contributors (Bidders) Form 55 Instructions.

Responses submitted without a completed Prohibited Contributors (Bidders) Form 55 **WILL** be deemed non-responsive and disqualified from being considered.

Section C

Non-Collusion Affidavit

Pursuant to Los Angeles Administrative Code Section 10.15, each response must include a statement submitted and signed by the proposer under penalty of perjury that: The response is genuine, not a sham or collusive; the response is not made in the interest or behalf of any person not named therein; the proposer has not directly or indirectly induced or solicited any person to submit a false or sham response or to refrain from responding; and the proposer has not in any manner sought by collusion to secure an advantage over any other proposer.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed Non-Collusion Affidavit and include in their response.

Responses submitted without a completed Non-Collusion Affidavit **WILL** be deemed non-responsive and disqualified from being considered.

NON-COLLUSION AFFIDAVIT

The appropriate, authorized operator's designate must sign and if available affix the corporate seal (see space below).

I, _____, depose and say that I am

_____, of _____,
("President," "Vice-President," etc.) (Insert Name and Address of Organization)

who submits this proposal to the City of Los Angeles, and hereby declare that this proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named and the proposer had not directly induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from submitting a proposal, and that the proposer has not in any manner sought by collusion to secure for him/herself an advantage over any other proposer.

Date: _____ at _____
(Month, Day, Year) (City, State)

(Corporate Seal, if available) I certify under penalty of perjury that the foregoing is correct.

_____
(Signature)

Section D

Contractor Responsibility Ordinance

Proposers are advised that any contract awarded pursuant to this procurement process will be subject to the provisions of the Contractor Responsibility Ordinance, Los Angeles Administrative Code 10.40 et seq. The Contractor Responsibility Ordinance (CRO) requires a determination, via the Responsibility Questionnaire, that prospective contractors are responsible and capable of fully performing the work before a contract is awarded by the City of Los Angeles.

Further information regarding the requirements of the ordinance is available at:
https://bca.lacity.org/Ordinances

INSTRUCTIONS

All Proposers **MUST complete, print and submit** an initial submission of the Service Contractor Responsibility Ordinance (CRO) Questionnaire and include in their response.

Responses submitted without a completed Responsibility Questionnaire **WILL** be deemed non-responsive and disqualified from being considered.

Section E

Contractor Workforce Information
(LA Residence Information)

All Proposers must complete the Los Angeles Residence Information form in order to be considered for a contract award. An important policy goal of the City is to encourage businesses to locate or remain in the City. To track that goal effectively, the Los Angeles City Council, on January 7, 1992, adopted a motion (Council File 92-0021) that requires all City departments to gather various information on contractors who conduct business with the City and all proposers to state their headquarters address as well as the percentage of their workforce residing in the City of Los Angeles.

The following information is to be included in each proposal:

a) The headquarters address of the firm and the total number of employees, regardless of work location;

b) The percentage of the firm's total workforce employed within the City and the percentage residing within the City; and,

c) The address(es) of any branch office(s) located within the City and the total number employed in each Los Angeles branch office, the percentage of the work force in each Los Angeles branch office that is employed within the City, and the percentage residing within the City.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed City of Los Angeles Contractor Business Locations and Workforce Information Form and include in their response.

Responses submitted without a completed City of Los Angeles Contractor Business Locations and Workforce Information Form **WILL** be deemed non-responsive and disqualified from being considered.

CONTRACTOR BUSINESS LOCATIONS AND WORKFORCE INFORMATION

The City Council in consideration of the importance of preserving and enhancing the economic base and well-being of the City encourages businesses to locate or remain within the City of Los Angeles. This is important because of the jobs businesses generate and for the business taxes they remit. The City Council, on January 7, 1992, adopted a motion that requires bidders to state their headquarter address as well as the percentage of their workforce residing in the City of Los Angeles.

Organization: _____

I. Corporate or Main Office Information:

Address	Workforce in Organization:		
	Total Number of Employees	Percentage Working* within City of Los Angeles	Percentage Residing in City of Los Angeles

* i.e. working for any customer located within the geographical boundaries of the City of Los Angeles

II. City of Los Angeles Branch Offices Information:

Note: If there are no Los Angeles Branch offices, mark N/A on first line.

Address	Workforce in Los Angeles Branch Office:		
	Total Number of Employees	Percentage Working* within City of Los Angeles	Percentage Residing in City of Los Angeles

* i.e. working for any customer located within the geographical boundaries of the City of Los Angeles

Section F

Child Support Obligations

Los Angeles Administrative Code Section 10.10 requires all contractors and subcontractors performing work for the City to comply with all State and Federal reporting requirements and wage and earning assignments relative to legally mandated child support. Proposers must complete and return the enclosed form and agree to comply with all terms and conditions within. Furthermore, Proposers are advised that any contract awarded pursuant to this procurement process will be subject to the applicable provisions of the Child Support Obligations Ordinance.

INSTRUCTIONS

All Proposers **MUST complete and submit** the enclosed Certification of Compliance with Child Support Obligations and include in their response.

Responses submitted without a completed Certification of Compliance with Child Support Obligations **WILL** be deemed non-responsive and disqualified from being considered.

City of Los Angeles

CERTIFICATION OF COMPLIANCE WITH CHILD SUPPORT OBLIGATIONS

This document must be returned with the Proposal/Bid Response

The undersigned hereby agrees that _____ will:
Name of Business

1. Fully comply with all applicable State and Federal employment reporting requirements for its employees.

2. Fully comply with and implement all lawfully served Wage and Earnings Assignment Orders and Notices of Assignment.

3. Certify that the principal owner(s) of the business are in compliance with any Wage and Earnings Assignment Orders and Notices of Assignment applicable to them personally.

4. Certify that the business will maintain such compliance throughout the term of the contract.

I declare under penalty of perjury that the foregoing is true and was executed at:

_____
City/County/State

_____
Date

_____
Name of Business Address

_____
Signature of Authorized Officer or Representative Print Name

_____
Title Telephone Number

Section G

Iran Contracting Act of 2010

In accordance with California Public Contract Code Sections 2200-2208, all Proposers submitting a response for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at $1,000,000 or more are required to complete, sign, and submit the Iran Contracting Act of 2010 Compliance Affidavit.

INSTRUCTIONS

All Proposers **MUST complete, print, and submit** the Iran Contracting Act of 2010 Compliance Affidavit and include in their response.

Responses submitted without a completed Iran Contracting Act of 2010 Compliance Affidavit **MAY** be deemed non-responsive and disqualified from being considered.

Section H

Living Wage Ordinance
And
Worker Retention Ordinance

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of $25,000 and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, must comply with the provisions of the Living Wage Ordinance (LWO), Los Angeles Administrative Code Section 10.37 et seq., and the Worker Retention Ordinance (WRO), Los Angeles Administrative Code Section 10.36 et seq.

Forms LW-5, LW-6, and LW-18 will be required from the successful Proposer and their subcontractors within 30 days of contract execution. These forms are available at the Living Wage Printable Forms and Posters section of BCA's LWO information page.

Proposers who believe that they meet the qualifications for one of the exemptions must apply for exemption from the Ordinance by completing and submitting the appropriate Exemption/Non-Coverage Application form with their proposal. Application forms are as follows: Exemption Application (Form LW-10), Small Business Exemption Application (Form LW-26), 501(c)(3) Non-profit Exemption Application (Form OCC/LW-28), and Non-Coverage Determination Application (Form OCC/LW-29).

More detailed information about the ordinances are available on the Bureau of Contract Administration's website at:

https://bca.lacity.org/living-wages-ordinance-lwo

https://bca.lacity.org/service-contract-worker-retention-ordinance-scwro

The LWO Exemption forms are available here:

Exemption Application (Form LW-10)
Small Business Exemption Application (Form LW-26)
501(c)(3) Non-profit Exemption Application (Form OCC/LW-28)
Non-Coverage Determination Application (Form OCC/LW-29)

(Rev. 01/18)

INSTRUCTIONS

If exemption from the Living Wage Ordinance is **not** claimed, Proposer must complete and return the enclosed compliance form with the response. Additional forms will be required from the successful Proposer within 30 days of contract execution as described above.

If applying for an exemption from the Living Wage Ordinance, Proposer must complete and submit the appropriate exemption form and submit completed form with their response.

City of Los Angeles

COMPLIANCE WITH THE LIVING WAGE ORDINANCE

Return this document with the Proposal/Bid Response

By submitting this form, the undersigned hereby declares that an application for exemption is NOT submitted with Proposal/Bid Response and agrees to fully comply with the requirements of the Los Angeles Administrative Code section 10.7, Living Wage Ordinance.

_____
Name of Business

_____
Address

_____
Signature of Authorized Officer or Representative Print Name

_____
Title Telephone Number

REQUEST FOR PROPOSALS
CITY CONTRACTING REQUIREMENTS

SECTION II

Compliance Documents to be Completed and Submitted on RAMPLA.ORG

Section I

Equal Benefits Ordinance
And
First Source Hiring Ordinance

If a contract is subject to the Equal Benefits Ordinance (EBO) and/or the First Source Hiring Ordinance (FSHO), Contractors are required to complete a streamlined EBO/FSHO Compliance Affidavit web application form that is located on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org. Contractors are responsible for creating an RAMP profile and completing and submitting the affidavit. See below for additional details about the EBO and the FSHO.

Equal Benefits Ordinance (EBO):

Contractors are advised that any contract awarded pursuant to this procurement process will be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO).

All Contractors shall complete and submit the Equal Benefits Ordinance/First Source Hiring Ordinance Compliance Affidavit, available on RAMP at www.rampla.org, prior to award of a City contract that exceeds $25,000. The affidavit shall be valid for a period of three years from the date it is first submitted on RAMP. The City may request supporting documentation to verify that the benefits are provided equally as specified on the EBO/FSHO Affidavit. Contractors seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration's website at https://bca.lacity.org/equal-benefits-ordinance-ebo

First Source Hiring Ordinance (FSHO):

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds $25,000 with a term of at least three (3) months, and certain recipients of City loans or grants, must comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO).

All Contractors shall complete and electronically sign the Equal Benefits Ordinance/First Source Ordinance Compliance Affidavit available on RAMP at www.rampla.org, prior to award of a City contract. The affidavit shall be valid for a period of three years from the date it is first submitted on the City's RAMP.

Contractors seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration's website at https://bca.lacity.org/first-source-hiring-ordinance-fsho.
(Rev. 04/22)

INSTRUCTIONS

Proposers must complete and electronically sign the Equal Benefits Ordinance /First Source Hiring Ordinance Compliance Affidavit in the Compliance Documents section of their RAMP Business Profile by the proposal submission deadline. Instructions for submitting compliance documents on RAMP are available on the RAMP Support page at https://www.rampla.org/s/support.

Section J

Disclosure Ordinances

(Slavery and Border Wall Contracting)

Unless otherwise exempt by the provisions of the Slavery Disclosure Ordinance (SDO) and Disclosure of Border Wall Contracting Ordinance (DBWCO), any contract awarded under this procurement process will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code and the DBWCO, Section 10.50 of the Los Angeles Administrative Code.

Contractors are required to complete a streamlined Disclosure Ordinances Affidavit web form that is located on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org.

Contractors are responsible for creating a RAMP profile and completing and submitting the Disclosure Ordinances Affidavit web form. The web form will be verified by the Bureau of Contract Administration (BCA) prior to contract execution.

Contractors seeking additional information regarding the requirements of the SDO and DBWCO may visit the Bureau of Contract Administration's website at https://bca.lacity.org/slavery-disclosure-ordinance-sdo.

INSTRUCTIONS

Proposers must complete and electronically sign the Disclosure Ordinances Affidavit in the Compliance Documents section of their RAMP Business Profile by the proposal submission deadline. Instructions for submitting compliance documents on RAMP are available on the RAMP Support page at https://www.rampla.org/s/support.

Section K

Local Business Preference Program

Per City of Los Angeles Ordinance No. 187121 and LAAC § 10.25, et seq., the City is committed to maximizing opportunities for local businesses and local small businesses in Los Angeles County, business entities working with the hardest-to-employ populations. It is the policy of the City to prevent unemployment, encourage an increase in local jobs, and create high road economic development. The new Local Business Preference Program (LBPP) aims to benefit the City by increasing local jobs and expenditures within the private sector. Criteria and instructions for participation in the LBPP are set forth herein.

Effective March 27, 2024, the Local Business Preference Program (LBPP) was modified in regards to awarding preferences for contracts valued over $150,000. The details of these changes are outlined in the City of Los Angeles Ordinance No. 188111. The attached template is included as a resource on how the LBPP is calculated and incorporated in the evaluation process.

INSTRUCTIONS

Proposers interested in participating in the LBPP must complete a Local Business Enterprise (LBE), Local Small Business (LSB), and/or Local Transitional Employer (LTE) application. The required Applications/Renewals will only be accepted and processed through RAMP. Instructions for applying for certifications are available on the RAMP Support page at https://www.rampla.org/s/support.

PROPOSALS

(Pages LBPP-1 through LBPP-7)

LBPP Citywide RFP (Rev. 6/14/2024)

CITY OF LOS ANGELES
REQUEST FOR PROPOSALS - LOCAL BUSINESS PREFERENCE PROGRAM (LBPP)
City of Los Angeles Ordinance No. 188111, Article 4, Sections 10.25, *et seq.*
of the Los Angeles Administrative Code
CONTRACTS OVER $150,000

Local Business Prime- County (LBE)	6%

Local Small Business (LSB) or subcontracts with LSB	2%

Local Transitional Employer (LTE) or subcontracts with LTE	2%

*The maximum combined preference for an LBE shall not exceed 10%.

Or

Local Business Prime- City (CBE)	10%

LSB or subcontracts with LSB	2%

LTE or subcontracts with LTE	2%

*The maximum combined preference for a CBE shall not exceed 12%.

Or

LBE, CBE, LSB, LTE Subcontractor(s)	Up to 5%

MANDATORY LOCAL BUSINESS PREFERENCE PROGRAM (LBPP) FOR USE ON CITY-FUNDED CONTRACTS GREATER THAN $150,000

General

This program is subject to the policies and requirements established by the City Council and the City of Los Angeles (City) Mayor's Office. The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate and operate in the City and County of Los Angeles. It is the policy of the City to reduce unemployment, encourage an increase in local jobs, and create high road economic development. The Local Business Preference Program (LBPP) aims to benefit the City by increasing local jobs and expenditures within the private sector. The LBPP is set forth herein. Proposers should be fully informed of this program.

Awarding Authorities shall opt out when the contract is funded by a grant or is federally funded and funding regulations prohibit the funding recipient from implementing the LBPP on the resulting contract. The Awarding Authority can also opt out of the program when full and open competition is limited because of a sole source vendor, provider, or supplier. Finally, the Awarding Authority is entitled to determine at any time before the award of a contract that it is not in the City's best interest to grant a proposal preference to a qualifying Local Business or City Business. Failure to comply with the LBPP shall result in investigations by the Bureau of Contract Administration/ Office of Contract Compliance (BCA/OCC) in its role as the Designated Administrative Agency (DAA).

Participation Criteria for Local Business Preference Program

To be eligible for participation in this program, the BCA/OCC requires that the prospective Local or City Business submit an affidavit attesting to its qualifications as a Local or City Business on the Regional Alliance Marketplace for Procurement Los Angeles (RAMPLA) website. An affidavit form is available to be downloaded on the RAMPLA website at http://www.rampla.org. Local or City Business qualification determinations by any entity other than BCA/OCC, or by any means other than submission of an affidavit on RAMPLA, shall not be accepted for purposes of participation in the LBPP. Affidavit forms are prioritized according to the date they are received. An entity must be listed on RAMPLA as a Local Business, City Business, Local Small Business and/or Local Transitional Employer prior to the proposal due date and time in order to participate in the LBPP. If an affidavit is submitted prior to the proposal deadline, but has not been verified by BCA/OCC, the Awarding Authority may request that the BCA/OCC expedite the affidavit by submitting documentation demonstrating that the Local Business or City Business verification would result in a change of award recommendation. In this instance, the status as a Local Business or City Business will be based on the date the affidavit was submitted.

Definitions

1. "**Article**" means the Local Business Preference Program, as codified in Article 4 of the Los Angeles Administrative Code, Sections 10.25, *et seq*., as most recently amended by City of Los Angeles Ordinance No. 188111, effective March 27, 2024.

2. "**Awarding Authority**" means the governing body, board, officer, or employee of the City authorized to award a Contract and includes a department that has control of its own funds if the department adopts policies consistent with the provisions of this article. The Proprietary Departments, the Departments of Recreation and Parks, and the Library are strongly encouraged to adopt local preference programs consonant with the provisions of the Article.

3. "**Bid Price**" means the dollar amount after the bidder's quoted price is adjusted for evaluation in accordance with applicable provisions. For procurement contracts this may include, but not be limited to, a Cash Discount, or Combined Award Discount.

4. "**Cash Discount**" means a reduction in the full cost of a good or service when payment is made within a specified period of time: *e.g.*, 2% 10 net 30.

5. **"City Business Enterprise"** (CBE) means a certified Local Business that is located within City of Los Angeles boundaries, that is, a business entity that occupies work space within the City, is in compliance with all applicable City licensing and tax laws, and can demonstrate one of the following: (1) it is headquartered in the City and physically conducts and manages all of its operations from a location in the City; (2) that at least 50 of its full time employees perform work within the boundaries of the City at least 60 percent of their total regular hours worked on an annual basis; or (3) that at least half of the full-time employees (50%) of the business work within the boundaries of the City at minimum of 60 percent of their total, regular hours worked on an annual basis.

a. A business entity with multiple locations within the City, can aggregate 50 of its full-time employees working at least 60% of their regular hours from its different locations within the City to qualify as a City Business.

b. A business entity awarded a City contract under the LBPP, must carry out the services of the contract using employees whose exclusive, primary working location is in the City.

c. A joint venture must be a legally established entity and be certified as a CBE to participate in the LBPP as a CBE. Individual CBE certification by one or more of the joint venture partners will not be considered sufficient to qualify as a CBE. For more information, see "Local Business" definition below.

6. "**Combined Award Discounts**" (CAD) means the discount terms offered by a supplier and are usually expressed in percentages taken directly from the pricing totals of the bidders offering such a discount. CADs are applicable if the specification or bidding documents includes the CAD provision clause, it applies to more than one item or more than one group of items, and if the items included for CAD purposes are not cherry picked from a predefined group of items as set forth by the specifications or bid document.

7. "**Contract**" means a written agreement over $150,000.00 for the purchase of goods, equipment or services, including construction, by or for the benefit of the City or its residents.

8. "**Contractor**" means the person, business or entity awarded the Contract by the Awarding Authority.

9. "**Dealer**" or "**Supplier**" means any Person who owns, operates, or maintains a store, warehouse, or other establishment in the County of Los Angeles if certified as a Local Business, or in the City of Los Angeles if certified as a City Business, in which the equipment, goods, or materials of the general character described in the Proposal specifications and required under the Contract are regularly sold or leased to the public from its own inventory or otherwise procured in the usual course of its business. A "Dealer" or "Supplier" does not include a packager, broker, manufacturer's representative, or other person who arranges or expedites a transaction without taking ownership of the finished or assembled equipment, goods or materials prior to the sale or lease to the City.

10. "**Local Business**" (LBE) means a business entity that occupies work space within the County, is in compliance with all applicable City and County licensing and tax laws, and can demonstrate one of the following: (1) it is headquartered in the County and physically conducts and manages all of its operations from a location in the County; (2) that at least 50 of its full time employees perform work within the boundaries of the County at least 60 percent of their total regular hours worked on an annual basis; or (3) that at least half of the full-time employees (50%) of the business work within the boundaries of the County at minimum of 60 percent of their total, regular hours worked on an annual basis.

a. A business entity with multiple locations within the County, can aggregate 50 of its full-time employees working at least 60% of their regular hours from its different locations within the County to qualify as a Local Business.

b. A business entity awarded a City contract under the LBPP as an LBE, must carry out the services of the contract using employees whose exclusive, primary working location is in Los Angeles County.

c. A joint venture must be a legally established entity and be certified as an LBE in order to participate in the LBPP as an LBE. Individual LBE certification by one or more of the joint venture partners will not be considered sufficient to qualify for participation as an LBE.

d. A firm that is certified as a Local Small Business Enterprise (LSBE) with the Los Angeles County Office of Small Business will be verified as an LBE on RAMPLA upon request through the LBE affidavit, assuming the LSBE meets the certification qualifications.

11. "Local Subcontractor" means a subcontractor that is certified by the DAA as a Local Business (LBE), a City Business (CBE), a Local Small Business (LSB) and/or a Local Transitional Employer (LTE) and which is designated by the Contractor in the Proposal.

<u>Local Business Preference Program Participation Recognition</u>

1. Qualifying contractors who participate in the LBPP by qualifying as a Local Business will receive 6% preference credit to their proposal in excess of $150,000.00. A Local Business that is also a City Business shall be awarded an additional 4% preference credit.

2. Subject to the maximum preference awards and value cap set forth in No. 6, below, a Contractor that qualifies as a Local Business or a City Business and also qualifies as a Local Small Business or Local Transitional Employer will receive an additional 2% preference credit for each additional certification.

3. Subject to the maximum preference awards and value cap set forth in No. 6, below, a Contractor that qualifies as a Local Business or City Business and is not eligible for the additional preference as a Local Small Business or a Local Transitional Business, but that identifies a Local Subcontractor(s) that is certified by the DAA as a Local Small Business or a Local Transitional Employer (LTE), shall receive up to a maximum of 2% preference for each additional certification. The additional preference under this subsection shall be applied as follows:

a. A Local or City Business that identifies a Subcontractor certified by the DAA as a Local Small Business shall receive a 1% preference to the Proposal for every 10% percent of the cost of the proposed work to be performed by the qualifying Local Subcontractor.

b. A Local or City Business that identifies a Subcontractor certified as a Local Transitional Employer shall receive a 1% preference to the Proposal for every 10% percent of the cost of the proposed work to be performed by the qualifying Local Subcontractor.

c. The Proposal must identify each Local Subcontractor, the proposed work of the Local Subcontractor, and the cost of the work for each Local Subcontractor.

4. A Proposal that does not qualify for the Local Business or City Business Preference may receive up to a 5% preference if it identifies at least one Local Subcontractor that is certified by the DAA as a Local Business, City Business, Local Small Business, or Local Transitional Employer.

a. The Proposal must identify each Local Subcontractor, the proposed work of the Local Subcontractor, and the cost of the work for each Local Subcontractor.

b. The Local Subcontractor preference shall be applied to Proposals, where a 1% preference will be received for every 10% percent of the cost of the proposed work to be performed by the qualifying Local Subcontractor.

5. Preferences shall only be awarded when a minimum of two-thirds of the services provided under the contract are performed in Los Angeles County in the case of a Local Business, or in the City in the case of a City Business. Preferences shall only be awarded for equipment, goods or materials when the Local Business or City Business acts as a supplier or dealer (for a minimum of two thirds of the work), or designs, manufactures, or assembles the equipment, goods or materials, and where a minimum of two thirds of the work, based on the

dollar amount under the Contract, is performed by a Local Business in Los Angeles County or by a City Business in the City of Los Angeles.

6. The maximum combined preferences that may be awarded to a Proposal under this article shall not exceed 10% for a Local Business, 12% for a City Business, or 5% for a Contractor that does not qualify as a Local or City Business, but identifies at least one qualified Local Subcontractor to perform work in the Proposal. The value of the combined preferences shall not exceed one million dollars.

7. A proposal preference does not reduce the contract amount.

8. In the event a Local Business or City Business bids on a City contract and is determined by the Awarding Department, after the proposal deadline, to not qualify as a Local Business or City Business, the business will be eligible for a Local Subcontractor Preference of up to 5%, if it has identified at least one qualifying Local Subcontractor to perform work under the contract.

a. The above provision shall only apply where the non-compliance is an error or mistake. It shall not apply to a business that intentionally or fraudulently claims to be a Local Business or City Business through misleading or false statements.

b. It is the responsibility of the business registered on RAMPLA as a certified Local Business or City Business to inform BCA via email at bca.certifications@lacity.org, within 7 days of any change that results in the business no longer meeting LBPP certification criteria. Failure to do so shall be construed as a misleading and/or false statement.

Failure to Comply & Penalties

1. The penalties in paragraph 2 below may be assessed on a Contractor under the following circumstances:

a. Upon receipt of information by the Awarding Authority which indicates that the business did not qualify as a Local Business, City Business, Local Small Business and/or Local Transitional Employer for more than 60 days during the duration of the Contract.

b. If the Contractor is unable to, or fails to, replace within 60 days a Local Subcontractor, which provided the basis for a Local Subcontractor Preference and which is unable to, or does not, perform the work under the Contract, with another qualifying Local Subcontractor.

c. In the event that an investigation reveals that a business fraudulently represented itself as a Local Business or City Business for the purpose of gaining a preference under the LBPP .

2. The Awarding Authority may impose the following penalties:

a. An amount representing the value of the proposal preference, which is determined by multiplying the Contract dollar amount by the percentage of the preference evaluation

points awarded to the Contractor.

b. Additional costs and expenses to the City resulting from the Contractor's failure to comply with the Article.

c. Termination of all or part of the Contract.

d. Ineligibility for consideration for Local Business or City Business status for up to five years following the date of disqualification as a Local or City Business under No. 1.a. or 1.c., above.

3. Exception: Any Local Small Business Contractor that is found to have ascended to an income level that exceeds the maximum requirement of the certification qualifications as a Local Small Business during the execution of the Contract will not be subject to penalties under these procedures. In this instance, the Contractor's certification status will remain intact for the duration of the executed Contract. However, the executed Contract shall have no bearing on the Contractor's certification status for any future or pending bids, proposals, qualifications or quotes submitted for any other City contracting opportunities.

Complaints and Protests

1. All complaints and/or protests regarding qualifying Local Businesses, City Businesses and Local Subcontractors, including Local Small Businesses and Local Transitional Employers, claiming non-compliance by Awarding Authorities or its failure to maintain certification criteria, shall be made to the BCA/OCC either in writing or by email for further investigation. Complaints must be accompanied by documentation which substantiates the complainant's allegations.

2. Any complaints that meet the criteria of No. 1 may be investigated by BCA/OCC in its role as the Designated Administrative Agency.

Submit complaints to:

By Mail **Bureau of Contract Administration**
Office of Contract Compliance
Department of Public Works
1149 South Broadway, Suite 300
Los Angeles, CA 90015

By Email **bca.biphelp@lacity.org**

REQUEST FOR PROPOSALS
CITY CONTRACTING REQUIREMENTS

SECTION III
(for informational purposes only)

Required Documents Prior to Award of Contract

Section L

Contractor Responsibility Ordinance Pledge of Compliance

The Contractor Responsibility Ordinance (Los Angeles Administrative Code § 10.40 et seq.) provides that, unless specifically exempt, City contractors working under service contracts of at least $25,000 and three (3) months, contracts for the purchase of goods and products of at least $100,000, contracts for the purchase of garments of at least $25,000, construction contracts of any amount; public lessees; public licensees; and certain recipients of City financial assistance or City grant funds, must comply with all applicable provisions of the Ordinance. Upon award of a City contract, public lease, public license, financial assistance or grant, the contractor, public lessee, public licensee, City financial assistance recipient, or grant recipient, and any of its subcontractor(s), must submit the Pledge of Compliance with Contractor Responsibility Ordinance.

Further information regarding the requirements of the ordinance is available at:
https://bca.lacity.org/Ordinances

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, the successful Proposer **MUST complete and submit** the Pledge of Compliance with Contractor Responsibility Ordinance.

This form is not required with the Response and need not be attached to the Response.

Section M

Certification of Compliance with the Americans with Disabilities Act

The City is a covered entity under Title II of the Americans with Disabilities Act, 42 U.S.C.A. Section 12131 et seq. Proposers awarded a contract through this procurement process must comply with the Americans with Disabilities Act and execute the Certification of Compliance with the Americans with Disabilities Act prior to the execution of a contract.

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, the successful Proposer **MUST complete and submit** the enclosed Certification of Compliance with the Americans with Disabilities Act.

This form is not required with the Response and need not be attached to the Response.

CERTIFICATION REGARDING COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT

The undersigned certifies, that to the best of his/her knowledge and belief, that:

1. The Contractor/Borrower/Agency (hereafter Contractor) is in compliance with and will continue to comply with the Americans with Disabilities Act 42 U.S.C. 12101 et. seq. and its implementing regulations.

2. The Contractor will provide for reasonable accommodations to allow qualified individuals with disabilities to have access and participate in its programs, services and activities in accordance with the provisions of the Americans With Disabilities Act.

3. The Contractor will not discriminate against persons with disabilities nor against persons due to their relationship or association with a person with a disability.

4. The Contractor will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

5. This Certification is a material representation of fact upon which the City relied when entering into this agreement.

AGREEMENT NUMBER:_____

CONTRACTOR: _____

_____
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

_____ _____
SIGNATURE DATE

Section N

Insurance Requirements: Workers' Compensation, General Liability, Auto Liability

The Proposer, prior to the execution of a City contract, must furnish the City evidence of insurance Coverage as set forth in Exhibit 1 of the Standard Provisions for City Contracts (Form Gen. 146, attached below). The City may also require the proposer to have fidelity, surety bond, performance bond, or letter of credit to ensure satisfactory performance during the term of contract. Such requirements are also included in the Exhibit 1 of the Standard Provisions for City Contracts. Furthermore, the contractor will also be required to indemnify the City in accordance with the provisions set forth in PSC-18 of the Standard Provisions for City Contracts.
(Updated 3/18)

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, Proposer **MUST** request their Insurance Broker/Agent to complete an Acord 25 Form (Certificate of Liability Insurance) with the required minimum limits set by Exhibit 1 (Form Gen. 146) of Standard Provisions for City Contracts and submit to CAO Risk Management via https://kwikcomply.org.

This form is not required with the Response and need not be attached to the Response.

Section O

Financial Guarantee

Performance Bond, Letter of Credit, Etc.

A Performance Bond may be required once an as-needed project is awarded to a Contractor. If it is determined that a performance bond is required, the awarded Contractor(s) will be required to maintain a minimum Performance Bond in an amount equal to or greater than the awarded bid dollar amount unless otherwise stated by the Contract Administrator. If a Performance Bond is required, it is requested that acceptable bond documents be submitted within ten (10) working days after notice of award of any as-needed contract. Bonds must be obtained from an insurance company with a Certificate of Authority from the California Insurance Commissioner authorizing the company to write surety insurance within the State of California.

INSTRUCTIONS

If a Performance Bond is requested upon the notice of award of the contract, the Contractor will have ten (10) days to submit proof of the Performance Bond. Refer to the language in the solicitation for instructions on how to submit proof of the Performance Bond.

The Performance Bond is not required with the Response and need not be provided with the Response.

Section P

Business Tax Registration Certificate

The City of Los Angeles requires all firms and individuals doing business within the City of Los Angeles to obtain the necessary Tax Registration Certificate(s) and pay City business taxes. All firms and individuals that conduct business with the City of Los Angeles will be required to provide a Business Tax Registration Certificate (BTRC) number or an exemption number as proof of compliance with the City's business tax requirements in order to receive payment for goods or services. To register for a BTRC, go to the Office of Finance website at http://finance.lacity.org/.

INSTRUCTIONS

If a Proposer is recommended for award of a contract but does not have a valid BTRC prior to the award of the contract, the Proposer **MUST** apply and obtain a BTRC number from the Office of Finance and submit one of the following.

- Copy of your City of Los Angeles "Business Tax Registration Certificate"
- Copy of your City of Los Angeles "Application for Tax Registration Certificate" or Vendor Registration Number, or
- Copy of your City of Los Angeles "Business Tax and/or Carnival Police Permit Exemption Application"

The BTRC is not required with the Response and need not be provided with the Response.

Section Q

Internal Revenue Service Form W-9

Request for Taxpayer Identification Number and Certification

The City of Los Angeles requires all firms and individuals doing business with the City of Los Angeles to complete a Form W-9, as required by the Internal Revenue Service (IRS), in order for the City to conduct financial transactions with said entities, such as returning proposal deposits, or processing payments.

Further information regarding the requirements is available at:
https://www.irs.gov/forms-pubs/about-form-w-9

INSTRUCTIONS

If recommended for an award of contract, prior to the award of a City contract, Proposer **MUST complete and submit** IRS Form W-9.

The Form W-9 is not required with the Response and need not be provided with the Response.

REQUEST FOR PROPOSALS
CITY CONTRACTING REQUIREMENTS

SECTION IV
(for informational purposes only)

City Contract Compliance Requirements

Section R

Non-Discrimination, Equal Employment Practices, and Affirmative Action (Non-Construction and Construction)

Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2., Non-Discrimination Clause.

All contracts (both construction and non-construction) for which the consideration is $1,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. By affixing its signature on a contract that is subject to the Equal Employment Practices Provisions, the Contractor shall agree to adhere to the provisions in the Equal Employment Practices Provisions for the duration of the contract.

All contracts (both construction and non-construction) for which the consideration is $25,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. By affixing its signature on a contract that is subject to the Affirmative Action Program Provisions, the Contractor shall agree to adhere to the provisions in the Affirmative Action Program Provisions for the duration of the contract.

Furthermore, contractors shall include similar provisions in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations. The contract with the subcontractor that contends similar language shall be made available to the Office of Contract Compliance upon request.

Proposers seeking additional information regarding the requirements of the City's Non-Discrimination Clause, Equal Employment Practices and Affirmative Action Program may visit the Bureau of Contract Administration's website at http://bca.lacity.org.

Section S

Contractor Performance Evaluation Ordinance

At the end of this contract, the City will conduct an evaluation of the Contractor's performance. The City may also conduct evaluations of the Contractor's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on a number of criteria, including the quality of the work product or service performed, the timeliness of performance, financial issues, and the expertise of personnel that the Contractor assigns to the contract. A Contractor who receives a “Marginal” or “Unsatisfactory” rating will be provided with a copy of the final City evaluation and allowed 14 calendar days to respond. The City will use the final City evaluation, and any response from the Contractor, to evaluate proposals and to conduct reference checks when awarding other personal services contracts.

Section T

Contractors' Use of Criminal History for Consideration of Employment Applications Fair Chance Initiative for Hiring Ordinance

Any contract awarded pursuant to this procurement process will be subject to the Fair Chance Initiative for Hiring Ordinance, Section 10.48 of the Los Angeles Administrative Code. The Ordinance provides, among other things, that contractors/subcontractors with at least 10 employees are: prohibited from seeking a job applicant's criminal history information until after a job offer is made; must post Fair Chance Initiative for Hiring Ordinance information in conspicuous places at worksites; and cannot withdraw a job offer based on an applicant's criminal history unless a link has effectively been made between the applicant's criminal history and the duties of the job position.

Proposers seeking additional information regarding the requirements of the Fair Chance Initiative for Hiring Ordinance may visit the Bureau of Contract Administration's website at http://bca.lacity.org.

Section U

Standard Provisions for City Contracts

Any contract awarded pursuant to this procurement process will be subject to the Standard Provisions for City Contracts. See attached for the current version (Rev. 1/25) [v.2] with Form 146.