

181968
ORDINANCE NO. _____

An Ordinance authorizing the Department of Airports, also known as Los Angeles World Airports (LAWA), to let Job Order Contracts pursuant to a competitive sealed proposal method, and establish criteria relating to the procurement of such contracts.

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 members of the City Council, and also allows for the use of appropriate project delivery systems when justified by the type of project and approved by the contracting authority; and

WHEREAS, the purpose of this ordinance is to authorize LAWA to let Job Order Contracts pursuant to a competitive sealed proposal method, and establish criteria for the letting of such contracts between LAWA and the successful contractors for recurring, minor construction work at LAWA; and

WHEREAS, the implementation of Job Order Contracts would increase the quality of the work performed through a partnering relationship with the contractor; and

WHEREAS, the implementation of Job Order Contracts would reduce overall project costs due to reduced design costs, lower procurement costs and lower project costs; and

WHEREAS, the implementation of Job Order Contracts would increase opportunities for local small woman-owned and minority-owned business participation, as the recurring, minor construction work involves few trades and minimal bonding; and

WHEREAS, the implementation of Job Order Contracts would support LAWA's ability to effectively and efficiently complete recurring, minor construction work; and

WHEREAS, use of the Competitive Sealed Proposal Selection Process for the selection of a job order contractor is critical because it will allow LAWA to select the proposer with the lowest ultimate cost to the City; and

WHEREAS, the Los Angeles City Council desires to authorize LAWA to use a Competitive Sealed Proposal Selection Process permitting the letting of Job Order Contracts for recurring, minor construction work; and

WHEREAS, the Los Angeles City Council desires to establish the criteria for the letting of Job Order Contracts by LAWA pursuant to such selection process.

NOW THEREFORE

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

Section 1. The Department of Airports (LAWA) may let Job Order Contracts not to exceed \$3 million for recurring, minor construction work, on a competitive sealed proposal basis as provided herein. No Job Order Contract let pursuant to this ordinance may have a term that exceeds three years, and no single job order project may exceed \$500,000. Such contracts shall be awarded by the Board of Airport Commissioners (BOAC), subject to the City Council's right of review under Charter Section 245. 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 through an open bid process 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) description of the types of work likely 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 selection plan for subcontractors that meets specified requirements that 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; (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 types of work likely to be performed. The criteria shall include, but not be limited to, a means to measure how well a proposal meets desired performance requirements.

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. Information contained in the proposals, including price and the name of the proposers, 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 furnishing satisfactory security for performance 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 document its findings regarding this determination.

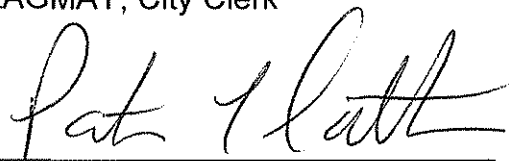
Sec. 8. This Ordinance shall expire five (5) years from its effective date, unless its provisions are extended by ordinance.

Sec. 9. LAWA shall: (1) provide annual reports to the BOAC regarding the number and dollar value of the contracts authorized by the Executive Director pursuant to this Ordinance, and (2) submit a report to the Mayor and City Council, prior to the conclusion of the initial five-year period, which evaluates the effects of and benefits to LAWA of the Job Order Contracts Program, and that provides a recommendation as to whether the Job Order Contracts Program should be concluded or should be continued beyond the initial five years.

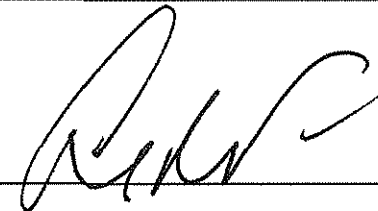
Sec. 10. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board 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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all of its members, at its meeting of DEC 13 2011.

JUNE LAGMAY, City Clerk

By 
Deputy

Approved DEC 16 2011


Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
BRIAN C. OSTLER
Deputy City Attorney

Date Nov. 23, 2011

File No. 11-1135