

**Notice and Request for Proposals by the City of Los Angeles for  
Legal Services Regarding Fiduciary Law and Real Estate and  
Investment Counsel for City Pension Plans**

**Proposals Due By: April 29, 2024**

**LOS ANGELES CITY ATTORNEY'S OFFICE  
200 N. MAIN ST, 8<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012  
ATTENTION: ANNE HALEY  
PHONE: (213) 978-8100  
FAX: (213) 978-2093**

## MEMO FOR POTENTIAL ENGAGEMENT OF COUNSEL

TO: PROSPECTIVE COUNSEL

FROM: LOS ANGELES CITY ATTORNEY'S OFFICE

DATE: April 1, 2024

RE: REQUEST FOR PROPOSALS FOR LEGAL REPRESENTATION

### 1.0 PROPOSALS

The Los Angeles City Attorney's Office (the "City Attorney's Office") is soliciting proposals for qualified law firms ("proposer" or "firm") to assist the City Attorney's Office in providing legal services to the three Los Angeles City pension plans and their respective boards of trustees—the Fire and Police Pensions Plan ("LAFPP"), the Los Angeles City Employees' Retirement System ("LACERS"), and the Water and Power Employees' Retirement Plan ("WPERP") (collectively, the "Plans"), and/or to other City Departments, in the areas of fiduciary law and/or real estate and investment law. Additionally, the firms selected to provide fiduciary law services would be qualified to serve as independent conflict counsel to the Plans/City Departments in a specific matter in the event the City Attorney were to identify a conflict of interest pursuant to applicable professional and ethical obligations, including the California Rules of Professional Conduct. Firms may propose to assist the City Attorney's Office in one or both roles, e.g., fiduciary law but not real estate and investment law. The City Attorney may choose one or more firms for each role.

Proposers for the fiduciary role must have significant experience and expertise in California and federal law governing the fiduciary responsibilities of public pension plans and their boards of trustees; this expertise should include ancillary subject matter relevant to public agencies, such as insurance law, business disputes, and defenses and immunities. Additionally, to serve effectively as independent conflict counsel in a future matter in which the City Attorney makes a conflict determination, it is highly desirable for counsel to have relevant experience in the fundamental areas relevant to California public pension plans, including: government ethics and conflicts of interest, public agency contracts and procurement, California municipal law, disability pensions, writs of mandate and administrative hearings, and California family law.

Proposers for the real estate and investment counsel role must have extensive expertise advising and representing public pension plans on specialized investment and real property transactions and related matters.

Proposers must have exemplary communication skills and be able to provide requested legal services on a time-sensitive basis. Proposers must also have experience in advising government agencies, including providing public advice to

legislative bodies at open meetings. Finally, counsel must have experience representing government agencies in state and federal court through all phases and manner of litigation and appeals.

Both small and large firms with competitive rates are encouraged to apply.

Please submit your proposals electronically, in one tabbed, searchable pdf, **no later than 5:00 p.m. PST on April 29, 2024**, by e-mail, to all of the following:

- (1) [anne.haley@lacity.org](mailto:anne.haley@lacity.org)
- (2) [anya.freedman@lacity.org](mailto:anya.freedman@lacity.org)
- (3) [miguel.bahamon@lacity.org](mailto:miguel.bahamon@lacity.org)
- (4) [joshua.geller@lacity.org](mailto:joshua.geller@lacity.org)
- (5) [edwin.vargas@lacity.org](mailto:edwin.vargas@lacity.org)
- (6) [nicole.paul@lacity.org](mailto:nicole.paul@lacity.org)
- (7) [aimee.sevilla@lacity.org](mailto:aimee.sevilla@lacity.org)
- (8) [elizabeth.jackson@lacity.org](mailto:elizabeth.jackson@lacity.org)

The subject line of the email must state **“RFP for Counsel re: FIDUCIARY AND REAL ESTATE AND INVESTMENT LAW FOR CITY OF LOS ANGELES RETIREMENT PLANS AND OTHER CITY DEPARTMENTS”**

Only written proposals will be considered. All submitted materials shall become part of the proposal and may be incorporated in a subsequent contract between the City of Los Angeles and the selected proposer(s). It is the proposer’s sole responsibility to ensure that the proposal is submitted in a timely manner.

**All forms referred to in this Request For Proposals (RFP) are available at RAMPLA.org. You are required to register your firm at RAMPLA.org and complete the necessary contracting forms in order to be deemed responsive to this RFP.**

Questions regarding this RFP must be submitted by e-mail and directed only to Deputy City Attorney Miguel Bahamon via e-mail at [miguel.bahamon@lacity.org](mailto:miguel.bahamon@lacity.org). All questions must be sent by April 11, 2024. If you would like to receive a copy of questions submitted and corresponding answers, please send a separate email stating your request by April 11, 2024.

## **2.0 SCOPE OF WORK**

The Public Pensions General Counsel Division of the City Attorney’s Office is general counsel to the Plans. Collectively, the Plans’ boards serve as trustees for over \$65 billion in trust fund assets and administer retirement, disability, and health benefits for tens of thousands of Los Angeles City retirees and their beneficiaries.

The City Attorney's Office is soliciting proposals from qualified law firms to assist the City Attorney's Office in providing legal services to the Plans and/or other City Departments in the following areas:

#### Fiduciary Counsel

- Provide legal advice and represent the Plans and/or City Departments, as needed, in matters and litigation relating to fiduciary law.
- Provide education and training in fiduciary law and related areas to the Plans/City Departments and their boards of trustees.
- Serve as prospective independent conflict counsel to the Plans/City Departments and their boards of trustees in the event the City Attorney identifies a legal conflict of interest requiring the City Attorney's recusal.

#### Real Estate and Investment Counsel

Responding firms must have significant experience and expertise advising on specialized investment and real property matters, including:

- Review, negotiate, and provide legal advice regarding real estate and investment transactions, investment programs and policies, and related agreements and documentation, including matters pertaining to private real estate funds, private credit/private lending programs, private equity, co-investments, and other investments;
- Provide general advice pertaining to real estate and investment matters;
- Advise on ownership, development, and operation of real property, including owner-occupied headquarters; and
- Represent the Plans/City Departments in litigation arising from these investment and real estate matters.

All submitted materials shall become part of the proposal and may be incorporated in a subsequent contract between the selected proposer and the City of Los Angeles (City), a municipal corporation, acting through the Office of the City Attorney (City Attorney), and by order and through the Board of Administration of the LACERS, the Board of Fire and Police Pension Commissioners, and/or the Board of Administration of the WPERP, as applicable.

The Firm(s) selected for this role will assist the City Attorney's Office, as requested, on a project-specific basis, on behalf of one or more of the Plans or other City Departments, on a variety of matters related to the subject matter described above.

### **3.0 EVALUATION CRITERIA**

The selection of the firm(s) will be based on the experience and capability of each firm to provide the services described herein, with particular emphasis on experience advising California governmental entities.

The retention by the City Attorney's Office of any firm submitting a proposal shall be based upon certain general criteria, including:

- a) Experience providing the services discussed above under Proposal and Scope of Work;
- b) Experience representing government agencies in California and federal court;
- c) Experience advising clients on complex matters concerning issues of statutory interpretation, including the interpretation of city charters, ordinances, and codes;
- d) Experience advising clients on matters involving the statutory and regulatory requirements of governmental pension plans;
- e) Experience publicly advising, presenting, and training legislative bodies, including public pension boards of trustees;
- f) Experience confidentially advising government employees and officials on legal, professional, and government ethics matters; and
- g) Demonstrated experience and capability to work with public officials on sensitive and/or high-profile matters requiring political acumen, public relations skills, and professional discretion.

All proposals submitted will be reviewed by appropriate City Attorney staff and representatives of the Plans and/or City Departments. Thereafter, City Attorney staff may schedule interviews with selected firms and, for Fiduciary Counsel firms, may request firms prepare a sample presentation on a subject within the scope of proposed services. Interviews will be conducted in person or via videoconference, as circumstances warrant. Representatives of the Plans/City Departments will also participate in the interviews, and each Board reserves the right to conduct interviews, most likely in person, with finalists prior to awarding any contracts.

### **4.0 CONFIDENTIALITY**

Should any attorney or firm receiving this RFP reasonably believe that a waiveable potential conflict may exist by reason of its representation of some

other entity, the Los Angeles City Attorney's Office requests that this RFP not be shared with any other represented entity, and if a question exists regarding any potential conflict of interest pursuant to Rule 3-310 of the California Rules of Professional Conduct, that the firm scrupulously observe the requirements of Section 6068(e) of the California Business and Professions Code and uncompromisingly maintain fully confidentiality of this document. Any questions concerning conflicts of interest should be addressed to Deputy City Attorney Miguel Bahamon at miguel.bahamon@lacity.org.

## **5.0 CONTENT OF RESPONSE**

### **5.1 Cover Letter**

Each response to this RFP must be accompanied by a cover letter that contains a general statement of the purposes for submission and include the following information:

- (a) Name, address, telephone number, and legal business status (individual, limited liability partnership, corporation, etc.) of the proposer.
- (b) Name, title, address and telephone number of the person(s) authorized to represent the proposer in order to enter into negotiations with the City Attorney's Office with respect to the RFP and any subsequently awarded contract. The cover letter shall also indicate any limitation of authority for the person named.
- (c) Role(s) for which the proposer is applying (e.g., Fiduciary Counsel and/or Real Estate and Investment Counsel).
- (d) A representative or officer of the proposer must sign the cover letter. That representative shall have been authorized to bind the firm to all provisions of this RFP, any subsequent changes to it, and to the contract if an award is made.
- (e) If the respondent is a partnership, the response must be signed by a general partner in the name of the partnership. If the respondent is a corporation, the response must be signed on behalf of the corporation by two authorized officers (a Chairman of the Board, President or Vice-President, and a Secretary, Treasurer or Chief Financial Officer) or an officer authorized by the Board of Directors to execute such documents on behalf of the corporation.
- (f) The cover letter should be addressed to:

Anne Haley  
Assistant City Attorney  
Los Angeles City Attorney's Office  
200 North Main Street

8<sup>th</sup> Floor CHE  
Los Angeles, California 90012

## 5.2 Additional Information

- (a) Briefly describe your firm's background, size, and history pertinent to the services requested in this RFP for which your firm is seeking the assignment.
- (b) List the attorneys you expect to be assigned to this engagement and describe the area(s) of specialization of each and his/her relevant experience. Identify the key attorney who will be the primary contact and lead counsel in providing services under this assignment.
- (c) Describe your firm's backup procedures in the event one or more assigned attorneys leave the firm.
- (d) Describe the relevant special services your firm provides, particularly those that may not be offered by other law firms.
- (e) Within the past three years, have there been any significant developments in your firm, such as changes in ownership or restructuring? Do you anticipate any significant changes in the future? Please describe.
- (f) Does your firm provide services similar to those proposed in this RFP to any other public sector clients, in particular other California public institutional investors? If so, list the full name of each such entity, and the name, telephone number and e-mail address of the chief counsel.
- (g) Identify all public sector clients who have terminated their working relationship with your firm in the past three years and a brief statement of your understanding of their reasons for doing so. Provide each such client's in-house counsel's (or, if none, CEO's) name, address, telephone number, and e-mail address.
- (h) How does your firm identify and manage conflicts of interest?
- (i) Within the past five years, has your firm, or a partner or attorney in your firm, been involved in litigation or other legal proceedings relating to provision of legal services? If so, provide an explanation and indicate the current status or disposition.
- (j) Does your firm have a sexual harassment policy? Please describe the policy and summarize any pending or anticipated litigation against the firm, its employees, or partners, involving allegations of sexual harassment or sexual misconduct.
- (k) Within the past five years, has your firm, any partner or owner of the firm, or any attorney employed by or associated with the firm, been the subject of a judgment involving findings of FRCP 11 or similar state court sanctions, violations of state bar rules, material omissions or

misrepresentations to the court or a client, violations of state bar rules or other rules governing attorney legal ethics, or any impropriety or non-disclosure? If so, please describe the underlying circumstances and provide an explanation.

- (l) Is your firm presently involved in any litigation involving the City of Los Angeles? If so, provide the jurisdiction, case name and number and a brief description of the matter. In responding to this question, and any other question in this RFP, please include all City entities, including, for example, Los Angeles World Airports, the Los Angeles Department of Water and Power, the Port of Los Angeles, LAFPP, LACERS, or WPERP.
- (m) Does your firm have a written policy relating to the promotion of Diversity, Equity, and Inclusion (DEI) to ensure a fair and equitable workplace? Please provide a copy of any such policy.
- (n) Does your firm have an attorney or committee that develops initiatives and evaluates practices to promote DEI in the workplace? How are attorneys and support staff involved in this process? Please summarize any related firm initiatives or programs and include a link to any relevant electronic materials.
- (o) Does your firm have any certifications (e.g., Mansfield certification, Minority-owned or Women-owned certification)?

## **6.0 QUALIFICATIONS AND HOURLY RATES**

All respondents shall have sufficient qualified attorneys, paralegals and other personnel resources to provide the legal services required, as described in this RFP. Please include a statement that details the names, bar numbers, resumes, and relevant expertise of attorneys for the work required under this RFP. Please also submit a statement listing the proposed hourly rates for each attorney and legal professional as well as proposed standard rates for those positions referenced in your firm's response to this RFP.

## **7.0 CONFLICTS OF INTEREST**

Provide information on whether your firm represents any interests that may constitute a conflict of interest in your representation of the City of Los Angeles (alternatively, the "City"), the Plans (LACERS, WPERP, LAFPP), the Port of Los Angeles, Los Angeles World Airports, the Los Angeles Department of Water and Power, the Community Redevelopment Agency (CRA), the Housing Authority of the City of Los Angeles, the Community Development Department (CDD), or any other City agency or affiliated entity.



In the event it is awarded a contract pursuant to this RFP, the firm acknowledges and agrees that it may not apply for, accept or enter into any contract with any City department or office for any non-outside counsel legal services for the duration of this or any other outside counsel contract with the City, unless the firm first obtains the written approval of the Chief Deputy of the Office of the City Attorney. The City's awarding authority of any contract with the firm for non-outside counsel legal services must also provide informed consent.

## **8.0 MANDATORY CITY REQUIREMENTS**

Sections 8.1 through 8.13 describe mandatory requirements for contracting with the City of Los Angeles. Please access more detailed information and forms which must be completed by the proposer at the City's contracting website: RAMPLA.org.

### **8.1 Business Inclusion Program ("BIP") Outreach**

It is the policy of the City to provide Minority Business Enterprises ("MBEs"), Women Business Enterprises ("WBEs"), Small Business Enterprises ("SBEs"), Emerging Business Enterprises ("EBEs"), Disabled Veteran Business Enterprises ("DVBES"), and all Other Business Enterprises ("OBEs") an equal opportunity to participate in the contractual process. All respondents are strongly encouraged to make an effort to include members of these groups in any subcontracting work to be performed if awarded the contract.

All BIP Outreach documentation must be submitted on BAVN by 4:30 p.m. on the calendar day following the Proposal due date. Failure to submit the required documentation by 4:30 p.m. on the calendar day following Proposal due date will render the responses non-responsive.

### **8.2 Local Business Preference Program**

The Local Business Preference Program Ordinance (Los Angeles Administrative Code Section 10.47) establishing the Local Business Preference Program for the City's procurement of goods, equipment and services, including construction, when the contract involves an expenditure in excess of \$150,000.00 is available alongside this Request For Proposals on [www.RAMPLA.org](http://www.RAMPLA.org). If you are qualified or can be provisionally qualified as a Local Business please indicate that in your proposal.

## Participation Criteria for Local Business Preference Program (“LBPP”)

To be eligible for participation in this program, the Bureau of Contract Administration (“BCA”) requires that the prospective local business submit an affidavit attesting as such on the RAMPLA website. An affidavit form is available to be downloaded on the RAMPLA website at [www.RAMPLA.org](http://www.RAMPLA.org). Determination of qualification as a local business by any other entities, other than BCA, or by any other 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. The local business must be listed on RAMPLA as such prior to the proposal deadline in order to participate in the LBPP. In cases where the affidavit was submitted prior to the proposal deadline but has not been verified by BCA and the local business designation would result in a change of award recommendation, status as a local business will be based on the date it was submitted.

### **8.3 Information on Business Locations and Workforce**

It is the policy of the City of Los Angeles to encourage businesses to locate or remain in the City. Therefore, the Los Angeles City Council requires all City departments to gather information on the headquarters address and certain information on the employees of the firms contracting with the City (Council File No.92-0021). The following information is to be included in each proposal:

The headquarters address of respondent’s firm and the total number of people employed by the firm, regardless of work location; the percentage of the respondent’s total work force employed within the City of Los Angeles and the percentage residing within the City; the address of any branch offices located within the City of Los Angeles, 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.

### **8.4 Statement of Non-Collusion**

With each response, a Non-Collusion Affidavit shall be submitted and signed by the respondent under penalty of perjury stating that:

- The response is genuine, not a sham or collusive;
- The response is not made in the interest or on behalf of any person not named therein;

- The respondent has not directly or indirectly induced or solicited any person to submit a false or sham response or to refrain from responding; and
- The respondent has not in any manner sought by collusion to secure an advantage over any other respondent.

### **8.5 Non-Discrimination, Equal Employment Practices and Affirmative Action Policies**

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.

Non-construction services to or for the City 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.

Non-construction services to or for the City 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.

### **8.6 Child Support Assignment Orders**

Proposers are advised that any contract awarded pursuant to this RFP will be subject to the applicable provisions of Los Angeles Administrative Code Section 10.10, Child Support Assignment Orders.

## **8.7 Service Contract Worker Retention and Living Wage Ordinances**

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure or receipt in excess of \$25,000.00 and a contract term of at least three months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of Los Angeles Administrative Code Sections 10.37 et seq., Living Wage Ordinance (LWO) and 10.36 et seq., Service Contractor Worker Retention Ordinance (SCWRO). Bidders/Proposers shall refer to attached "SCWRO/LWO.pdf" for further information regarding the requirements of the Ordinances.

Proposers who believe that they meet the qualifications for one of the exemptions described in the LWO List of Statutory Exemptions shall apply for exemption from the Ordinance by submitting with their proposal the Bidder/Contractor Application for Non-Coverage or Exemption (Form OCC/LW-10), or the Non-Profit/One-Person Contractor Certification of Exemption (OCC/LW-13).

Please direct any questions about compliance forms and Social Policy Ordinances to the City's Bureau of Contract Administration by phone at (213) 847-2625 or by email at [bca.eeoe@lacity.org](mailto:bca.eeoe@lacity.org)

## **8.8 Equal Benefits Ordinance and First Source Hiring Ordinance**

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 10.8.2.1, Equal Benefits Ordinance (EBO).

Proposers shall complete and upload the Equal Benefits Ordinance Affidavit (EBO/FSHO Compliance) available on the RAMPLA website at [www.RAMPLA.org](http://www.RAMPLA.org) prior to award of a City contract valued at \$5,000.00. The Equal Benefits Ordinance Affidavit shall be effective for a period of three years from the date it is first uploaded onto the RAMPLA website. Bidders/Proposers do not need to submit supporting documentation with their bids or proposals. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the Equal Benefits Ordinance Affidavit.

Proposers seeking a waiver from the requirements of EBO shall visit the Bureau of Contract Administration's web site at [www.bca.lacity.org](http://www.bca.lacity.org) and download the form. The EBO Waiver Request Form must be returned with the bid/proposal.

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which is in excess of \$25,000.00 and a contract term of at least three months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO). The First Source Hiring Ordinance Compliance Affidavit (EBO/FSHO Compliance) shall only be required of the Bidder/Proposer that is selected for award of a contract. If required, Contractors shall complete and upload the First Source Hiring Ordinance Affidavit available on the RAMPLA website at [www.RAMPLA.org](http://www.RAMPLA.org) prior to execution of a contract.

Please direct any questions about compliance forms and Social Policy Ordinances to the City's Bureau of Contract Administration by phone at (213) 847-2625 or by email at [bca.eeoe@lacity.org](mailto:bca.eeoe@lacity.org).

### **8.9 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. Respondents awarded a contract through this RFP must comply with the Americans with Disabilities Act and execute a certification regarding compliance with the Americans with Disabilities Act prior to the execution of a contract.

Please direct any questions about compliance forms and Social Policy Ordinances to the City's Bureau of Contract Administration by phone at (213) 847-2625 or by email at [bca.eeoe@lacity.org](mailto:bca.eeoe@lacity.org).

### **8.10 Contractor Responsibility Ordinance**

Every Request for Proposal, Request for Bid, Request for Qualifications, or other procurement process is subject to the provisions of the Contractor Responsibility Ordinance, Section 10.40 et seq., of Article 14, Chapter 1 of Division 10 of the Los Angeles Administrative Code, unless exempt pursuant to the provisions of the Contractor Responsibility

Ordinance.

This Contractor Responsibility Ordinance requires that all respondents complete and return, with their response, the City of Los Angeles Responsibility Questionnaire and the Pledge of Compliance with Contractor Responsibility. Failure to return the completed questionnaire may result in the response being deemed non-responsive. The Contractor Responsibility Ordinance also requires that if a contract is awarded pursuant to this procurement, that the contractor must update responses to the questionnaire, within 30 calendar days, after any changes to the responses previously provided if such change would affect contractor's fitness and ability to continue performing the contract. Pursuant to the Contractor Responsibility Ordinance, by executing a contract with the City, the contractor pledges, under penalty of perjury, to comply with all applicable federal, state and local laws in performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws which affect employees. Further, the Contractor Responsibility Ordinance requires each contractor to: (1) notify the awarding authority within 30 calendar days after receiving notification that any governmental agency has initiated an investigation which may result in a finding that the contractor is not in compliance with Section 10.40.3 (a) of the Contractor Responsibility Ordinance; and (2) notify the awarding authority within 30 calendar days of all findings by a government agency or court of competent jurisdiction that the contractor has violated Section 10.40.3 (a) of the Contractor Responsibility Ordinance.

Please direct any questions about compliance forms and Social Policy Ordinances to the City's Bureau of Contract Administration by phone at (213) 847-2625 or by email at [bca.eeoe@lacity.org](mailto:bca.eeoe@lacity.org).

### **8.11 Slavery Disclosure and Border Wall Disclosure Ordinance**

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 RFP 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.

You must register on RAMPLA (<http://www.RAMPLA.org>) to access the

updated Disclosure Ordinances Affidavit web form. The web form can be found by clicking on the "Profiles" tab. Scroll to the "Company Profile" section and click on "Compliance Documents". The web forms should be completed and submitted by the time of the Proposal submission.

The web form will be verified by the Bureau of Contract Administration (BCA) only if your company is the successful Proposer/Bidder selected for contract award. Proposers/Bidders seeking additional information regarding the requirements of the SDO and DBWCO may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

### **8.12 Bidder/Proposer Certification – CEC Form 50**

A Bidder/Proposer who submits a response to this solicitation must submit with its proposal a completed CEC Form 50 acknowledging that the Bidder/Proposer agrees to comply with the disclosure requirements and prohibitions established in the Municipal Lobbying Ordinance, attached, if the Bidder/Proposer qualifies as a lobbying entity under Los Angeles Municipal Code Section 48.02 (exemptions in Los Angeles Municipal Code Section 48.03 and Los Angeles Administrative Code Section 10.40.4 do not apply). A response submitted without a completed CEC Form 50 shall be deemed nonresponsive.

### **8.13 Bidder/Proposer Contributions - CEC Form 55 - City Charter Section 470(c)(12)**

All Proposers must submit a CEC Form 55 regarding the City's Municipal Campaign Finance Ordinance to the awarding authority at the same time the response is submitted. Proposals submitted without a completed CEC Form 55 shall be deemed non-responsive. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or [ethics.lacity.org](http://ethics.lacity.org).

### **8.14 Iran Contracting Act of 2010**

In accordance with California Public Contract Code Sections 2200-2208, all Bidders/Proposers submitting proposals for, entering into, or renewing contracts with the City of Los Angeles for goods and services estimated at \$1,000,000.00 or more are required to complete, sign, and submit the "Iran Contracting Act of 2010 Compliance Affidavit".

Please direct any questions about compliance forms and Social Policy Ordinances to the City's Bureau of Contract Administration by phone at (213) 847-2625 or by email at [bca.eeoe@lacity.org](mailto:bca.eeoe@lacity.org).

### **8.15 Government and Business Taxation Forms**

The selected Proposer will be required to demonstrate compliance with the City's business tax laws by acquiring/maintaining one of the following: Business Tax Registration Certificate; Vendor Registration Number; or Certificate of Exemption. The Certificate or Registration Number must remain in force during the entire period of the contract.

Proposers must submit the following documents at the same time the proposal is submitted:

- Form W-9: IRS Request for Taxpayer Identification and Certificate;
- Evidence of having applied for or obtained a tax registration account number (City of L.A. Tax Registration Certificate number and/or Vendor Registration number); and
- Form 590: State of California Withholding Exemption Certificate or Form 587: Non-resident Withholding Certification.

### **8.16 Insurance**

The respondent will furnish the City evidence of insurance coverage as follows: \$1,000,000.00 for General Liability, \$1,000,000.00 for Automobile Liability and statutory coverage for Workers' Compensation. Please submit an ACORD 25 Certificate of Liability insurance form with your bid proposal delineating the required coverage. Furthermore, have your insurance agent or broker access the City's KwikComply site at [www.kwikcomply.org](http://www.kwikcomply.org) and follow the instructions to register and submit the appropriate proof of insurance on your behalf. If a contractor has no employees and decides not to cover himself/herself for worker's compensation, please complete the form titled "Request for Waiver of Worker' Compensation Insurance Requirement" located at: <http://cao.lacity.org/risk/waivewc.pdf>



### **8.17 Standard Provisions City Contracts**

If awarded a contract, Proposer agrees to comply with the **Standard Provisions for City Contracts (Rev. 9/22) [v.1]**, attached to this RFP.

### **8.18 Record Retention Practices**

Proposer must provide a detailed description of its record and invoice retention practices. This section shall include information pertaining to the nature of documentation utilized by the Proposer (electronic, logs, files, etc.), the type of information retained in each file, the procedures for physically maintaining all active and closed files, and a description of long term storage practices.

Upon selection for interview, Proposers may be requested to provide sample documentation reflecting record retention practices utilized by the firm in their standard course of providing service. Sample documentation should reflect matters which took place at least one year prior to the date of interview, and be properly redacted to preserve any confidentiality with existing/prior clients.

### **8.19 Recycled Paper**

Contractor shall submit any written documents on paper with a minimum of 30% post-consumer recycled content. Existing Contractor letterhead or stationery that accompanies these documents is exempt from this requirement. Pages should be double-sided. Neon or fluorescent paper shall not be used in any written documents submitted.

### **8.20 Additional Data**

Proposer must provide suggestions and possible solutions to increase the efficiency and cost effectiveness for the Los Angeles City Attorney's Office electronic discovery and records request needs.

Any other relevant information the Proposer believes essential to assist in the evaluation of the proposal shall be clearly stated. If there is no additional data the Proposer wishes to present, this section will consist of the statement: "There is no other data we wish to present."

## **8.21 Fair Chance Initiative for Hiring Ordinance**

Any contract awarded pursuant to this RFP will be subject to the Fair Chance Initiative for Hiring Ordinance (“FCIHO”), LAAC Section 10.48. The Ordinance provides, among other things, that contractors/subcontractors with at least ten (10) employees are: prohibited from seeking a job applicant’s criminal history information until after a job offer is made; must post FCIHO 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.

Bidders/Proposers seeking additional information regarding the requirements of the FCIHO may visit the Bureau of Contract Administration’s web site at <http://bca.lacity.org>.

## **9.0 GENERAL CITY RESERVATIONS**

- (a) City reserves the right to verify the information in the response.
- (b) If a firm knowingly and willfully submits false information or other data, the City reserves the right to reject that response. If a contract was awarded as a result of false statements or other data submitted in response to this RFP, the City reserves the right to terminate that contract.
- (c) Submission of a response to this RFP shall constitute acknowledgment and acceptance of the terms and conditions set forth herein. Responses and the offers contained therein shall remain valid for a period of one hundred and twenty (120) days from the date set for receipt of responses. Firms awarded a contract pursuant to this RFP will be required to enter into a written contract with the City approved as to form by the City Attorney. This RFP and response, or any parts thereof, may be incorporated into and made a part of the final contract. The City reserves the right to further negotiate the terms and conditions of the contract. The final contract offer of the City may contain additional terms or terms different from those set forth herein.
- (d) Late responses will not be considered. The City, in its sole discretion, reserves the right to determine the timeliness of all responses submitted.
- (e) The City reserves the right to waive any informality in the process when to do so is in the best interest of the City.

- (f) The City reserves the right to withdraw this RFP at any time without prior notice and the right to reject any and all Responses. The City makes no representation that any contract will be awarded to any firm responding to this RFP. The City reserves the right to extend the deadline for submission. Firms will have the right to revise their response in the event the deadline is extended. Each proposer must send an e-mail address to [edwin.vargas@lacity.org](mailto:edwin.vargas@lacity.org) with a copy to [miguel.bahamon@lacity.org](mailto:miguel.bahamon@lacity.org) as soon as possible, so that the City Attorney may contact any proposer if necessary to amend this RFP or for any other reason. Failure to provide such an e-mail address will preclude the City Attorney's ability to contact the proposer, but will not excuse the proposer from being required to comply with any amendments. The City would not, in that case, be liable for the proposer's failure to receive such notice and any resultant non-responsiveness or noncompliance on your part. If a proposer does not have an e-mail address, please provide a postal address for this purpose.
- (g) A proposer may withdraw its response prior to the specified due date and time. A written request to withdraw, signed by an authorized representative of the proposer, must be submitted to the City Attorney's Office at the address specified herein for submittal of proposal. After withdrawing a previously submitted proposal, the proposer may submit another proposal at any time prior to the specified submission deadline.
- (h) All costs of response preparation shall be borne by the proposer. The City shall not, in any event, be liable for any pre-contractual expenses incurred by the proposer in the preparation and/or submission of the response.
- (i) Unnecessarily elaborate or lengthy responses or other presentations beyond those needed to give sufficient and clear response to all of the RFP requirements are not desired.
- (j) The response must set forth accurate and complete information as required in this RFP. Unclear, incomplete, and/or inaccurate documentation may not be considered for contract award.
- (k) Responses shall be reviewed and rated by the City as submitted. Firms may make no changes or additions after the deadline for receipt.
- (l) A firm will not be recommended for a contract award, regardless of the merits of the response submitted, if it has a history of contract noncompliance with the City or other funding source or poor past or current performance with the City or other funding source.
- (m) The City reserves the right to retain all responses submitted and the responses shall become the property of the City. Any department or agency of the City has the right to use any of the ideas presented in the responses submitted in response to this RFP. All responses

received by the City will be considered public records subject to disclosure under the Public Records Act. (California Government Code Section 7920 et seq.) Applicants must identify any material they claim is exempt from disclosure under the Public Records Act. In the event such exemption is claimed, the proposer is required to state in the response that it will defend and indemnify the City in any action brought against the City for its refusal to disclose such material to any party making a request thereof. *Failure to include such a statement shall constitute a waiver of proposer's right to exemption from disclosure.*

- (n) Upon completion of all work under this contract, ownership and title of all reports, documents, plans, drawings, specifications, and estimates produced as part of this contract will automatically be vested in the City of Los Angeles, and no further agreement will be necessary to transfer ownership to any City agency. Copies made for the contractor's records shall not be furnished to others without written authorization from the City Attorney.
- (o) Any contract awarded pursuant to this RFP is subject to the Contractor Evaluation Ordinance, Los Angeles Administrative Code Section 10.39, which requires awarding authorities to evaluate contractor's performance and retain such evaluative information in a data bank for future reference.
- (p) The contract awarded from this RFP is expected to begin as soon as the selection process is complete and last up to three years, subject to extensions as agreed upon by the parties.
- (q) The City may award a contract on the basis of proposals submitted, without discussions, or may negotiate further with those proposers within a competitive range. Proposals should be submitted on the most favorable terms the proposer can provide.

## **10.0 CLARIFICATION**

If additional information is needed to interpret this RFP, written questions shall be submitted to [miguel.bahamon@lacity.org](mailto:miguel.bahamon@lacity.org). All respondents shall have and provide an active e-mail address to receive responses to the questions.

## **11.0 SIGNATURES AND DECLARATIONS**

Each proposal must be signed on behalf of the proposer by an officer authorized to bind the proposer, and must include the following declaration:

"This proposal is genuine, and not sham or collusive, nor made in the interest or on behalf of any person not named therein; the proposer has not directly or indirectly induced or solicited any other proposer to put in a sham bid, or any other person,

firm or corporation to refrain from submitting a proposal, and the proposer has not in any manner sought by collusion to secure for themselves an advantage over any other proposer.”

## **12.0 INDEMNIFICATION**

In addition to the insurance requirements, as set forth in this RFP, the proposer must undertake and agree to defend, indemnify and hold harmless the City, its Departments and any and all of City’s boards, officers, agents, employees, assigns and successors in interest from and against all suits and causes of action, claims, losses, demands and expenses, including, but not limited to, attorney’s fees and costs of litigation, damage or liability of any nature whatsoever, for death or injury to any person, including proposer’s employees and agents, or damage to or destruction of any property of either party hereto or of third persons, in any manner arising by reasons of or incident to the performance of the contract on the part of proposer, its officers, directors, agents, servants, employees, contractors, whether or not contributed to by any act or omission of the City or any of the City’s boards, officers, agents or employees.

## **13.0 EXPENSE, OWNERSHIP AND DISPOSITION**

City shall not be responsible in any manner for the costs associated with the submission of the proposals in response to this RFP. All proposals, including all drawings, plans, photos, and narrative material, shall become the property of the City upon receipt by City. City shall have the right to copy, reproduce, publicize, or otherwise dispose of each proposal in any way that City selects. City shall be free to use as its own, without payment of any kind or liability therefore, any idea, concept, scheme, technique, suggestion, or plan received during this proposal process.

## **14.0 ATTORNEY FEES**

If City shall be made a party to any litigation commenced by or against proposer arising out of proposer’s operations and as a result of which proposer is held liable, in whole or in part, by settlement, adjudication, or otherwise, then proposer shall pay all costs and reasonable attorney fees incurred by or imposed upon City in connection with such litigation. Each party shall give prompt notice to the other of any claim or suit instituted against it that may affect the other party.

## **15.0 BIDDER CONTRIBUTIONS – CITY CHARTER SECTION 470(C)(12)**

Persons who submit a response to this solicitation (bidders) are subject to Charter section 470(c)(12) and related ordinances. As a result, bidders may not make campaign contributions to and or engage in fundraising for certain elected City officials or candidates for elected City office from the time they submit the response until either the contract is approved or, for successful bidders, 12

months after the contract is signed. The bidder's principals and subcontractors performing \$100,000 or more in work on the contract, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

Bidders must submit CEC Form 50 and CEC Form 55 (available at [RAMPLA.org](http://RAMPLA.org)) to the awarding authority at the same time the response is submitted. Form 55 requires bidders to identify their principals, their subcontractors performing \$100,000 or more in work on the contract, and the principals of those subcontractors. Bidders must also notify their principals and subcontractors in writing of the restrictions and include the notice in contracts with subcontractors. Responses submitted without completed CEC Forms 50 and 55 shall be deemed nonresponsive. Bidders who fail to comply with City law may be subject to penalties, termination of contract, and debarment. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or [ethics.lacity.org](http://ethics.lacity.org).