

J. MICHAEL CAREY
City Clerk

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

95-2019

May 28, 1998

City Attorney (w/file)
City Administrative Officer
Chief Legislative Analyst
Police Department
Board of Police Commissioners
Department of Transportation
Public Safety Committee Clerk

RE: AMENDING THE LOS ANGELES MUNICIPAL CODE TO EXTEND THE TIME FROM 90 TO
180 DAYS ALLOWED TO NEW OFFICIAL POLICE GARAGES TO OBTAIN PROPER
PERMITS, EQUIPMENT, PERSONNEL AND PROPERTY AFTER BEING AWARDED AN
OFFICIAL POLICE GARAGE DESIGNATION

At the meeting of the Council held May 26, 1998, the following
action was taken:

Attached report adopted.....	_____
Attached motion (Chick-Ferraro) adopted as amended.....	_____X
Attached amending motion (Hernandez-Chick) adopted.....	_____X
Ordinance adopted.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor for concurrence.....	_____
To the Mayor FORTHWITH.....	_____
Mayor concurred.....	_____
Appointment confirmed.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____
Generally exempt.....	_____
EIR certified.....	_____

J. Michael Carey

City Clerk
jc
952019

MESSAGE MEMO

To

Robert Ring

Date

Time

M

of

Phone

Independent Tour
Truck Operators
310 201-0777

+ 258

TELEPHONED

PUSH

CALLED TO SEE YOU

PLEASE CALL / TIME:

RETURNED YOUR CALL

WILL CALL AGAIN / TIME:

Message

FAX

556-1346

310

95-2019

Operator

Then Spoke

818-990-6145

Call Ext. 116

Re: DPG Tarages

VERBAL MOTION

I HEREBY MOVE that Council ADOPT the following recommendations of the Board of Police Commissioners SUBMITTED DIRECTLY to Council by the Public Safety Committee on today's Council agenda (Item No. 31, CF 95-2019, copy attached), AS AMENDED by the attached Motion (Hernandez - Chick) relative to amending the Los Angeles Municipal Code (LAMC) to extend the time from 90 to 180 days allowed to new official police garages to obtain proper permits, equipment, personnel and property after being awarded an Official Police Garage designation:

1. REQUEST the City Attorney to draft an ordinance amending the LAMC to extend the time from 90 to 180 days allowed to new official police garages to obtain proper permits, equipment, personnel and property after being awarded an Official Police Garage (OPG) designation.
- *2. DIRECT the Los Angeles Board of Police Commissioners to report back in two weeks with recommendations on both policy and procedural changes to the Board's Rules Governing Official Police Garages to insure that any single Council District is not overly burdened with an excessive number of OPG storage yards. (Hernandez - Chick)
- *3. DIRECT the Department of General Services to work with ATS Tow and Council District 1 to identify an alternative OPG vehicle storage location to the site at 2010 North Figueroa, including but not limited to exchanging that location for available, unused City-owned property. (Hernandez - Chick)

(Public Safety Committee waived consideration of the above matter)

PRESENTED BY

LAURA CHICK
Councilmember, 3rd District

SECONDED BY

JOHN FERRARO
Councilmember, 4th District

MOTION
ADOPTED
***AS AMENDED**
MAY 26 1998

Los Angeles City Council

May 26, 1998
CF 95-2019
Attachment
calagend\95-2019.mot

471 30 1828

26-May-98 10:26:51 AM #5

ITEM NO. (31) *Adopted AS Amended*

Voting on Item(s): 31 *by 31A*

Roll Call

ALARCON	Yes
ALATORRE	Yes
BERNSON	Yes
CHICK	Yes
FEUER	Yes
GALANTER	Absent
GOLDBERG	Yes
HERNANDEZ	Yes
HOLDEN	Absent
MISCIKOWSKI	Yes
RIDLEY-THOMAS	Yes
SVORINICH	Absent
WACHS	Yes
WALTERS	Absent
*FERRARO	Yes

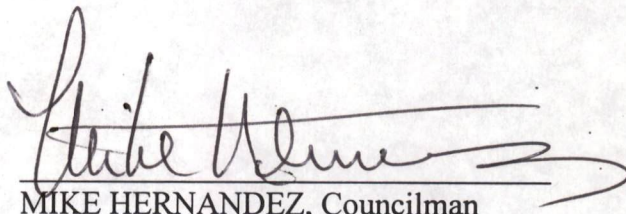
Present: 11, Yes: 11 No: 0

Motion

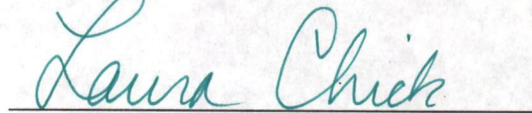
I MOVE that Item 13 on today's Council Calendar (C.F. 95-2019) be amended to include the following instructions:

1. Direct the Los Angeles Police Commission to report back in two weeks with recommendations on both policy and procedural changes to the Commissioner's Rules Governing Official Police Garages to insure that any single Council District is not overly burdened with an excessive number of OPG storage yards; and
2. Direct General Services Department to work with ATS Tow and Council District 1 to identify an alternative OPG vehicle storage location to the site at 2010 North Figueroa, including but not limited to exchanging that location for available, unused City-owned property.

PRESENTED BY:


MIKE HERNANDEZ, Councilman
First District

SECONDED BY:



May 22, 1998

N:\WP\WAS\98050608.wpd

***MOTION
ADOPTED**

MAY 26 1998

Los Angeles City Council

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

—
EDITH R. PEREZ
PRESIDENT

T. WARREN JACKSON
VICE PRESIDENT

HERBERT F. BOECKMANN, II
GERALD L. CHALEFF
DEAN HANSELL

—
LUPE ORTIZ
COMMISSION EXECUTIVE ASSISTANT



RICHARD J. RIORDAN
MAYOR

EXECUTIVE DIRECTOR

KATHERINE MADER
INSPECTOR GENERAL

—
EXECUTIVE OFFICE
SUITE 144-150, PARKER CENTER
150 N. LOS ANGELES STREET
LOS ANGELES, CA 90012

—
(213) 485-3531 PHONE
(213) 485-8861 FAX
commsnrs@pdcomm.ci.la.ca.us

May 8, 1998

Honorable Councilmembers

Council of the City of Los Angeles
c/o City Clerk's Office
Room 615, City Hall East
200 N. Main Street
Los Angeles, CA 90012

AMENDMENT TO ORDINANCE NUMBER 171104

At a regular meeting of the Board of Police Commissioners held May 5, 1998, this Board approved the amendment to ordinance number 171104 extending the "start up" time period from 90 to 180 days relative to Official Police Garage contracts.

The Board requested that this matter be transmitted to your office for further processing.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

LUPE ORTIZ
Executive Assistant

Encl.

cc: Mayor's Office
Chief of Police
File

MOTION ADOPTED TO APPROVE

ADOPTED

MAY 26 1998

LOS ANGELES CITY COUNCIL

CITY CLERK

FILED
CITY CLERK'S OFFICE
MAY 12 11 51 AM '98

MAY 13 1998



MAY 05 1998

50

INTRADEPARTMENTAL CORRESPONDENCE

April 28, 1998

1.0

BOARD OF
POLICE COMMISSIONERS
Approved 5-5-98
Secretary *[Signature]*

RECEIVED
APR 29 1998

TO: Honorable Board of Police Commissioners POLICE COMMISSION

FROM: Commanding Officer, Commission Investigation Division

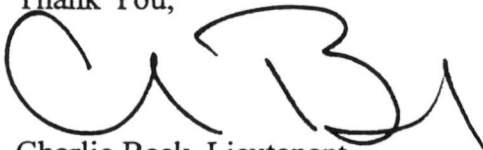
SUBJECT: RECOMMENDATION FOR ORDINANCE AMENDMENT

The Los Angeles Municipal Code Ordinance (Ordinance Number 171104) concerning the Official Police Garage contracts allows 90 days for a new police garage to obtain proper permits, equipment, personnel and property after being awarded an Official Police Garage designation. The 90 day "start up" period was recommended by the City Administrative Office, City Planning Department, and the Zoning Administrator as sufficient for obtaining the necessary permits.

After the award of the Official Police Garage designation for Hollenbeck Area to Absolute Towing Service it has become apparent that, when land use permits are contested through appeal, 90 days is not sufficient to allow for completion of the process. It is therefore recommended that the ordinance be amended to extend the "start up" time period from 90 to 180 days. The extended time period is necessary to make the competitive bid process fair to individuals who are not incumbent designees and who must procure property to begin their operations.

The City Attorneys Office concurs with this proposal and it is recommended that it be endorsed by the Board and transmitted to City Council. Thank you for your consideration in this matter. If you have any further questions you may contact me at (213) 485-2102.

Thank You,



Charlie Beck, Lieutenant
Commanding Officer
Commission Investigation Division

313
95-2109

-

COMMUNICATION FROM THE BOARD OF POLICE COMMISSIONERS relative to amending the Los Angeles Municipal Code (LAMC) to extend the time from 90 to 180 days allowed to new official police garages to obtain proper permits, equipment, personnel and property after being awarded an Official Police Garage designation.

Recommendation for Council action:

REQUEST that the City Attorney draft an ordinance to amend the LAMC to extend the time from 90 to 180 days allowed to new official police garages to obtain proper permits, equipment, personnel and property after being awarded an Official Police Garage designation.

Fiscal Impact Statement: None submitted by the Police Department. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

(The Public Safety Committee waives consideration of this matter.)

JAW
5/18/98

#952019b

MAY 22 1998 CONTINUED TO ~~MAY 26, 1997~~

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

—
EDITH R. PEREZ
PRESIDENT

T. WARREN JACKSON
VICE PRESIDENT

HERBERT F. BOECKMANN, II
GERALD L. CHALEFF
DEAN HANSELL

—
LUPE ORTIZ
COMMISSION EXECUTIVE ASSISTANT



RICHARD J. RIORDAN
MAYOR

EXECUTIVE DIRECTOR

KATHERINE MADER
INSPECTOR GENERAL

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EXECUTIVE OFFICE
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May 8, 1998

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c/o City Clerk's Office
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The Board requested that this matter be transmitted to your office for further processing.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

LUPE ORTIZ
Executive Assistant

Encl.

cc: Mayor's Office
Chief of Police
File

MOTION ADOPTED TO APPROVE

ADOPTED

MAY 26 1998

LOS ANGELES CITY COUNCIL

BY
CITY CLERK

FILED
CITY CLERK'S OFFICE
MAY 12 AM 5:1

PUBLIC SAFETY

MAY 13 1998



MAY 05 1998

5C

INTRADEPARTMENTAL CORRESPONDENCE

April 28, 1998

1.0

BOARD OF
POLICE COMMISSIONERS
Approved 5-5-98
Secretary *[Signature]*

RECEIVED
APR 29 1998

TO: Honorable Board of Police Commissioners POLICE COMMISSION

FROM: Commanding Officer, Commission Investigation Division

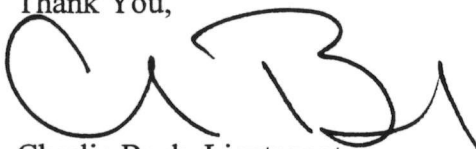
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The City Attorneys Office concurs with this proposal and it is recommended that it be endorsed by the Board and transmitted to City Council. Thank you for your consideration in this matter. If you have any further questions you may contact me at (213) 485-2102.

Thank You,



Charlie Beck, Lieutenant
Commanding Officer
Commission Investigation Division

PUBLIC SAFETY COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. 95-2019

☐	Council Member(s)	
☐	Mayor (with/without file)	(Mail Stop 370)
☒	City Administrative Officer	(Mail Stop 130)
☒	City Attorney <i>w/ file</i>	(Mail Stop 140)
☒	Chief Legislative Analyst	(Mail Stop 136)
☐	Controller	(Mail Stop 183)
☐	Personnel Department	(Mail Stop 391)
☒	Police Department	(Mail Stop 400)
☒	Board of Police Commissioners	(Mail Stop 400)
☐	Fire Department	(Mail Stop 250)
☐	Board of Fire Commissioners	(Mail Stop 250)
☐	Department of Animal Regulation	(Mail Stop 105)
☐	Board of Animal Regulation Commissioners	(Mail Stop 105)
☐	Dept. of Building and Safety	(Mail Stop 115)
☐	Board of Building and Safety Commissioners Building Advisory Appeal Board	(Mail Stop 115)
☐	Department of Social Service	(Mail Stop 700)
☐	Board of Social Service Commissioners	(Mail Stop 700)
☒	<i>Dept of Transportation</i>	
☒	<i>Public Safety Committee - Attn: J. White</i>	

J. MICHAEL CAREY
City Clerk

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

95-2019

May 14, 1998

PUBLIC SAFETY COMMITTEE

In accordance with Council Rules, communication from the Board of Police Commissioners relative to amendment to Ordinance No. 171104 ("start up" time period from 90 to 180 days) Official Police Garage contracts, was referred on May 13, 1998, to the PUBLIC SAFETY COMMITTEE.

J. Michael Carey

City Clerk
amm

J. MICHAEL CAREY
CITY CLERK

CITY OF LOS ANGELES
CALIFORNIA



OFFICE OF THE
CITY CLERK
ROOM 395, CITY HALL
LOS ANGELES, CA 90012
(213) 485-5708
FAX (213) 237-0636

95-2019

RICHARD J. RIORDAN
MAYOR

PLACE IN FILES

DEC 20 1996

DEPUTY

December 23, 1996

Council Member Wachs
City Administrative Officer
Police Commission
Department of Transportation

Council Member Chick
Chief Legislative Analyst
Police Department

RE: AUTHORIZE THE BOARD OF POLICE COMMISSIONERS TO RELEASE THE RFP FOR
OFFICIAL POLICE GARAGES TO PROVIDE TOWING AND STORAGE SERVICES IN THE
CITY OF LOS ANGELES

At the meeting of the Council held December 18, 1996, the following
action was taken:

Attached report adopted.....	_____
Attached motion (Chick - Wachs) adopted.....	_____ X
Attached resolution adopted.....	_____
Ordinance adopted.....	_____
Motion adopted to approve attached report.....	_____
Motion adopted to approve attached communication.....	_____
To the Mayor for concurrence.....	_____
FORTHWITH.....	_____ X
Mayor concurred.....	_____
Appointment confirmed.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____
Generally exempt.....	_____

J. Michael Carey

City Clerk
jv
steno\952019



VERBAL MOTION

I HEREBY MOVE ADOPTION of the Board of Police Commissioners' Communication on today's Council agenda (Item No. 23, CF 95-2019) as follows:

Recommendation for Council action:

AUTHORIZE the Board of Police Commissioners to release the RFP for Official Police Garages to provide towing and storage services in the City of Los Angeles.

(Public Safety Committee waived consideration of the above matter)

PRESENTED BY

LAURA CHICK
Councilmember, 3rd District

SECONDED BY

JOEL WACHS
Councilmember, 2nd District

December 18, 1996

CF 95-2019

952019.mot

MOTION
ADOPTED

DEC 18 1996

LOS ANGELES CITY COUNCIL
FORTHWITH

AGENDA NO.	YES: 10	NO: 0	ABS: 5	DATE
ALARCON	YES	BRAUDE	YES	12/18/76
FEUER	YES	GOLDBERG	YES	CHICK
WACHS	YES	FERRARO	YES	HERNANDEZ
RIDLEY-THOMAS	YES	SVORINICH	ABS	HOLDEN
	YES	WALTERS	ABS	

TIME:
10 48 30

CITY COUNCIL
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. _____

☐ Petitioner/Communicant _____

☒ Councilperson(s) 2, 3

☒ City Administrative Officer

☒ Chief Legislative Analyst

☐ City Attorney (with/without
file)

☐ Building and Safety

☐ Fire Commission

☐ General Services

☒ Police Commission

☐ Public Works (Board)

☐ Planning Department

☐ Water and Power Department

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

☐ Treasurer

☐ Controller

☐ Information Services Dept.

☐ City Clerk Tax and Permit

☐ Fire Department

☐ Personnel Department

☒ Police Department

☐ Public Works - Engineering

☒ Transportation

☐ Mayor (with/without file)

☐ _____

☐ _____

☐ _____

☐ _____

☐ _____

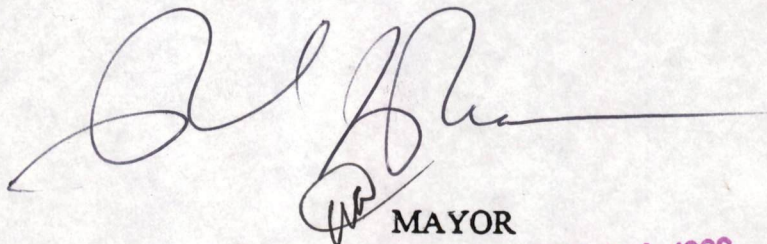
☐ _____

☐ _____

TRANSMITTAL

TO	DATE	COUNCIL FILE No.
THE COUNCIL	NOV 26 1996	
FROM		COUNCIL DISTRICT
THE MAYOR		

TRANSMITTED FOR YOUR CONSIDERATION. PLEASE SEE ATTACHED.


MAYOR

DEC 04 1996

DEC 3 1996

FILED
CITY CLERK

'96 DEC -3 A8:45

CITY CLERK

3Y. _____ DEPUTY

23

COMMUNICATION FROM THE BOARD OF POLICE COMMISSIONERS
(10) Votes Required for Consideration - Motion Required)

ITEM NO. ()

95-2019 CONSIDERATION OF COMMUNICATION FROM THE BOARD
OF POLICE COMMISSIONERS relative to a request for
authority to release the Request For Proposal for
Official Police Garages.

Recommendation for Council action:

Authorize the Board of Police Commissioners to release
the RFP for Official Police Garages to provide towing
and storage services in the City of Los Angeles.

(Public Safety Committee waived consideration of this
item.)

, or John
Note to Dian: Per the City Attorney - Laura Chick will
need to do a Motion to consider that is second.

i:\docs\reports\#952019

LOS ANGELES POLICE COMMISSION

BOARD OF POLICE COMMISSIONERS

—
RAYMOND C. FISHER
PRESIDENT

ART MATTOX
VICE PRESIDENT

HERBERT F. BOECKMANN, II
T. WARREN JACKSON
EDITH R. PEREZ

—
LUPE ORTIZ
COMMISSION EXECUTIVE ASSISTANT



RICHARD J. RIORDAN
MAYOR

RICHARD M. DAMERON
EXECUTIVE DIRECTOR

KATHERINE MADER
INSPECTOR GENERAL

—
EXECUTIVE OFFICE
SUITE 144-150, PARKER CENTER
150 N. LOS ANGELES STREET
LOS ANGELES, CA 90012

—
(213) 485-3531 PHONE
(213) 485-8861 FAX
commsnrs@pdcomm.ci.la.ca.us

November 12, 1996

Honorable Richard J. Riordan
Mayor, City of Los Angeles
Room 303, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Attn: June Lagmay

At a regular meeting of the Board of Police Commissioners held November 19, 1996, this Board approved the enclosed Request For Proposal (RFP) for Official Police Garages.

The Board requested that, subject to your approval, the City Council be petitioned to approve this matter.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

A handwritten signature in cursive script, appearing to read "Lupe Ortiz".

LUPE ORTIZ
Commission Executive Assistant

Encl.



NOV 19 1996

5A

INTRADEPARTMENTAL CORRESPONDENCE

October 25, 1996

TO: Board of Police Commissioners
FROM: Executive Director Police Commission
SUBJECT: OFFICIAL POLICE GARAGE REQUEST FOR PROPOSAL.

BOARD OF
POLICE COMMISSIONERS
Approved NOV 19 1996
Secretary *[Signature]*

It is requested that the Board of Police Commissioners approve and transmit to the Mayor and City Council, the attached report from the Commanding Officer, Commission Investigation Division, concerning the selection of Official Police Garages. This transmittal is pursuant to Public Safety Committee Report file No. 95-2019 regarding competitive bidding procedures for Official Police Garage franchise type contracts.

The attached "Request for Proposal" (RFP), has been reviewed and approved by the City Attorney, The Department of Transportation and The City Administrative Office.

If you have any questions or desire further information, contact Lieutenant Charlie Beck, Commanding Officer, Commission Investigation Division, (213) 485-2102.



Richard Dameron
Executive Director

REQUEST FOR PROPOSAL

ATTENTION: ALL PROSPECTIVE PROPOSERS

Attached is a Request for Proposal to provide towing and storage services as an "Official Police Garage" for the City of Los Angeles.

Proposals may be submitted for each of the following areas and must be submitted on individual applications. Proposers must meet the required criteria for each of the Areas for which a proposal is submitted. Only two (2) contracts may be awarded to any one proposer.

Request for Proposals are available for the following four (4) areas:

Hollenbeck Area: described as that area bordered on the north by the Pasadena Freeway from the Los Angeles River, north to York Boulevard; on the east and south by the City of Los Angeles City limits; and on the west by the Los Angeles River. (See Attached Map "A")

West Los Angeles Area: described as that area bordered on the north by Mulholland Drive from Owen Brown Road on the west to the ridge line on the east. The ridge line is an extension of the boundary between the City of Los Angeles and the City of Beverly Hills east of Briarcrest Road. The east boundary extends from the City of Beverly Hills south on La Cienega Boulevard at Olympic Boulevard to the City of Culver City. The southern boundary extends from the City of Santa Monica along the Santa Monica Freeway, east to National Boulevard and continues east to Culver City. The west boundary is the Los Angeles City limit, the Pacific Ocean and the City of Santa Monica. (See Attached Map "B")

Central Area: described as that area east of the Harbor Freeway from Washington Boulevard to Sunset Boulevard, then north Sunset Boulevard to Lilac Terrace, east to Elysian Park Avenue, east to Stadium Way, east to Lilac Terrace, east to Lookout Drive, to the east side of the Pasadena Freeway, then north along the Pasadena Freeway to the Los Angeles River. The east boundary is the Los Angeles River from the Pasadena Freeway south to 7th Street. The southern boundary continues from the Los Angeles River west on 7th Street to San Pedro Street, south to 9th Street, west to Maple Street, south to Washington Boulevard and west to the Harbor Freeway. (See Attached Map "C")

Southwest Area: described as that area south of the Santa Monica Freeway from Culver City to the Harbor Freeway. The east boundary extends from the Santa Monica Freeway south along the Harbor Freeway to Vernon Avenue. The south boundary is Vernon Avenue between the Harbor Freeway and Van Ness Avenue, south to 52nd Street and west to Victoria Avenue and north to Culver City. (See Attached Map "D")

All proposals must be completed and submitted in writing by _____ on _____. Each Proposal for an area must be conspicuously marked "Official Police Garage for the _____ Area", and must be received by mail or hand-delivered in the Office of the Police Commission, Room 150, Parker Center, 150 North Los Angeles Street, Los Angeles, CA. 90012, Attention: Detective D. Carson.

The City will not be responsible for any cost of preparation or delivery of proposals whether accepted or rejected by the City.

A Pre-Proposal Meeting will be held at _____ on _____ at 150 N. Los Angeles Street, Los Angeles, in the Parker Center Auditorium to assist applicants in the completion of the RFP.

Proposers may submit questions in writing about the RFP up until fifteen days of the proposal due date to the above address, attention: Detective D. Carson, fax number (213) 485-8861.

I. Scope of Services

GENERAL DUTIES

General duties include responding on a first priority basis to requests for towing services initiated by the City of Los Angeles Police Department or Department of Transportation. Typical towing situations include, but are not limited to, the removal of illegally parked vehicles and vehicles that are disabled as a result of traffic accidents. Service must be provided on a 24-hour, 365 days per year basis. The anticipated volume of vehicle impounds per month for each area (based upon data reported in 1995) is as follows: Hollenbeck Area - 610 vehicles; West Los Angeles - 430 vehicles; Central Area - 430 vehicles; and Southwest Area - 870 vehicles.

Excluded from this contract is the towing and storage of "heavy duty" vehicles (over 10,000 pounds unladen).

The contractor will be required to maintain adequate equipment at all times to provide the required towing service within the time frame(s) prescribed in the Board of Police Commissioners' Rules Governing Official Police Garages (Attachment E), which are incorporated as part of this Request for Proposal.

An Official Police Garage (OPG) is responsible for the safekeeping of all vehicles, and the contents thereof that are remanded to their custody until such vehicles, and/or their contents have been released to properly interested person(s) or disposed of pursuant to the law.

The contractor will be required to take all reasonable precautions required by the Board of Police Commissioners to avoid damage to any evidence, such as fingerprints or stains. Vehicles taken into custody that involve evidence shall be stored in an area protected against entry by unauthorized person(s). Vehicles impounded by the Police Department (as well as other governmental agencies) for investigation shall not be released to the owners without the prior approval of the appropriate agency. Vehicles impounded by the Department of Transportation (DOT) and held for payment of outstanding citations or lack of current registration shall not be released to the owner(s) without the prior approval of the DOT.

Additionally, the contractor must check each vehicle before it is released through the DOT Ticket Information Management system (TIMS). (See "Operating Equipment"). Those vehicles identified as "boot eligible" (has five or more open parking citations) shall not be released without prior approval of DOT.

FACILITIES

Primary Storage Facility: The proposer must have a primary place of business located within the Area (as defined above) for which the proposer is applying. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area capable of accommodating the storage of all high dollar (appraised over two thousand five hundred dollars - \$2,500.00) and evidentiary hold vehicles. The size of the primary locations are unique to each area and are subject to approval by the Police Commission. The following are approximate primary storage recommendations:

- 40,000 square feet for the Southwest Area;
- 20,000 square feet for the West Los Angeles Area;
- 30,000 square feet for the Central Area;
- 30,000 square feet for the Hollenbeck Area.

Secondary and Satellite storage areas must also be provided that will accommodate the storage of the following minimum number of vehicles per acre:

- 400 vehicles (total) on approximately 3 acres (including primary) for the Southwest Area;
- 250 vehicles (total) on approximately 2 acres (including primary) for the West L.A. Area;
- 350 vehicles (total) on approximately 3 acres (including primary) for the Central Area;
- 600 vehicles (total) on approximately 3.5 acres (including primary) for the Hollenbeck Area.

In addition, the primary facility must also include a secure area for the storage of evidentiary hold vehicles as follows:

- 10 evidentiary hold vehicles for the Southwest Area;
- 6 evidentiary hold vehicles for the West Los Angeles Area;
- 5 evidentiary hold vehicles for the Central Area;
- 8 evidentiary hold vehicles for the Hollenbeck Area.

All storage facilities must be properly zoned as prescribed under Zoning Ordinance Section 165042 (see Attachment F).

Secondary Storage Facility: Secondary storage facilities shall only be used to store vehicles appraised under two thousand five hundred dollars (\$2,500) unless otherwise approved by the Board of Police Commissioners. All secondary storage facilities shall be fenced for security and lighted to afford illumination of all stored vehicles, and shall be located within five (5) miles of the respective geographic area of responsibility.

NOTE: See Attachment E Board of Police Commissioners' Rules Governing Official Police Garages regarding Satellite Secondary Storage Facilities.

All storage facilities shall be in compliance with the Board of Police Commissioners' Rules Governing Official Police Garages (Attachment E). In addition, landscaping that conforms with general aesthetics and environmental concerns is required. If a proposer does not have a primary place of business as described above, the proposer, if awarded the contract, will have ninety (90) days to obtain the required facilities within the specified Area, and must submit sufficient proof of having obtained these facilities to the City. If the proposer is not able to obtain the required facilities and equipment within the ninety (90) days allowed, the bid process will be reopened, and the City will choose from among the remaining qualified bidders.

Operating Equipment

Proposers will be required to provide two-way radio communication equipment, and a minimum of one flat-bed carrier and the following number of tow trucks per area dedicated to Official Police Garage service with contemporary equipment to minimize damage :

- ten tow trucks for the Southwest Area;
- six tow trucks for West Los Angeles Area;
- five tow trucks for the Central Area;
- seven tow trucks for the Hollenbeck Area.

In addition, proposers will be required to maintain systematic records of all vehicles placed under the control of the Official Police Garage. Upon notification that an Official Police Garage will be connected to the City computer for access to the Ticket Information Management System (TIMS), prposers must provide and maintain in operating condition, a personal computer of sufficient capacity to access the TIMS to determine the scofflaw status of all vehicles prior to release (See "General Duties"). The system will require the availability of a dedicated telephone line and personal computer. Estimated cost of the equipment is approximaely \$2,500.00.

Audit and Inspection of Records

At any time during normal business hours and as often as the City may deem necessary, the successful proposer shall make available for examination all data and records with respect to matters covered by the OPG contract and shall permit the City and/or its duly authorized representatives to audit, examine and make excerpts and/or transcripts from such data and records, and to make audits of all invoices, materials, and other data relating to all contract matters and with respect to materials, payrolls, personnel records and other data relating to all matters covered by the contract. The contractor shall maintain such data and records in an accessible location for a period of three (3) years following the termination of the contract.

The contractor agrees to include the above clause in all subcontracts hereunder.

Compensation

The City will not provide any compensation for towing or storage services rendered under the terms of this contract. Rates and charges for towing and storage will be established by the City of Los Angeles, Board of Police Commissioners. Such charges must be paid by the owners of impounded vehicles. These charges become a lien against such vehicles.

Towing and Storage Rates

The rates a contractor may charge for towing and storage services (see Attachment G) shall be in accordance with the Rules Governing Official Police Garages established by the Board of Police Commissioners. Rates and charges for the removal and storage of vehicles that have occurred as the result of law enforcement activity or in the performance of duties of an Official Police Garage shall not exceed the rates and charges set by the Board. Except as approved by the Board, additional charges shall not be made for special equipment or service necessary to prepare vehicles for removal. The schedule of Board approved rates and charges shall be posted in a place clearly visible to the public at the contractor's primary place of business.

Towing and Storage of City Owned Vehicles

Contractors will be required to tow and store City owned vehicles without charge to the City. Those vehicles which qualify as City owned vehicles exempt from towing and storage fees are described as:

Los Angeles Police Department vehicles within the contractors area of responsibility, provided that a tow truck from that Department's Motor Transport Division is unavailable or unable to respond within 30 minutes.

City of Los Angeles Department of Transportation vehicles within the contractors area of responsibility, provided that tow truck from the City's Fleet Services Division is unavailable or unable to respond within 30 minutes.

Contract Term

The duration of the agreement between the City and the successful proposer shall be for a period of five (5) years, with one (1) - five (5) year option to renew.

Vehicle Release Fee

The contractor will be required to collect the City's Vehicle Release Fee assessed to owners of all vehicles that are impounded. Such fees shall be remitted to the City of Los Angeles, Office of the City clerk on a quarterly basis.

Lien Sale Vehicles

Impounded vehicles valued over \$300 that are abandoned or not claimed by their owners shall have the City's Vehicle Release Fee added to their account as an amount due the City. Vehicles valued under \$300 shall not be assessed a Vehicle Release Fee. The Vehicle Release Fees shall be collected by the contractor and remitted to the City of Los Angeles, Office of the City Clerk on a quarterly basis.

The fees are payable on the fifteenth day of the calendar month following the end of each fiscal quarter. In addition, the balance of all outstanding parking citations shall be added to the account of each lien sale vehicle. Such fees are collectable by the City as a secondary lienholder from surplus lien sale monies in the manner prescribed by State law.

Franchise Fees

The Contractor shall pay to the City a franchise fee equal to seven percent (7%) of gross City revenue. "Gross City Revenue" shall include all revenues obtained by the franchisee through the Official Police Garage status, including towing, storage, and sale of lien vehicles, but shall not include revenues obtained through contracts with other public agencies or through private parties. The Gross Receipts Fees shall be remitted to the City, on a quarterly basis, and are payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter.

Late Payment

Any amount owed to the City more than fifteen (15) days beyond the date such amount is due shall accrue interest each day that such amount is not paid at the lower of the following rates:

- * an annual rate equal to twelve percent (12%) per annum; or
- * the maximum rate permitted by applicable law.

II. Background Investigation

A thorough investigation of each proposer's background and qualifications will be conducted by the Los Angeles Police Department, Commission Investigation Division. Proposers will be required to furnish proof of proper zoning, and a financial statement verified by a Certified Public Accountant to determine that the proposer has sufficient financial resources to perform the services required.

Included in the background investigation will be a review of the proposer's compliance with regulatory control including, but not limited to, any applicable history concerning compliance with the Board of Police Commissioners' Rules Governing Towing Operations, Rules Governing Official Police Garages, and any applicable history with other governmental regulatory control. In addition, the proposer's business reputation in the community will be reviewed.

III. Contents of Proposal

Proposals should be organized generally as described below. You should note the various attachments that must be submitted with your proposal (**See section IV on "City Policy Statements"**). Failure to follow these guidelines may cause Your proposal to be considered non-responsive.

Cover Letter

The cover letter of the proposal should be limited to one page. The letter must include the title, address and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by the company officer authorized to bind the company to all commitments made in the proposal.

Business Organization

1. State the full name and address of your organization and, if applicable, any branch or district office that will be managing the operation. State your intentions to establish a City of Los Angeles location if you do not currently have one.
2. Give a brief history and description of the firm - the date established, headquarters locations, number of employees total, number of employees in Los Angeles and annual revenues.
3. Indicate whether you operate as an individual, partnership, or corporation; if as a corporation, include the state in which you are incorporated.
4. State whether you are licensed to operate in the State of California and the City of Los Angeles, and, if so, include your City of Los Angeles Business Tax Registration Certificate Number.

Key Personnel

The contractor must be able to demonstrate the capability and appropriate experience of the key people that will be assigned to provide the services required. Key people should be identified by name and title, and a statement of the area(s) for which each will be responsible should also be provided.

Resumes for all key personnel are required to be submitted as well as those of other employees that the contractor will be employing to perform the various services required. Key people are those people who will be directly involved in the day to day operation of the business, and will be accessible and available for solving problems if necessary.

The City shall have the right to conduct background investigations on all people directly assigned to the contract, including the key people noted above. The City will reserve the right to approve any changes in key personnel.

Previous Experience

Provide a comprehensive statement of the company's prior relevant experience in towing and storage services for a governmental entity. Explain the extent of your company's involvement, and the dates and duration of the services provided. Include client names, addresses and phone number(s) of the responsible official(s) of the client organization for use as a reference contact.

Termination of Service

The contract will include a clause that provides that the City may terminate the agreement for cause effective as of any date upon thirty (30) days prior written notification by the City.

IV. City Policy Statements

Standard Provisions for City Personnel Services Contracts - (Attachment H)

Incorporated as part of this proposal by reference are the provisions and certifications for City personal services contracts (as revised October, 1993), including but not limited to nondiscrimination, affirmative action, and insurance requirements, which are attached and labeled.

Indemnity and Insurance

The indemnity requirements and the conditions governing acceptability of any insurance that may be required are set forth in detail in the Standard Provisions for Personal Services Contracts (as revised October, 1993), paragraphs PSC-16, and PSC-17. These paragraphs are incorporated herein by reference.

Los Angeles Municipal Code Section 103.204(i) requires all Police Commission permitted towing operations to maintain a specific amount of insurance coverage. Rule Number 20 of the Los Angeles Police Commission Rules Governing Official Police Garages requires that such contractors maintain insurance in effect at all times in amounts satisfactory to the Board.

Because Official Police Garages provide towing and storage for all governmental vehicle impounds, they may be legally construed to be agents of the Los Angeles Police Department. Therefore, contractors are required to obtain increased coverage. Accordingly, additional provisions are required by the Board of Police Commissioners for contractors that serve as Official Police Garages (See Attachment No. i).

City Affirmative Action Program Requirements - (Attachment J)

Los Angeles Administrative Code Section 10.8 requires that the following information be submitted with each proposal:

1. A signed Affirmative Action Program Certification Form.
2. A signed Affirmative Action Plan. The Proposer must submit one of the three following plans:
 - a. "Los Angeles City Affirmative Action Requirements for Non-construction Contractors."
 - b. A trade association plan, if the contractor is a member in good standing of the association.
 - c. The Proposer's own Affirmative Action Plan.

Regardless of the type of Affirmative Action Plan submitted, it must be reviewed and approved by the Department of Public Works, Bureau of Contract Administration before the contract is executed by the City.

Minority Business Enterprise, Women Business Enterprise and Other Business Enterprise Outreach Program - (Attachment K)

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and all other business enterprises an equal opportunity to participate in the performance of all City contracts. Proposers shall assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs and WBEs and all other businesses may be in the form of subcontracting or joint ventures.

The City expects that proposers will be able to achieve 18 percent participation for MBEs and four percent participation for WBEs. However, such participation is not required. Failure to make good faith efforts to comply with said policy, to provide said affidavit with the proposal, or to provide documentation of good faith efforts when requested to do so by the Awarding Authority, will render the proposal nonresponsive and may result in its rejection.

Job Training and Employment Policy - (Attachment L)

The policy of the City of Los Angeles is to promote and encourage the employment of disadvantaged youth and adult City residents who have been trained for employment under the City's Job Training Partnership Act (JTPA) Program. Consistent with this policy, proposers must complete and submit a "Declaration of Contractor Compliance with City of Los Angeles Training and Employment Policy".

Child Care Policy - (Attachment M)

It is the policy of the City of Los Angeles to encourage businesses to adopt child care policies and practices. Consistent with this policy, all proposers, including subcontractors, shall complete and submit the attached "Child Care Declaration Statement" with the proposal. To the extent allowed by law, proposers with stated child care policies shall receive preference in contracting with the City.

Compliance with Laws

The contractor and all subcontractors will also be required to abide by and conform to all applicable laws of the United States, of California and the ordinances and policies of the City of Los Angeles and the nondiscrimination provisions of the Los Angeles Administrative Code (Section 10.8), all as currently constituted or as amended in the future.

Workforce Information

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

- A. Headquarters address of your firm.
- B. Total workforce.
- C. Percentage of the total workforce residing in the City of Los Angeles.
- D. Percentage of the total workforce employed in the City of Los Angeles.
- E. The address of any branch office(s) within the City of Los Angeles.
- F. Workforce in each City of Los Angeles branch office(s).
- G. Percentage of workforce in each City of Los Angeles branch office(s) residing in the City of Los Angeles.

Disposition of Proposals

All proposals submitted in response to this RFP shall become the property of the City and a matter of public record. Proposers must identify all copyrighted material, trade secrets, or other proprietary information that the proposers' claim are exempt from disclosure by the California Public Records Act (California Government Code Sections 6250 et seq.). In the event that a proposer claims such an exemption, the proposer must state in the proposal that:

"The proposer will indemnify the City and hold it harmless from any claim or liability and defend any action brought against the City for its refusal to disclose materials marked 'confidential', trade secrets or other proprietary information to any person making a request therefor."

Failure to include such a statement shall constitute a waiver of the proposer's right to exemption from disclosure and authority for the City to provide a copy of the proposal or any part thereof to the requester.

Additional Information

Any other information that you believe will be essential to a complete evaluation of your proposal should be clearly stated. If you have no additional information, this section of your proposal should consist of the following statement: "There is no additional information that we wish to present."

Withdrawal of Proposal

All proposals shall be firm offers and may not be withdrawn for a period of one hundred twenty (120) days following the deadline date for submission of proposals to the City, which date is noted in the cover letter of this RFP.

Rejection of Responses to RFP

The City reserves the right to reject any and all proposals, and to waive any informality in any proposal received, when to do so is to the benefit of the City or its taxpayers.

Signatures and Declarations

The 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 a sham or collusive, nor made in the interest or in behalf of any person not herein named; 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 himself an advantage over any other proposer."

Required Copies and Deadline for Submission of Proposal

Proposers must supply all information requested in the format prescribed by this RFP. One typed original and nine clear copies of the proposal are required. The proposal shall be addressed to the City of Los Angeles, Police Department, Commission Investigation Division, Attention: Detective Dan Carson, Room 150, 150 North Los Angeles Street, Los Angeles, CA. 90012. No proposal will be accepted after 5:00 P.M. on . In the event that this date is changed, those who have been sent the RFP will be notified in writing. The City may require oral presentations of the proposals by the proposers to a review committee. The City reserves the right to determine timeliness of all proposals, extend the submission deadline, and to reject all proposals.

V. Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, and the Office of the City Administrative Officer will evaluate the proposals and make a recommendation to be submitted to the Board of Police Commissioners for a selection. The Board will make the final selection.

Contractor selection will be based on the professional and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business and adequate financial ability to provide the services and facilities required of the proposer will be considered a minimum qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs in addition to available storage facilities and adequate towing equipment deemed necessary to serve the proposed area.

Consideration for selection will also include a commitment to Affirmative Action and a review of reverence for the law concerning applicants, their families and business associates.

The proposals will be evaluated based upon the program elements described herein. The basis for evaluating each element will be the degree of compliance with the needs and requirements specified in the Scope of Services. The review process will determine if a proposer is qualified for further consideration.

Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should demonstrate an understanding of the services and responsibilities required, and the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability and willingness to abide by the Los Angeles Police Commission Board Rules Governing Official Police Garages, their ability to provide the required operating equipment and ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests of the proposer that could interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Comparable Experience

Experience should be listed in as much detail as possible, highlighting areas of similarity as well as differences in providing the services required. In addition to experience in the towing and storage of vehicles (including vehicles held for evidentiary purposes), the proposer should detail any relevant knowledge and experience in processing liens on all values of vehicles and in disposing of vehicles, and the ability to process the proposer's own liens.

Evaluation of Key Personnel

The relevant experience of key personnel to be assigned to the operation should be clearly set forth. An organizational structure for the operation should be provided, with the key personnel to be assigned identified as to their functions and responsibilities. Included in this evaluation should be the proposer's business administration and management skill, efficiency and management audit controls.

Minority Business Enterprises, Women Business Enterprises and Other Business Enterprises Affirmative Action Programs

Compliance with these policy requirements shall be evaluated as Pass/Fail.

At the discretion of the City, firms submitting the most responsive proposals may be required to make oral presentations to a review committee. Such presentations will be used only if the review committee believes that they are necessary to determine the top proposer. The successful proposer for each area will be named after the proposals and presentations (if any) are evaluated to select the most qualified firm. Proposers will be notified of the time and place of any oral presentations not less than two (2) days prior to the event.

The committee will evaluate the proposals on the basis of the factors previously mentioned.

VI. Required Contract

The proposer to whom a contract is awarded shall be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and be made a part of the final contract.

VII. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgement and acceptance of all the terms, conditions, and content set forth in this RFP unless otherwise expressly stated in the proposal. Proposers will either affirm their acceptance or state their reasons for objecting to any requirement.

VIII. Business Tax Registration Certificate

The selected proposer and all subcontractors shall be required to have and maintain a valid City of Los Angeles Business Tax Registration Certificate.

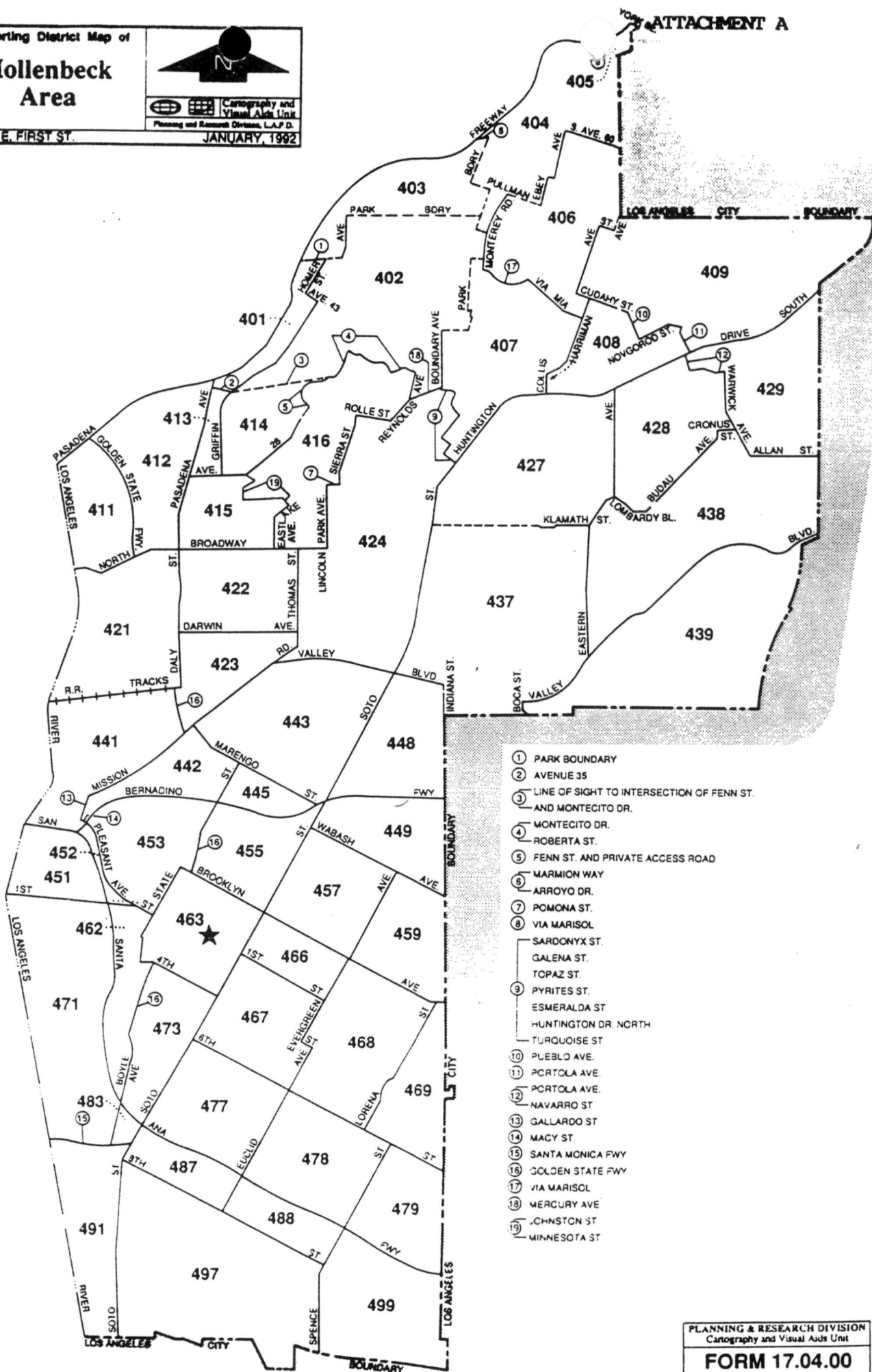
LIST OF ATTACHMENTS

1. Attachment A: Hollenbeck Area Map
2. Attachment B. West Los Angeles Area Map
3. Attachment C. Central Area Map
4. Attachment D. Southwest Area Map
5. Attachment E. Board of Police Commissioners'
Rules Governing Official Police Garages
6. Attachment F. Los Angeles City Zoning Ordinance
7. Attachment G. Current Towing and Storage Rates
8. Attachment H. Standard Provisions for City Personal Services Contracts
9. Attachment i. Insurance Requirements for Official Police Garages
10. Attachment J. City Affirmative Action Program Requirements
11. Attachment K. Minority Business Enterprise, Women Business Enterprise and
Other Business Enterprise Outreach Program
12. Attachment L. Job Training and Employment Policy
13. Attachment M. Child Care Policy

Reporting District Map of
Hollenbeck Area
 * 2111 E. FIRST ST.
 JANUARY, 1992

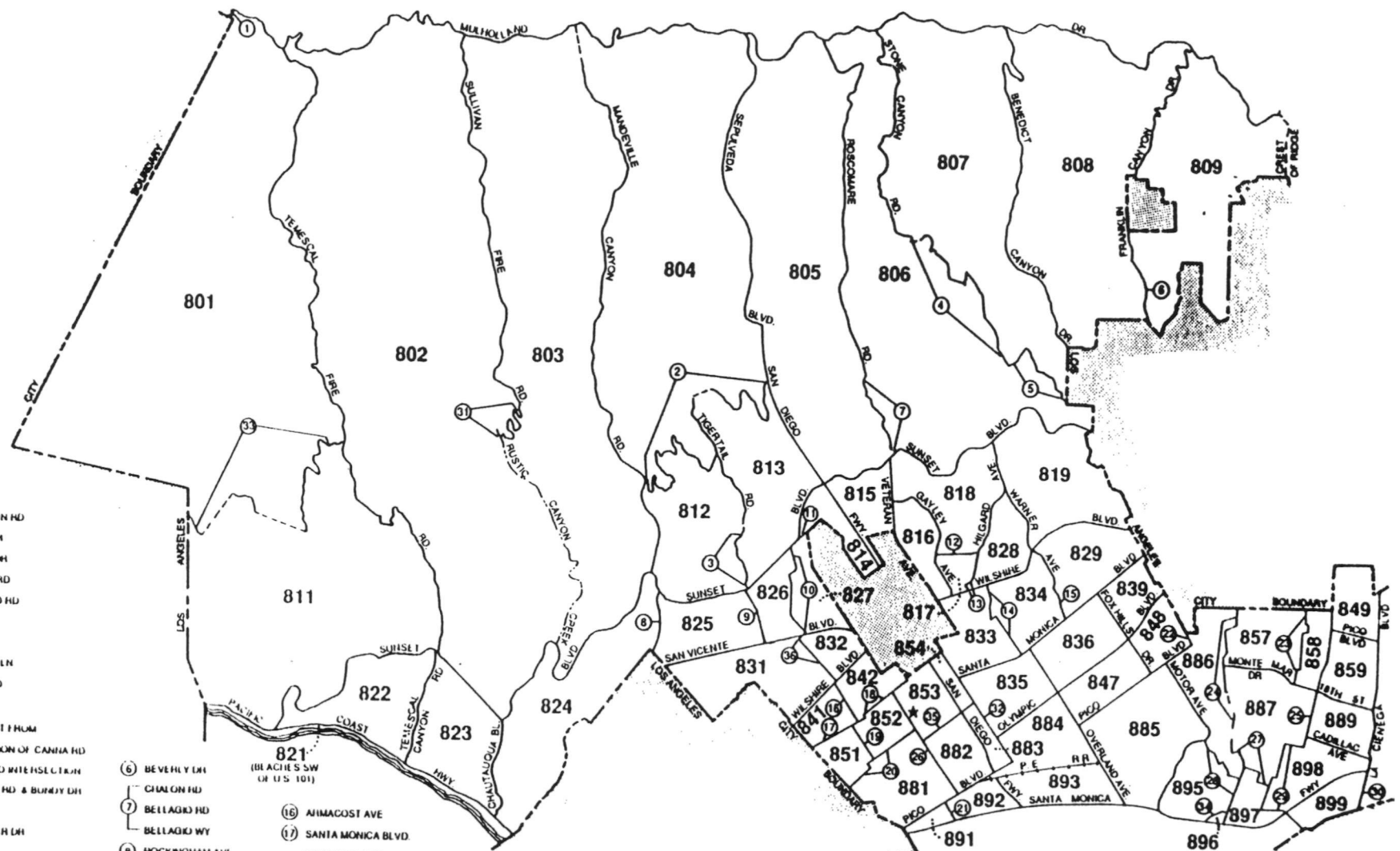
Cartography and Visual Aids Unit
 Planning and Research Division, L.A.P.D.

ATTACHMENT A



PLANNING & RESEARCH DIVISION
 Cartography and Visual Aids Unit
FORM 17.04.00





- ① OWEN BROWN RD
OAKMONT DR
CLAYMONT DR
TEAKWOOD RD
HONEYWOOD RD
KENTER AVE
HANLEY AVE
- ② DEERBROOK LN
TIGERTAIL RD
CANNA RD
LINE OF SIGHT FROM
INTERSECTION OF CANNA RD
& SKY LN TO INTERSECTION
OF CHALON RD & BUNDY DR
CHALON RD
GETTY CENTER DR

- ③ CROWN DR
TIGERTAIL RD
KENTER AVE
- ④ STONE CANYON RD
LINE OF SIGHT TO BEL AIR RD
BEL AIR RD
SANDAL LN
CRATER LN
BEVERLY GLEN BLVD
GREENDALE DR
N FARMING RD
BROOKLAWN DR
CAROLWOOD DR
HANOVER DR

- ⑥ BEVERLY DR
CHALON RD
BELLARIO RD
BELLARIO WY
HOCKINGHAM AVE
GHETNA GREEN WY
- ⑦ GRANVILLE AVE
NEARSARGE ST
WESTGATE AVE
MONTANA AVE
CHAYOTE ST
LE CONTE AVE
LINDBROOK DR
GLENDON AVE
MALCOLM AVE
OHIO AVE
SELBY AVE
THAYER AVE

- ⑮ ANIMACOST AVE
⑯ SANTA MONICA BLVD
⑰ WESTGATE AVE
⑱ OHIO AVE
⑲ BROCKTON AVE
⑳ NEBRASKA AVE
㉑ BUNDY DR
㉒ NEBRASKA AVE
㉓ BARRINGTON AVE
㉔ CENTURY PARK EAST
CHEST DR
PICO BLVD
CHEST DR
ALCOTT ST
EXRANGA AVE
ALHURNE ST
CAMFIELD AVE

- ②④ BEVERLYWOOD ST
PICO BLVD
CASTELLO AVE
CASTELLO PL
LINE OF SIGHT FROM CASTELLO PL
TO ROXBURY DR
ROXBURY DR
LINE OF SIGHT FROM ROXBURY DR
TO FLOOD CONTROL CHANNEL IN
LINE WITH SAWYER ST
FLOOD CONTROL CHANNEL TO
BEVERLYWOOD ST
②⑤ ROBERTSON BLVD
②⑥ FEDERAL AVE

- BEVERLYWOOD ST
CASTLE HEIGHTS AVE
②⑦ CATTARAUGUS AVE
OAKHURST AVE
KINCARDINE AVE
CLUB DR
②⑧ KINCARDINE AVE
CASTLE HEIGHTS AVE
24TH ST
②⑨ CANFIELD AVE
NATIONAL BLVD
③⑩ LA CIENEGA AVE
③① CAMP JOSEPHO SERVICE RD
③② SEPULVEDA BLVD

- EAST TOPANGA FIRE RD
CREST OF MOUNTAIN
SANTA YNEZ FIRE RD
PALISADES DR
IMAGINARY LINE
FIRE ACCESS RD
③③ MONTE HERMOSO DR
PIEDRA MORADA DR
PALISADES DR
CALLE ARBOLADA
CALLE PATRICIA
CHASTAIN PARKWAY EAST
CALLE DEBORAH
SPLIT ROCK FIRE RD

- ③④ NATIONAL BLVD
③⑤ MISSOURI AVE
③⑥ MONTANA AVE
WESTGATE AVE

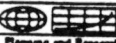
PLANNING & RESEARCH DIVISION
Cartography and Visual Aids Unit
FORM 17.08.00

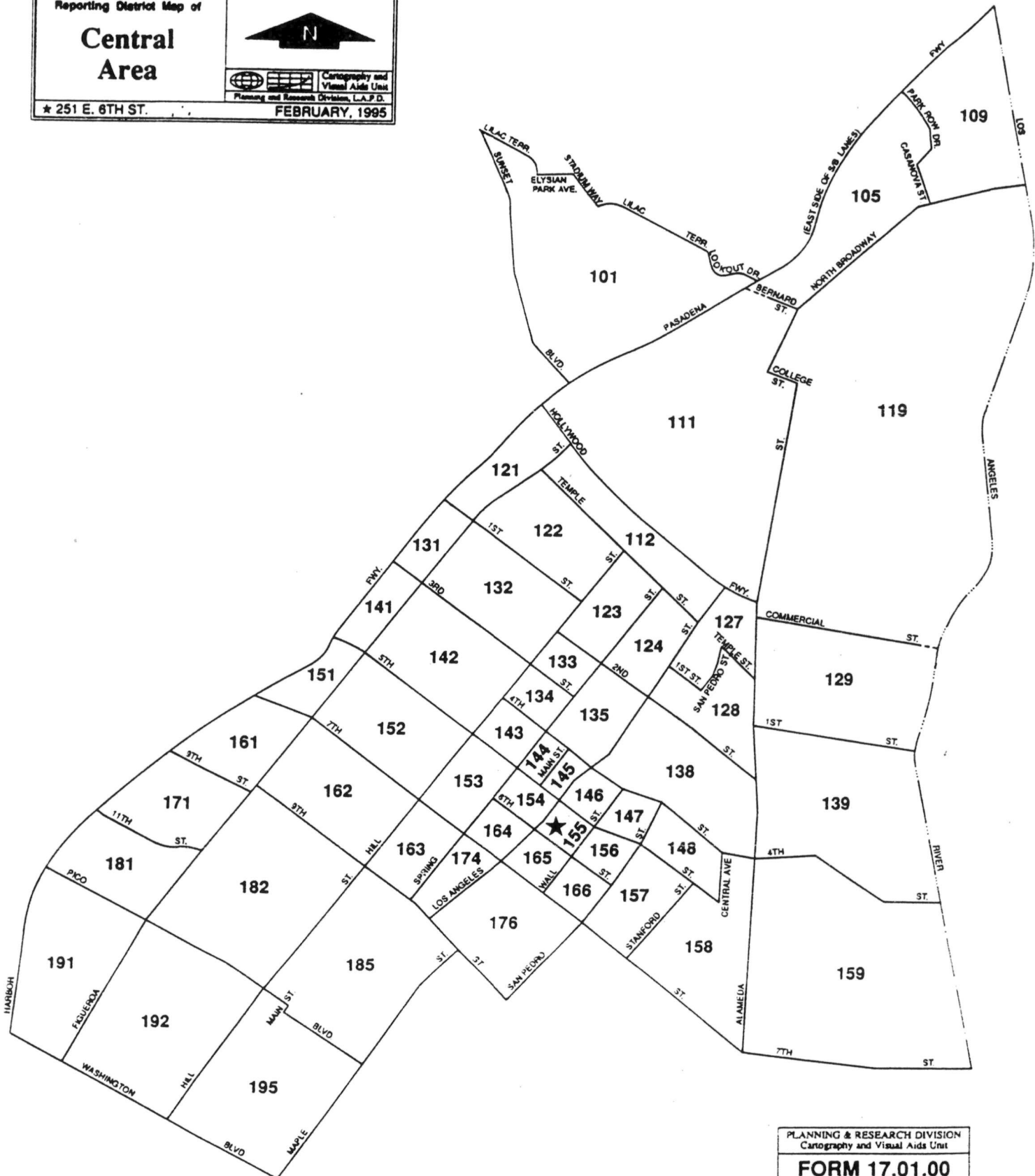
Reporting District Map of
**West L.A.
Area**

1663 DUTCHMAN AVE

Cartography and
Visual Aids Unit
Planning Research Division, L.A.P.D.

ATTACHMENT B

Reporting District Map of	
Central Area	
	
	Cartography and Visual Aids Unit Planning and Research Division, L.A.P.D.
★ 251 E. 8TH ST.	FEBRUARY, 1995

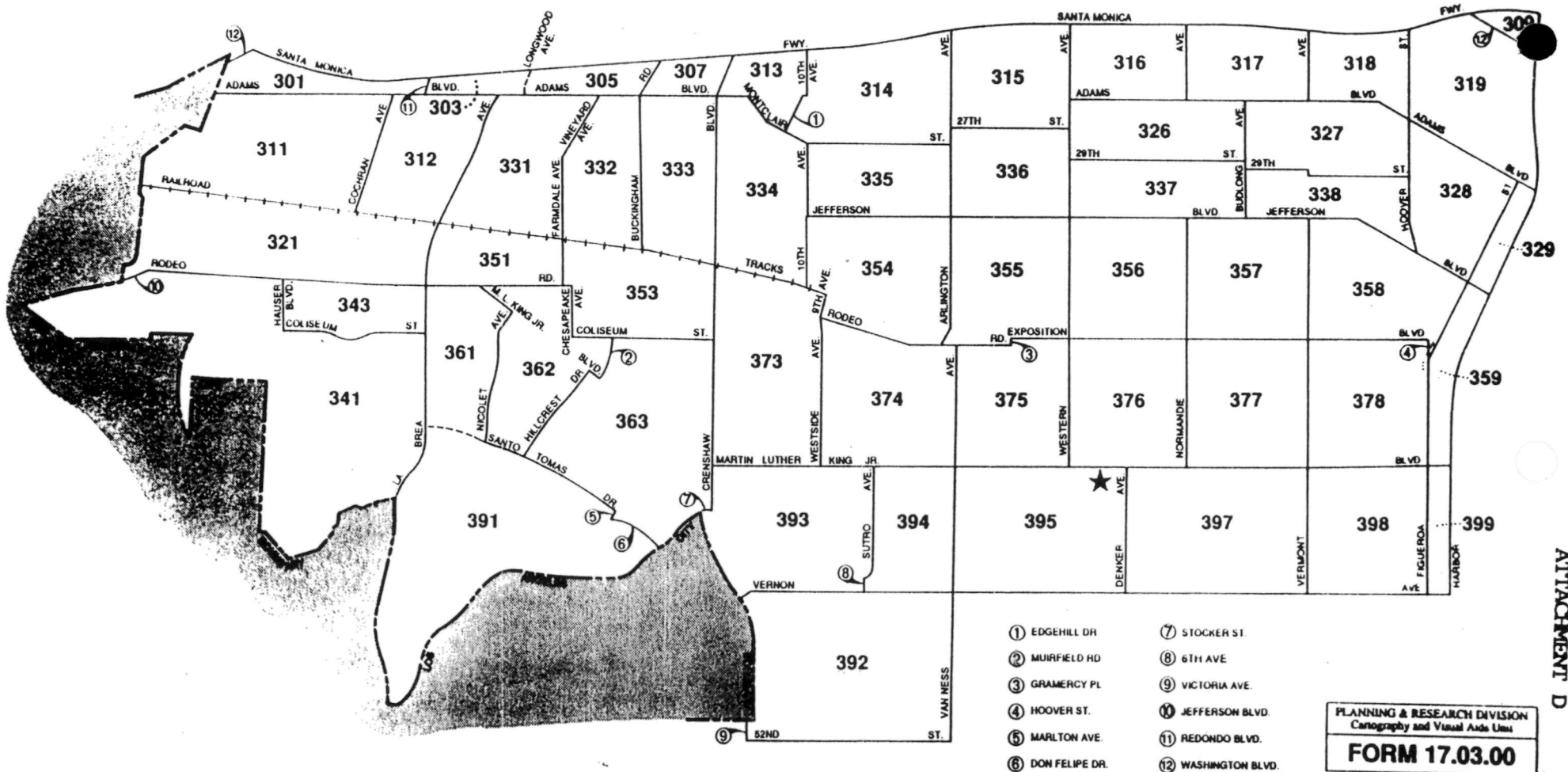


PLANNING & RESEARCH DIVISION
Cartography and Visual Aids Unit
FORM 17.01.00





Reporting District Map of	
Southwest Area	
Cartography and Visual Aids Unit Planning and Research Division, L.A.P.D.	
★ 1546 MARTIN LUTHER KING JR. BLVD. FEBRUARY, 1995	



PLANNING & RESEARCH DIVISION Cartography and Visual Aids Unit
FORM 17.03.00

LOS ANGELES POLICE COMMISSION

RULES GOVERNING OFFICIAL POLICE GARAGES

1. **RULES AND CONDUCT:** The Official Police Garage shall conduct business in an ethical and orderly manner so as to maintain the confidence of the community. While an Official Police Garage is an independent contractor, each contract it has with the public may reflect upon the City. For that reason, and the inherent potential for conflict in vehicle removal and storage, an Official Police Garage designee and his employee must maintain a fair, impartial, and reasonable attitude, and perform his duties in a courteous manner. The designee's and his employee's statements and actions must be the result of considered judgment and absent of personal opinion or bias.
The Official Police Garage designee, when notified by the Board or the Board's designee of any complaint of discourtesy by an Official Police Garage employee, shall investigate and respond in writing to the Board within ten (10) calendar days of receipt of notification of the complaint. The designee's response shall include the results of his investigation and, if the complaint is found to be true, what measures the designee took to prevent future complaints.
2. **SUPERVISION:** An Official Police Garage is subject by law to the regulatory powers of the Board, and all relevant records, equipment and storage facilities are subject to periodic inspection by the Board or its designee to determine if the garage is in compliance with the rules and regulations of the Board.
3. **REGULATION:** An Official Police Garage shall comply with all laws, ordinances and rules that regulate tow units, tow unit operators, and the impound, towing, removal, storage, and disposal of vehicles. An Official Police Garage shall post the Los Angeles Police Commission Rules Governing Official Police Garages and the Rules Governing Tow Operations and Tow Unit Operators in their entirety in a conspicuous place clearly visible to the public.
4. **COOPERATION:** Tow unit operators shall abide by the lawful decisions of all peace officers and law enforcement employees of the City of Los Angeles and shall cooperate in removing and/or impounding vehicles.
5. **AREA OF RESPONSE:** Each Official Police Garage shall operate within its designated Area(s) and shall exceed this/these Area(s) only when responding to a request from another Official Police Garage or a law enforcement or City communication facility.
6. **DISPATCHER:** A dispatcher shall be on duty in the office of the Official Police Garage seven (7) days a week, twenty-four (24) hours a day, every day of the year. A dispatcher shall receive calls from law enforcement and City communications facilities, dispatch tow units, provide security for stored vehicles, and perform such other tow related services as may be required by the Board. A dispatcher shall be responsible for releasing vehicles between the hours of 7 a.m. and 7 p.m., seven (7) days a week, every day of the year and may, at his/her discretion, release vehicles between the hours of 7 p.m. and 7 a.m. An After Hours release fee is prohibited. Any vehicle impounded in connection with a special event, as designated by the Board or the Board's designee, shall be available for release for a minimum period of four (4) hours following the conclusion of the special event. A dispatcher and/or other Official Police Garage employees providing service to the public shall wear their first name conspicuously on their clothing.
7. **TIMEKEEPING AND DELAYS:** An Official Police Garage shall record the following times pertaining to law enforcement and City agency tow service requests by means of a computer or time stamp:
 - * The time that the request for tow service is received,
 - * The time that a tow unit is assigned the call for service and given the location of the requested service,
 - * The time that a tow unit arrives at the location of requested service,
 - * The time that a tow unit returns to the Official Police Garage Facility with the vehicle,
 - * The time that property is removed from an impounded vehicle, and
 - * The time that a vehicle is removed from the evidentiary hold area.

An Official Police Garage shall ensure that a sufficient number of tow units and tow unit operators are available at all times to meet the need of all law enforcement and City agencies that rely upon it for tow service.

The Official Police Garage shall respond to all Los Angeles City agency requests 24 hours a day, 7 days a week, within the Maximum Response Time as established by these Board rules.

The OPG Designee will advise law enforcement or city agency communications facility, at the time of notification, if they are unable to respond or are unable to respond within the Maximum Response Time. If after accepting the call the OPG is unable to respond or will be delayed in responding, the OPG shall immediately notify the requesting law enforcement or City agency communications facility.

Maximum Response Time is 20 minutes from the time an OPG tow unit is requested by a City agency until its arrival. An additional 10 minutes may be allowed with reasonable justification.

EXCEPTION: Department of Building and Safety orders to remove abated vehicles or vehicle parts from private property shall be executed by the ordered Official Police Garage within forty-eight (48) hours of receiving such notifications.
8. **RADIO COMMUNICATIONS:** The dispatcher's office of an Official Police Garage shall be equipped to receive "police calls." Priority shall be given to calls from law enforcement or City communication facilities. In the event that multiple agency requests for services are received at the same proximate time, the Official Police Garage dispatcher shall assign response priority to the request of the most urgent nature based upon information the dispatcher has received. Official Police Garage tow units may be equipped to monitor "police calls" while acting within the course and scope of their designated responsibilities after obtaining a permit from the Chief of Police.
9. **UNIFORM AND EQUIPMENT REQUIREMENTS:** Each tow unit shall be painted and marked as prescribed by the Board in addition to marking required by the California Vehicle Code. Each tow unit shall have the capability of communicating by radio with the dispatcher. Tow unit operators shall be required to wear a Board approved uniform when acting within the scope of their Official Police Garage employment.
10. **PRIMARY STORAGE FACILITY:** All Primary Storage Facilities shall be inspected and approved by the Board or its Designee prior to use. The Primary Storage Facility shall be adjacent to the operations office. A Primary Storage Facility must be paved, clean, fenced for maximum security, and lighted during hours of darkness to afford distinct visibility to all portions of the facility. A Primary Storage Facility shall be capable of accommodating all vehicles appraised in value in excess of twenty five hundred dollars (\$2500.00); all vehicles bearing modified equipment or cargo valued in excess of five hundred dollars (\$500.00); and vehicles being held for criminalistic and/or evidentiary examinations. The location where a vehicle is stored within a Primary Storage Facility shall be accurately recorded on the garage's impound records. Unobstructed access shall be provided to any stored vehicle. Vehicles shall be parked and separated to preclude the possibility of damage. Security provisions shall be implemented at the Primary Storage Facility to prevent the loss or theft of personal property or vehicle parts. The Primary Storage Facility shall have a segregated and designated area for the storage of vehicles held for criminalistic and/or evidentiary examination.

11. **SECONDARY STORAGE FACILITIES:** All Secondary Storage Facilities shall be inspected and approved by the Board or its designee prior to use. A Secondary Storage Facility is a designated location used by an Official Police Garage as a yard or lot for the temporary storage of impounded vehicles. All Secondary Storage Facilities shall be within five (5) miles of the respective geographic Area(s) boundaries of responsibility of the Official Police Garage unless waived by the Board or its designee. Any Secondary Storage Facility located beyond the (5) miles of the Official Police Garage's respective geographic Area(s) boundaries shall be referred to as a Satellite Secondary Storage Facility. All Secondary Storage Facilities must be fenced for maximum security and lighted during the hours of darkness to afford illumination of all stored vehicles. Secondary Storage Facilities shall only be used to store vehicles appraised under twenty five hundred dollars (\$2,500.00). A Secondary Storage Facility may be used for emergency temporary storage of vehicles appraised over twenty five hundred dollars (\$2,500.00) with the prior approval of the Board or its designee, but in such cases, an attendant must be on duty at the facility for security. The location where vehicles are stored within a Secondary Storage Facility shall be accurately recorded on the garage's impound records. Unobstructed access shall be provided to all stored vehicles. Vehicles shall be parked and separated to preclude the possibility of damage. Security provisions shall be implemented at all Secondary Storage Facilities to prevent the loss or theft of personal property or vehicle parts.
- Official Police Garages utilizing an approved Secondary Storage Facility shall return the stored vehicle to the Primary Storage Facility within twenty-four (24) hours of the time tow and storage fees have been paid.
- SATELLITE SECONDARY STORAGE FACILITIES:** All Satellite Secondary Storage Facilities shall only be used to store vehicles appraised under \$2500.00. Official Police Garages utilizing an approved Satellite Secondary Storage Facility beyond five (5) miles of its respective Area(s) boundaries of responsibility shall additionally comply with the following:
- * Return the stored vehicle to the Primary Storage Facility within twenty-four (24) hours of the time tow and storage fees have been paid.
 - * Prepare, maintain, and post in a conspicuous place, clearly visible to the public, a notice outlining procedures for properly interested persons to remove unattached personal property from a vehicle or to view and photograph a vehicle within twenty-four (24) hours, excluding weekends and holidays, of such a request when the vehicle is stored in a Satellite Secondary Storage Facility. The notice shall be approved by the Board or its designee.
 - * Systematically segregate stored vehicles by the respective Official Police Garage when a Satellite Secondary Storage Facility is shared between two or more Official Police Garages.
 - * Distinctly sequester Official Police Garage stored vehicles from other activities at the facility when the facility conducts business other than the storage of Official Police Garage vehicles and insure that access to the stored vehicles is separate from that of other business operations.
 - * Inventory all vehicles to be stored at the facility upon arrival. Such inventories shall consist of the same criteria required on a LAPD Vehicle Investigation Report, Form 3.7, in addition to unattached personal property.
 - * Return any stored vehicle to the Primary Storage Facility within twenty-four (24) hours from receipt of a request to do so by the concerned law enforcement employee. In instances where the law enforcement employee requests to inspect a vehicle at the Satellite Secondary Storage Facility, the Official Police Garage shall, upon adequate prior notification, clearly distinguish that vehicle from other vehicles stored at that location prior to the law enforcement employee's expected time of arrival.
- The Board or its designee may, upon written application showing cause, waive any of the requirements of this rule.
12. **INVESTIGATIVE HOLD AREA AND VEHICLES:** Each Official Police Garage shall maintain an area at its Primary Storage Facility for vehicles held for criminalistic and/or evidentiary examinations. This Investigative Hold Area shall be isolated from other storage areas and shall be covered and capable of providing protection from the natural elements. The Investigative Hold Area's storage capacity shall be capable of fulfilling the maximum expectations of the respective geographic detective division(s) being served. The Board or its designee shall determine the maximum storage capacity. The Investigative Hold Area shall be posted and cordoned off so as to prohibit entry by unauthorized persons as prescribed by the Board or its designee. The only persons authorized to enter an Investigative Hold Area are Official Police Garage employees and concerned law enforcement employees. Garage employees shall not remove property from vehicles being held for criminalistic and evidentiary purposes. Vehicles stored in an Investigative Hold Area shall not be removed from the area until authorized by the responsible investigator or the Area Vehicle Coordinator. Once an investigative hold has been released on a vehicle it shall be immediately removed from the Investigative Hold Area. The date and time of removal and the removing employee's identity shall be recorded on Official Police Garage records.
- Vehicles being held for Vehicle Code (V.C.) 22651(o) (No Current Registration); V.C. 22651(p) (Unlicensed Driver); V.C. 22651(i) (Unpaid Park Citations); V.C. 22651(j) (No Evidence of Registration); or V.C. 10751 (Altered Identification Number) (hereafter referred to as "statutory hold") need not be stored in the Investigative Hold Area but shall be stored in the same manner as vehicles available for release, unless there is an additional hold for criminalistic or evidentiary examinations.
- Garage employees may remove unattached personal property for safekeeping when a vehicle is being held exclusively for a statutory hold. Any statutorily held vehicle shall not be available for release until authorized by the concerned governmental agency employee or the Area Vehicle Coordinator.
13. **PROTECTION AND HANDLING OF VEHICLES:** It is the responsibility of the Official Police Garage to protect all vehicles, vehicle parts and/or attached accessories impounded by peace officers or City law enforcement employees until such time as the vehicles have either been released to properly interested persons or have been disposed of through legal process.
- Vehicle parts and/or attached accessories shall not be removed from an impounded vehicle with a criminalistic/evidentiary hold on the vehicle without the prior approval of the concerned law enforcement employee.
- Vehicle parts and/or attached accessories may be removed for safekeeping by garage employees from other impounded vehicles. When an Official Police Garage removes vehicle parts and/or attached accessories for safekeeping from a vehicle it shall:
- * Record a description of the removed vehicle parts and/or attached accessories on the corresponding copy of the garage impound report from a vehicle.
 - * Implement controls to inform office personnel responding to public inquiries that vehicle parts and/or attached accessories have been removed from a vehicle.
 - * Cause the vehicle parts and/or attached accessories to be individually packaged and identified.
 - * Provide a secure location for the storage of the vehicle parts and/or attached accessories to preclude loss, theft or damage.
 - * Inform properly interested person(s) that parts and/or attached accessories have been removed and how they may obtain possession of that property.
 - * Replace the vehicle part(s) and/or accessories to restore the vehicle to its original state, and repair any damage caused by the original removal or replacement.
- The release of impounded vehicles which are available for release, shall be the responsibility of an Official Police Garage.
- Criminalistic/evidentiary or statutorily held vehicles shall not be available for release until authorization has been given to the Official Police Garage by the concerned governmental agency employee or the Area Vehicle Coordinator.

- A notice stating that a vehicle placed in storage pursuant to Section 22850 V.C. may be released only on proof of current registration in the absence of that proof, upon issuance of a notice to appear for the registration violation by the agency that caused the vehicle to be stored, and it shall specify the name, address, and telephone number of the City agency.
- A notice outlining procedures and the documentation necessary for properly interested persons to obtain possession of or remove unattached personal property from a stored vehicle and/or to view or photograph a stored vehicle within twenty-four (24) hours of making such a request. Vehicle inventories, when conducted by Official Police Garage employees, shall only be conducted within the confines of a storage facility.
14. **PROPERTY IN VEHICLES:** An Official Police Garage has the responsibility of safeguarding all articles in impounded vehicles. An Official Police Garage shall maintain a record of the identity of all persons who have entered a stored vehicle for the purpose of accessing unattached personal property. The record shall also include the date of entry and a description of any property removed. Unattached personal property may be removed for safekeeping by garage employees, but only from available for release and statutorily held vehicles. When an Official Police Garage removes unattached personal property for safekeeping from a vehicle it shall:
 - * Record a description of the removed property on the corresponding copy of the garage impound report.
 - * Implement controls to inform office personnel responding to public inquiries that personal property has been removed from a vehicle.
 - * Cause the property to be individually packaged and identified.
 - * Provide a secure location for the storage of the property to preclude loss, theft or damage.
 - * Inform properly interested persons that property has been removed and how they may obtain possession of that property.
 15. **IMPOUND REPORTS:** An Official Police Garage tow unit operator shall sign and complete the necessary portions of the impounding employee-impound report. The original copy of the Impound Report shall be retained by the impounding employee. A copy of the Impound Report shall be retained by an Official Police Garage for two (2) years. The garage's copy of the Impound Report shall be used to record the vehicle release information in the appropriate space provided in the Impound Report.
 16. **NOTIFICATIONS:** Official Police Garage employees while acting within the course of their employment shall cause the appropriate law enforcement agency to be notified without delay whenever they become aware of a possible crime or other activity requiring action by law enforcement personnel.

An Official Police Garage shall notify in writing its respective Area(s) Vehicle Coordinator(s) or DOT's VIPU on a weekly basis of the following:

 - * All vehicles originally impounded by the concerned agency, but that have remained in storage beyond seven (7) calendar days.
 - * All vehicles originally impounded with a criminalistic/evidentiary hold, but that have remained in storage with a hold beyond seven (7) calendar days.

An Official Police Garage shall notify the Department of Transportation Vehicle Information Processing Unit on a weekly basis of all vehicles sold during the preceding week in accordance with statutorily approved lien procedures.
 17. **HEAVY-DUTY TOW:** Official heavy-duty tow units will be requested by a law enforcement or City department communication facility when the vehicle to be towed possesses one or more of the following: three or more axles; a gross weight, laden or unladen, in excess of 10,000 pounds; or a combination of commercial trailers.
 18. **RATES AND CHARGES:** Rates and charges for the removal and storage of vehicles which have occurred as the result of law enforcement activity or in the performance of duties of an Official Police Garage shall not exceed the rates and charges set by the Board. Except as provided by the Board, additional charges shall not be made for special equipment or service necessary to prepare vehicles for removal. Board approved rates and charges shall be posted in a conspicuous place, clearly visible to the public.

All bills shall be itemized.

An Official Police Garage shall not enter into an agreement with a City employee to diminish or eliminate legally assessed vehicle removal and/or storage fees caused by an error committed by a member of the impounding City agency.

REMOVAL: Charges shall be based on a hourly rate for time actually consumed. Removal charges commence at the time a tow unit actually proceeds to a call for service and terminate at the time the tow unit returns to the Primary Storage Facility. Vehicles shall not be taken directly to any Satellite Secondary Storage Facility without previous written approval by the Board or its designee. The first hour or fraction thereof shall be at the rate specified by the Board and at half of that hourly rate, for each additional half hour or fraction thereof over the first hour.

STORAGE: Storage shall commence at the time the vehicle arrives at the storage facility. Charges shall be based on a daily rate, notwithstanding State law requirements which indicate that no charge exceeding that for one day of storage will be made if, within 24 hours after the vehicle is placed in storage, a request is made for the release of the vehicle. If the request is made more than 24 hours after the vehicle is placed in storage, charges may be imposed on a full calendar day basis for each day, or part thereof, the vehicle is in storage. The daily rate extends from midnight to midnight.

Exception:

 - * When a release request is made within the first hour of storage, the storage fee shall be waived.
 19. **MONTHLY REPORTS:** The "Official Police Garage Monthly Report" shall be submitted by the fifteenth (15) of each month to the Board or its designee. An explanation of each tow requiring in excess of one hour shall be provided. The report shall also contain a list of all employees that were employed by the Official Police Garage during the previous quarter. The list shall contain each employee's position, operator's license number, and PC number if permitted. The monthly report shall be signed by the designee.

The OPG designee shall notify the Board or its designee in writing of any sale or disposal of a formerly stored vehicle or vehicle part by an individual known to the Official Police Garage designee or his employees as a City employee.
 20. **INSURANCE:** Each Official Police Garage shall maintain insurance in effect at all times in amounts satisfactory to the Board, and the policy of insurance, in duplicate, shall be approved by and filed with the City Attorney.

This insurance shall protect the Official Police Garage and the City against any and all damages resulting from all operations as designated by the Official Police Garage and in picking up and towing any automobiles or other vehicle to a garage or other location.

Said policy shall indemnify any person or organization who suffers damage as result of picking up, removal or storage of a motor vehicle against any damage to the automobile or motor vehicle, or theft of any part of the vehicle or from the contents thereof, upon any such person or organization obtaining a final judgement covering such loss or damage.
 21. **IMPOUND HEARINGS:** Every Official Police Garage has the responsibility for posting and maintaining the Vehicle Impound Hearing Rights Sign, Form 16.27.3, in a conspicuous location, clearly visible to the public. An Official Police Garage shall distribute a Vehicle Impound Hearing Rights Notice, Form 16.27.4, and written directions indicating the location of the appropriate law enforcement agency facility at which an impound hearing may be requested, to any person who has had a vehicle impounded and who requests an impound hearing.
 22. **LIEN ATTACHMENT:** The employee of the City of Los Angeles who is requesting the impound shall be responsible for establishing that "probable cause" exists to conduct the impound. When "probable cause" is lost prior to a vehicle being removed and in transit to an Official Police Garage storage facility, no lien shall attach and no fee shall be charged for the file release of a vehicle to a properly interested person.
 23. **DISPUTES AND INQUIRIES:** The Board of Police Commissioners and persons designated by the Board, have the authority to settle all disputes arising from actions by the Official Police Garages. The decision of the Board, or persons designated by the Board, shall be binding on all parties involved.

Inquiries pertaining to the conduct, practices, and regulation of the Official Police Garages may be referred to the Los Angeles Police Department Commission Investigation Division, 150 N. Los Angeles Street, Room 144, Los Angeles, California, 90012; (213) 485-2102; Monday through Friday, 8:00 a.m. to 5:00 p.m.

ATTACHMENT F

ORDINANCE NO. 165042

An ordinance amending Section 12.17.6 of the Los Angeles Municipal Code to permit Official Police Garages by right in the M3 Zone with limitations.

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

Section 1. A new subdivision is hereby added to Subsection A of Section 12.17.6 of the Los Angeles Municipal Code to read:

8. Official Police Garages as designated by the Los Angeles Police Commission for the storage of impounded, abandoned or partially dismantled automobiles, subject to the following limitations:

- a) The use is located 300 feet or more from property in an A or R zone;
- b) The use is conducted wholly within an area completely enclosed with a solid masonry wall or solid fence not less than 8 feet in height with necessary solid gates of like height;
- c) No dismantling of vehicles or crushing, smashing, baling reduction of metal takes place on the premises;
- d) all property adjacent to any street is landscaped to a minimum depth of 2 feet measured at a right angle from the adjacent street, and extending the full length of the property contiguous to such street except for area necessary for ingress and egress; and
- e) paved off-street parking spaces are provided for buildings as required by Section 12.21 A of this Code, and in addition for all other portions of the lot, other than public parking areas, as follows:
 - (1) for one acre or less, a minimum of six spaces;
 - (2) for more than one acre but not more than two acres, one space for each 12,000 square feet of lot area; and
 - (3) for each acre extending two, one space for each acre of lot area; and
- f) no material shall be stored to a height greater than the height of the enclosing wall or fence.

**CURRENT TOWING AND STORAGE RATES
APPROVED BY THE BOARD OF POLICE COMMISSIONERS**

REMOVAL (TOW) RATES

\$ 77.00	Standard vehicles for the first hour or fraction thereof;
\$ 38.50	For each additional half hour or fraction thereof beyond the first hour:
\$150.50	Upright heavy-duty vehicle for the first hour or fraction thereof;
\$ 75.25	For each additional half hour or fraction thereof beyond the first hour;
\$ 33.00	Per hour or fraction thereof for each additional person required;
\$225.00	Special equipment required-heavy duty removal for the first hour or fraction thereof;
\$337.50	Hazardous or dangerous cargo heavy-duty removal.

STORAGE RATES

\$ 14.50	Standard vehicles;
\$ 16.00	Trucks over one ton (trucks, boats and trailers under 20 feet in length);
\$ 21.50	Trucks, boats and trailers over 20 feet in length;
\$ 4.50	Motorcycles; and
\$ 3.50	Major vehicle component parts;
\$.10/sq. ft.	Bulk items (i.e., metals, plastic, etc.)
Mileage rates (Over 5 Miles)	\$ 4.50/mile
Removal of Stolen Vehicle Component Parts	\$ 43.00/hour
Removal of Bulk Items	\$ 77.00/hour

STANDARD PROVISIONS FOR CITY
PERSONAL SERVICES CONTRACTSPSC-1. Construction of Provisions and Titles Herein.

All titles or subtitles appearing herein have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against the CITY or the CONTRACTOR. The word "CONTRACTOR" or "CONSULTANT" herein and in any amendments hereto includes the party or parties identified in the agreement wherein this Appendix is incorporated by reference; the singular shall include the plural; if there shall be more than one CONTRACTOR/CONSULTANT herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several; use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

PSC-2. Number of Originals.

The number of original texts of this Agreement shall be equal to the number of the parties hereto, one text being retained by each party.

PSC-3. Applicable Law, Interpretation and Enforcement.

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, and the CITY. This Agreement shall be enforced and interpreted under the laws of the State of California and the City.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining portions of provisions shall not be affected thereby.

PSC-4. Time of Effectiveness.

Unless otherwise provided this Agreement shall take effect when all of the following events have occurred:

- (a) This Agreement has been signed on behalf of the CONTRACTOR/CONSULTANT by the person or persons authorized to bind the CONTRACTOR/CONSULTANT hereto;

- (b) This Agreement has been approved by the CITY'S Council or by the board, officer or employee authorized to give such approval;
- (c) The Office of the City Attorney has indicated in writing its approval of this Agreement as to form and legality;
- (d) This Agreement has been signed on behalf of the CITY by the person designated to so sign by the CITY'S Council or by the board, officer or employee authorized to enter into this Agreement.

PSC-5. Integrated Agreement.

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for in paragraph PSC-6 hereof.

PSC-6. Amendment.

All amendments hereto shall be in writing and signed by the persons authorized to bind the parties thereto.

PSC-7. Excusable Delays.

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension. Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires, floods; epidemics; quarantine restrictions; strikes, freight embargoes or delays in transportation, to the extent that they are not caused by the party's willful or negligent acts or omissions, and to the extent that they are beyond the party's reasonable control.

PSC-8. Breach.

Except for excusable delays, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts

of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

PSC-9. Independent CONTRACTOR/CONSULTANT.

The CONTRACTOR/CONSULTANT is acting hereunder as an independent contractor and not as an agent or employee of the CITY. The CONTRACTOR/CONSULTANT shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the CITY.

PSC-10. Prohibition Against Assignment or Delegation.

The CONTRACTOR/CONSULTANT may not, unless it has first obtained the written permission of the CITY;

- (a) Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- (b) Delegate, subcontract, or otherwise transfer any of its duties hereunder.

PSC-11. Permits.

The CONTRACTOR/CONSULTANT and its officers, agents and employees shall obtain and maintain all permits and licenses necessary for the CONTRACTOR'S/CONSULTANT'S performance hereunder and shall pay any fees required therefor.

PSC-12. Nondiscrimination and Affirmative Action.

The CONTRACTOR/CONSULTANT shall comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California, and the CITY. In performing this Agreement, the CONTRACTOR/CONSULTANT shall not discriminate in its employment practices against any employee or applicant for employment because of such person's race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, marital status or medical condition. The CONTRACTOR/CONSULTANT shall comply with the provisions of the Los Angeles Administrative Code Sections 10.8 through 10.13, to the extent applicable hereto. If this Agreement contains a consideration in excess of \$500 but not more than \$5,000, the Equal Employment practices provisions of this Agreement shall be the mandatory contract provisions set forth in Los Angeles Administrative Code Section 10.8.3, in which event said provisions are incorporated herein by this reference. If

this Agreement contains a consideration in excess of \$5,000, the Affirmative Action Program of this Agreement shall be the mandatory contract provisions set forth in Los Angeles Administrative Code Section 10.8.4, in which event said provisions are incorporated herein by this reference. The CONTRACTOR/CONSULTANT shall also comply with all rules, regulations, and policies of the CITY'S Board of Public Works, Office of Contract Compliance relating to nondiscrimination and affirmative action, including the filing of all forms required by said Office. Any subcontract entered into by the CONTRACTOR/CONSULTANT relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this paragraph.

PSC-13. Claims for Labor and Materials.

The CONTRACTOR/CONSULTANT shall promptly pay when due all amounts payable for labor and materials furnished in the performance of this Agreement so as to prevent any lien or other claim under any provision of law from arising against any CITY property (including reports, documents, and other tangible matter produced by the CONTRACTOR/CONSULTANT hereunder), against the CONTRACTOR'S/CONSULTANT'S rights to payments hereunder, or against the CITY, and shall pay all amounts due under the Unemployment Insurance Act with respect to such labor.

PSC-14. Current Los Angeles City Business Tax Registration Certificate Required.

The CONTRACTOR/CONSULTANT represents that it has obtained and presently holds the Business Tax Registration Certificate(s) required by the CITY'S Business Tax Ordinance (Article 1, Chapter 2, sections 21.00 and following, of the Los Angeles Municipal Code). For the term covered by this Agreement, the CONTRACTOR/CONSULTANT shall maintain, or obtain as necessary, all such Certificates required of it under said Ordinance and shall not allow any such Certificate to be revoked or suspended.

PSC-15. Bonds

Duplicate copies of all bonds which may be required hereunder shall conform to CITY requirements established by charter, ordinance or policy and shall be filed with the Office of the City Attorney for its review in accordance with Los Angeles Administrative Code Sections 11.47 through 11.56.

PSC-16. Indemnification

Except for the active negligence or willful misconduct

of CITY, CONTRACTOR/CONSULTANT undertakes and agrees to defend, indemnify and hold harmless CITY and any of its 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 cost of litigation, damage or liability of any nature whatsoever, for death or injury to any person, including CONTRACTOR'S/CONSULTANT'S employees and agents, or damage or destruction of any property of either party hereto or of third parties, arising in any manner by reason of the negligent acts, errors, omissions or willful misconduct incident to the performance of this Agreement by the CONTRACTOR/CONSULTANT or its SUBCONTRACTORS of any tier.

PSC-17. Insurance

A. General Conditions

During the term of this Agreement and without limiting CONTRACTOR'S/CONSULTANT'S indemnification of the CITY, CONTRACTOR/CONSULTANT shall provide and maintain at its own expense insurance having the limits customarily carried and actually arranged by CONTRACTOR/CONSULTANT but not less than the amounts and types listed on Form Gen 146/IR in Exhibit ___ hereto covering its operations hereunder subject to the following conditions as they may variously apply:

1. Additional Insured/Additional Interest/Loss Payee

The CITY, its Boards, Officers, Agents and Employees shall be included as:

- a) Additional Insureds in all required General Liability and Additional Interests in all required Automobile Liability insurance.
- b) Named Insureds in all required Owners and Contractors Protective Liability insurance.
- c) Loss Payee As Its Interests May Appear in all required property, fidelity or surety coverages.

The CITY need not be named on Worker's Compensation/Employer's Liability, Professional Errors and Omissions and second-party Legal Liability coverages (such as Garagekeeper's Legal).

2. Insurance Approval

All insurance required hereunder shall conform to

CITY requirements established by charter, ordinance or policy. Evidence of insurance shall be submitted to the cognizant department's Risk Control Coordinator and approved by the CITY Attorney prior to commencement of any work or tenancy under this Agreement in accordance with Los Angeles Administrative Code Sections 11.47 through 11.56.

3. Alternative Programs

Alternative Risk Financing mechanisms such as Risk Retention Groups, Risk Purchasing Groups, off-shore carriers and captive insurance programs are subject to review of their financial statements by the CITY before approval can be granted by the City Attorney.

4. Admitted Carrier/Licensed California Broker

Insurance shall be obtained from brokers or carriers authorized to transact insurance business in California. Surplus lines insurance from carriers who are not admitted in California must be submitted through a California-licensed broker or agency.

Surplus lines coverage must also contain a Service of Suit provision whereby the underwriters will submit as necessary to any court of competent jurisdiction in California and agree that all matters arising thereunder will be determined in accordance with the law and practice of such court. It must further give the name and address of the underwriter's agent for service of process located within California or must nominate the California Insurance Commissioner as such agent.

5. Priority of Coverage

CONTRACTOR'S/CONSULTANT'S insurance shall not call on CITY'S program for contributions.

6. Cancellation/Reduction in Coverage Notice

With respect to the interests of the CITY, if an insurance company elects to cancel insurance before the stated expiration date, or declines to renew in the case of a continuous policy, or materially reduces the coverage period by changing the retroactive date (if any), or the extended

discovery period (if any), or reduces the stated limits other than by impairment of an aggregate limit, or materially reduces the scope of coverage which affects the CITY'S interest, the company will provide the CITY at least thirty (30) days prior written notice of such election. Notice will be made by receipted delivery addressed as follows: CITY ATTORNEY, INSURANCE AND BONDS, 1800 CITY HALL EAST, 200 N. MAIN STREET, LOS ANGELES, CA 90012-4168. It is understood, however, that such notice to the CITY shall not affect the company's right to give a lesser notice to the Named Insured in the event of nonpayment of premium. (L.A. Admin. Code Section 11.54).

7. Acceptable Evidence

The appropriate CITY Special Endorsement forms, attached hereto as Exhibits _____, are the preferred form of evidence of insurance. Alternatively, CONTRACTOR'S/CONSULTANT'S may submit two (2) certified copies of the policy or other evidence acceptable to the City Attorney containing language which complies with subparagraphs 1 through 6 above.

With respect to Professional Liability insurance, either a signed copy of the policy Declarations Page or a letter from CONTRACTOR/CONSULTANT insurance broker certifying coverage, together with a 30-day cancellation notice endorsement in favor of the CITY as specified in subparagraph 6 will satisfy this requirement.

8. Separation of Insureds

Except with respect to the insurance company's limits of liability, each liability insurance policy shall apply separately to each insured against whom a claim or suit is brought. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.

9. Renewal

Once the insurance has been approved by CITY, evidence of renewal of an expiring policy may be submitted on a manually signed renewal endorsement or certificate form. If the policy or carrier has changed, however, new evidence as specified in

paragraphs 1 through 8 above, must be submitted.

B. Aggregate Limits/Reduction in Coverage

If any of the required insurance coverages contain aggregate limits, or apply to other operations or tenancy of CONTRACTOR/CONSULTANT not related to this agreement, CONTRACTOR/CONSULTANT shall give CITY prompt, written notice of any incident, occurrence, claim, settlement or judgement against such insurance which in CONTRACTOR'S/CONSULTANT'S best judgement may diminish the protection such insurance affords CITY. Further, CONTRACTOR/CONSULTANT shall immediately take all reasonable and available steps to restore such aggregate limits or shall provide other insurance protection for such aggregate limits. CITY may, at its option, specify a minimum acceptable aggregate for each line of coverage required. See Paragraph I, below.

CONTRACTOR/CONSULTANT shall not make any substantial reductions in scope of coverage (e.g. elimination of contractual liability or reduction of discovery period) which may affect CITY'S protection without CITY'S prior written consent.

C. Self-Insurance and Self-Insured Retentions

Self-insurance programs and self-insured retentions in insurance policies are subject to separate approval by CITY upon review of evidence of CONTRACTOR'S/CONSULTANT'S financial capacity to respond. Additionally, such programs or retentions must provide CITY with at least the same protection from liability and defense of suits as would be afforded by first-dollar insurance.

D. Modification of Coverage

CITY reserves the right at any time during the term of this agreement to change the amounts and types of insurance required hereunder by giving CONTRACTOR/CONSULTANT ninety (90) days advance written notice of such change. If such change should result in substantial additional cost to the CONTRACTOR/CONSULTANT, CITY agrees to negotiate additional compensation proportional to the increased benefit to CITY.

E. Failure to Procure Insurance

The required coverages and limits are subject to availability on the open market at reasonable cost as determined by CITY. Non-availability or non-affordability must be documented by a letter from CONTRACTOR'S/CONSULTANT'S insurance broker or agent indicating a good faith effort to place the required insurance and showing as a minimum the names of the insurance carriers and the declinations or quotations received from each.

Within the foregoing constraints, CONTRACTOR'S/CONSULTANT'S failure to procure or maintain required insurance or a self-insurance program during the entire term of this Agreement shall constitute a material breach of this Agreement under which CITY may immediately suspend or terminate this Agreement or, at its discretion, procure or renew such insurance to protect CITY'S interests and pay any and all premiums in connection therewith and recover all monies so paid from CONTRACTOR/CONSULTANT.

F. Underlying Insurance

CONTRACTOR/CONSULTANT shall be responsible for requiring such indemnification and insurance as it deems appropriate from consultants, agents and subcontractors, if any, to protect CONTRACTOR'S/CONSULTANT'S and CITY'S interests, and for ensuring that such persons comply with any applicable insurance statutes. CONTRACTOR/CONSULTANT is encouraged to seek professional advice in this regard.

G. Worker's Compensation

By signing this agreement, CONTRACTOR/CONSULTANT hereby certifies that it is aware of the provisions of Section 3700 et seq., of the Labor Code which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and that it will comply with such provisions at all such times as they may apply during the performance of the work pursuant to this Agreement.

A Waiver of Subrogation in favor of CITY will be required when work is performed on CITY premises

under hazardous conditions.

H. Typical Coverages Required

The coverages required in A., above shall be at least as broad as:

1. General Liability: Insurance Services Office Commercial General Liability coverage (occurrence form CG 00 01).
2. Automobile Liability: Insurance Services Office form number CA 00 01 (Ed. 1/87) covering Automobile Liability, code 1 (any auto).
3. Professional Liability: If applicable, errors and omissions liability appropriate to the consultant's profession, with a discovery period of not less than 12 months after completion of work or termination of contract.

I. Typical Limits of Liability

Unless otherwise specified on Form Gen. 146/IR, CONTRACTOR/CONSULTANT shall maintain limits no less than:

1. General Liability: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$1,000,000 per accident for bodily injury and property damage, combined or equivalent in split limits.
3. Employer's Liability: \$1,000,000 per accident for bodily injury or disease.
4. Professional Liability: \$1,000,000 per occurrence.

INSURANCE REQUIREMENTS FOR OFFICIAL POLICE GARAGES

1. Types of Insurance Required

- a. Auto liability covering all trucks that will be used in OPG operations, and
- b. On-hook liability or cargo liability (for flatbed trucks) for all trucks that will be used in OPG operations, and
- c. Garagekeepers legal liability for all locations where cars, towed at police request, will be stored.

2. Amounts of Insurance Required

- a. Auto liability – \$1 million, per occurrence
- b. On-hook liability or cargo liability (for flatbed trucks) – \$25,000
- c. Garagekeepers legal liability – \$25,000

If both on-hook and garagekeepers legal liability are included in one policy with a single policy limit that includes both coverages, only \$25,000 will be required.

3. Deductibles and Self-Insured Retentions

Deductibles will be allowed, subject to approval by the City of Los Angeles Risk Manager when the carrier agrees to pay the full claim and recover the deductible from the insured. Self-insured retentions will not be allowed.

4. Acceptable Insurance Companies

- a. Admitted carrier – an insurance company with a certificate of authority from the California Insurance Commissioner authorizing the company to write insurance of the type required for OPGs in California.
- b. Surplus lines – an insurance company authorized by the Insurance Commissioner or Department of Insurance of a state in the United States to write insurance of the type required for OPGs and having an A.M. Best rating of B+ VII or better, or the equivalent from another rating agency. Such insurance must be written by a surplus lines broker licensed by the California Insurance Commissioner and include a Service of Suit clause.
- c. Offshore insurance will be accepted if written by a company on the listing of the National Association of Insurance Commissioners.

5. Conditions

- a. The City of Los Angeles must be an additional insured.
- b. Thirty (30) days notice of cancellation must be sent by receipted mail to the City Attorney.
- c. Original signature of the authorized representative of the insurance company must be on the documents submitted to the City.

6. Evidence of Insurance

- a. The City's special endorsement form, or
- b. A Certified Copy of the policy, including Conditions under Item No. 5 above.

Workers' Compensation (Statutory) Employers' Liability — \$1 Million
Waiver of Subrogation in favor of the City

General Liability — \$1 Million *
Premises and Operations
Contractual Liability
Personal Injury

Auto Liability — \$1 Million **
Gamekeeper (sic) and Legal Liability — \$50,000 [Do you mean "Garagekeeper"?]
Owned Automobiles
Non-owned/Hired Autos
Hook-up — \$50,000

* 150 Form CG001 or its equivalent, aggregate @ least two (2) times the limit

** 150 Form CA 000 11290 or its equivalent

AFFIRMATIVE ACTION

The City of Los Angeles has an Affirmative Action Program for vendors doing business with the City (Los Angeles Administrative Code; Div. 10, Chapter 1, Art. 1, Sec. 10.8) In order to comply, it is necessary that the bidder complete, sign and return with the bid, the following: REFER AFFIRMATIVE ACTION QUESTIONS TO (213) 485-6787.

On All Bids Over \$500 But Not Over \$5,000:

1. A signed certification of adherence to Nondiscrimination and Equal Employment Practices. (Form, below)
2. A Completed Equal Employment Opportunity Officer Appointment (Form, below)

On All Bids Over \$5,000:

1. A signed certification of adherence to Nondiscrimination and Affirmative Action Practices. (Form, below)
2. A completed Equal Employment Opportunity Officer Appointment (Form, below)
3. A completed Ethnic Composition of Total Work Force Report (Form, Page A-2)
4. A signed Affirmative Action Plan. The bidder must submit one of the three following plans:
Plan A. Los Angeles City Affirmative Action Plan, ("Los Angeles City Affirmative Action Requirements for Non-construction Contractors"). The city's plan on A-5 and A-6 is an approved plan requiring on signature of acceptance on Page A-2 along with the ethnic composition of total work force and submittal to be effective.

Plan B. A trade association plan, if the contractor is a member in good standing of the association.

Plan C. The Bidder's own Affirmative Action Plan.

Vendor's Suppliers (Subcontractors).

These same documents must be submitted for Vendor's Sub Contractors and Suppliers who furnish over \$5,000 on any contract awarded by the City. The Bidder shall be responsible for obtaining the Affirmative Action Plans from its suppliers. Additional forms are available from the office of the Purchasing Agent.

ALL CERTIFICATES AND PLANS ARE EFFECTIVE 12 MONTHS FROM DATE OF APPROVAL.

CERTIFICATION FOR ALL CONTRACTS

The Contractor by its signature affixed hereto declares under penalty of perjury that:

1. The information contained herein is true and correct.
2. The Contractor has read the Equal Employment Practices printed on Page A-3 and certifies the practices will be adhered to in the performance of any contract over \$500 but not over \$5,000.
3. The Contractor has read the Affirmative Action Practices printed on Page A-4 and certifies the practices will be adhered to in the performance of any contract over \$5,000.
4. The Contractor has appointed the Equal Employment Opportunity Officer as noted below.
5. **NONDISCRIMINATION CLAUSE** — The Contractor agrees and obligates the company not to discriminate during the performance of this contract against any employee or applicant for employment because of the employee's or applicant's race, religion, national origin, ancestry, sex, age, or physical handicap, and that all subcontract awarded under this contract shall contain a like nondiscrimination clause.

Date:

COMPANY NAME

SIGNATURE

ADDRESS

NAME AND TITLE

CITY, COUNTY, STATE, ZIP

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Please be advised that is hereby appointed as its Equal Employment Opportunity Officer. The Officer has been given the authority to establish, disseminate and enforce the Equal Employment and Affirmative Action Policies of this firm.

The Officer may be contacted at concerning matter related to any affirmative actions taken by this firm to increase minority utilization in its employment.

INSURANCE REQUIREMENTS

for Contractors, Vendors, Lessees and Permittees doing business with the City of Los Angeles
(FOR INFORMATION ONLY — DO NOT RETURN THIS PAGE TO THE CITY)

Name: _____ Date: _____

Agreement/Reference: _____

Evidence of coverages checked having as a minimum the limits shown must be submitted and approved prior to occupancy/start of operations. Amounts shown are Combined Single Limit. Split limits may be substituted if the total per occurrence equals or exceeds the CSL amount.

☐ Workers' Compensation (statutory) / Employer's Liability \$ _____

() Broad Form All States Endorsement () Jones Act

() Voluntary Compensation Endorsement () _____

() Longshore and Harbor Workers' Compensation Act

☐ Aircraft Liability \$ _____

☐ Aviation/Airport Liability \$ _____

☐ General Liability \$ _____

☐ Automobile Liability \$ _____

() Passenger Liability (per seat) \$ _____

() Premises and Operations

() Contractual Liability

() Independent Contractors

() Products/Completed Operations

() Broad Form Property Damage

() Personal Injury

() Broad Form Liability Endorsement

() Watercraft Liability

() Incidental Medical Malpractice

() Explosion Hazard

() Collapse/Underground Hazard

() Garagekeeper's Legal Liability

() Hangarkeeper's Legal Liability

() Owned Automobiles

() Nonowned/Hired Automobiles

() Hookup (limited)

() _____

☐ Professional Liability (Errors and Omissions) \$ _____

Discovery period: _____

☐ Property Insurance \$ _____ ☐ Fine Arts Floater \$ _____ ☐ Fire Legal Liability \$ _____

_____ % Co-insurance ☐ Actual Cash Value ☐ Replacement Value ☐ Agreed Amount

() All Risk Coverage

() Fire and Extended Coverage

() Vandalism & Malicious Mischief

() Flood \$ _____

() Earthquake \$ _____

() Boiler & Machinery

() Debris Removal

() Sprinkler Leakage

() Windstorm

() _____

☐ Crime Insurance

() Comprehensive Dishonesty Disappearance & Destruction () Blanket Crime \$ _____

☐ Fidelity Bond

() Blanket Position () Commercial Blanket () _____ \$ _____

☐ Owner's Protective Liability \$ _____

☐ Ocean Marine Liability \$ _____ ☐ Ocean Cargo \$ _____

() Protection & Indemnity

() Jones Act

() Inchmaree

() Running Down Clause

() Wharfinger's Liability

() Charterer's Legal Liability

() Pollution

() Ship Repairer's Liability

() _____

Notes: _____

ETHNIC COMPOSITION OF TOTAL WORK FORCE

Indicate below the number of employees in each occupational category for each of the ethnic groups listed below for your firm's total work force located at _____

as of _____ DATE _____ ADDRESS _____

EMPLOYMENT BY ETHNIC ORIGIN, OCCUPATION, AND SEX

OCCUPATIONS	Total All Employees	MALE EMPLOYEES					FEMALE EMPLOYEES					Total Minority	Percent Minority
		Total Males	MINORITY GROUPS				Total Females	MINORITY GROUPS					
			Black	Hispanic	Asian	American Indian Aleuts		Black	Hispanic	Asian	American Indian Aleuts		
a. Officials and Managers													
b. Professionals													
c. Technicians													
d. Sales Workers													
e. Office and Clerical													
f. Skilled Craft													
g. Semiskilled													
h. Laborers (Unskilled)													
i. Service Workers													
Total													

(Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)

1. Apprentices													
On-the-job Trainees	White Collar												
	Production												

EMPLOYMENT STATISTICS WERE OBTAINED FROM

AVAILABLE RECORDS ☐ VISUAL CHECK ☐ OTHER (Specify) _____

To accept the City's Affirmative Action Plan as its own, Vendor, shall fill-in the blank forms on the above section and fill-in and sign the acceptance below and return this sheet with its bid.

VENDOR'S ACCEPTANCE OF LOS ANGELES CITY AFFIRMATIVE ACTION PLAN

Contractor has read the Los Angeles City Affirmative Action Requirements for Nonconstruction Contractors on Pages A-5 and A-6 and accepts all of its requirements as its basic Affirmative Action Plan.

Date: _____ COMPANY NAME _____

SIGNATURE _____ ADDRESS _____

NAME AND TITLE _____ CITY, COUNTY, STATE, ZIP _____

**PROVISIONS FOR CONTRACTS OF MORE THAN
\$500 BUT NOT OVER \$5,000.**

Equal Employment Practices

A. During the performance of this contract, the contractor, agrees and represents that it will provide equal employment practices, and the contractor and each subcontractor hereunder will take affirmative action to ensure that in its employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, age or physical handicap.

1. This provision applies to work or service performed or materials manufactured or assembled in the United States.
2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work, or service category.
3. The contractor or subcontractor agrees to post a copy of paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, age or physical handicap.

C. At the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify on a form to be supplied, that it has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex or physical handicap.

D. The contractor shall permit access to and may be required to provide certified copies of all of its records pertaining to employment and to its employment practices by the awarding authority or the Office of Contract Compliance for the purpose of investigation to ascertain compliance with the Equal Employment Practices provisions of this contract, and on their or either of their request to provide evidence that it has or will comply therewith.

E. The failure of any contractor or subcontractor to comply with the Equal Employment Practices provisions of this contract may be deemed to be a material breach of this contract. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made or penalties assessed except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor or subcontractor in accordance with the provisions of Section 22.359.3 of the Los Angeles Administrative Code.

F. Upon a finding duly made that the contractor or subcontractor has failed to comply with the Equal Employment Practices provisions of this contract, this contract may be forthwith cancelled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such failure may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor or subcontractor is an irresponsible bidder pursuant to the provisions of Section 386 of the Charter of the City of Los Angeles. In the event of such a determination, such contractor or subcontractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until it shall establish and carry out a program in conformance with the provisions hereof.

G. Notwithstanding any other provision of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.

H. The Board of Public Works shall promulgate rules and regulations through the Office of Contract Compliance and provide necessary forms to the awarding authorities for the implementation of the Equal Employment Practices provisions of this contract, and such rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive orders. No other rules, regulations or forms may be used by an awarding authority of the City to accomplish the contract compliance program.

I. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is "prohibited by law."

Affirmative Action Practices

"A. During the performance of this contract, the contractor certifies and represents that the contractor and each subcontractor hereunder will adhere to an affirmative action program to ensure that in its employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, age or physical handicap.

1. This provision applies to work or services performed or materials manufactured or assembled in the United States.

2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work, or service category.

3. The contractor or subcontractor agrees to post a copy of paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.

B. The contractor will, in all solicitation or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, age or physical handicap.

C. At the request of the awarding authority or the office of Contract Compliance, the contractor shall certify on a form to be supplied, that the contractor has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex, age or physical handicap.

D. The contractor shall permit access to and may be required to provide certified copies of all of its records pertaining to employment and to its employment practices by the awarding authority or the Office of Contract Compliance, for the purposes of investigation to ascertain compliance with the Affirmative Action Program of this contract, and on their or either of their request to provide evidence that it has or will comply therewith.

E. The failure of any contractor or subcontractor to comply with the Affirmative Action Program of this contract may be deemed to be a material breach hereof. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor or subcontractor in accordance with the provisions of Section 22.359.3 of the Los Angeles Administrative Code.

F. Upon a finding duly made that the contractor or subcontractor has breached the Affirmative Action Program of this contract, this contract may be forthwith cancelled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such breach may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor or subcontractor is an irresponsible bidder pursuant to the provisions of Section 386 of the Los Angeles City Charter. In the event of such a determination, such contractor or subcontractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until it shall establish and carry out a program in conformance with the provisions hereof.

F. (1). In the event of a finding by the Fair Employment Practice Commission of the State of California, or the Board of Public Works of the City of Los Angeles, or any Court of competent jurisdiction that the contractor or subcontractor has been guilty of a willful violation of the Fair Employment Practice Act of California, or the Affirmative Action Program of this contract, there may be deducted from the amount payable to the contractor or subcontractor by the City of Los Angeles under this contract, a penalty of TEN DOLLARS (\$10.00) for each person for each calendar day on which such person was discriminated against in violation of the provisions of this contract.

G. Notwithstanding any other provision of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.

H. The Office of Contract Compliance shall promulgate rules and regulations and forms for the implementation of the Affirmative Action Program of this contract, and rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive Orders. No other rules regulations or forms may be used by an awarding authority of the City to accomplish this contract compliance program.

I. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.

J. At the time its bid is submitted, the contractor shall submit an AFFIRMATIVE ACTION PLAN to the awarding authority which shall meet the require-

ments of this ordinance. The awarding authority may also require contractor suppliers to take part in a prebid or preaward conference in order to develop or implement a qualifying Affirmative Action Plan. Affirmative Action programs developed pursuant to this section shall be effective for a period of twelve months next succeeding the date of contract award or the date of first award by the Office of Contract Compliance whichever is the earlier.

J. (1). Every contract or subcontract in excess of \$5,000 which involves construction, demolition, renovation, conservation, or major maintenance work shall in addition comply with the requirements of Section 10.13 of the Los Angeles Administrative Code.

J. (2). A contractor may establish and adopt as its own Affirmative Action Plan by affixing his signature thereto, an Affirmative Action Plan prepared and approved by the Office of Contract Compliance.

K. Contractors and suppliers who are members in good standing of a trade association which has negotiated an Affirmative Action Program with the Public Works, Office of Contract Compliance may make the program of such association their commitment for the specific contract upon approval of the Office of Contract Compliance, without the process of a separate prebid or preaward conference. Such an association agreement shall be effective for a period of twelve months next succeeding the date of approval by the Office of Contract Compliance. Trade associations shall provide the Office of Contract Compliance with a list of member standing in such association.

L. The Office of Contract Compliance shall annually supply the awarding authorities of the City with a list of contractors and suppliers who have developed Affirmative Action Nondiscrimination Programs. For each contractor or supplier the Office of Contract Compliance shall state the date the approval of the Office of Contract Compliance shall not withdraw its approval for any Affirmative Action Plan or change the affirmative action plan after the date of award for the entire contract term without the mutual agreement of the awarding authority and the contractor.

M. The Affirmative Action Plan required to be submitted hereunder shall be submitted hereunder prebid or preaward conference which may be required by the Board of Public Works, Office of Contract Compliance or the awarding authority shall, without limitation as to the subject or nature of employment actively, be concerned with employment practices as:

1. Apprenticeship where approved programs are functioning, and on-the-job training for nonapprenticeable occupations;
2. Classroom preparation for the job when not apprenticeable;
3. Preapprenticeship education and preparation;
4. Upgrading training and opportunities;
5. Encouraging the use of contractors, subcontractors and supplier ethnic groups, provided, however, that any contract subject to this ordinance shall require the contractor, subcontractor or supplier to provide not less than the prevailing wage, working conditions, and practices generally observed in the private industries in the contractor's, subcontractor's, or supplier's geographical area for such work; and
6. The entry of qualified women and minority journeymen into the industry;
7. The provision of needed supplies or job conditions to permit persons with some unusual physical condition to be employed, and minimize the impact of any physical handicap.

N. Any adjustments which may be made in the contractor's or supplier's program to achieve the requirements of the City's affirmative action contract compliance program in purchasing and construction shall be accomplished by a combination of both an increase in the size of the work force or replacement of those employees who leave the work force by reason of resignation, retirement or death and termination, lay-off, demotion, or change in grade.

O. Affirmative Action Agreements resulting from the proposed Affirmative Action Plan or the prebid or preaward conferences shall not be confidential and may be publicized by the contractor at its discretion. Approved Affirmative Action Agreements become the property of the City and may be used at the discretion of the City in its contract compliance affirmative action program.

P. This ordinance shall not confer upon the City of Los Angeles or any Board or Commission thereof any power not otherwise provided by law to determine the legality of any existing collective bargaining agreement and shall have no effect only to discriminatory employment practices by contractors, subcontractors and suppliers engaged in the performance of City contracts.

ANGELES CITY AFFIRMATIVE ACTION
LOS ANGELES CITY AFFIRMATIVE ACTION REQUIREMENTS
FOR NONCONSTRUCTION CONTRACTORS

Notwithstanding any other provision of Division 10, Chapter 1, Article 1, of the Los Angeles Administrative Code, to the contrary, every nonconstruction contract involving an expenditure in excess of \$5,000 of City funds except in cases of urgent necessity, as provided in Section 386 of the Chapter of the City of Los Angeles and except as provided in Sections 10.8.6 and Section 10.9 (a), (b) and (d) of Division 10, shall contain by insertion therein, as part of the bid specification an affirmative action plan substantially as follows and which by the Contractor's signature affixed thereto, shall constitute and be established as its affirmative action plan:

1. NONCONSTRUCTION CONTRACTS INCLUDED

The Contractor and the subcontractor will not be eligible for an award of a City nonconstruction contract in excess of \$5,000, unless it has submitted as part of its bid a written affirmative action plan embodying both (1) goals and timetables of minority manpower utilization, (Members of "Minority Groups" include women and any person or group described by race, religion, sex, ancestry, national origin, age, or physical handicap) and (2) specific affirmative action steps directed at increasing minority manpower utilization by means of applying good faith efforts to carrying out such steps or is deemed to have submitted such a program pursuant to Subsection 3 of this section. Both the goals and timetables, and the affirmative action steps must be taken in good faith to attempt to meet the requirements of this section and as set forth below, whether subcontracted or not.

2. GOALS AND TIMETABLES

The plan must set forth the following minimum goals for minority and female utilization by the bidder and all contractors and subcontractors with the City of Los Angeles in each occupational category for work performed within the County of Los Angeles. These goals shall not be construed to be quotas but shall indicate the extent to which the contractor or the subcontractor, in good faith, shall make an effort to utilize minorities and females in each occupational category provided the opportunities arise and qualified persons are available to fill vacancies.

	Ethnic Minorities	Females
until further notice	21%	21%

Where work is performed outside the County of Los Angeles, the goals shall be equivalent to 50% of the minority and 50% of the female population in the vendor's geographical area (Standard Metropolitan Statistical Area (SMSA) formula) applied to each occupational category; however, the female goal shall not exceed 21%.

In the event that under a contract which is subject to these bid conditions any work is performed in a year later than the latest year for which acceptable ranges of minority manpower utilization have been determined herein, the goal for the last year shall be applicable to such work.

In no event may a Contractor or subcontractor utilize the goals, timetables or affirmative action steps required by this part in such a manner as to cause or result in discrimination against any person on account of race, religion, sex, ancestry, national origin, age, or physical handicap.

3. AN AFFIRMATIVE ACTION PLAN

The Contractor certifies and agrees that it shall immediately make a good faith effort to include within its employ said minorities in numbers proportionate with the said minority composition of the population of the County of Los Angeles or the recruitment area work force if the Contractor is located outside Los Angeles County as set forth hereinabove including but not limited to the following affirmative actions:

- (a) The Contractor shall recruit and make efforts to obtain minorities through:
 - (1) Advertising employment opportunities in minority community news media;
 - (2) Notifying minority community organizations of employment opportunities;
 - (3) Maintaining contact with schools with minority students to notify them of employment opportunities;
 - (4) Encouraging present minority employees to refer their friends and relatives;
 - (5) Promoting after school and vacation employment opportunities for minority youth;
 - (6) Validating all employment specifications, selection requirements, tests, etc.;
 - (7) Maintaining a file of the names and addresses of each minority worker referred to the Contractor and what action it took concerning such worker; and
 - (8) Notifying the appropriate awarding authority of the City in writing when a union with whom it has a collective bargaining agreement has failed to refer a minority worker to it.
- (b) The Contractor shall continually evaluate personnel practices to assure that hiring, upgrading, promotions, transfers, demotions, and layoffs are made to achieve and maintain an ethnically balanced work force.

- (c) The Contractor shall utilize training programs and assist minority employees in locating, qualifying for, and engaging in such training programs to enhance their skills and advancement.
 - (d) The Contractor shall secure cooperation or compliance from the labor referral agency to its contractual affirmative action obligations.
 - (e) The Contractor shall establish a person at the management level of the contracting entity to be its Equal Employment Opportunity Officer; such individual to disseminate and enforce the company's Equal Employment and Affirmative Action Policies.
 - (f) The Contractor shall maintain such records as are necessary to determine compliance with equal employment and affirmative action obligations, and make such records available to City, State, and Federal authorities upon request.
4. The Contractor shall make a good faith effort to contract with said minority contractors, subcontractors, and vendors for services and supplies by taking affirmative actions which include but are not limited to the following:
- a. The Contractor shall advertise invitations for subcontractor bids in minority community news media.
 - b. The Contractor shall contact minority contractor organizations for referral of prospective subcontractors.
 - c. The Contractor shall contact any other source likely to yield qualified minority contractors and vendors.
 - d. The Contractor shall make purchases from qualified minority vendors where practical.
5. The Contractor and each subcontractor shall make a good faith effort with respect to apprenticeship and training programs to:
- a. Recruit and refer minority employees to such programs.
 - b. Establish training programs within its company and/or its association that will prepare minority employees for advancement opportunities.
 - c. Abide by the requirements of the Labor Code of the State of California with respect to the provisions of apprenticeship opportunities.
6. The Contractor and each subcontractor shall establish written company policies, rules, and procedures which shall be encompassed in a company-wide Affirmative Action Plan for all its operations and contracts. Said policies shall be provided to all its employees, subcontractors, vendors, unions, and all others with whom it may become involved in fulfilling any of its contracts. The company's Affirmative Action Plan shall encompass the requirements contained herein as a minimum.
7. Where problems are experienced by the Contractor or the subcontractor in complying with its affirmative action obligations, the Contractor or subcontractor shall document its good faith effort to comply with the requirements by the following procedure:
- a. The Contractor shall state the nature of the problem.
 - b. The Contractor shall state what it attempted to do, how, and on what date.
 - c. The Contractor shall state to whom its efforts were directed.
 - d. The Contractor shall state the response received and the date.
 - e. The Contractor shall state what other steps it has taken or will take to comply and when.
 - f. The Contractor shall state why it has been or will be unable to comply.
8. The Contractor and each of its known subcontractors shall complete and file with the awarding authority acceptable Affirmative Action Plans with the Contractor's bid.
9. The Contractor and each of its known subcontractors shall submit an "Ethnic Composition of the Company's Total Work Force" report (by employees) with the bid.
10. No contract or subcontract shall be executed until the Office of Contract Compliance of the City of Los Angeles has approved the contractor's or subcontractor's Affirmative Action Plan.
11. It shall be no excuse that the union with which the Contractor or the subcontractor has a collective bargaining agreement providing for referral, exclusive or otherwise, failed to refer minority employees.
12. Subject to this subsection, the Contractor and subcontractor shall execute such further forms and documentation at such times and as may be required by the appropriate awarding authority or the Office of Contract Compliance of the City of Los Angeles.
13. Where the Contractor or its subcontractors has failed to comply with the Affirmative Action requirements contained in the section any and all sanctions allowed by law may be imposed upon the Contractor or any subcontractor.
14. The Office of Contract Compliance within the Department of Public Works shall be responsible for administering the City's Contract Compliance Program in the manner described in the Los Angeles Administrative Code.

CITY OF LOS ANGELES
AFFIRMATIVE ACTION PLAN

INSTRUCTIONS TO PROSPECTIVE NONCONSTRUCTION CONTRACTORS

As a bidder for a City of Los Angeles contract, you are required to comply with the nondiscrimination provisions as defined in Division 10 of the Los Angeles Administrative Code, as amended. Pertinent provisions appear on bid, contract, and purchase order forms.

NONDISCRIMINATION CLAUSE - REQUIRED IN ALL CONTRACTS

Every contract which is let, awarded, or entered into on behalf of the City of Los Angeles, shall contain by insertion therein a provision obligating the contractor in the performance of such contract not to discriminate in his employment practices against any employee or applicant for employment because of the applicant's race, religion, national origin, ancestry, sex, sexual orientation, age, physical handicap, marital status or medical condition. All subcontracts awarded under any contract mentioned in this section shall contain a like provision.

EQUAL EMPLOYMENT PRACTICES CERTIFICATION - REQUIRED FOR ALL CONTRACTS IN EXCESS OF \$500 BUT NOT MORE THAN \$5,000

For every contract or subcontract with or on behalf of the City of Los Angeles for which the consideration is in excess of \$500, but is not more than \$5,000, the contractor shall sign and submit the Equal Employment Practices Certification Form (Page 8).

AFFIRMATIVE ACTION PROGRAM CERTIFICATION - REQUIRED FOR ALL CONTRACTS IN EXCESS OF \$5,000

For every contract or subcontract with or on behalf of the City of Los Angeles for which the consideration is in excess of \$5,000, the contractor shall sign and submit the following with the bid:

1. A signed Affirmative Action Practices Certification Form (Page 7).
2. A signed Affirmative Action Plan. The contractor must submit one of the three following plans:
 - a. "Los Angeles City Affirmative Action Requirements for Nonconstruction Contractors." (Attached)
 - b. A trade association plan, if the contractor is a member in good standing of the association. This plan must be one which has been negotiated with and approved by the Office of Contract Compliance.
 - c. The contractor's (bidder's) Affirmative Action Plan. This plan must be reviewed and approved by the Office of Contract Compliance.
3. Each of the above documents, if approved, shall be effective for 12 months following the date of approval with the approval for the Affirmative Action Practices Certification to be concurrent with the approval for the Affirmative Action Plan.

- c. The contractor's (bidder's) Affirmative Action Plan. This plan must be reviewed and approved by the Office of Contract Compliance.
3. Each of the above documents, if approved, shall be effective for 12 months following the date of approval with the approval for the Affirmative Action Practices Certification to be concurrent with the approval for the Affirmative Action Plan.

LOS ANGELES CITY AFFIRMATIVE ACTION PLAN

LOS ANGELES CITY AFFIRMATIVE ACTION REQUIREMENTS FOR NONCONSTRUCTION CONTRACTORS

Notwithstanding any other provision of Division 10, Chapter 1, Article 1, of the Los Angeles Administrative Code to the contrary, every nonconstruction contract involving an expenditure in excess of \$5,000 of City funds, except in cases of urgent necessity, as provided in Section 386 of the Charter of the City of Los Angeles and except as provided in Section 10.8.6 and Section 10.9(1), (a), (b) and (d) of Division 10, shall contain by insertion therein, as part of the bid specifications, an affirmative action plan substantially as follows and which by the Contractor's signature affixed thereto, shall constitute and be established as its affirmative action plan:

1. NONCONSTRUCTION CONTRACTS INCLUDED

The contractor and the subcontractor will not be eligible for an award of a City nonconstruction contract in excess of \$5,000, unless it has submitted as part of its bid a written affirmative action plan embodying both (1) goals and timetables of minority and female utilization, ("Minority" includes any of the following groups: African American/Black, Hispanic, Asian/Pacific Islanders and American Indian/Alaskan Native) and (2) specific affirmative action steps directed at increasing minority and female workforce utilization by means of applying good faith efforts to carrying out such steps or is deemed to have submitted such a program pursuant to Subsection 3 of this section. Both the goals and timetables, and the affirmative action steps must be taken in good faith to attempt to meet the requirements of this section and as set forth below, whether subcontracted or not.

2. GOALS AND TIMETABLES

The plan must set forth the following minimum goals for minority and female utilization by the bidder and all contractors and subcontractors with the City of Los Angeles in each occupational category for work performed within the County of Los Angeles. These goals shall not be construed to be quotas but shall indicate the extent to which the contractor or the subcontractor, in good faith, shall make an effort to utilized minorities and females in each occupational category provided the opportunities arise and qualified persons are available to fill vacancies.

	Ethnic Minorities	Females
Until further notice	21.0%	21.0%

For work performed outside the County of Los Angeles, the goals for minorities and females are equivalent to 50% of the minority population and 50% of the female civilian labor force in the contractor's geographical area (Metropolitan Statistical Area (MSA)); however, the goals for females shall not exceed 21.0%.

In no event may a contractor or subcontractor utilize the goals, timetables or affirmative action

steps required by this part in such a manner as to cause or result in discrimination against any person on account of race, religion, sex, sexual orientation, ancestry, national origin, age, physical handicap, marital status or medical condition.

3. AN AFFIRMATIVE ACTION PLAN

The contractor, subcontractor, or bidder certifies and agrees that it shall immediately make a good faith effort to include within its employ said minorities in numbers proportionate with the said minority composition of the population of the County of Los Angeles or the recruitment area work force if the contractor is located outside Los Angeles County as set forth hereinabove, including but not limited to the following affirmative actions:

- (a) It shall recruit and make efforts to obtain minorities through:
 - (1) Advertising employment opportunities in minority community news media;
 - (2) Notifying minority community organizations of employment opportunities;
 - (3) Maintaining contact with schools with minority students to notify them of employment opportunities;
 - (4) Encouraging present minority employees to refer their friends and relatives;
 - (5) Promoting after school and vacation employment opportunities for minority youth;
 - (6) Validating all employment specifications, selection requirements, tests, etc.;
 - (7) Maintaining a file of the names and addresses of each minority worker referred to it and what action it took concerning such workers; and
 - (8) Notifying the appropriate awarding authority of the City in writing when a union with whom it has a collective bargaining agreement has failed to refer a minority worker to it.
- (b) It shall continually evaluate personnel practices to assure that hiring, upgrading, promotions, transfers, demotions, and layoffs are made to achieve and maintain an ethnically balanced work force.
- (c) It shall utilize training programs and assist minority employees in locating, qualifying for, and engaging in such training programs to enhance their skills and advancement.

- (d) It shall secure cooperation or compliance from the labor referral agency to its contractual affirmative action obligations.
- (e) It shall establish a person at the management level of the contracting entity to be its Equal Employment Opportunity Officer; such individual to have the authority to disseminate and enforce the company's Equal Employment and Affirmative Action Policies.
- (f) It shall maintain such records as are necessary to determine compliance with equal employment and affirmative action obligations, and make such records available to City, State, and Federal authorities upon request.

4. The contractor shall make a good faith effort to contract with said minority contractors, subcontractors, and vendors for services and supplies by taking affirmative actions which include but are not limited to the following:

- a. It shall advertise invitations for subcontractors' bids in minority community news media.
- b. It shall contact minority contractor organizations for referral of prospective subcontractors.
- c. It shall contact any other source likely to yield qualified minority contractors and vendors.
- d. It shall make purchases from qualified minority vendors where practical.

5. The contractor and each subcontractor shall make a good faith effort with respect to apprenticeship and training programs to:

- a. Recruit and refer minority employees to such programs.
- b. Establish training programs within its company and/or its association that will prepare minority employees for advancement opportunities.
- c. Abide by the requirements of the Labor Code of the State of California with respect to the provision of apprenticeship opportunities.

6. The contractor and each subcontractor shall establish written company policies, rules, and procedures which shall be encompassed in a company-wide Affirmative Action Plan for all its operations and contracts. Said policies shall be provided to all its employees, subcontractors, vendors, unions, and all others with whom it may become involved in fulfilling any of its contracts. The company's Affirmation Action Plan shall encompass the requirements contained herein as a minimum.

7. Where problems are experienced by the contractor or the subcontractor in complying with its affirmative action obligations, the contractor or subcontractor shall document its good faith effort to comply with the requirements by the following procedure:

- a. It shall state the nature of the problem.
- b. It shall state what it attempted to do, how, and on what date.
- c. It shall state to whom its efforts were directed.
- d. It shall state the response received and date.
- e. It shall state what other steps it has taken or will take to comply and when.
- f. It shall state why it has been or will be unable to comply.

8. The contractor and each of its known subcontractors shall complete and file with the awarding authority acceptable Affirmative Action Plans with the contractor's bid.

9. The contractor and each of its known subcontractors shall submit an "Ethnic Composition of the Company's Total Work Force" report (by employees) with the bid.

10. No contract or subcontract shall be executed until the Office of Contract Compliance of the City of Los Angeles has approved the contractor's or subcontractor's Affirmative Action Plan.

11. It shall be no excuse that the union with which the contractor or the subcontractor has a collective bargaining agreement providing for referral, exclusive or otherwise, failed to refer minority employees.

12. Subject to this subsection, the contractor and subcontractor shall execute such further forms and documentation at such times and as may be required by the appropriate awarding authority or the Office of Contract Compliance of the City of Los Angeles.

13. Where the contractor or its subcontractor has failed to comply with the Affirmative Action requirements contained in this section, any and all sanctions allowed by law may be imposed upon the contractor or any subcontractor.

14. The Office of Contract Compliance within the Department of Public Works shall be responsible for administering the City's Contract Compliance Program in the manner described in the Los Angeles Administrative Code.

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

Please be advised that _____
Firm Name and Address

hereby appoints _____,
Name of Appointee Present Official Status with Firm

as its Equal Employment Opportunity Officer. The Officer has been given the authority to establish, disseminate, and enforce the Equal Employment and Affirmative Action Policies of this firm.

The Officer may be contacted at _____
Work Location

_____ concerning matters related to any affirmative actions taken by
Telephone
this firm to increase minority and female utilization in its employment.

ETHNIC COMPOSITION OF TOTAL WORK FORCE

Indicate below the number of employees in each occupational category for each of the ethnic groups listed below for your firm's total current work force located at _____ as of _____ Date _____ ADDRESS _____

EMPLOYMENT BY ETHNIC ORIGIN, OCCUPATION, AND SEX

OCCUPATIONAL CATEGORY	Total All Employees	MALE EMPLOYEES					FEMALE EMPLOYEES					Total Minority	% Minority	%, Fem	
		Total Males	MINORITY GROUPS				Total Females	MINORITY GROUPS							
			African Amer/ Black	Hispanic	Asian/ Pacific Islander	Amer Indian/ Aleut		African Amer/ Black	Hispanic	Asian/ Pacific Islander	Amer Indian/ Aleut				
a. Officials and Managers															
b. Professionals															
c. Technicians															
d. Sales Workers															
e. Office and Clerical															
f. Skilled Craft															
g. Semiskilled															
h. Laboreres (UNSKILLED)															
i. Service Workers															
TOTAL															

(Figures for the following classifications shall also be included in the appropriate category above the "Total" line.)

On-the-Job Trainee/ Apprentice	White Collar														
	Production														

EMPLOYMENT STATISTICS WERE OBTAINED FROM:

☐ AVAILABLE RECORDS ☐ VISUAL CHECK ☐ OTHER (Specify) _____

The contractor by his signature affixed hereto declares under penalty of perjury that:

1. He/She has read the above LOS ANGELES CITY AFFIRMATIVE ACTION Requirements for Nonconstruction Contracts
2. He/She shall accept the requirements contained therein as the basic Affirmative Action Plan for all his operations within the County of Los Angeles or the applicable workforce recruitment area of the contractor if the contractor is located outside the County of Los Angeles.
3. The information contained herein is true and correct.

Date: _____

COMPANY NAME _____

SIGNATURE _____

ADDRESS _____

NAME AND TITLE _____

CITY, COUNTY, STATE, ZIP _____

CERTIFICATION FOR CONTRACTS OF MORE THAN \$5,000
Affirmative Action Practices

A. During the performance of this contract, the contractor certifies and represents that the contractor and each subcontractor hereunder will adhere to an affirmative action program to ensure that in its employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, or physical handicap.

This provision applies to work or services performed or materials manufactured or assembled in the United States.

2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work, or service category.

3. The contractor or subcontractor agrees to post a copy of Paragraph A hereof in conspicuous places at its place of business available to employees and applicants for employment.

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, physical handicap, marital status or medical condition.

C. At the request of the awarding authority or the Office of Contract Compliance, the contractor shall certify on a form to be supplied, that the contractor has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex, sexual orientation, age, physical handicap, marital status or medical condition.

D. The contractor shall permit access to and may be required to provide certified copies of all of its records pertaining to employment and to its employment practices by the awarding authority or the Office of Contract Compliance, for the purpose of investigation to ascertain compliance with the Affirmative Action Program of this contract, and on their or either of their request provide evidence that it has or will comply therewith.

E. The failure of any contractor or subcontractor to comply with the Affirmative Action Program of this contract may be deemed to be a material breach hereof. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor or subcontractor in accordance with the provisions of Section 22.35 of the Los Angeles Administrative Code.

F. Upon a finding duly made that the contractor or subcontractor has breached the Affirmative Action Program of this contract, this contract may be forthwith cancelled, terminated or suspended in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such breach may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor or subcontractor is an irresponsible bidder pursuant to the provision, Section 386 of the Los Angeles City Charter. In the event of such determination, such contractor or subcontractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until he shall establish and carry out a program in conformance with the provisions hereof.

F. In the event of a finding by the Fair Employment Practice Commission of the State of California, or the Board of Public Works of the City of Los Angeles, or any court of competent jurisdiction that the contractor or subcontractor has been guilty of a willful violation of the Fair Employment Practice Act of California, or the Affirmative Action Program of this contract, there may be deducted from the amount payable to the contractor or subcontractor by the City of Los Angeles under this contract, a penalty of TEN DOLLARS (\$10.00) for each person for each calendar day on which such person was discriminated against in violation of the provisions of this contract.

G. Notwithstanding any other provisions of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.

H. The Office of Contract Compliance shall promulgate rules and regulations and forms for the implementation of the Affirmative Action Program of this contract, and rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive Orders. No other rules, regulations or forms may be used by an awarding authority of the City to accomplish this contract compliance program.

I. Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law.

J. At the time its bid is submitted, the contractor shall submit an AFFIRMATIVE ACTION PLAN to the awarding authority which shall meet the requirements of this ordinance. The awarding authority may also require contractors and suppliers to take part in a pre-bid or pre-award conference in order to develop, improve or implement a qualifying Affirmative Action Plan. Affirmative Action Programs developed pursuant to this section shall be effective for a period of twelve months next succeeding the date of contract award or the date of first approval by the Office of Contract Compliance whichever is the earlier.

(1) Every contract or subcontract in excess of \$5,000 which may provide construction, demolition, renovation, conservation, or major maintenance of any kind shall in addition comply with the requirements of Section 10.13 of the Los Angeles Administrative Code.

A contractor may establish and adopt as its own Affirmative Action Plan, by affixing his signature thereto, an Affirmative Action Plan prepared and furnished by the Office of Contract Compliance.

K. Contractors and suppliers who are members in good standing of a trade association which has negotiated an Affirmative Action Program with the Board of Public Works, Office of Contract Compliance may make the program of such association their commitment for the specific contract upon approval of the Office of Contract Compliance, without the process of a separate pre-bid or pre-award conference. Such an association agreement shall be effective for a period of twelve months next succeeding the date of approval by the Office of Contract Compliance. Trade associations shall provide the Office of Contract Compliance with a list of members in good standing in such association.

L. The Office of Contract Compliance shall annually supply the awarding authorities of the City with a list of contractors and suppliers who have developed Affirmative Action Non-Discrimination Programs. For each contractor and supplier the Office of Contract Compliance shall state the date the approval expires. The Office of Contract Compliance shall not withdraw its approval for any Affirmative Action Plan or change the Affirmative Action Plan after the date of contract award for the entire contract term without the mutual agreement of the awarding authority and the contractor.

M. The Affirmative Action Plan required to be submitted hereunder and the pre-bid or pre-award conference which may be required by the Board of Public Works, Office of Contract Compliance or the awarding authority shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:

1. Apprenticeship where approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;

2. Classroom preparation for the job when not apprenticeable;

3. Pre-apprenticeship education and preparation;

4. Upgrading training and opportunities;

5. Encouraging the use of contractors, subcontractors and suppliers of all ethnic groups, provided, however, that any contract subject to this ordinance shall require the contractor, subcontractor or supplier to provide not less than the prevailing wage, working conditions, and practices generally observed in private industries in the contractor's, subcontractor's or supplier's geographic area for such work; and

6. The entry of qualified women and minority journeymen into the industry.

7. The provision of needed supplies or job conditions to permit persons with some unusual physical condition to be employed, and minimize the impact of any physical handicap.

N. Any adjustments which may be made in the contractor's or supplier's work force to achieve the requirements of the City's Affirmative Action Contract Compliance Program in purchasing and construction shall be accomplished by either an increase in the size of the work force or replacement of those employees who leave the work force by reason of resignation, retirement, death and not by termination, layoff, demotion, or change in grade.

O. Affirmative Action Agreements resulting from the proposed Affirmative Action Plan or the pre-bid or pre-award conferences shall not be confidential and may be publicized by the contractor at his discretion. Approved Affirmative Action Agreements become the property of the City and may be used at the discretion of the City in its Contract Compliance Affirmative Action Program.

P. This ordinance shall not confer upon the City of Los Angeles or any Agency, Board or Commission thereof any power not otherwise provided by law to determine the legality of any existing collective bargaining agreement and shall have application only to discriminatory employment practices by contractors, subcontractors or suppliers engaged in the performance of City contracts.

Date

Officer's Signature

Firm Name

Officer's Name and Title
(Type or Print)

NOTICE TO PROSPECTIVE CONTRACTORS OR SUBCONTRACTORS PERTAINING TO NONDISCRIMINATION IN EMPLOYMENT

LAAC, Sec. 10.11.

A. In contractual proceedings where a notice inviting proposals for the work, services, information or property required to be furnished or supplied to the City or to be sold to the City is published either in accordance with Sections 386 or 387 of the Charter of said City or is otherwise published, such notice shall specify that the provisions of Section 10.8 through 10.8.6 hereof applicable to any such notice will be part of any contract awarded by the City pursuant to such notice.

B. In contractual proceedings where a notice is not published as provided in subsection A, the contractor or contractors will be advised at the outset of negotiations that the provisions of subsection 10.8 through 10.8.6 hereof will be a part of any contract entered into by the City as a result of such negotiations.

NONDISCRIMINATION CLAUSE - REQUIRED IN ALL CONTRACTS

LAAC, Sec. 10. 8.2.

"Notwithstanding any other provision of any ordinance of the City of Los Angeles to the contrary, every contract which is let, awarded, or entered into with or on behalf of the City of Los Angeles, shall contain by insertion therein a provision obligating the contractor in the performance of such contract not to discriminate in his employment practices against any employee or applicant for employment because of the applicant's race, religion, national origin, ancestry, sex, sexual orientation, age or physical handicap. All subcontracts awarded under any contract mentioned in this section shall contain a like provision."

CERTIFICATION FOR CONTRACTS OF MORE THAN \$500 BUT NOT IN EXCESS OF \$5,000
Equal Employment Practices

"A. During the performance of this contract, the contractor agrees and represents that it will provide equal employment practices, and the contractor and each subcontractor hereunder will take affirmative action to ensure that in his employment practices persons are employed and employees are treated equally without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age or physical handicap.

1. This provision applies to work or service performed or materials manufactured or assembled in the United States.

2. Nothing in this section shall require or prohibit the establishment of new classifications of employees in any given craft, work or service category.

3. The contractor or subcontractor agrees to post a copy of Paragraph A hereof in conspicuous places at his place of business available to employees and applicants for employment.

B. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age or physical handicap.

C. At the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify on a form to be supplied that he has not discriminated in the performance of this contract against any employee or applicant for employment on the basis or because of race, religion, ancestry, national origin, sex, sexual orientation, age or physical handicap.

D. The contractor shall permit access to and may be required to provide certified copies of all of his records pertaining to employment and to his records pertaining to employment and to his employment practices by the awarding authority or the Office of Contract Compliance for the purpose of investigation to ascertain compliance with the Equal Employment Practices provisions of this contract, and on their or either of their request to provide evidence that he has complied will comply therewith.

E. The failure of any contractor or subcontractor to comply with the Equal Employment Practices provisions of this contract may be deemed to be a material breach of this contract. Such failure shall only be established upon a finding to that effect by the awarding authority, on the basis of its own investigation or that of the Board of Public Works, Office of Contract Compliance. No such finding shall be made or penalties assessed except upon a full and fair hearing after notice and an opportunity to be heard has been given to the contractor or subcontractor in accordance with the provisions of Section 22.359.3 of the Los Angeles Administrative Code.

F. Upon a finding duly made that the contractor or subcontractor has failed to comply with the Equal Employment Practices provisions of this contract, the contract may be forthwith cancelled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such failure may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor or subcontractor is an irresponsible bidder pursuant to the provisions of Section 386 of the Charter of the City of Los Angeles. In the event of such a determination, such contractor or subcontractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until it shall establish and carry out a program in conformance with the provisions hereof.

G. Notwithstanding any other provision of this contract, the City of Los Angeles shall have any and all other remedies at law or in equity for any breach hereof.

H. The Board of Public Works shall promulgate rules and regulations through the Office of Contract Compliance, and provide necessary forms to the awarding authorities for the implementation of the Equal Employment Practices provisions of this contract, and such rules and regulations and forms shall, so far as practicable, be similar to those adopted in applicable Federal Executive orders. No other rules, regulations or forms may be used by an awarding authority or the City to accomplish the contract compliance program.

Nothing contained in this contract shall be construed in any manner so as to require or permit any act which is prohibited by law."

Date

Officer's Signature

Firm Name

Officer's Name and Title
(Type or Print)

MINORITY BUSINESS ENTERPRISE (MBE) WOMEN BUSINESS ENTERPRISE (WBE) AND OTHER BUSINESS ENTERPRISE (OBE) SUBCONTRACTOR OUTREACH PROGRAM

A. Policy and Good Faith Effort Documentation

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs), and all Other Business Enterprise (OBEs) an equal opportunity to participate in the performance of all City Contracts. Proposers shall assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including local MBEs, WBEs and OBEs have an equal opportunity to compete for and participate in City Contracts. Proposer's good faith efforts to reach out to MBEs, WBEs and OBEs shall be determined by the level of effort put into achieving the following ten factors. Each effort Nos. 2-10 is evaluated on a pass/fail basis, i.e. either full or zero points can be achieved for compliance with each item:

1. The proposer made a good faith effort to obtain participation by MBEs, WBEs and OBEs which could reasonably be expected by the Awarding Authority to produce a level of participation by interested subconsultants, including ____ percent MBE and ____ percent WBE.
2. The proposer attended the preproposal meeting scheduled by the Project Manager to inform all proposers of the requirements for the project for which the contract will be awarded. This requirement will be waived if the proposer certifies in writing prior to the preproposal meeting that it is informed as to those project requirements......10 points

Required Documentation: a) Attend pre-bid meeting and be listed on the attendance sheet; or b) Submit a letter prior to the pre-bid meeting either by fax to (213) 847-5566, or by mail to the Office of Contract Compliance, 600 South Spring Street, Suite 1300, Los Angeles, CA 90014.

3. The proposer identified and selected specific items of the project to be performed by subconsultants in order to provide an opportunity for participation by MBEs, WBEs and OBEs. The proposer shall, when economically feasible, divide total contract requirements into small portions or quantities to permit maximum participation of MBEs, WBEs and OBEs.....13 points

Required Documentation: Proof of this must be demonstrated in either Indicator 4 or 5.

4. The proposer advertised for subproposals or bids from interested business enterprises not less than ten (10) calendar days prior to the submission of proposal in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the Awarding Authority.....9 points

Required Documentation: A copy of the advertisement and a proof of publication station or other verification which confirms the date the advertisement was published.

Note: The advertisement must be specific to the project, not generic, and may not be a planholder advertisement provided by the publication. It should include the City of Los Angeles project name, name of bidder, areas of work available for subcontracting, and a contact person's name and telephone number, information on the availability of plans and specifications and the bidder's policy concerning assistance to subcontractors in obtaining bonds, lines of credit and/or insurance. Consideration will be given to the wording of the advertisement to ensure that it did not exclude or seriously limit the number of potential respondents.

5. The proposer provided written notice of its interest in receiving subconsultant proposals to those business enterprises, including MBEs, WBEs and OBEs, having an interest in participation in such selected work. All notices of interest shall be provided not less than ten (10) calendar days prior to the date the proposals are required to be submitted. In all instances, proposer is to document that information concerning its interest in subconsultant work was sent to available MBEs, WBEs and OBEs for each item of work to be performed. The Minority Business Opportunity Committee (MBOC) shall be available to help identify interested MBEs, WBEs and other business enterprises. The telephone number is (213) 847-6200.....10 points

Required Documentation: A copy of each letter sent to available MBEs, WBEs and OBEs for each item of work to be performed. If there is only one master notification, then a copy of the letter along with a listing of all recipients will suffice. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact persons's name, address, and telephone number.

* This written notice can be used to satisfy Indicators 3, 7, and 10.

6. The proposer documented efforts to follow up initial solicitations of interest by contacting the affected business enterprises to determine with certainty whether said enterprises were interested in performing specific portions of the project.....10 points

Required Documentation: A copy of telephone logs. These logs must include the name of the company called, telephone number, contact person, who did the calling, time, date, and the result of the conversation. Bidder must follow-up with all subcontractors to whom they sent letters.

7. The proposer provided interested subconsultants with information about the project scope, services requested, and other requirements for the selected subconsulting work.....5 points

Required Documentation: Include in Indicator 4 or 5, information detailing how, where and when the bidder will make the required information available to interested subcontractors.

8. The proposer requested assistance from organizations that provide assistance in the recruitment and placement of MBEs, WBEs and OBEs not less than fifteen (15) calendar days prior to its proposal presentation to the selection committee. Any legitimate association concerning MBE, WBE or OBE activities not on the following list may also be contacted for this purpose.....10 points

Required Documentation: A copy of each letter sent to outreach agencies requesting assistance in recruiting MBEs, WBEs and OBEs. Faxed copies must include the fax transmittal confirmation slip showing the date and time of transmission. Mailed letters must include copies of the metered envelopes or certified mail receipts. Letters must contain areas of work to be subcontracted, City of Los Angeles project name, name of the bidder, and contact person's name, address, and telephone number.

RECRUITMENT/PLACEMENT ORGANIZATIONS

Minority Business Opportunity Committee (MBOC)
City Hall East
200 N. Main St., Room 1250
Los Angeles, CA 90012
Attn.: Diane Castano Sallee, Director

(213) 847-6200
(213) 847-0893 FAX

United Indian Development Assoc.
19650 Flair Dr., Suite 303
El Monte, CA 91731
Attn.: Maurice Bagay, Vice-President

(818) 442-3701
(818) 442-7115 FAX

Latin Business Association
5400 E. Olympic Blvd., Suite 130
Los Angeles, CA 90022
Attn.: Andy Molina, Director

(213) 721-4000
(213) 722-5050 FAX

Black Business Association
3910 West Martin Luther King Jr. Blvd.
Suite 206
Los Angeles, CA 90008
Attn.: Mary Ann Mitchell, Director

(213) 291-9334
(213) 291-9234 FAX

Asian Business Association
10418 Lower Azusa Rd.
El Monte, CA 91731
Attn.: Scott Wang, President

(818) 452-1242
(818) 452-1768 FAX

9. The proposer negotiated in good faith with interested MBEs, WBEs and OBEs and did not unjustifiably reject as unsatisfactory subproposals or bids prepared by any enterprise. As documentation, the proposer is to submit a list of all subconsultants considered for each item of work which was solicited, including dollar amounts of potential work for MBEs, WBEs and OBEs.....26 points

Required Documentation: a) Copies of all MBE/WBE/OBE bids or quotes received; and b) Summary sheet organized by work area, listing bids received and the subcontractor selected for that work area. If the bidder elects to perform a listed work area with its own forces, they must include a bid that shows their own costs for the work.

10. The proposer documented efforts to advise and assist interested MBEs, WBEs and OBEs in obtaining bonds, lines of credit, or insurance required by the Awarding Authority or consultant.....7 points

Required Documentation: Include in Indicator 4 or 5, information about the bidder's efforts to assist with bonds, lines of credit and insurance.

Failure to meet expected MBE/WBE participation levels shall not by itself be the basis for disqualification or determination of non-compliance with this Policy. **However, failure to include supporting documentation of good faith efforts with the proposal and failure to achieve a minimum of 75 out of 100 good faith evaluation points will render the proposal non-responsive and will result in its rejection.**

B. Submittal Documents

1. MBE/WBE/OBE Information form (Schedule A)

Proposers shall submit with their proposal the MBE/WBE/OBE Subcontractors Information Form, provided in the supplementary instructions as Schedule A. The Proposer shall list itself and the names and addresses of all firms to be used with a complete description of work or supplies to be provided by each, and the dollar value. In the case of joint ventures who bid as primes, any one of two or more entities which comprise the joint venture may be listed as an MBE or WBE subcontractor if the entity is otherwise qualified as such.

2. Final Report of Subcontracting (Schedule B)

Upon completion of the contract, a summary of these records shall be prepared on the "Final Report of Subcontracting and Purchases" form (Schedule B) and certified correct by the prime or its authorized representative. The completed form shall be furnished to the Awarding Authority within fifteen (15) working days after completion of the contract.

C. Definitions

1. Minority or Women Business Enterprise (MBE or WBE): For the purpose of this program, Minority or Women Business Enterprise shall mean a business enterprise that meets both of the following criteria:
 - a. A business that is at least 51 percent owned by one or more minority persons or women owned, in the case of any business whose stock is publicly held, at least 51 percent of the stock is owned by one or more minority persons or women; and
 - b. A business whose management and daily business operations are controlled by one or more minority persons or women.
2. Other Business Enterprise (OBE): For the purpose of this program, Other Business Enterprise shall mean any business enterprise which does not otherwise qualify as a Minority or Women Business Enterprise.
3. Minority person: For the purpose of this program, the term "Minority person" shall mean African American; Hispanic Americans; Native Americans (including American Indians, Eskimos, Aleuts, and Native Hawaiians); Asian-Pacific (including persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific, Northern Marianas); and Asian Indians (including persons whose origins are from India, Pakistan and Bangladesh).
4. Certification as a Minority or Women Business enterprise: an MBE/WBE must be certified by 1) City of Los Angeles, Board of Public Works; 2) State of California Department of Transportation (Caltrans); or 3) Metropolitan Transportation Authority prior to Board approval to negotiate a contract if credit is to be allowed towards the expected levels of MBE/WBE participation.

Applications for certification are available at the following locations:

- a. City of Los Angeles
The Office of Contract Compliance, Room 1300, 600 S. Spring St., Los Angeles, CA 90014
Telephone: (213) 847-6480
- b. Caltrans
State of California, Department of Transportation, Civil Rights Group, 120 S. Spring Street, Los Angeles, CA 90012
Telephone: (213) 897-0606
- c. Los Angeles County Metropolitan Transportation Authority
Department of Equal Opportunity, PO Box 194, Los Angeles, CA 90053
Telephone: (213) 922-2600
FAX: (213) 922-7660

5. **Good Faith Effort Documentation:** Prior to proposal submittal the proposer must take affirmative steps to assure that minority and women owned and controlled businesses are considered along with other business enterprises whenever possible as sources of supplies and services. The Good Faith Effort Documentation must be submitted with the proposal. Failure to submit the Good Faith Effort Documentation will result in the proposal to be found non-responsive.
6. **Personal Services Contracts:** Contracts for professional services whose consultant selection is based on technical proposals and/or qualifications rather than through the competitive bid process.
7. **Subconsultant:** For the purpose of this program, the term "Subconsultant" denotes an agreement between the prime consultant and the individual, firm or corporation (MBE/WBE/OBE) for the performance of a particular portion(s) of the work and the completion of which the consultant is obligating itself.

8. **Participation Recognition:**

Work performed by a prime consultant will not be considered for credit in computing the expected levels of MBE/WBE participation established by the Awarding Authority for this project. The prime consultant will be required to provide good faith efforts to obtain reasonable expected participation levels through subcontracting or materials and supplies acquisition.

An MBE or WBE firm which is a joint venture participant, associate or in partnership with another firm(s) will be credited towards the MBE or WBE goals. Percentage of project participation must be clearly defined.

A firm which qualified as both a MBE and a WBE will be credited as MBE participation or as WBE participation, but will not be credited for both.

D. **Substitution of Subcontractors**

The contract document requires that the proposer's levels of MBE/WBE participation, if any, shall be maintained throughout the duration of the contract. If the substitution of a subconsultant lowers the contract levels of MBE/WBE participation, the Awarding Authority requires the consultant to demonstrate a good-faith effort to provide MBEs or WBEs equal opportunity to compete for the subcontracting work being substituted.

- E. Nothing herein restricts the discretion of the Awarding Authority to reject all bids or proposals in accordance with Charter Section 386.

**MBE/WBE/ OBE
SUBCONTRACTORS INFORMATION FORM - SCHEDULE A**

Bid Title	Bid No.
------------------	----------------

Prime Bidder	Address
Contact Person	Phone/Fax

LIST OF ALL SUBCONTRACTORS (SERVICE PROVIDERS/SUPPLIERS/ETC.)				
NAME, ADDRESS, TELEPHONE NO. OF SUBCONTRACTOR	DESCRIPTION OF WORK OR SUPPLY	MBE/ WBE/ OBE	CALTRANS/ CITY/MTA CERT. NO	DOLLAR VALUE OF SUBCONTRACT

PERCENTAGE OF MBE/WBE PARTICIPATION		
	DOLLARS	PERCENT
TOTAL MBE AMOUNT	\$	%
TOTAL WBE AMOUNT	\$	%
BASE BID AMOUNT	\$	

Signature of Person Completing this Form

Title

Date

MUST BE SUBMITTED WITH BID

**FINAL REPORT OF SUBCONTRACTING AND PURCHASES
SCHEDULE B**

Bid Title		Bid No.	Contract No.
Bidder	Address		
Contact Person		Phone	

Name, Address, Telephone No. of Subcontractor	Description of Work or Supply	MBE	WBE	Dollar Value of Subcontract

	Total Dollars	Achieved Levels	Pledged Levels		Total Dollars	Achieved Levels	Pledged Levels
MBE Participation				WBE Participation			

Signature of Person Completing this Form

TitleDate

SUBMIT WITHIN 15 DAYS OF PROJECT COMPLETION

SUPPLEMENTARY INSTRUCTIONS TO BIDDERS/PROPOSERS

DECLARATION OF CONTRACTOR IN COMPLIANCE
WITH CITY OF LOS ANGELES EMPLOYMENT
AND TRAINING POLICYI. GENERAL:

The City of Los Angeles has successfully administered federally funded job training programs for over 20 years. Most recently, the City, in partnership with the Private Industry Council, has administered the Job Training Partnership Act (JTPA) program. This program is designed to provide economically disadvantaged youth and adults with the skills they need to find and keep public and private sector jobs. JTPA provides incentives to businesses willing to train and place eligible participants in unsubsidized employment.

Despite the City's diligent efforts and the expenditure of approximately \$38,000,000 annually in JTPA funds, the City is still faced with a lack of training facilities and placement opportunities for thousands of eligible persons. Until all persons are provided with training and job opportunities, the City's ability to reduce crime, drug use and other social problems will be limited.

It shall therefore be the policy of the City to promote and encourage the employment of disadvantaged youth and adult City residents who have been trained for employment under JTPA. The City shall aggressively undertake to find employment and training opportunities within its own workforce and within the workforce of the City's contractors. In this way, the City shall maximize the resources available to it, facilitate a linkage between the trained JTPA participants and City contractors with employment opportunities, and expand the partnership between government and the private sector.

JTPA works primarily through a locally based program delivery system. The local elected officials (LEO's) and the local private sector (the Private Industry Council - PIC) jointly design and oversee the program. The Community Development Department, Training and Job Development Division (TJDD) administers the JTPA for the City of Los Angeles Service Delivery Area (SDA).

Subject to the approval of the LEO's and the PIC, TJDD awards JTPA funds to contractors to provide training and employment assistance to participants. Classroom Training (CT) and On-the-Job Training (OJT) are among the activities offered by the Contractors.

CT consists of job preparation, general education, and vocational skills. OJT enables participants to learn a specific skill working for an employer in order to qualify for a particular job. Employers participating in an OJT program are reimbursed for a portion of the employees' wages while in training for a specific job. The City of Los Angeles allows a sliding reimbursement scale not to exceed 50% of a participant's wages. However, all or a portion of this amount is made contingent upon completion of the skills training and retention. The conditions and the amounts of reimbursement are negotiable with the JTPA Contractors. Employers desiring to offer OJT to a program participant should enter into individual agreements with the Contractors in their area.

II. POTENTIAL CONTRACTORS/VENDORS SHALL:

(Goods and Services Contracts for \$500,000 or more).

- A. Complete and file a Declaration of Compliance with the City of Los Angeles Employment and Training Policy. No bids will be considered responsive without the declaration completed. The completed declaration of compliance shall:

1. Identify the number of permanent, full-time positions for which they will agree to interview and hire City JTPA participants contingent upon a review of their qualifications and capabilities.
2. Describe the on-the-job training opportunities they could offer JTPA participants in one or more occupational areas.
3. Identify a contact person with whom City representatives may negotiate the placement and training of JTPA participants.

III. DETERMINATION OF GOOD FAITH EFFORTS

- A. All contractors/vendors are expected to be able to hire JTPA applicants. Bidders or proposers good faith efforts to hire JTPA applicants shall be determined by the following factors:
 1. The bidder or proposer attended pre-solicitation or pre-bid meetings, if any, scheduled by the Awarding Authority to inform all bidders or proposers of the requirements for the project for which the contract will be awarded. The Awarding Authority may waive this requirement if the bidder or proposer certifies it is informed as to those project requirements.
 2. The bidder or proposer has contacted the Training and Job Development Division of the Community Development Department (CDD) before completing the mandatory information declaration form.

3. The bidder or proposer has forwarded job descriptions and notices of vacancies to the Training and Job Development Division of CDD for distribution to JTPA Agencies.
4. The bidder or proposer has made every effort to divide existing job opportunities to accommodate the hiring of JTPA applicants in order to provide as many positions as possible.
5. The bidder or proposer identified a person that both the Training and Job Development Division of CDD and the Department liaison can contact.
6. The bidder or proposer has already tried to participate/participated in the JTPA program and can document having interviewed/hired JTPA applicants referred through the Training and Job Development Division of CDD.

IV. ADDITIONAL INFORMATION:

All inquiries should be directed to: Training and Job Development Division, Community Development Department, 215 W. 6th Street, Suite 1000, Los Angeles, California 90014, (213) 237-0855 or (213) 380-8960.

CITY OF LOS ANGELES EMPLOYMENT AND TRAINING POLICY
QUARTERLY DEPARTMENT COORDINATOR'S REPORT
(FOR QUARTER ENDING: _____)

DATE: _____

NAME OF CITY DEPARTMENT: _____

STREET ADDRESS: _____

DEPARTMENT COORDINATOR'S NAME: _____

TELEPHONE NUMBER: _____

MAIL STOP: _____

I. OPENINGS FOR JTPA TRAINED PARTICIPANTS:

[illegible]

II. OPENINGS FOR ON THE JOB TRAINING:

[illegible]

**DECLARATION OF CONTRACTOR IN COMPLIANCE WITH
CITY OF LOS ANGELES EMPLOYMENT AND TRAINING POLICY**

This Declaration must be completed by all bidders for City contracts of Five Hundred Thousand Dollars (\$500,000.00) or more. Failure to submit this document will result in your bid being deemed nonresponsive and ineligible for consideration.

All inquiries should be directed to: Training and Job Development Division, Community Development Department, 215 W. 6th Street, Suite 1000, Los Angeles, California 90014, (213) 237-0855.

Please note: The information on this form may be used by the City whether or not your company is ultimately selected as the City's Contractor for this project.

Contractor Name:

Address:

Telephone: ()

Contact person authorized to negotiate employment and training positions with the City:

Contractor agrees to hire, contingent upon a review of qualifications and capability, JTPA trainees for the positions noted below:

1. Contractor's employment opportunities available during fiscal year (July 1, 1989 - June 30, 1990):

Occupation	Average Hourly Wage	Full-time/ Part-Time	Entry Level or Training Req'd.

2. On-the-job training opportunities available to JTPA trainees for fiscal year (1989-1990):

Occupation	Length of Training	Wage	Special Requirements

Contractors having OJT slots available may receive reimbursement up to 50 percent of salary upon negotiation of an agreement with a City JTPA operator.

3. Have you had any previous participation in the JTPA Program? If so, please identify participants, types of jobs wages and length of time on the jobs.

4. Contractors unable to designate job openings or OJT slots must declare their reasons for this below.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on the _____ day of _____, 19____ at
Los Angeles, California.

SIGNATURE AND TITLE

(CORPORATE SEAL)

SUPPLEMENTARY INSTRUCTIONS TO BIDDERS

CHILD CARE POLICIESI. City Child Care Policy and Vendor System

On February 24, 1987, the City Council adopted the Child Care Policy for the City of Los Angeles. This Policy acknowledges the importance of quality, affordable, accessible child care to the individual, family, work place and community. The City further recognizes that existing child care services and facilities are not adequate to meet current demand, and that such demand is increasing. Failure to address this critical unmet need will have serious, detrimental effects on the physical, social and economic life of Los Angeles. Thus, the City Child Care Policy was adopted, committing the City to use its resources as educator, employer, model and facilitator to act as a catalyst in expanding the supply of quality, affordable child care in Los Angeles.

The City Child Care Policy includes an item specifically designed to address the development and implementation of child care policies and practices by vendors, as follows:

THE CITY OF LOS ANGELES SHALL ENCOURAGE ALL ITS VENDORS TO ADOPT A STATED POLICY ON CHILD CARE. TO THE EXTENT PERMITTED BY LAW, VENDORS WITH STATED CHILD CARE POLICIES SHALL RECEIVE PREFERENCE IN CONTRACTING WITH THE CITY OF LOS ANGELES.

It is the goal of the City to promote and facilitate the establishment and implementation of child care policies and practices which address the critical unmet local need for quality, affordable child care services.

A company may, after a review and due consideration, determine that child care is not an employee need or that a child care benefit/service cannot feasibly be offered by the company. In this case, a written policy statement to this effect would also qualify a company for the vendor preference.

II. Requested Child Care Policy Information from Vendors

The information listed below should be completed by all vendor applicants.

A. On the "Bidders Mailing List Application" Form FS/P-141, the vendor checks the appropriate box indicating whether the applicant's business has a "child care policy for employees."

B. The vendor completes the "Child Care Declaration Statement" Form, declaring whether the business has a stated child care policy and/or offers any form of child care assistance to employees. The "Child Care Declaration Form" should be filed with the City prior to the submission of any bid by a vendor. Those vendors indicating they have a stated child care policy for employees should file a copy of said policy along with the "Declaration Form".

III. Definition of a Stated Child Care Policy

A "Stated Child Care Policy" is a written statement of intent and/or attitude by an employer regarding the provision of child care assistance to employees.

IV. Definitions of Child Care Assistance

The following definitions apply to the various forms of child care assistance listed on the "Child Care Declaration Statement".

- A. EMPLOYER SUBSIDIZED CHILD CARE CENTER(S) - Group care for children (may range from 12 to 300 children), in a licensed setting such as a preschool or other center, which may serve infants, toddlers, preschoolers or school-age children; the center receives funds, goods and/or services from an employer which thus subsidizes part or all of the child care center operating costs, and employees of the subsidizing employer may enroll dependents in this center.
- B. EMPLOYER SUBSIDIZED CHILD CARE HOME(S) - Care for up to twelve children in the home of a licensed caregiver; may include one home or a network of two or more family day care homes, which receive funds, goods and/or services from an employer who thus subsidizes part or all of the home operating costs; employees of the subsidizing employer may enroll dependents in this care home.
- C. CHILD CARE REIMBURSEMENT IN ADDITION TO OTHER BENEFITS - Employer helps employees pay for child care expenses by reimbursing the employee or his/her child care provider for all or part of the cost of child care; allows employee to select the child care provider, or employer may designate providers or conditions (e.g. only reimburse licensed providers); such reimbursement is provided to the employee in addition to other employee benefits.
- D. CHILD CARE REIMBURSEMENT IN A FLEXIBLE BENEFIT PACKAGE - System which allows employees to make individual choices among a range of benefits provided by the employer (e.g. health, dental, retirement, etc.) and child care is included as a benefit choice.
- E. PAID PARENTAL LEAVE - Employees are given paid time off work due to childbirth or adoption, with a guaranteed return to the same or a comparable job and seniority status.
- F. PURCHASE OF SERVICES FOR EMPLOYEES IN COMMUNITY CHILD CARE PROGRAMS - Company contributes funds, goods and/or services to a child care program in the community (center or family day care home), for the purpose of preferential consideration for use by employees.
- I. SALARY SET-ASIDE/FLEXIBLE SPENDING ACCOUNT FUNDED WITH EMPLOYEE SALARY DOLLARS - Employer has set up a a qualified Dependent Care Assistance Plan under IRS Sections 125 and 129, which allows employees to designate an amount up to \$5,000 per year to be set aside from their salaries to pay for dependent care; since such a salary set aside is not taxed, both employee and employer receive financial benefits.
- H. CHILD CARE REFERRAL SERVICES - A service to employees which provides information, referrals and consultation regarding local child care services (e.g. locations, hours, rates).

- I. PARENTING SEMINARS - Company offers workshops, educational presentations, and related activities to provide information and support in such areas as parenting skills, work-family relations, child development, and related topics; may be provided by in-house staff or by contracted service.
- J. COUNSELING ON WORK/FAMILY ISSUES - Company provides (through in-house or contracted services) group, family or individual counseling services to support employees in the resolution of work-family issues.
- K. START-UP OF A SELF-SUPPORTING CENTER - Company has provided funds, goods and/or services to directly assist in the land acquisition, design, construction, renovation, equipment, furnishing or other cost associated with starting a child care program; this was one-time-only assistance for start-up, with the center now operating on a self-supporting basis.
- L. START-UP CONTRIBUTIONS TO A CONSORTIUM CENTER - Company has provided funds, goods and/or services to a child care center, working in cooperation to develop and support a child care service available to employees of contributing companies.
- M. FLEXIBLE WORK HOURS - Employees are allowed to make choices about work schedules, with such possible options as 5-day/40-hour vs. 4-day/40-hour work weeks or flexible hours schedules within a day; may include establishment of "core" working hours during which an employee must be present at the work site.
- N. FLEXIPLACE/WORK-AT-HOME - Company offers employees the option to work in their own homes; may be available part- or full-time.
- O. PERMANENT PART-TIME/JOB SHARING - Company offers job opportunities in which employees may work less than full-time while retaining permanent employment status, and/or two employees may share a single full-time position with salary and benefits prorated between the two employees.
- P. WORK-AT-HOME FOLLOWING MATERNITY LEAVE - Employees are offered the option to perform their jobs at home for a period following leave for childbirth or adoption.
- Q. UNPAID PARENTAL LEAVE - Employees are allowed unpaid time off due to childbirth or adoption, with a guaranteed return to the same or a comparable job and seniority status.
- R. DONATION TO ENHANCE AN EXISTING CHILD CARE PROGRAM - Company has contributed funds, goods, and/or services to a child care program, for the purpose of improving the quality, affordability, or accessibility of said program.

CITY OF LOS ANGELES
VENDOR CHILD CARE POLICY PROGRAM

CHILD CARE DECLARATION STATEMENT

The business concern listed below hereby declares the following status on the "Child Care Policy of the City of Los Angeles, XI. VENDORS" as defined in the attached supplementary instructions to bidders. It is incumbent upon the concern to notify the City of any changes applicable to this declaration.

Business Name	Telephone No.
Business Address	
Signature	Title

Note: A "stated child care policy" may include services and/or benefits for employees and their families, including infants through school-age child care centers or family day care homes, before and after school programs, day camps, services for ill children, children with special needs, family leave, and more. Please refer to the attached instructions for definitions. Please check ALL items on the form that apply to your business concern.

Part One

DOES YOUR BUSINESS HAVE A STATED CHILD CARE POLICY?

YES	NO
☐	☐

If YES, please attach a copy

Part Two

DOES YOUR BUSINESS PROVIDE CHILD CARE ASSISTANCE?

☐	☐
--------------------------	--------------------------

If YES, please check which form(s) of assistance

Level I Assistance

Subsidized company child care center

☐	☐
--------------------------	--------------------------

Subsidized network of child care homes

☐	☐
--------------------------	--------------------------

Child care reimbursement in addition to other benefits

☐	☐
--------------------------	--------------------------

Child care reimbursement in a flexible benefit package

☐	☐
--------------------------	--------------------------

Paid parental leave

☐	☐
--------------------------	--------------------------

Purchase of spaces for employees in community child care program(s) (centers or homes)

☐	☐
--------------------------	--------------------------

Level II Assistance

Salary setaside/flexible spending account funded with employee salary dollars/Section 125

☐	☐
--------------------------	--------------------------

Child care referral services

☐	☐
--------------------------	--------------------------

Parenting seminars

☐	☐
--------------------------	--------------------------

Counseling on work/family issues

☐	☐
--------------------------	--------------------------

Start-up of a self-supporting center

☐	☐
--------------------------	--------------------------

Start-up contributions to a "consortium center"

☐	☐
--------------------------	--------------------------

Level III Assistance

Flexible work hours

☐	☐
--------------------------	--------------------------

Flex-place/work-at-home

☐	☐
--------------------------	--------------------------

Permanent part-time/job sharing

☐	☐
--------------------------	--------------------------

Work-at-home following maternity leave

☐	☐
--------------------------	--------------------------

Unpaid parental leave

☐	☐
--------------------------	--------------------------

Donation to enhance child care program

☐	☐
--------------------------	--------------------------

Other (Describe)

I HAVE READ AND COMPLETED:

(Signed) _____

For additional information on child care options and benefits for employees, please contact the City Child Care Coordinator, 200 N. Main St., Room 1474, Los Angeles, CA 90012, (213) 485-8997.

Do not write in this space	
Date Filed: _____	Expiration Date: _____

CITY OF LOS ANGELES

CALIFORNIA



ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

95-2019

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

PLACE IN FILES

RICHARD J. RIORDAN
MAYOR

JUN 14 1996

DEPUTY

June 6, 1996

City Attorney
All Council Members
Honorable Richard Riordan, Mayor
City Administrative Officer
Chief Legislative Analyst
Department of Transportation

Controller, Room 220
Accounting Division, F & A
Disbursement Division
Police Department
Board of Police Commissioners

RE: ADDING SECTION 80.77.4 TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH
CONTRACTING PROCEDURES FOR OFFICIAL POLICE GARAGES

At the meeting of the Council held May 15, 1996, the following
action was taken:

Attached report adopted.....	_____
" motion " (Goldberg - Wachs).....	X
" resolution " ().....	_____
Ordinance adopted.....	5/22/96
Motion adopted to approve attached report.....	_____
" " " " " communication.....	_____
To the Mayor FORTHWITH.....	_____
Ordinance Number.....	171104
Publication date.....	6/5/96
Effective date.....	7/6/96
Mayor vetoed.....	_____
Mayor approved.....	5/31/96
Mayor failed to act - deemed approved.....	_____
Findings adopted.....	_____
Negative Declaration adopted.....	_____
Categorically exempt.....	_____
Generally exempt.....	_____
EIR certified.....	_____
Tract map approved for filing with the County Recorder.....	_____
Parcel map approved for filing with the County Recorder.....	_____
Bond approved is No. _____ of Contract.....	_____
Agreement mentioned therein is/are No. _____	_____
_____ of contracts.....	_____

Elias Martinez
City Clerk
bs

steno\952019

Gar
6/13/96
CMR



Mayor's Time Stamp

TIME LIMIT FILES
ORDINANCES

FILED
CITY CLERK'S Time Stamp

'96 MAY 24 A9:16

CITY CLERK

3Y.

DEPUTY

COUNCIL FILE NUMBER 95-2019

COUNCIL DISTRICT

COUNCIL APPROVAL DATE MAY 22, 1996

LAST DAY FOR MAYOR TO ACT

JUN 03 1996

ORDINANCE TYPE: ☐ Ord of Intent ☐ Zoning ☐ Personnel ☐ General

☐ Improvement ☒ LAMC ☐ LAAC ☐ CU or Var Appeals - CPC No

SUBJECT MATTER: ADDING SECTION 80.77.4 TO THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH
CONTRACTING PROCEDURES FOR OFFICIAL POLICE GARAGES

RECOMMENDATIONS:

APPROVED

DISAPPROVED

PLANNING COMMISSION

DIRECTOR OF PLANNING

CITY ATTORNEY

CITY ADMINISTRATIVE OFFICER

OTHER:

X

DATE OF MAYOR APPROVAL, DEEMED APPROVED OR *VETO:

MAY 31 1996

*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 29

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR

5-31-96

ORDINANCE NO.

171104

DATE PUBLISHED

6-5-96

DATE POSTED

EFFECTIVE DATE

7-6-96

ORD OF INTENT: HEARING DATE

ASSESSMENT CONFIRMATION

ORDINANCE NO. 171104

An ordinance adding section 80.77.4 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages.

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

Section 1. Section 80.77.4 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 80.77.4 OFFICIAL POLICE GARAGES

A. Definitions.

As used in this Section "Board" shall mean the Board of Police Commissioners. "Official Police Garage" shall mean a towing and garage business selected by the City to remove and store vehicles at the direction of any Police Officer or Traffic Officer employed by the City of Los Angeles including officers of the Port Police, Airport Police and Housing Authority Police.

B. Selection Process for Official Police Garages.

1. The Board of Police Commissioners shall, subject to the approval of the City Council, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for each of the geographic police areas of the City and for such heavy duty towing services as may, in the judgment of the Board, be necessary.

2. Said contracts shall be issued only after utilizing the City's standardized bid and contract procedures. Each request for proposals issued pursuant to this section shall be approved by resolution of the City Council. The evaluation of each proposal made pursuant to the provisions of this Section shall include an evaluation of the past performance of any proposer which has in the past operated as an Official Police Garage.

3. Each contract awarded pursuant to this Section shall provide for towing and storage fees which shall be uniform throughout the City. Said fees shall be determined by the Board which shall consider as a factor the Los Angeles County Transportation Index. Said fees shall be effective for a calendar year.

4. Initial contracts shall be entered into over a four year period commencing in 1996 with a goal of issuing at least four per year and the bid and contract procedures shall be implemented successively commencing with the geographic area which has had a designated Official Police Garage for the longest period and concluding with the area which has had a designated Official Police Garage for the shortest period. The heavy duty towing contracts shall be awarded in a like manner.

5. Each contract awarded pursuant to this Section shall provide for an option to renew the contract for an additional five year period subject to approval by the City Council. This provision shall not apply to any interim contract awarded pursuant to Subsection C of this Section.

C. Interim Contracts for Official Police Garage Services.

1. The Board shall enter into written contracts with those individuals or corporations which were doing business as Official Police Garages for the City on February 28, 1996. Said contracts shall be for terms which shall expire upon the award of the contracts described in Subsection "B" above.

2. Any transfer of ownership of an Official Police Garage contract entered into under provisions of this subsection shall not be made absent approval of the City Council.

D. Gross Receipts Fee.

Each Official Police Garage shall pay to the general fund of the City a fee equal to seven percent (7%) of all revenues generated as a result of its activities as an Official Police Garage, including but not limited to revenues generated

from the towing and storage of vehicles and the sales of lien vehicles. The fees provided herein shall be paid quarterly. Each operator of an Official Police Garage shall, on or before the last day of the calendar month following the close of each calendar quarter, make a statement to the City Clerk, on forms provided by the City Clerk, of the total amount of fees imposed by this section. At the time the statement is filed, the full amount of said fees shall be remitted to the City Clerk.

E. Miscellaneous Provisions.

1. Contracts awarded pursuant to this section may be awarded to individuals, partnerships, closely held corporations or public corporations.

2. Any sale or transfer of a majority of either the ownership interest or stock except public share stocks, of any Official Police Garage shall be subject to the approval of the City Council which shall consider any recommendation of the Board.

3. No individual, partnership, closely held corporation or public corporation shall be awarded more than two contracts to operate as an Official Police Garage at any given time.

4. Each Official Police Garage shall maintain its primary storage facility within the City.

5. No owner of an Official Police Garage shall have a controlling ownership interest in any automobile dismantling or wrecking yard, automobile body or repair shop, used car business or any other automobile related business other than an automobile towing and related garage business.

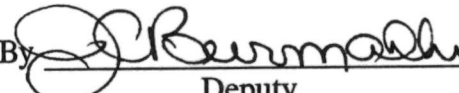
6. Each Official Police Garage shall obtain a permit pursuant to Los Angeles Municipal Code Section 103.204 and shall be subject to the provisions of Chapter X, Article 3, Division 3 of this Code.

#10469

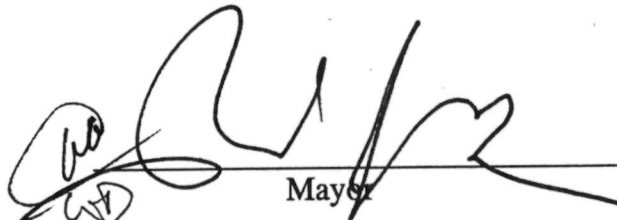
Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 22 1996.

ELIAS MARTINEZ, City Clerk

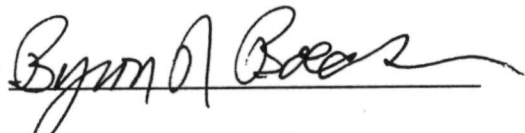
By  Deputy

Approved MAY 31 1996

 Mayor

Approved as to Form and Legality
May 15, 1996

JAMES K. HAHN, City Attorney

By  Assistant City Attorney

File No. CF 95-2019

5
ORDINANCE - SECOND CONSIDERATION

ITEM NO. ()

95-2019 - ORDINANCE relative to competitive contracting procedures and cost recovery methods for the City's Official Police Garage (OPG) franchises.

Recommendation for Council action:

PRESENT and ADOPT accompanying ORDINANCE adding Section 80.77.4 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages. Ordinance provisions include authorization for the Board of Police Commissioners, subject to Council approval, to award OPG contracts for a fixed 5-year term for each geographic police area of the City utilizing the City's standardized bid and contract procedures, and evaluations of past performance of any proposer which has in the past operated as an OPG. Initial contracts shall be over a 4-year period commencing in 1996, with a goal of issuing at least four contracts per year and contract procedures implemented successively based on the OPG's seniority within the designated geographic area. Council approval is required for renewal of contracts for an additional 5-year period and transfer of ownership of an OPG contract. OPG's shall pay a 7% gross receipts fee on a quarterly basis from revenue generated from towing, storage & sales of lien vehicles.

[Pursuant to Council's adoption of Public Safety Committee Report, as amended, on February 28, 1996 and Motion (Goldberg - Wachs) adopted on May 15, 1996]

calagend\052296fc.j

ORDINANCE
ADOPTED

MAY 22 1996

LOS ANGELES CITY COUNCIL

+++++
AGENDA NO. 5
ALARCON.....YES
FEUER.....YES
RIDLEY-THOMASYES
GALANTER.....ABS
+++++
YES: 10
BERNSON.....YES
GOLDBERG.....NO
WACHS.....YES
SVORINICH....ABS
+++++
NO: 1
BRAUDE.....YES
HERNANDEZ....YES
FERRARO.....YES
WALTERS.....ABS
+++++

TIME:
05/22/96
10 30 02

5

NEW

ORDINANCE NO. _____

An ordinance adding section 80.77.4 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages.

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

Section 1. Section 80.77.4 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 80.77.4 OFFICIAL POLICE GARAGES

A. Definitions.

As used in this Section "Board" shall mean the Board of Police Commissioners. "Official Police Garage" shall mean a towing and garage business selected by the City to remove and store vehicles at the direction of any Police Officer or Traffic Officer employed by the City of Los Angeles including officers of the Port Police, Airport Police and Housing Authority Police.

B. Selection Process for Official Police Garages.

1. The Board of Police Commissioners shall, subject to the approval of the City Council, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for each of the geographic police areas of the City and for such heavy duty towing services as may, in the judgment of the Board, be necessary.

2. Said contracts shall be issued only after utilizing the City's standardized bid and contract procedures. Each request for proposals issued pursuant to this section shall be approved by resolution of the City Council. The evaluation of each proposal made pursuant to the provisions of this Section shall include an evaluation of the past performance of any proposer which has in the past operated as an Official Police Garage.

3. Each contract awarded pursuant to this Section shall provide for towing and storage fees which shall be uniform throughout the City. Said fees shall be determined by the Board which shall consider as a factor the Los Angeles County Transportation Index. Said fees shall be effective for a calendar year.

4. Initial contracts shall be entered into over a four year period commencing in 1996 with a goal of issuing at least four per year and the bid and contract procedures shall be implemented successively commencing with the geographic area which has had a designated Official Police Garage for the longest period and concluding with the area which has had a designated Official Police Garage for the shortest period. The heavy duty towing contracts shall be awarded in a like manner.

5. Each contract awarded pursuant to this Section shall provide for an option to renew the contract for an additional five year period subject to approval by the City Council. This provision shall not apply to any interim contract awarded pursuant to Subsection C of this Section.

C. Interim Contracts for Official Police Garage Services.

1. The Board shall enter into written contracts with those individuals or corporations which were doing business as Official Police Garages for the City on February 28, 1996. Said contracts shall be for terms which shall expire upon the award of the contracts described in Subsection "B" above.

2. Any transfer of ownership of an Official Police Garage contract entered into under provisions of this subsection shall not be made absent approval of the City Council.

D. Gross Receipts Fee.

Each Official Police Garage shall pay to the general fund of the City a fee equal to seven percent (7%) of all revenues generated as a result of its activities as an Official Police Garage, including but not limited to revenues generated

from the towing and storage of vehicles and the sales of lien vehicles. The fees provided herein shall be paid quarterly. Each operator of an Official Police Garage shall, on or before the last day of the calendar month following the close of each calendar quarter, make a statement to the City Clerk, on forms provided by the City Clerk, of the total amount of fees imposed by this section. At the time the statement is filed, the full amount of said fees shall be remitted to the City Clerk.

E. Miscellaneous Provisions.

1. Contracts awarded pursuant to this section may be awarded to individuals, partnerships, closely held corporations or public corporations.

2. Any sale or transfer of a majority of either the ownership interest or stock except public share stocks, of any Official Police Garage shall be subject to the approval of the City Council which shall consider any recommendation of the Board.

3. No individual, partnership, closely held corporation or public corporation shall be awarded more than two contracts to operate as an Official Police Garage at any given time.

4. Each Official Police Garage shall maintain its primary storage facility within the City.

5. No owner of an Official Police Garage shall have a controlling ownership interest in any automobile dismantling or wrecking yard, automobile body or repair shop, used car business or any other automobile related business other than an automobile towing and related garage business.

6. Each Official Police Garage shall obtain a permit pursuant to Los Angeles Municipal Code Section 103.204 and shall be subject to the provisions of Chapter X, Article 3, Division 3 of this Code.

#10469

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

ELIAS MARTINEZ, City Clerk

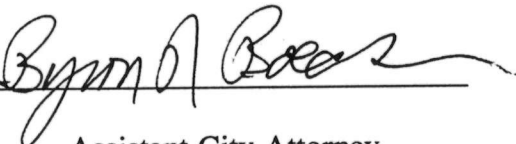
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality
May 15, 1996

JAMES K. HAHN, City Attorney

By 
Assistant City Attorney

File No. CF 95-2019

VERBAL MOTION

I HEREBY MOVE that the ORDINANCE relative to competitive contracting procedures and cost recovery methods for the City's Official Police Garage (OPG) franchises on today's Council agenda (Item No. 23, CF 95-2019) BE AMENDED to include on Page 2, B4, the following recommendation which was previously approved by City Council in its adoption of the Public Safety Committee Report, as amended, on February 28, 1996:

4. Initial contract shall be entered into over a four year period commencing in 1996 **"with a goal of issuing at least four contracts per year"...**

PRESENTED BY

JACKIE GOLDBERG
Councilmember, 13th District

SECONDED BY

JOEL WACHS
Councilmember, 2nd District

**MOTION*
ADOPTED

MAY 15 1996

LOS ANGELES CITY COUNCIL

May 15, 1996

CF 95-2019

calagend\95-2019.mot

ORD AS AMENDED BY (GOLDBERG-WACHS) Motion - over 1 week

TIME:

11 15 37

AGENDA NO. 23

YES: 12

NO: 1

ABS: 2

05/15/96

ALARCON.....YES	ALATORRE.....YES	BERNSON.....YES	BRAUDE.....YES
CHICK.....YES	FEUER.....YES	GALANTER.....YES	GOLDBERG.....NO
HERNANDEZ.....YES	HOLDEN.....YES	RIDLEY-THOMASYES	WACHS.....YES
FERRARO.....YES	SVORINICH.....ABS	WALTERS.....ABS	

to 5-22-96 ON 2nd READING BASIS -

3. Each contract awarded pursuant to this Section shall provide for towing and storage fees which shall be uniform throughout the City. Said fees shall be determined by the Board which shall consider as a factor the Los Angeles County Transportation Index. Said fees shall be effective for a calendar year.

4. Initial contracts shall be entered into over a four year period commencing in 1996~~*~~ with a goal of issuing at least four per year and the bid and contract procedures shall be implemented successively commencing with the geographic area which has had a designated Official Police Garage for the longest period and concluding with the area which has had a designated Official Police Garage for the shortest period. The heavy duty towing contracts shall be awarded in a like manner.

5. Each contract awarded pursuant to this Section shall provide for an option to renew the contract for an additional five year period subject to approval by the City Council. This provision shall not apply to any interim contract awarded pursuant to Subsection C of this Section.

C. Interim Contracts for Official Police Garage Services.

1. The Board shall enter into written contracts with those individuals or corporations which were doing business as Official Police Garages for the City on February 28, 1996. Said contracts shall be for terms which shall expire upon the award of the contracts described in Subsection "B" above.

2. Any transfer of ownership of an Official Police Garage contract entered into under provisions of this subsection shall not be made absent approval of the City Council.

ORDINANCE NO. _____

An ordinance adding section 80.77.4 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages.

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

Section 1. Section 80.77.4 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 80.77.4 OFFICIAL POLICE GARAGES

A. Definitions.

As used in this Section "Board" shall mean the Board of Police Commissioners. "Official Police Garage" shall mean a towing and garage business selected by the City to remove and store vehicles at the direction of any Police Officer or Traffic Officer employed by the City of Los Angeles including officers of the Port Police, Airport Police and Housing Authority Police.

B. Selection Process for Official Police Garages.

1. The Board of Police Commissioners shall, subject to the approval of the City Council, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for each of the geographic police areas of the City and for such heavy duty towing services as may, in the judgment of the Board, be necessary.

2. Said contracts shall be issued only after utilizing the City's standardized bid and contract procedures. Each request for proposals issued pursuant to this section shall be approved by resolution of the City Council. The evaluation of each proposal made pursuant to the provisions of this Section shall include an evaluation of the past performance of any proposer which has in the past operated as an Official Police Garage.

3. Each contract awarded pursuant to this Section shall provide for towing and storage fees which shall be uniform throughout the City. Said fees shall be determined by the Board which shall consider as a factor the Los Angeles County Transportation Index. Said fees shall be effective for a calendar year.

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2. Any transfer of ownership of an Official Police Garage contract entered into under provisions of this subsection shall not be made absent approval of the City Council.

D. Gross Receipts Fee.

Each Official Police Garage shall pay to the general fund of the City a fee equal to seven percent (7%) of all revenues generated as a result of its activities as an Official Police Garage, including but not limited to revenues generated

from the towing and storage of vehicles and the sales of lien vehicles. The fees provided herein shall be paid quarterly. Each operator of an Official Police Garage shall, on or before the last day of the calendar month following the close of each calendar quarter, make a statement to the City Clerk, on forms provided by the City Clerk, of the total amount of fees imposed by this section. At the time the statement is filed, the full amount of said fees shall be remitted to the City Clerk.

E. Miscellaneous Provisions.

1. Contracts awarded pursuant to this section may be awarded to individuals, partnerships, closely held corporations or public corporations.

2. Any sale or transfer of a majority of either the ownership interest or stock except public share stocks, of any Official Police Garage shall be subject to the approval of the City Council which shall consider any recommendation of the Board.

3. No individual, partnership, closely held corporation or public corporation shall be awarded more than two contracts to operate as an Official Police Garage at any given time.

4. Each Official Police Garage shall maintain its primary storage facility within the City.

5. No owner of an Official Police Garage shall have a controlling ownership interest in any automobile dismantling or wrecking yard, automobile body or repair shop, used car business or any other automobile related business other than an automobile towing and related garage business.

6. Each Official Police Garage shall obtain a permit pursuant to Los Angeles Municipal Code Section 103.204 and shall be subject to the provisions of Chapter X, Article 3, Division 3 of this Code.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

ELIAS MARTINEZ, City Clerk

By _____
Deputy

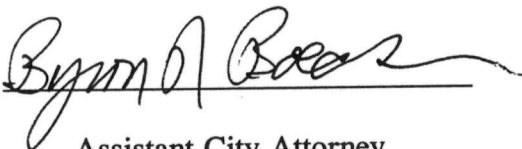
Approved _____

Mayor

Approved as to Form and Legality

May 8, 1996

JAMES K. HAHN, City Attorney

By 
Assistant City Attorney

File No. CF 95-2019



JAMES K. HAHN
CITY ATTORNEY

Office of the City Attorney
Los Angeles, California

CRIMINAL BRANCH
(213) 485-5452

CIVIL BRANCH
(213) 485-6370

WRITER'S DIRECT DIAL

NUMBER _____

REPORT NO. R96-0178
MAY - 8 1996

REPORT RE:

ORDINANCE ESTABLISHING PROCEDURES FOR
CONTRACTING WITH OFFICIAL POLICE GARAGES

The Honorable City Council
City of Los Angeles
Room 395, City Hall
Los Angeles, California 90012

Re: Council File 95-2019 (Transmitted Herewith)

Honorable Members:

Pursuant to your request of February 28, 1996, please find attached an Ordinance, approved as to form and legality, which would establish procedures for contracting with Official Police Garages.

If we can be of further assistance in this matter, please do not hesitate to call us.

Very truly yours,

JAMES K. HAHN, City Attorney

BY

BYRON R. BOECKMAN

Assistant City Attorney

BRB/lc
Encl.



MAY - 8 1996

3Y. _____ DEPT. 11

CITY CLERK

96 MAY -9 AM 1:41

FILED
CITY CLERK

ORDINANCE NO. _____

An ordinance adding section 80.77.4 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages.

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

Section 1. Section 80.77.4 of the Los Angeles Municipal Code is hereby amended to read:

SEC. 80.77.4 OFFICIAL POLICE GARAGES

A. Definitions.

As used in this Section "Board" shall mean the Board of Police Commissioners. "Official Police Garage" shall mean a towing and garage business selected by the City to remove and store vehicles at the direction of any Police Officer or Traffic Officer employed by the City of Los Angeles including officers of the Port Police, Airport Police and Housing Authority Police.

B. Selection Process for Official Police Garages.

1. The Board of Police Commissioners shall, subject to the approval of the City Council, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for each of the geographic police areas of the City and for such heavy duty towing services as may, in the judgment of the Board, be necessary.

2. Said contracts shall be issued only after utilizing the City's standardized bid and contract procedures. Each request for proposals issued pursuant to this section shall be approved by resolution of the City Council. The evaluation of each proposal made pursuant to the provisions of this Section shall include an evaluation of the past performance of any proposer which has in the past operated as an Official Police Garage.

3. Each contract awarded pursuant to this Section shall provide for towing and storage fees which shall be uniform throughout the City. Said fees shall be determined by the Board which shall consider as a factor the Los Angeles County Transportation Index. Said fees shall be effective for a calendar year.

4. Initial contracts shall be entered into over a four year period commencing in 1996 and the bid and contract procedures shall be implemented successively commencing with the geographic area which has had a designated Official Police Garage for the longest period and concluding with the area which has had a designated Official Police Garage for the shortest period. The heavy duty towing contracts shall be awarded in a like manner.

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C. Interim Contracts for Official Police Garage Services.

1. The Board shall enter into written contracts with those individuals or corporations which were doing business as Official Police Garages for the City on February 28, 1996. Said contracts shall be for terms which shall expire upon the award of the contracts described in Subsection "B" above.

2. Any transfer of ownership of an Official Police Garage contract entered into under provisions of this subsection shall not be made absent approval of the City Council.

D. Gross Receipts Fee.

Each Official Police Garage shall pay to the general fund of the City a fee equal to seven percent (7%) of all revenues generated as a result of its activities as an Official Police Garage, including but not limited to revenues generated

from the towing and storage of vehicles and the sales of lien vehicles. The fees provided herein shall be paid quarterly. Each operator of an Official Police Garage shall, on or before the last day of the calendar month following the close of each calendar quarter, make a statement to the City Clerk, on forms provided by the City Clerk, of the total amount of fees imposed by this section. At the time the statement is filed, the full amount of said fees shall be remitted to the City Clerk.

E. Miscellaneous Provisions.

1. Contracts awarded pursuant to this section may be awarded to individuals, partnerships, closely held corporations or public corporations.

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3. No individual, partnership, closely held corporation or public corporation shall be awarded more than two contracts to operate as an Official Police Garage at any given time.

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5. No owner of an Official Police Garage shall have a controlling ownership interest in any automobile dismantling or wrecking yard, automobile body or repair shop, used car business or any other automobile related business other than an automobile towing and related garage business.

6. Each Official Police Garage shall obtain a permit pursuant to Los Angeles Municipal Code Section 103.204 and shall be subject to the provisions of Chapter X, Article 3, Division 3 of this Code.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

ELIAS MARTINEZ, City Clerk

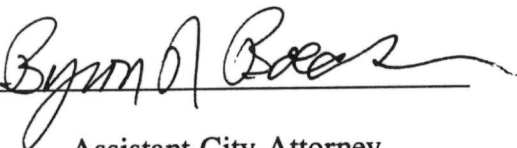
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality
May 8, 1996

JAMES K. HAHN, City Attorney

By 
Assistant City Attorney

File No. CF 95-2019

23
PLEASE SCHEDULE THE FOLLOWING ORDINANCE FOR COUNCIL MEETING ON WEDNESDAY,
MAY 15, 1996, per Pat Healy's instructions & pursuant to Council's action
of 2-28-96:

tk,
dt

ORDINANCE - FIRST CONSIDERATION

ITEM NO. ()

95-2019 - ORDINANCE relative to competitive contracting procedures and
cost recovery methods for the City's Official Police Garage
franchises.

Recommendation for Council action:

PRESENT and ADOPT accompanying ORDINANCE adding Section 80.77.4
to the Los Angeles Municipal Code to establish contracting
procedures for Official Police Garages. Ordinance provisions
include authorization for the Board of Police Commissioners,
subject to Council approval, to award OPG contracts for a fixed
5-year term for each geographic police area of the City utilizing
the City's standardized bid and contract procedures, and
evaluations of past performance of any proposer which has in
the past operated as an OPG. Initial contracts shall be over a
4-year period commencing in 1996 and contract procedures
implemented successively based on the OPG's seniority within the
designated geographic area. Council approval is required for
renewal of contracts for an additional 5-year period and transfer
of ownership of an OPG contract. OPG's shall pay a 7% gross
receipts fee on a quarterly basis from revenue generated from
towing, storage & sales of lien vehicles.

[Pursuant to Council's adoption of Public Safety Committee
Report, as amended, on February 28, 1996]

CITY OF LOS ANGELES SPEAKER CARD

Date

1/29/96

Council File No., Agenda Item, or Case No.

8096

I wish to speak before the

LA PUBLIC SAFETY COMMISSION
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal

() Against proposal
Name: DAVID H. GIRARD () General comments

Business or Organization Affiliation: GIRARD + PETERSON INC

Address: 154 W PROVIDENCIA BOULEVARD 91502
Street City State Zip

Business phone: 818 843 5000 Representing: MYSELF

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW:

☐

Client Name: Phone #:

Client Address: Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

CITY OF LOS ANGELES SPEAKER CARD

Date

1/29/96

Council File No., Agenda Item, or Case No.

895-2019

I wish to speak before the Public Safety Committee
Name of City Agency, Department, Committee or Council

Do you wish to provide general public comment, or to speak for or against a proposal on the agenda? () For proposal
() Against proposal
Name: ROBERT RING (x) General comments

Business or Organization Affiliation: RING & GREEN

Address: 1900 Avenue of the Stars LA CA 90067
Street City State Zip

Business phone: (310) 201-0777 Representing: INDEPENDENT TOW COMPANIES

CHECK HERE IF YOU ARE A PAID SPEAKER AND PROVIDE CLIENT INFORMATION BELOW: ☒ (818)

Client Name: TOM JOHN TOWING/CLARKE PETERSON Phone #: 843-8000
TOW

Client Address: 154 W Rosemead Barbours CA 91502
Street City State Zip

Please see reverse of card for important information and submit this entire card to the presiding officer or chairperson.

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

95-2019

MAR 12 1996

March 6, 1996

✓ City Attorney (with file)
All Councilmembers
Honorable Richard Riordan, Mayor
City Administrative Officer
Chief Legislative Analyst
Department of Transportation

Controller:
Room 220
Accounting Division, F&A
Disbursement Division
Police Department
Board of Police Commissioners

RE: COMPETITIVE CONTRACTING PROCEDURE'S AND COST RECOVERY METHODS FOR
THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES

At the meeting of the Council held February 28, 1996, the following
action was taken:

Attached report adopted as amended..... X
" motion " ().....
" resolution " ().....
Motion adopted to approve attached report.....
" " " " communication.....
To the Mayor FORTHWITH.....
Mayor approved.....
Mayor failed to act - deemed approved.....
Findings adopted.....
Negative Declaration adopted.....
Categorically exempt.....
Generally exempt.....
EIR certified.....

Elias Martinez

City Clerk
et

steno\952019



TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PUBLIC SAFETY COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u>—</u>

PUBLIC SAFETY COMMITTEE REPORT relative to competitive contracting procedure's and cost recovery methods for the City's Official Police Garage (OPG) franchises.

Recommendations for Council action, as recommended by the OPG Steering Committee and modified by the Police Commission, as further modified by the Transportation Committee, and as amended by the Public Safety Committee:

REQUEST the City Attorney, with the assistance of the OPG Steering Committee, to PREPARE AND PRESENT the following documents to provide for competitive bidding procedures for OPG franchise type contracts and to fully recover City costs associated with its towing program:

- A. An Ordinance adding Section 80.77.3 to the Los Angeles Municipal Code (LAMC) establishing contracting procedures for Official Police Garages to state that contracts for existing OPG areas be awarded at the rate of at least 4 per year beginning in calendar year 1996 based on seniority until completed.
- B. Proposed RFP to reflect these changes or clarification:
 1. City cost recovery fees apply only after the total lien is satisfied.
 2. Contracts be issued in the ownership interest or corporate name of the OPG and give the authority to sell such ownership interest or stock.
 3. Any sale of a majority of the stock or ownership interest will specifically require approval of the purchaser by the City Council after recommendation by the Police Commission.
 4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1, of each year.
 5. Each awarded 5-year franchise contain an option to renew for a second 5-year period upon approval by City Council.
 6. Up to, but no more than, two (2) franchises be awarded to one operator.
 7. City Council approval shall be required for:

COUNCIL ACTION ON FEBRUARY 28, 1996

a. The final RFP document prepared by staff* and all subsequent RFPs prepared prior to release after 1996.* (Holden-Chick)

b. Each final OPG franchise awarded.

*8. ~~Include the referral fee as determinate in the RFP evaluation process.~~ * (Chick-Bernson)

9. Stipulate that a contractor's primary OPG facility be located within the City of Los Angeles and that contractors not own, or have a controlling interest in the operation of, any auto dismantling or wrecking yards, auto body shop, repair shop, used car lot, or any other auto-related business.

*10. Past performance of a previous or current OPG contractor shall be included among the criteria for awarding any new OPG franchise.

*(Goldberg-Wachs)

C. An Ordinance to establish a Gross Receipts Fee equal to *five seven percent* (5% 7%) of all revenues obtained by the franchise through its OPG status - including the towing, parking, and the sale of lien vehicles - such fees to be paid by all OPG's, effective immediately, to the City Clerk on a quarterly basis substantially in conformance with the provision of the proposed RFP. *(Bernson-Chick)

D. An Ordinance to revise the LAMC to require that impounded vehicles valued over \$250 that are abandoned or not claimed by their owners be assessed a Vehicle Release Fee (existing) after the total lien costs have been satisfied in accordance with the provisions of the proposed RFP.

Fiscal Impact Statement: Once all contracts have been rebid, provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current vehicle release fee recovers only about \$5 million of the cost.

Summary:

On January 13, 1995, the Mayor vetoed an ordinance (CF 89-0357) that would have added Section 80.77.3 to the LAMC to establish contracting procedures for the City's OPG's. In his veto message, the Mayor established a Steering Committee to develop an appropriate approach to commence the competitive bidding of OPG franchises immediately rather than waiting 3 years as proposed by the ordinance, and to review the methods by which the City may recover the full cost of the activities associated with its towing program. The Steering Committee addressed the following issues:

1. Requirements for performance as an OPG for the City.
2. Methods for recovering the cost of the City's towing operations including the establishment of a franchise fee such as fee on gross receipts.
3. The ability of the OPG's to pay a franchise fee or combination of fees to the City to cover the cost of its towing program. City contract financial advisors reviewed the financial status of four satisfactory OPG operators and concluded that the proposed

charges are reasonable.

The Steering Committee reviewed the towing programs of other jurisdictions in the State of California and found that the procedures currently employed in the City of San Diego (namely that of requiring towing garages to competitively bid on the available contracts in each of that city's nine towing districts), was equitable and provided a mechanism to inject competition into the bidding process.

The current fee collection system provides for:

A towing fee paid by the vehicle owner to the OPG is set by the Police Commission - at a rate that is uniform citywide.

A vehicle release fee paid to the City - the sole source of revenue from this activity.

The changes recommended by the Steering Committee are intended over time, once all contracts have been rebid, to provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current release fee recovers only about \$5 million of the cost. Some of it's major proposed changes include:

1. Phased-in implementation of Four OPG awards per year, plus any replacement contracts.
2. A gross receipts fee of 5% of all OPG awards per year, plus any replacement contracts.
3. A referral payment fee on a per vehicle basis - to be bid by the potential franchisee and evaluated as one of the selection criteria.
4. Collection of the release fee for lien sale vehicles valued over \$250.

The Transportation Committee at its meetings of December 4 and 8, 1995, considered the communication from the Mayor dated October 11, 1995 submitting the CAO report of July 26, 1995 containing recommendations of the City's OPG Steering Committee and the Police Commission review of September 12, 1995 relative to competitive bidding procedures for franchise and methods by which the City may recover the full cost of the activities associated with its towing program. The Transportation Committee heard testimony from the Steering Committee and representatives of the OPG operators and other independent towing companies.

The Transportation Committee felt that the Council rather than the Police Commission should maintain strict control over the award and bidding process; hence, the final RFP documents will require specific Council approval, changes of majority ownership will require Council approval and the contract awards will require Council approval.

The Committee recommended that at least 4 contracts be awarded each year and "grandfather type" contracts be awarded to existing OPG's to provide better contractual control of the existing OPG operators as previously recommended by the Council in the vetoed ordinance.

The RFP includes requirements for OPG storage facilities, operating equipment and the criteria for collection. One criteria includes a Referral Fee payment to be bid on a per case basis for the exclusive right to tow and store. The OPG Steering Committee recommended that this Referral Fee be rated as a factor in evaluation of the bids. The Transportation Committee recommended that the Referral Fee only as selection criteria as a "tie-breaker".

The Public Safety Committee considered this matter in its special meeting held January 29, 1996. The Committee Chair explained that the Committee decided to give further consideration to this matter as it had been expressed that several unresolved issues remained and a consensus had not been achieved. The Chair further stated that it was the goal of the Committee and the Council to ensure that the playing field created would be as fair and as competitive as possible, and ensure quality of service and the City's financial benefit.

In the course of public testimony, support was expressed for both the Transportation Committee recommendations and the 5% franchise fee and for a need to open up the selection process to increased competition.

The City Attorney recommended against gerrymandering OPG districts to increase their total number. The final draft of this ordinance can underscore that any increase in the number of OPGs will automatically be tied to an increase in the number of Police Divisions. Furthermore, OPGs will be required to maintain their primary location within the City of Los Angeles. The City Attorney further explained that the Police Commission, as part of the evaluation process, considers an OPG's facilities and equipment usage in conjunction with other contracts or entities. The City Attorney also explained that requiring contracts terms of at least five years ensures a higher quality of service. In addition, the Police Commission does not have sufficient staff to monitor contract of shorter lengths. To promote competition, the Committee stated that each contractor should be allowed operate (no more than two OPGs, as recommended by the Transportation Committee.

While a variable rate tow fee structure, one that would charge a rate according to geographic region of the City, would be illegal, contracts can be written such that each contractor would agree to any increase in fees that may be imposed by the City Council. The City Attorney stated that the Ordinance can be written such that the Referral Fee would be a factor in the selection process, as recommended by the OPG Steering Committee.

The Public Safety Committee concurred with the recommendations of the Transportation Committee, as amended to delete recommendation 7(b) relative to interim contracts to "grandfather in" existing OPG contractors, insofar as any interim contract would be fashioned after the RFP and would

therefore be superfluous. The Public Safety Committee further recommended that the RFP stipulate that each contractor's primary OPG facility be located within the City of Los Angeles and that contractors do not own or have a controlling interest in the operation of any auto dismantling or wrecking yards, auto body shops, repair shops, used car lots, or any other auto-related business. Finally, the Public Safety Committee added that the Referral Fee be a factor to be considered in the evaluation of the various competitive bids submitted; and, it be required to be produced as to be stated in the RFP.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Laura Chick

Michael Turner

JAW
2/5/96

#952019A

ADOPTED
* AS AMENDED
FEB 28 1996

LOS ANGELES CITY COUNCIL
TRANSPORTATION REPORT
RECEIVED AND FILED

PUBLIC SAFETY COMMITTEE
Report/~~Communication~~ for Signature

Council File Number 95-2019

Committee Meeting Date 1-29-96

Council Date 2-28-96

COMMITTEE MEMBER	YES	NO	ABSENT
COUNCILMEMBER CHICK, Chair	✓		
COUNCILMEMBER HOLDEN			
COUNCILMEMBER FEUER	✓		

Remarks OFG Ordinance request and RFP
recommendations

John A. White, Legislative Assistant ♦♦♦♦ Telephone 485-5775

CITY OF LOS ANGELES
CALIFORNIA

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

MAR 12 1996

95-2019

March 6, 1996

City Attorney (with file)
All Councilmembers
Honorable Richard Riordan, Mayor
City Administrative Officer
Chief Legislative Analyst
Department of Transportation

Controller:
Room 220
Accounting Division, F&A
Disbursement Division
Police Department
Board of Police Commissioners

RE: COMPETITIVE CONTRACTING PROCEDURE'S AND COST RECOVERY METHODS FOR
THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES

At the meeting of the Council held February 28, 1996, the following
action was taken:

Attached report adopted as amended.....	X
" motion " ().....	
" resolution " ().....	
Motion adopted to approve attached report.....	
" " " " communication.....	
To the Mayor FORTHWITH.....	
Mayor approved.....	
Mayor failed to act - deemed approved.....	
Findings adopted.....	
Negative Declaration adopted.....	
Categorically exempt.....	
Generally exempt.....	
EIR certified.....	

Elias Martinez

City Clerk
et

steno\952019



TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

PUBLIC SAFETY COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u> </u>

PUBLIC SAFETY COMMITTEE REPORT relative to competitive contracting procedure's and cost recovery methods for the City's Official Police Garage (OPG) franchises.

Recommendations for Council action, as recommended by the OPG Steering Committee and modified by the Police Commission, as further modified by the Transportation Committee, and as amended by the Public Safety Committee:

REQUEST the City Attorney, with the assistance of the OPG Steering Committee, to PREPARE AND PRESENT the following documents to provide for competitive bidding procedures for OPG franchise type contracts and to fully recover City costs associated with its towing program:

- A. An Ordinance adding Section 80.77.3 to the Los Angeles Municipal Code (LAMC) establishing contracting procedures for Official Police Garages to state that contracts for existing OPG areas be awarded at the rate of at least 4 per year beginning in calendar year 1996 based on seniority until completed.
- B. Proposed RFP to reflect these changes or clarification:
 1. City cost recovery fees apply only after the total lien is satisfied.
 2. Contracts be issued in the ownership interest or corporate name of the OPG and give the authority to sell such ownership interest or stock.
 3. Any sale of a majority of the stock or ownership interest will specifically require approval of the purchaser by the City Council after recommendation by the Police Commission.
 4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1, of each year.
 5. Each awarded 5-year franchise contain an option to renew for a second 5-year period upon approval by City Council.
 6. Up to, but no more than, two (2) franchises be awarded to one operator.
 7. City Council approval shall be required for:

* ADOPTED AS AMENDED by Council action on February 28, 1996

- a. The final RFP document prepared by staff* and all subsequent RFPs prepared prior to release after 1996.* (Holden-Chick)
- b. Each final OPG franchise awarded.
- *8. ~~Include the referral fee as determinate in the RFP evaluation process.~~ * (Chick-Bernson)
9. Stipulate that a contractor's primary OPG facility be located within the City of Los Angeles and that contractors not own, or have a controlling interest in the operation of, any auto dismantling or wrecking yards, auto body shop, repair shop, used car lot, or any other auto-related business.
- *10. Past performance of a previous or current OPG contractor shall be included among the criteria for awarding any new OPG franchise.
* (Goldberg-Wachs)
- C. An Ordinance to establish a Gross Receipts Fee equal to* five seven percent* (5% 7%) of all revenues obtained by the franchise through its OPG status - including the towing, parking, and the sale of lien vehicles - such fees to be paid by all OPG's, effective immediately, to the City Clerk on a quarterly basis substantially in conformance with the provision of the proposed RFP.* (Bernson-Chick)
- D. An Ordinance to revise the LAMC to require that impounded vehicles valued over \$250 that are abandoned or not claimed by their owners be assessed a Vehicle Release Fee (existing) after the total lien costs have been satisfied in accordance with the provisions of the proposed RFP.

Fiscal Impact Statement: Once all contracts have been rebid, provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current vehicle release fee recovers only about \$5 million of the cost.

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The Steering Committee reviewed the towing programs of other jurisdictions in the State of California and found that the procedures currently employed in the City of San Diego (namely that of requiring towing garages to competitively bid on the available contracts in each of that city's nine towing districts), was equitable and provided a mechanism to inject competition into the bidding process.

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The Public Safety Committee concurred with the recommendations of the Transportation Committee, as amended to delete recommendation 7(b) relative to interim contracts to "grandfather in" existing OPG contractors, insofar as any interim contract would be fashioned after the RFP and would

therefore be superfluous. The Public Safety Committee further recommended that the RFP stipulate that each contractor's primary OPG facility be located within the City of Los Angeles and that contractors do not own or have a controlling interest in the operation of any auto dismantling or wrecking yards, auto body shops, repair shops, used car lots, or any other auto-related business. Finally, the Public Safety Committee added that the Referral Fee be a factor to be considered in the evaluation of the various competitive bids submitted; and, it be required to be produced as to be stated in the RFP.

Respectfully submitted,

PUBLIC SAFETY COMMITTEE

Laura Chick

Michael Turner

JAW
2/5/96

#952019A

ADOPTED
*** AS AMENDED**
FEB 28 1996

LOS ANGELES CITY COUNCIL
TRANSPORTATION REPORT
RECEIVED AND FILED

ADD 2% TO GROSS RECEIPTS FEE FOR

TIME:
12 14 24

+++++
 AGENDA NO. 23 YES: 10 NO: 3 ABS: 2 02/28/96
 ALARCON.....YES ALATORRE.....YES BERNSON.....YES BRAUDE.....NO
 CHICK.....YES FEUER.....NO GOLDBERG.....NO HERNANDEZ.....YES
 HOLDEN.....YES RIDLEY-THOMASYES SVORINICH.....YES WACHS.....YES
 FERRARO.....YES GALANTER.....ABS WALTERS.....ABS
 +++++

TOTAL FEE OF 7%

ADD PAST PERFORMANCE TO RFP CRITERIA

TIME:
12 16 45

+++++
 AGENDA NO. 23 YES: 13 NO: 0 ABS: 2 02/28/96
 ALARCON.....YES ALATORRE.....YES BERNSON.....YES BRAUDE.....YES
 CHICK.....YES FEUER.....YES GOLDBERG.....YES HERNANDEZ.....YES
 HOLDEN.....YES RIDLEY-THOMASYES SVORINICH.....YES WACHS.....YES
 FERRARO.....YES GALANTER.....ABS WALTERS.....ABS
 +++++

/ REQUIRE COUNCIL APPROVAL OF ALL RFPs

TIME:
12 18 18

+++++
 AGENDA NO. 23 YES: 10 NO: 3 ABS: 2 02/28/96
 ALARCON.....YES ALATORRE.....YES BERNSON.....YES BRAUDE.....NO
 CHICK.....YES FEUER.....~~YES~~ GOLDBERG.....~~YES~~ HERNANDEZ.....NO
 HOLDEN.....YES RIDLEY-THOMASYES SVORINICH.....YES WACHS.....NO
 FERRARO.....YES GALANTER.....ABS WALTERS.....ABS
 +++++

PREPARED IN SUBSEQUENT YEARS AFTER 1996

ADOPT PS CMTE RPT AS AMENDED

TIME:
12 19 18

+++++
 AGENDA NO. 23 YES: 10 NO: 3 ABS: 2 02/28/96
 ALARCON.....YES ALATORRE.....YES BERNSON.....YES BRAUDE.....NO
 CHICK.....YES FEUER.....NO GOLDBERG.....NO HERNANDEZ.....YES
 HOLDEN.....YES RIDLEY-THOMASYES SVORINICH.....YES WACHS.....YES
 FERRARO.....YES GALANTER.....ABS WALTERS.....ABS
 +++++

PUBLIC SAFETY COMMITTEE
SUGGESTED NOTIFICATION OF COUNCIL ACTION

Council File No. 95-209

☒	Council Member(s) <u>All Council members</u>	
☒	Mayor (with/without file)	(Mail Stop 370)
☒	City Administrative Officer	(Mail Stop 130)
☒	City Attorney <u>w/file</u>	(Mail Stop 140)
☒	Chief Legislative Analyst	(Mail Stop 136)
☒	Controller	(Mail Stop 183)
☐	Personnel Department	(Mail Stop 391)
☒	Police Department	(Mail Stop 400)
☒	Board of Police Commissioners	(Mail Stop 400)
☐	Fire Department	(Mail Stop 250)
☐	Board of Fire Commissioners	(Mail Stop 250)
☐	Department of Animal Regulation	(Mail Stop 105)
☐	Board of Animal Regulation Commissioners	(Mail Stop 105)
☐	Dept. of Building and Safety	(Mail Stop 115)
☐	Board of Building and Safety Commissioners Building Advisory Appeal Board	(Mail Stop 115)
☐	Department of Social Service	(Mail Stop 700)
☐	Board of Social Service Commissioners	(Mail Stop 700)
☒	<u>Department of Transportation</u>	
☐		

compaction device on a city garbage truck broke, a 12-foot shaft smashed through

prompted Alarcon and Ridley-Thomas' respective committees to call for new investigations and a task force. But the

has been asked to look into allegations of wrongdoing related to contracts with Amrep.

Council Opens Police Garage Towing Pacts to Competitive Bidding

(CNS)—The Los Angeles City Council agreed Wednesday to open city towing contracts to competitive bidding, ending a near-monopoly system that has stoked anger for decades from companies shut out of the business.

For nearly half a century, a handful of companies had a virtual lock on the Official Police Garage, or OPG, business in the Los Angeles Police Department's 18 patrol areas.

But in October 1994, a Los Angeles Superior Court judge ordered the city to break what essentially was a government-regulated monopoly. The decision came

after a lawsuit was filed by two tow truck operators vying for a contract with the city.

More than a year ago, the council approved opening the process to competitive bids by 1998. But Mayor Richard Riordan vetoed the ordinance, saying he wanted it done sooner.

Under the plan approved Wednesday, four contracts will be let a year, in a complex process the council debated for more than an hour Wednesday.

Operators will be limited to holding two contracts at a time, and will have to pay the city 7 percent of their gross receipts to cover the administrative costs of opening the process to bid.

A worker from the City Administrative Office, which formed a steering committee to help devise the plan, said administrative costs could be recouped for 5 to 10 percent of the bid. So the 7 percent levy represented middle ground.

In its original form, the bidding plan included a provision to use a referral fee as a "tiebreaker" for who got the business.

It essentially was a per car surcharge tow truck companies would have to pay, and designed to offset the city's administrative costs.

But Councilman Joel Wachs, a non-practicing attorney, argued against it. He predicted it would prompt lobbyists to swarm City Hall.

"They'll argue that in every case the award was between equally qualified firms," Wachs said.

Byron Boeckman is a lawyer for the police commission, which will award the contracts with City Council approval.

He said an audit of current contract holders indicates the referral fee could result in the city getting a lower quality of service. Boeckman said competing firms might offer the city a larger referral fee up front to get the contract, but that the money would come out of the firm's operating budget.

Councilwoman Jackie Goldberg wanted the fee, which would cover the city's longterm cost of about \$12 million to open the contracts to bid. But Marvin Braude said such a fee would go against "the nature of free enterprise."

Braude said the bid should go to the qualified firm with the lowest bid, plain and simple.

"That's the fundamental issue here," the councilman said.

Hal Bernson argued that the city wants top-notch service and to recover its costs, not just the lowest price. He suggested the "7 percent solution" to cover the city's costs.

But other council members introduced several amendments, including one that would limit operators to a contract at a time, instead of two. Eventually, Council President John Ferraro suggested limiting the amendments instead.

The council also debated several other formulas for recouping city administrative costs. In the end, the members went with Bernson's suggestion.

The rest of the plan was approved as recommended by Councilwoman Laura Chick's Public Safety Committee.

Chief Engineer Urges Vacating Speed Up Quake Retrofit

age-1928 building could be deferred, such as state-of-the-art upgrades on electrical and mechanical systems. But he said his bureau still recommends a \$216 million renovation.

The mayor's panel has recommended a \$165 million plan. The council has taken no definitive action since the work ground to a halt last summer.

Before projected overruns stalled the project, the council had approved a \$153 million retrofit.

But Public Works officials later said the job could not be completed, as envisioned, for under about \$240 million.

Although the original contract for the base isolation work was canceled, Board of Public Works President J.P. Ellman said it "doesn't mean we've given up on the project."

She said the decision to dissolve the contract was mainly to settle litigation brought by an unsuccessful bidder. She

Six Named to City Professional Football Committee

DATE: Feb. 28 1996

COUNCIL ITEM NO. 23

PLEASE PRINT

PERSONS SEATED AT CENTER TABLE TO ANSWER QUESTIONS
AND PROVIDE INFORMATION TO COUNCIL MEMBERS

	<u>NAME</u>	<u>TITLE</u>	<u>ORGANIZATION</u>
1.	<u>Byron R. Boeckman</u>	<u>Asst City Atty</u>	<u>City Attorney</u>
2.	<u>Det Richard Rucchi</u>	<u>DETECTIVE</u>	<u>Police Comm./CID</u>
3.	<u>DET DAN CARSON</u>	<u>"</u>	<u>" "</u>
4.	<u>BARBARA BONINO</u>	<u>Principal Admin. Analyst</u> <u>Office of the CAO</u> →	<u>CAO</u>
5.	<u>JOE GUNN</u>	<u>CONSULTANT</u>	<u>MAYOR'S OFF.</u>
6.	<u> </u>	<u> </u>	<u> </u>
7.	<u> </u>	<u> </u>	<u> </u>
8.	<u> </u>	<u> </u>	<u> </u>
9.	<u> </u>	<u> </u>	<u> </u>
10.	<u> </u>	<u> </u>	<u> </u>
11.	<u> </u>	<u> </u>	<u> </u>
12.	<u> </u>	<u> </u>	<u> </u>
13.	<u> </u>	<u> </u>	<u> </u>
14.	<u> </u>	<u> </u>	<u> </u>

FEB 28 1996



CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 847-2489

OFFICE OF THE MAYOR

RICHARD J. RIORDAN
MAYOR

February 28, 1996

Council of the City of Los Angeles

Honorable Members:

On Wednesday, February 28, 1996, the Council is scheduled to consider the reports of its Transportation and Public Safety Committees relative to competitive contractual procedures and cost recovery methods for the City's Official Police Garage franchises (Item No. 23).

The recommendations of both Committees would move the City towards full cost recovery for the City's towing program and meet the requirements of the Los Angeles Police Department and the Department of Transportation.

While neither report contains all of the recommendations of the City's Official Police Garage Steering Committee, nor of the Police Commission, the report of the Public Safety Committee contains more of the safeguards and recommendations that affect our ability to achieve full cost recovery. Moreover, the Public Safety Committee has endorsed the use of a competitively bid referral fee as an evaluation criteria. We consider this competitive bid feature of the Public Safety Committee's report to be extremely important. We therefore urge the Council to adopt the report of the Public Safety Committee when it takes up this matter.

Sincerely,

Richard J. Riordan
Mayor

Rick Tuttle
Controller

RJR:llc

1423

RECEIVED

FEB 28 1996

SOB

TO THE COUNCIL OF THE
CITY OF LOS ANGELES

Your

TRANSPORTATION COMMITTEE

reports as follows:

	<u>Yes</u>	<u>No</u>
Public Comments	<u>XX</u>	<u> </u>

TRANSPORTATION COMMITTEE REPORT relative to competitive contracting procedures and cost recovery methods for the City's Official Police Garage (OPG) franchises.

Recommendations for Council action:

DIRECT the City Attorney with the assistance of the City OPG Steering Committee to prepare and present the following documents substantially as indicated to provide for competitive bidding procedures for OPG franchise type contracts and to fully recover City costs associated with its towing program:

- A. An Ordinance adding Section 80.77.3 to the Los Angeles Municipal Code (LAMC) to establish contracting procedures for Official Police Garages containing the following elements and certain elements of RFP as appropriate:
 - 1. The contracts for existing OPG areas are to be awarded at the rate of at least 4 per year beginning in calendar year 1996 based on seniority until completed. (See Attachment "A" as a guideline only)
 - 2. Interim contracts will be awarded to all existing OPG's while the bidding is in process.
- B. Proposed RFP as prepared by the OPG Steering Committee and modified by the Police Commission (as per Attachment "B"), and as further recommended to be modified by the Transportation Committee to reflect these changes or clarification:
 - 1. City cost recovery fees apply only after the total lien is satisfied.
 - 2. Contracts be issued in the ownership interest or corporate name of the OPG and give the authority to sell such ownership interest or stock.
 - 3. Any sale of a majority of the stock or ownership interest will specifically require approval of the purchaser by the City Council after recommendation by the Police Commission.
 - 4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1, of each year.
 - 5. Each awarded 5-year franchise contain an option to renew for a second 5-year period upon approval by City Council.

6. Up to, but no more than, two (2) franchises be awarded to one operator.
 7. City Council approval shall be required for:
 - a. The final RFP document prepared by staff.
 - b. The interim contract document as prepared by staff.
 - c. Each final OPG franchise awarded.
 8. Eliminate the referral fee and its proposed usage as a "tie breaker".
- C. An Ordinance to establish a Gross Receipts Fee equal to five percent (5%) of all revenues obtained by the franchise through its OPG status - including the towing, parking, and the sale of lien vehicles - such fees to be paid by all OPG's, effective immediately, to the City Clerk on a quarterly basis substantially in conformance with the provision of the proposed RFP.
- D. An Ordinance to revise the LAMC to require that impounded vehicles valued over \$250 that are abandoned or not claimed by their owners be assessed a Vehicle Release Fee (existing) after the total lien costs have been satisfied in accordance with the provisions of the proposed RFP.

Fiscal Impact Statement: Once all contracts have been rebid, provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current vehicle release fee recovers only about \$5 million of the cost.

Summary:

On December 4 and 8, 1995, the Transportation Committee considered and approved the contracting procedures and cost recovery methods for the City's OPG franchises.

On January 13, 1995, the Mayor vetoes an ordinance (CF 89-0357) that would have added Section 80.77.3 to the LAMC to establish contracting procedures for the City's OPG's. In his veto message, the Mayor established a Steering Committee to develop an appropriate approach to commence the competitive bidding of OPG franchises immediately rather than waiting 3 years as proposed by the ordinance, and to review the methods by which the City may recover the full cost of the activities associated with its towing program. The Steering Committee addressed the following issues:

1. Requirements for performance as an OPG for the City of Los Angeles.
2. Methods for recovering the cost of the City's towing operations including the establishment of a franchise fee such as fee on gross receipts.
3. The ability of the OPG's to pay a franchise fee or combination of fees to the City to cover the cost of its towing program. City contract financial advisors reviewed the financial status of four satisfactory OPG operators and concluded that the proposed charges are reasonable.

The Steering Committee reviewed the towing programs of other jurisdictions in the State of California and found that the procedures currently employed in the City of San Diego (namely that of requiring towing garages to competitively bid on the available contracts in each of that city's nine towing districts), was equitable and provided a mechanism to inject competition into the bidding process.

The current fee collection system provides for:

A towing fee paid by the vehicle owner to the OPG is set by the Police Commission - at a rate that is uniform citywide.

A vehicle release fee paid to the City - the sole source of revenue from this activity.

The changes recommended by the Steering Committee are intended over time, once all contracts have been rebid, to provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current release fee recovers only about \$5 million of the cost. Some of it's major proposed changes include:

1. Phased-in implementation of Four OPG awards per year, plus any replacement contracts.
2. A gross receipts fee of 5% of all OPG awards per year, plus any replacement contracts.
3. A referral payment fee on a per vehicle basis - to be bid by the potential franchisee and evaluated as one of the selection criteria.
4. Collection of the release fee only for lien sale vehicles valued over \$250.

The Transportation Committee at its meetings of December 4 and 8, 1995, considered the communication from the Mayor dated October 11, 1995 submitting the CAO report of July 26, 1995 containing recommendations of the City's OPG Steering Committee and the Police Commission review of September 12, 1995 relative to competitive bidding procedures for franchise and methods by which the City may recover the full cost of the activities associated with its towing program.

The Transportation Committee also conducted public hearings on the subject matter and heard testimony from the Steering Committee and representatives of the OPG operators and other independent towing companies.

It was the consensus of the Transportation Committee that the City Attorney should be instructed to prepare and present the following recommended documents:

- A. Procedural Ordinance provisions.
- B. Proposed RFP as per Attachment "B" to be as modified by 8 changes recommended by the Transportation Committee.
- C. 5% Gross Receipts Fee Ordinance.
- D. Release Fee Modifications Ordinance.

The Committee felt that the Council rather than the Police Commission should maintain strict control over the award and bidding process; hence, the final RFP documents will require specific Council approval, changes of majority ownership will require Council approval and the contract awards will require Council approval.

The Committee recommended that at least 4 contracts be awarded each year and that in the interim "grandfather type" contracts should be awarded to existing OPG's to provide better contractual control of the existing OPG operators as previously recommended by the Council in the vetoed ordinance.

Some of the proposed changes in the "RFP" document are needed to provide technical changes to improve administration of the program while others are more substantial within the broad parameters needed to institute the competitive bidding process. These included a 5 year extension option rather than a one-year option, and being limited to 2 franchises.

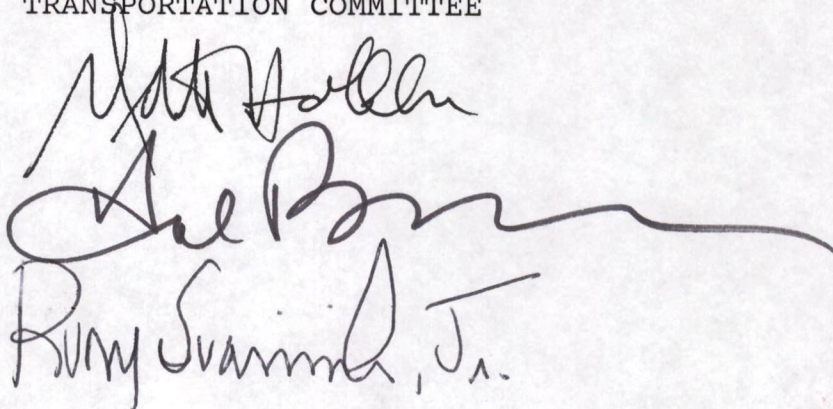
The RFP includes minimum requirements for OPG storage facilities, operating equipment and the criteria for selection. One criteria would have included a Referral Fee payment to be bid on a per car basis for the exclusive right to tow and store. The OPG Steering Committee recommended that this Referral Fee be rated as a factor in evaluation of the bids. The Police Commission however, specifically noted that the primary focus for selection is based on the level of service to the City and the public, and this Referral Fee would be considered only as selection criteria as a "tie-breaker". Your Committee agrees with the concept of the Police Commission that a service bid should prevail over an economic bid and based on this concept the Referral Fee should be eliminated even as a "tie-breaker". If the broad based "gross receipts" fee proves to be insufficient, that fee could be increased or a supplemental set Referral Fee could be imposed.

Respectfully submitted,

TRANSPORTATION COMMITTEE

CBP:bem³
2/5/96

reports\#952019



Handwritten signatures of three individuals: a man, a woman, and a man with "Jr." in his name.

FEB 28 1996 -

Received and Filed -
ATTACHED PUBLIC SAFETY
REPORT ADOPTED AS
AMENDED

23

TRANSPORTATION COMMITTEE
Report/~~Communication~~ for Signature

Council File Number

95-2019

Committee Meeting Date

12-8-95

Council Date

Wed 2-28-96

COMMITTEE MEMBER	YES	NO	ABSENT
COUNCILMEMBER HOLDEN, Chair	X		
COUNCILMEMBER BERNSON	X		
COUNCILMEMBER SVORINICH	X		

Remarks

CALLED SPECIAL

Bill Pruner, Legislative Assistant II ♦♦♦♦ Telephone 485-5732

2 reports

INTRADEPARTMENTAL CORRESPONDENCE

September 13, 1995

BOARD OF
POLICE COMMISSIONERS
Approved SEP 12 1995
Secretary G. [Signature]

TO: Commissioner Herbert F. Boeckmann, II

FROM: Commanding Officer, Commission Investigation Division

SUBJECT: **REVIEW AND AMENDMENT OF PROPOSED CONTRACTING PROCEDURES FOR THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES**

Commission staff has reviewed the proposed contract procedures and recommends approval with the following changes:

Page 2 Facilities

Primary Storage Facility: The proposer must have a primary place of business located within the _____ Area as defined above. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area with a storage capacity for a **minimum of 400** vehicles ~~(approximately one acre)~~. The facility must also include a secure area for the storage of ~~fifteen (15)~~ _____ evidentiary hold vehicles.

Page 3 Operating Equipment

Proposers will be required to provide a **minimum** of ~~one~~ _____ flat-bed car carrier(s), ~~three~~ _____ tow trucks with contemporary equipment to minimize damage, and two-way radio communication equipment. In addition, proposers will be required to maintain systematic records and vehicle controls, and lease or purchase and maintain equipment necessary to be on-line with DOT's Ticket Information Management System (TIMS).

Page 3 Audit and Inspection of Records

. . . The contractor shall maintain such data and records in an accessible location for

a period of three (3) years ~~after the termination of the contract.~~

Page 9 Compliance with Laws

The contractor and all subcontractors will also be required to abide by and conform to all applicable laws of the United States, of California and the ordinances and policies of the City of Los Angeles ~~Municipal Code~~ and the nondiscrimination provisions of the Los Angeles Administrative Code (Section 10.8), all as currently constituted or as amended in the future.

Page 11 Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, ~~the Mayor's Office, the Controller's Office, and the Office of the City Administrative Officer, and the Office of the Chief Legislative Analyst~~ will evaluate the proposals and make a recommendation to be submitted to the Police Commission for a selection. The Police Commission will make the final selection.

Page 12 Selection Criteria

The contractor selection will be based on the professional merits and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business and adequate financial ability of the proposer will be considered a **minimum** qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs in addition to available storage facilities and adequate towing equipment deemed necessary to serve the proposed area. Additionally, proposals will be rated based on the most favorable terms from both a City and rate payer standpoint.

Consideration for selection will also include commitment to Affirmative Action and a review of reverence for the law concerning applicants, their families and business associates.

Page 12 Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should provide a concise statement of the proposer's understanding of the services and responsibilities required, and demonstrate the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability and willingness to abide by the Los Angeles Police Commission Board Rules governing

Official Police Garages, their ability to provide the required operating equipment, ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests that would interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Page 12 Referral Fee

~~The numerically greatest Referral Fee shall receive the highest ranking.~~
The primary focus for selection is based on the level of service to the City and the public. The Referral Fee will be considered as selection criteria only to differentiate the most viable candidates who are otherwise substantially equal and qualified.



CHARLIE BECK, Lieutenant
Commanding Officer
Commission Investigation Division

Attention:

ALL PROSPECTIVE PROPOSERS

Attached is a request for proposal to provide towing and storage services in the _____ area as an "Official Police Garage" for the City of Los Angeles.

All proposals must be completed and submitted in writing by 5:00 p.m. on _____ 1995. At that time, responses conspicuously marked "Official Police Garage – for the _____ Area" must be received by mail or hand-delivered to the City of Los Angeles Board of Police Commissioners, 150 N. Los Angeles Street, Los Angeles, CA 90012, Attention: Commanding Officer, Commission Investigation Division.

The City will not be responsible for any cost of preparation or delivery of proposals whether accepted or rejected by the City.

Proposers may submit questions in writing about the RFP up until fifteen days of the proposal due date to the above address, attention: Commanding Officer, Commission Investigation Division. Written responses to questions that are received in a timely manner will be sent to all parties receiving the RFP.

BJB:opgrfp

Attachment

I. Scope of Services

General Duties

General duties include responding on a first priority basis to requests for towing services initiated by the City of Los Angeles Police Department or Department of Transportation. Typical towing situations include, but are not limited to, the removal of illegally parked vehicles and vehicles that are disabled as a result of traffic accidents. Service must be provided on a 24-hour, 365 days per year basis. The anticipated volume of vehicle impounds is approximately _____ vehicles monthly.

The contractor will be required to maintain adequate equipment at all times to provide the required towing service within the time frame(s) prescribed in the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A), which are incorporated as part of this Request for Proposal.

An Official Police Garage (OPG) is responsible for the safekeeping of all vehicles, and the contents thereof that are remanded to its custody until such vehicles, and/or their contents have been released to properly interested person(s) or disposed of pursuant to the law.

The contractor will be required to take all reasonable precautions required by the Board of Police Commissioners to avoid damage to any evidence, such as fingerprints or stains. Vehicles taken into custody that involve evidence shall be stored in an area protected against entry by unauthorized persons. Vehicles impounded by the Police Department for investigation shall not be released to the owners without the prior approval of the Police Department. Vehicles impounded by the Department of Transportation (DOT) and held for payment of outstanding citations or lack of current registration shall not be released to the owner(s) without the prior approval of the DOT.

Additionally, all vehicles shall be checked by the contractor against the DOT database of vehicles with five or more delinquent parking tickets, and if identified as a "scofflaw vehicle", shall not be released without the prior approval of the DOT.

Excluded from this contract is the towing and storage of "heavy duty" vehicles (over 10,000 pounds unladen).

Facilities

Primary Storage Facility: The proposer must have a primary place of business located within the _____ Area as defined above. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area with a storage capacity for a **minimum of 400 vehicles** (approximately one

acre). The facility must also include a secure area for the storage of fifteen (15) evidentiary hold vehicles. The storage lot must be zoned CM, M-1, M-2, or M-3.

Secondary Storage Facility: Secondary storage facilities shall only be used to store vehicles appraised under two thousand five hundred dollars (\$2,500) unless otherwise approved by the Board of Police Commissioners. All secondary storage facilities shall be fenced for security and lighted to afford illumination of all stored vehicles, and shall be located within five (5) miles of the respective geographic area of responsibility.

All storage facilities shall be in compliance with the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A). In addition, landscaping that conforms with general aesthetics and environmental concerns is required. If a proposer does not have a primary place of business as described above, the proposer, if awarded the contract, will have sixty (60) days to obtain the required facilities within the specified Area, and must submit sufficient proof of having obtained these facilities to the City. If the proposer is not able to obtain the required facilities and equipment within the sixty (60) days allowed, the bid process will be reopened, and the City will choose from among the remaining qualified bidders.

Operating Equipment

Proposers will be required to provide a **minimum** of one flat-bed car carrier, three tow trucks with contemporary equipment to minimize damage, and two-way radio communication equipment. In addition, proposers will be required to maintain systematic records and vehicle controls, and lease or purchase and maintain equipment necessary to be on-line with DOT's Ticket Information Management System (TIMS).

Audit and Inspection of Records

At any time during normal business hours and as often as the City may deem necessary, the successful proposer shall make available for examination all data and records with respect to matters covered by the OPG contract and shall permit the City and/or its duly authorized representatives to audit, examine and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, and other data relating to all contract matters and with respect to materials, payrolls, personnel records and other data relating to all matters covered by the contract. The contractor shall maintain such data and records in an accessible location for a period of three (3) years after the termination of the contract.

The contractor agrees to include the above clause in all subcontracts hereunder.

Compensation

The City will not provide any compensation for towing or storage services rendered under the terms of this contract. Rates and charges for towing and storage will be established by the City of Los Angeles, Board of Police Commissioners. Such charges must be paid by the owners of impounded vehicles. These charges become a lien against such vehicles.

Towing and Storage Rates

The rates a contractor may charge for towing and storage services shall be in accordance with the Rules Governing Official Police Garages established by the Board of Police Commissioners (See Attachment B). Rates and charges for the removal and storage of vehicles that have occurred as the result of law enforcement activity or in the performance of duties of an Official Police Garage shall not exceed the rates and charges set by the Board (see Section on "Towing and Storage of City Owned Vehicles"). Except as approved by the Board, additional charges shall not be made for special equipment or service necessary to prepare vehicles for removal. The schedule of Board approved rates and charges shall be posted in a place clearly visible to the public at the contractor's place of business.

Towing and Storage of City Owned Vehicles

The proposed rates for towing and storage of City owned vehicles, seized vehicles, and vehicles held for evidentiary purposes, established pursuant to and applicable to this Request for Proposal are attached (See Attachment C).

The contractor shall be required to separately invoice the City, in triplicate [one (1) original and two (2) copies], for the towing of each City owned and each seized vehicle, and towing and storage of each vehicle held for evidentiary purposes. The invoices shall include the description of the vehicle, and towing and storage of each vehicle for evidentiary purposes. The invoices shall include the description of the vehicle, the date, time, origin and disposition of the towed vehicle, name and identification number of the City employee authorizing the tow and/or storage, and an itemized cost of services provided commensurate with the attached rate schedule. Invoices shall be delivered to the Los Angeles Police Department, Fiscal Operations Division, no later than the fifteenth (15th) of the month following the service rendered. The City shall make payment for services rendered on a monthly basis.

Contract Term

The duration of the agreement between the City and the successful proposer shall be for a period of five (5) years, with one (1), one-year option for an extension. The Referral Payment Fee will be subject to review should the City choose to exercise its option to renew the agreement for one-year.

Vehicle Release Fee

The contractor will be required to collect the City's Vehicle Release Fee assessed to owners of all vehicles that are impounded. Such fees shall be remitted to the City of Los Angeles, Office of the City Clerk on a quarterly basis.

Lien Sale Vehicles

Impounded vehicles valued over \$250 that are abandoned or not claimed by their owners shall have the City's Vehicle Release Fee added to their account as an amount due the City. Vehicles valued under \$250 shall not be assessed a Vehicle Release Fee. The Vehicle Release Fees shall be collected by the contractor and remitted to the City on a quarterly basis. In addition, the balance of all outstanding parking citations shall be added to the account of the lien sale vehicle. Such fees are collectable by the City as a secondary lienholder from surplus lien sale monies in the manner prescribed by State law.

Franchise Fees

A. Gross Receipts Fee

The Contractor shall pay to the City a *franchise fee* equal to five percent (5%) of gross City revenue. "Gross City Revenue" shall include all revenues obtained by the franchisee through the Official Police Garage status, including towing, parking, and sale of lien vehicles, but shall not include revenues obtained through contracts with other public agencies or through private parties. The Gross Receipts Fees shall be remitted to the City on a quarterly basis, and are payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter.

B. Referral Payment Fee

The contractor for each City Towing Area shall make quarterly Referral Fee payments to the City for the exclusive right to provide towing and storage services to the City within that Towing Area. Proposals shall include the amount of the quarterly Referral Fee payment that the proposer intends to provide to the City. The Referral Fee payment shall be bid on a *per car basis*.

The Referral Fee is payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter. The Referral Fee is calculated by multiplying the *per car* fee bid by the actual number of tows referred to the vendor by the City.

No part of the Referral Fee payment shall be refunded if this contract is terminated for any reason.

Late Payment

Any amount owed to the City more than fifteen (15) days beyond the date such amount is due shall accrue interest each day that such amount is not paid at the lower of the following rates:

- an annual rate equal to twelve percent (12%) per annum; or
- the maximum rate permitted by applicable law.

II. Background Investigation

A thorough investigation of each proposer's background and qualifications will be conducted by the Los Angeles Police Department, Commission Investigation Division. Proposers will be required to furnish proof of proper zoning, and a financial statement verified by a Certified Public Accountant to determine that the proposer has sufficient financial resources to perform the services required.

Included in the background investigation will be a review of the proposer's compliance with regulatory control including, but not limited to, any applicable history concerning compliance with the Board of Police Commissioners' Rules Governing Towing Operations or the Rules Governing Official Police Garages, and any applicable history with other governmental regulatory control. In addition, the proposer's business reputation in the community will be reviewed.

III. Contents of Proposal

Proposals should be organized generally as described below. You should note the various attachments that must be submitted with your proposal (**See section on "City Policy Statements"**). Failure to follow these guidelines may cause your proposal to be considered non-responsive.

Cover Letter

The cover letter of the proposal should be limited to one page. The letter must include the title, address and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by the company officer authorized to bind the company to all commitments made in the proposal.

Business Organization

1. State the full name and address of your organization and, if applicable, any branch or district office that will be managing the operation. State your intentions to establish a City of Los Angeles location if you do not currently have one.

3. Indicate whether you operate as an individual, partnership, or corporation; if as a corporation, include the state in which you are incorporated.
4. State whether you are licensed to operate in the State of California and the City of Los Angeles, and, if so, include your City of Los Angeles Business Tax Registration Certificate Number.
5. If you propose to subcontract any portion of the work to be performed, identify the subcontractor(s), include the positions, names, and qualifications of the individuals, and if the subcontractor is a Minority Business Enterprise, Women Business Enterprise, or Other Business Enterprise. The City has policies relative to participation of minority business enterprises, women business enterprises and other business enterprises in the performance of City contracts. See the various attachments in this Request for Proposal for details.

Authorized Representatives

Include the name, title, and telephone number of the people in your organization who are authorized to negotiate a contract with the City.

Key Personnel

The contractor must be able to demonstrate the capability and appropriate experience of the key people that will be assigned to provide the services required. Key people should be identified by name and title, and a statement of the area(s) for which each will be responsible should also be provided. Resumes for all key personnel are required to be submitted as well as those of other employees that the contractor will be employing to perform the various services required.

The City shall have the right to conduct background verifications on all people directly assigned to the contract, including the key people noted above. The City will reserve the right to approve any changes in key personnel.

Previous Experience

Provide a comprehensive statement of the company's prior relevant experience in providing towing and storage services for a governmental entity. Explain the extent of your company's involvement, and the dates and duration of the services. Provide client names, addresses and phone number(s) of the responsible official(s) of the client organization for use as a reference contact.

City Policy Statements

Standard Provisions for City Personal Services Contracts - (Attachment D)

Incorporated as part of this proposal by reference are the provisions and certifications for City personal services contracts (as revised October, 1993), including but not limited to nondiscrimination, affirmative action, and insurance requirements, which are attached and labeled.

Indemnity and Insurance

The indemnity requirements and the conditions governing acceptability of any insurance that may be required are set forth in detail in the Standard Provisions for Personal Services Contracts (as revised October, 1993), paragraphs PSC-16, and PSC-17. These paragraphs are incorporated herein by reference.

Los Angeles Municipal Code Section 103.204 (i) requires all Police Commission permitted towing operations to maintain a specific amount of insurance coverage. Rule Number 20 of the Los Angeles Police Commission Rules Governing Official Police Garages requires that such contractors maintain insurance in effect at all times in amounts satisfactory to the Board. Because Official Police Garages provide towing and storage for all governmental vehicle impounds, they may be legally construed to be agents of the Los Angeles Police Department. Therefore, contractors are required to obtain increased coverage. Accordingly, additional provisions are required by the Board of Police Commissioners for contractors that serve as Official Police Garages (See Attachment No. E).

City Affirmative Action Program Requirements - (Attachment F)

Los Angeles Administrative Code Section 10.8 requires that the following information be submitted with each proposal:

1. A signed Affirmative Action Program Certification Form.
2. A signed Affirmative Action Plan. The Proposer must submit one of the three following plans:
 - a. "Los Angeles City Affirmative Action Requirements for Non-construction Contractors."
 - b. A trade association plan, if the contractor is a member in good standing of the association.
 - c. The Proposer's own Affirmative Action Plan.

Regardless of the type of affirmative action plan submitted, it must be reviewed and approved by the Department of Public Works, Bureau of Contract Administration before the contract is executed by the City.

Minority Business Enterprise, Women Business Enterprise and Other Business Enterprise Outreach Program - (Attachment G)

It is the policy of the City of Los Angeles to provide Minority Business Enterprises (MBEs), Women Business Enterprises (WBEs) and all other business enterprises an equal opportunity to participate in the performance of all City contracts. Bidders and proposers shall assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs and WBEs and all other businesses may be in the form of subcontracting or joint ventures.

The City expects that proposers will be able to achieve 18 percent participation for MBEs and four percent participation for WBEs. However, such participation is not required. Failure to make good faith efforts to comply with said policy, to provide said affidavit with the bid or proposal, or to provide documentation of good faith efforts when requested to do so by the Awarding Authority, will render the bid or proposal nonresponsive and may result in its rejection.

Job Training and Employment Policy - (Attachment H)

The policy of the City of Los Angeles is to promote and encourage the employment of disadvantaged youth and adult City residents who have been trained for employment under the City's Job Training Partnership Act (JTPA) Program. Consistent with this policy, proposers must complete and submit a "Declaration of Contractor Compliance with City of Los Angeles Training and Employment Policy".

Child Care Policy - (Attachment I)

It is the policy of the City of Los Angeles to encourage businesses to adopt child care policies and practices. Consistent with this policy, all proposers, including subcontractors, shall complete and submit the attached "Child Care Declaration Statement" with the proposal. To the extent allowed by law, proposers with stated child care policies shall receive preference in contracting with the City.

Compliance with Laws

The contractor and all subcontractors will also be required to abide by and conform to all applicable laws of the United States, of California and the ordinances and policies of the City of Los Angeles Municipal Code and the nondiscrimination provisions of the Los Angeles Administrative Code (Section 10.8).

Workforce Information

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

- A. Headquarters address of your firm.
- B. Total workforce.
- C. Percentage of the total workforce residing in the City of Los Angeles.
- D. Percentage of the total workforce employed in the City of Los Angeles.
- E. The address of any branch office(s) within the City of Los Angeles.
- F. Workforce in each City of Los Angeles branch office(s).
- G. Percentage of workforce in each City of Los Angeles branch office(s) residing in the City of Los Angeles.

Disposition of Proposals

All proposals submitted in response to this RFP shall become the property of the City and a matter of public record. Proposers must identify all copyrighted material, trade secrets, or other proprietary information that the proposers' claim are exempt from disclosure by the California Public Records Act (California Government Code Sections 6250 et seq.). In the event that a proposer claims such an exemption, the proposer must state in the proposal that:

"The proposer will indemnify the City and hold it harmless from any claim or liability and defend any action brought against the City for its refusal to disclose materials marked 'confidential', trade secrets or other proprietary information to any person making a request therefor."

Failure to include such a statement shall constitute a waiver of the proposer's right to exemption from disclosure and authority for the City to provide a copy of the proposal or any part thereof to the requester.

Additional Information

Any other information that you believe will be essential to a complete evaluation of your proposal should be clearly stated. If you have no additional information, this section of your proposal should consist of the following statement: "There is no additional information that we wish to present."

Withdrawal of Proposal

All proposals shall be firm offers and may not be withdrawn for a period of one hundred twenty (120) days following the deadline date for submission of proposals to the City, which date is noted in the cover letter of this RFP.

Rejection of Responses to RFP

The City reserves the right to reject any and all proposals, and to waive any informality in any proposal received, when to do so is to the benefit of the City or its taxpayers.

Signatures and Declarations

The 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 in behalf of any person not herein named; 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 himself an advantage over any other proposer."

Required Copies and Deadline for Submission of Proposal

Proposers must supply all information requested in the format prescribed by this RFP. One typed original and nine clear copies of the proposal are required. The proposal shall be addressed to the Quality and Productivity Commission, Attention: Barbara J. Bonino, Room 1260 City Hall East, 200 N. Main Street, Los Angeles, CA 90012. No proposal will be accepted after 5:00 P.M. on (_____). In the event that this date is changed, those who have been sent the RFP will be notified in writing. The City may require oral presentations of the proposals by the proposers to a review committee. The City reserves the right to determine timeliness of all proposals, extend the submission deadline, and to reject all proposals.

V. Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, the Mayor's Office, the Controller's Office, the Office of the City Administrative Officer, and the Office of the Chief Legislative Analyst will evaluate the proposals and make a recommendation for a selection.

The contractor selection will be based on the professional merits and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business will be considered a **minimum** qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs. Additionally, proposals will be rated based on the most favorable terms from both a City and rate payer standpoint.

The proposals will be evaluated based upon the program elements described herein. The basis for evaluating each element will be the degree of compliance with the needs and requirements specified in the Scope of Services and the narrative describing each program element. This process will determine if a bidder is qualified for further consideration.

After reviewing and evaluating the proposals submitted that meet the minimum qualifications set forth in this RFP, the City may ask for one last best offer from those proposers that are qualified, and will make its selection from among those.

Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should provide a concise statement of the proposer's understanding of the services and responsibilities required, and demonstrate the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability to provide the required operating equipment, ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests that would interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Comparable Experience

Experience should be listed in as much detail as possible, highlighting areas of similarity as well as differences in providing the services required. In addition to experience in the towing and storage of vehicles (including vehicles held for evidentiary purposes), the proposer should detail any relevant knowledge and experience in processing liens on all values of vehicles and in disposing of vehicles, and the ability to process the proposer's own liens.

Referral Fee

The numerically greatest Referral Fee shall receive the highest ranking.

Evaluation of Key Personnel

The relevant experience of key personnel to be assigned to the program should be clearly set forth. An organizational structure for the program should be provided, with the key

personnel to be assigned identified as to their functions and responsibilities. Included in this evaluation will be the proposer's business administration and management skill, efficiency and management audit controls.

Minority Business Enterprises, Women Business Enterprises and Other Business Enterprises Affirmative Action Programs

Compliance with these policy requirements shall be evaluated as Pass/Fail.

At the discretion of the City, firms submitting the most responsive proposals may be required to make oral presentations to a Review Committee. Such presentations will be used only if the review committee believes that they are necessary to determine the top proposer. The successful proposer will be named after the proposals and presentations (if any) are evaluated to select the most qualified firm. Proposers will be notified of the time and place of any oral presentations not less than two (2) days prior to the event.

The committee will evaluate the proposals on the basis of the factors previously mentioned.

VI. Required Contract

The proposer to whom a contract is awarded shall be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and be made a part of the final contract. However, the City reserves the right to further negotiate the terms and conditions of the contract with the selected contractor.

VII. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgement and acceptance of all the terms, conditions, and content set forth in this RFP unless otherwise expressly stated in the proposal. Proposers will either affirm their acceptance or state reasons for objecting to any requirement.

VIII. Tax Registration Certificate

The selected proposer and all subcontractors shall be required to have and maintain a valid City of Los Angeles tax registration certificate.

BJB:a\opgrfp

Attachments

OFFICIAL POLICE GARAGES
PRIORITY LIST

<u>Priority by Designation</u>	<u>Company</u>	<u>Division/Area</u>
10-24-39	Hollenbeck Automotive Corp.	#4 Hollenbeck
10-01-48	Rheuban Motors, Inc.	#8 West L.A.
04-01-50	Viertel's Automotive Service, Inc.	#1 Central
04-04-51	Black & White Garage	#2 Rampart #16 Foothill
04-04-51	Swanney & McDonald, Inc.	#3 Southwest #13 Newton
03-18-53	Seventh Street Garage, Inc.	#5 Harbor
06-03-59	Archer's Vineland Service, Inc.	#15 North Hollywood
11-22-61	Hollywood Tow Service, Inc.	#6 Hollywood
07-05-62	Howard Sommers Towing, Inc.	#10 West Valley OWB & OVB Heavy Duty Tow
08-02-67	Hanks Wilshire Tow Service, Inc.	#7 Wilshire
06-19-68	Continental Trucking/Towing, Co.	OCB & OSB Heavy Duty Tow
01-15-69	Ross Baker Towing, Inc.	#17 Devonshire
01-21-70	Keyser Automotive, Inc.	#12 77th Street
04-10-84	Bruffy's Del Rey Tow, Inc.	#14 Pacific
12-08-87	Kelmark Tow	#18 Southeast
04-12-88	ATS - Northeast Towing	#11 Northeast
10-29-91	Keystone Tow	#9 Van Nuys

Notations:

L/4
of Jamie

Robert Ring (310) 2010777
representing independent
garages Set. 258

Ken Spiker, Jr. or Sr. (818) 990-6145
representing OPG. Set. 116

Byron C. Boeckman 485-6499
2B Attorney

Dick Ruddell
Charles Beck 485-2102
Peterline Carson
representing OPG Steering Committee

Walden

Robert King 310/2010222
reporting independent Oct 28
January

Ken Spence 208/818-200-214
reporting 072
2/11/10

Robert C. Bachman 482-2494
28 October

Robert King 310/2010222
reporting 072
2/11/10



CALIFORNIA TOW TRUCK ASSOCIATION

AUG. 08, 1995

Honorable Laura Chick
Los Angeles City Council
200 N. Spring St., Room 281
Los Angeles, Ca. 90012-4801

Re: Competitive Bidding - Official Police Garages

Dear Council Member:

It has been brought to our attention that the City of Los Angeles is considering adopting a new competitive bid procedure for your Official Police Garage system which would require contractors to give a portion of their gross revenue as well as a referral fee to the city. Before we comment on this method, we would briefly like to acquaint you with our organization.

The California Tow Truck Association (C.T.T.A.), a statewide non-profit organization, was founded in 1970 by competing businesses to provide a unified effort in the solution of problems and administration of such action as may be deemed necessary toward our industry's progress. The C.T.T.A. represents in excess of six hundred major towing companies, most of which furnish towing and recovery service for law enforcement agencies.

Among the objectives stated in our bylaws, we encourage the highest standards of ethical business practices and professionalism among the members so the general public is given the highest possible standard of service.

In support of this, we have authored or supported a number of consumer protection laws which include:

- ~ Making it illegal to remove a vehicle from private property without first obtaining written authorization from the property owner or his/her agent.
- ~ Making it a misdemeanor for a tow truck operator to stop at an accident or disabled vehicle unless summoned there either by the owner/operator of the vehicle or law enforcement (bandit tow wreck chasing).

Now that we have briefly introduced you to our Association and its objectives, please accept our comments regarding your proposed new system in the spirit of cooperation between our organization and the City of Los Angeles.

Honorable Council Member
Los Angeles City Council
Aug. 08, 1995
Page 2

First, such a method of selection could result in:

- ~ Diminished levels of service
- ~ Frequent changes in contracted tow companies
- ~ Administrative burdens
- ~ Promotes predatory practices which may be in violation of anti-trust principles.

In order to better understand our position, we point out the unique nature of the towing industry and the basic reason why it is necessary to have a system which delivers quality at reasonable and yet compensatory rates.

Towing and storage activities on behalf of the City on an exclusive basis do not allow the tow operator and the general public to negotiate. These services become a hybrid form of business entity that performs an essential public service on behalf of your police department and department of transportation and, to an extent, are a quasi-public utility in nature.

The private sector towing company becomes a willful participant in a joint activity with the City. As its agents, tow services who perform law enforcement work have dedicated themselves and their property to public service.

As you know, public utilities dedicate themselves to public services and their rates should be determined by a recognized system so they are neither too high nor too low. Towing contractors for law enforcement are pure examples of dedication to public service. It is the only business, other than ambulance services, where the supplier responds immediately to work for an unknown customer whose credit they can't check in advance. Unlike telephone and electric companies, they are unable to get an advance deposit or refuse service for non-payment.

Unfortunately, some public officials, albeit in good faith, labor under the delusion that towing services are purchased for the city and therefore should be put out to bid.

The city is not buying anything in these contracts since the vehicle owner pays the charges. Towing companies are willing to work for customers who often do not pay.

Honorable Council Member
Los Angeles City Council
Aug. 08, 1995
Page 3

In many instances, they end up with worthless junk which is difficult to dispose of, and affiliated towing firms often tow and store vehicles whose owners do not pay the appropriate charges for the services rendered. Very often, the contractor realizes only a fraction of the allowable charges due through the disposal process. Therefore, they need a method of determining their charges to be set along quasi-public utility rate-making lines that are compensatory for the quality of services required and rendered.

If a low bid or highest rebate competitive bid system is adopted by the City, it will no doubt eliminate a number of current contractors as well as other efficient and professional tow operators from bidding for a contract.

Many qualified firms will not have a monetary incentive to bid and, if they do, may be unable to compete with less professional tow operators. The less professional operators may ignore technological changes in equipment or provide a lower level of service. Upgrading of the industry may be restrained rather than promoted.

Pricing should be set at an optimal level in the public interest. Service and performance standards must continue to ensure the City has capable tow operators representing it.

Selection should continue to be based upon a number of factors, including facilities, equipment, business background, law enforcement experience & financial responsibility. The entire process should be designed to ensure that the highest qualified tow services are selected in each police division at compensatory rates.

In conclusion, it should be the common and fundamental goal and desire of the motoring public, law enforcement and the professional towing and recovery industry, as we are sure you will agree, that when your police department calls for a tow truck in the performance of its duties, only the most competent operators respond as the Official Police Garage for the City of Los Angeles.

It is our sincere belief that The City of Los Angeles must maintain a system to assure that accident or emergency situations which require absolute certainty that capable, well equipped and reliable services are available to respond.

Public safety, operator competence and reliability cannot be compromised since the first responsibility of the City is to ensure that professional services are available when and where they are most urgently needed.

Honorable Council Member
Los Angeles City Council
Aug. 08, 1995
Page 4

We are confident the highest level of service can only be achieved by using the compensatory rate concept and a selection process based on qualification, very similar to the criteria established in the selection of a contractor in the past.

Many law enforcement agencies and the professional towing and recovery industry world wide, have always considered The City of Los Angeles' Official Police Garage System to be the finest, a model to be emulated in their jurisdictions.

Thank you for your attention and careful consideration of this important matter. We would be most happy to discuss this further with you or members of your staff.

Sincerely,



Richard Chappel
Executive Director

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

95-2019

December 29, 1995

Honorable Laura Chick, Chair
Public Safety Committee
Room 281, City Hall

***Corrected Letter**

Dear Council Member Chick:

The Transportation Committee at its meeting of December 8, 1995, considered communication from the Mayor submitting recommendations of the City's Official Police Garage (OPG) Steering Committee and the Police Commission relative to competitive bidding procedures for franchise and methods by which the City may recover the full cost of the activities associated with its towing program.

The Transportation Committee is submitting to Council and for your concurrence its recommendation for a proposal for an ordinance by adding section 80.77.3 to the L.A. Municipal Code to establish contracting procedures for Official Police Garages containing the following elements and certain elements of RFP:

- A. The contracts for existing OPG areas are to be awarded at the rate of at least 4 per year beginning in calendar year 1996 based on seniority until completed.
- B. Interim contracts will be awarded to all existing Official Police Garages while the bidding is in process.

The Transportation Committee is also submitting to Council and for your concurrence the proposed RFP as prepared by the OPG Steering Committee and modified by the Police Commission as further modified by the Transportation Committee to reflect these changes or clarification:

- 1. City cost recovery fees apply only after the total lien is satisfied.
- *2. Contracts be issued in the ownership interest or corporate name of the Official Police Garage and give the authority to sell such ownership interest or stock. ~~upon approval of the purchaser by the Police Commission and the City Council.~~



- *3. Any sale of a majority of the stock or ownership interest will **specifically** require ~~that the franchise be competitively bid~~ approval of the purchaser by the City Council after recommendation by the Police Commission.
4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1 of each year.
5. Each awarded 5-year franchise contain an option to renew for a second 5-year period upon approval by City Council.
6. Up to, but no more than, two (2) franchises be awarded to one operator.
7. City Council approval shall be required for: a) the final RFP document prepared by staff; b) the interim contract document as prepared by staff; and c) each final Official Police Garage franchise awarded.
8. Eliminate the referral fee as it is now proposed for ties.

Very truly yours,



Chauncey B. Pruner
Legislative Assistant II
Transportation Committee

CBP:bs:et

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

95-2019

CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

December 13, 1995

Honorable Laura Chick, Chair
Public Safety Committee
Room 281, City Hall

Dear Council Member Chick:

The Transportation Committee at its meeting of December 8, 1995, considered communication from the Mayor submitting recommendations of the City's Official Police Garage (OPG) Steering Committee and the Police Commission relative to competitive bidding procedures for franchise and methods by which the City may recover the full cost of the activities associated with its towing program.

The Transportation Committee is submitting to Council and for your concurrence its recommendation for a proposal for an ordinance by adding section 80.77.3 to the L.A. Municipal Code to establish contracting procedures for Official Police Garages containing the following elements and certain elements of RFP:

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The Transportation Committee is also submitting to Council and for your concurrence the proposed RFP as prepared by the OPG Steering Committee and modified by the Police Commission as further modified by the Transportation Committee to reflect these changes or clarification:

- 1. City cost recovery fees apply only after the total lien is satisfied.
- 2. Contracts be issued in the ownership interest or corporate name of the Official Police Garage and give the authority to sell such ownership interest or stock upon approval of the purchaser by the Police Commission and the City Council.



3. Any sale of a majority of the stock or ownership interest will require that the franchise be competitively bid.
4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1 of each year.
5. Each awarded 5-year franchise contain an option to renew for a second 5-year period upon approval by City Council.
6. Up to, but no more than, two (2) franchises be awarded to one operator.
7. City Council approval shall be required for: a) the final RFP document prepared by staff; b) the interim contract document as prepared by staff; and c) each final Official Police Garage franchise awarded.
8. Eliminate the referral fee as it is now proposed for ties.

Very truly yours,



Chauncey B. Pruner
Legislative Assistant II
Transportation Committee

CBP:bs_{1,2}

TRANSPORTATION COMMITTEE

SPECIAL MEETING

MONDAY - DECEMBER 4, 1995

3:00 P.M. - ROOM 238 - CITY HALL

MEMBERS: COUNCIL MEMBER NATE HOLDEN, CHAIR
COUNCIL MEMBER HAL BERNSON
COUNCIL MEMBER RUDY SVORINICH, JR.

(Bill Pruner - Legislative Assistant II - 213-485-5732)

FILE NO.

SUBJECT

(1)
95-1959-S1 Transmittal from the Mayor relative to interim appropriation for front-funding Metro Rail Project Overtime Work in FY 1995-96.

DISPOSITION _____

(2)
95-0526 Transmittal from the Mayor relative to matching funds, front funding and staff needed to implement grants awarded to the City by MTA for FY 1995-96 thru FY 1998-99 Transportation Improvement (TIP) Call for Projects.

DISPOSITION _____

(3)
93-0268 Transmittal from the Mayor relative to \$5.8 million
CD 14 in Proposition C Local Transit Assistance Funds to be provided to the MTA to complete the City contribution to the Union Station Gateway Intermodal Transit Center.

DISPOSITION _____

(4)
95-1959 Transmittal from the Mayor relative to Metro Rail Annual Work Program FY 1995-96; proposing \$1,095,700 in Proposition "C" reimbursable funding for 39 existing positions and 2 new positions in various City departments.

DISPOSITION _____

Transportation Committee
Monday - December 4, 1995

95-0092
CD 8

(5)
Consideration of Motion (Ridley-Thomas - Holden)
proposing a reimbursable advance of \$54,000
(\$40,500 County share and \$13,500 City share) to
modify traffic signals at three intersections on
Stocker Street affecting Angeles Vista Boulevard.

DISPOSITION _____

95-2019

(6)
Communication from the Mayor relative to
recommendations of the City's Official Police
Garage (OPG) Steering Committee relative to
competitive bidding procedures for franchise and
methods by which the City may recover the full cost
of the activities associated with its towing
program.

DISPOSITION _____

Continue to 12-8-95

COMMENTS FROM PUBLIC ON ITEMS OF PUBLIC INTEREST
WITHIN COMMITTEE'S SUBJECT MATTER JURISDICTION

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et

MOTIONS NEEDED

1. City cost recovery fees apply only after the total lien is satisfied.
2. Contracts should be issued in the corporate name of the Official Police Garage and give the authority to sell corporation upon approval of the purchaser by the Police Commission.
3. Interim City contracts should be awarded to all existing Official Police Garages while the bid process is in process.
4. An annual CPI adjustment based on the Los Angeles County Transportation Index shall be applied to all Official Police Garage fees, effective January 1 of each year.
5. Each awarded 5-year franchise should contain an option to renew for a second 5-year period upon approval by City Council.
6. Up to, but no more than, two (2) franchises should be awarded to one operator.
7. City Council approval shall be required for: a) the final RFP document prepared by staff; b) the interim contract document as prepared by staff; and c) each final Official Police Garage franchise awarded.
8. Each awarded contract ownership must be a member of the existing Official Police Garage Association, Inc.
9. Eliminate the referral fee as it is now proposed for ties.

*Presented 12-4-95
by [signature]*

MESSAGE MEMO

To Robert Ring

Date _____ Time _____

M Independent Tour

of Truck Operators

Phone 310 201-0777

TELEPHONED	☒	PUSH	<u>258</u>
CALLED TO SEE YOU	☒	CALL	<u>Message</u>
RETURNED YOUR CALL	☒	WILL CALL AGAIN	<u>Message</u>

Message FAX 556-1346

310

Operator

RING & GREEN

ATTORNEYS AT LAW

1900 AVENUE OF THE STARS, SUITE 2300
LOS ANGELES, CALIFORNIA 90067ROBERT A. RING
SUSAN H. GREEN

TELEPHONE (310) 201-0777

FAX (310) 556-1346

FAX TRANSMITTAL SHEET

DATE: November 17, 1995

TO: MR. BILL PRUNER: LEGISLATIVE ASSISTANT, TRANSPORTATION
COMMITTEE, LOS ANGELES CITY COUNCIL

FROM: RING & GREEN

SUBJECT MATTER AND CASE NO.:

FAX NO. OF RECEIVER: (213) 237-0636

FAX NO. OF SENDER: (310) 556-1346

REMARKS: Dear Mr. Pruner:

It was a pleasure talking with you today. As we discussed, you will immediately advise me as to the date, time, and place of the next transportation committee meeting which I understand will be called on 24 hours notice.

My fax number is (310) 556-1346 and my telephone number is (310) 201-0777, ext 258. Thank you very much for your help.

Robert Ring
Attorney for Independent Tow Truck Companies

TOTAL PAGES SENT (INCLUDING THIS PAGE): 1

CONFIDENTIALITY NOTICE

The documents accompanying this telecopy transmission contain information from the Law Firm of Ring & Green which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named on this transmission sheet. If not in the hands of the intended recipients, any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please notify us by telephone immediately so that we can arrange for the return of the original documents to us at no cost to you.

If any pages are illegible or missing, please contact us at (310) 201-0777.

Fax Operator


ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

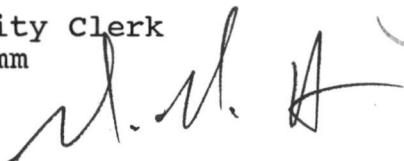
95-2019

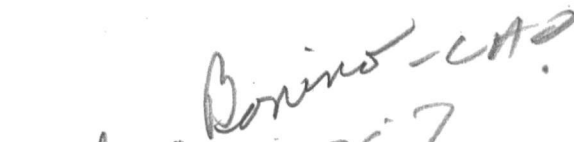
October 26, 1995

TRANSPORTATION COMMITTEE
PUBLIC SAFETY COMMITTEE

In accordance with Council Rules, communication from the Mayor relative to recommendations of the City's Official Police Garage (OPG) Steering Committee relative to competitive bidding of OPG franchises and methods by which the City may recover the full cost of the activities associated with its towing program, etc., was referred on October 25, 1995, to the TRANSPORTATION COMMITTEE and PUBLIC SAFETY COMMITTEE.


City Clerk
amm




485-2257





CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 847-2489

OFFICE OF THE MAYOR

RICHARD J. RIORDAN
MAYOR

October 11, 1995

Council President John Ferraro and Honorable Members of the City Council:

I am herewith transmitting to you the City Administrative Officer's report of July 26, 1995 containing recommendations of the City's Official Police Garage (OPG) Steering Committee relative to competitive bidding of OPG franchises and methods by which the City may recover the full cost of the activities associated with its towing program, etc.

At my request, the Police Commission reviewed the CAO's report at its meeting of September 12, 1995. I am also transmitting the Police Commission's review of this matter dated September 21, 1995, for your information and review.

Sincerely,

Richard J. Riordan
Mayor

RJR:jl

h:ltr:opg.ltr

TRANSPORTATION
OCT 25 1995
PUBLIC SAFETY



FILED
CITY CLERK'S OFFICE

'95 OCT 16 P2:13

CITY CLERK

BY _____ DEPUTY

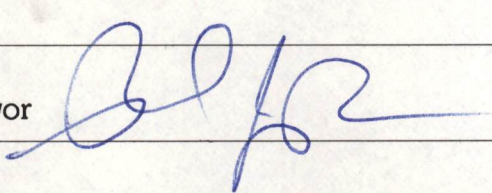
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RESOURCE BOND

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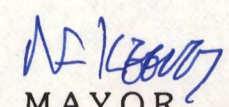


TRANSMITTAL

TO The Council	DATE OCT 12 1995	COUNCIL FILE No. 89-0357
FROM The Mayor 	COUNCIL DISTRICT	

Contracting Procedures for the City's Official Police Garage Franchises

Transmitted for your consideration. See
City Administrative Officer report attached.


MAYOR

9/12/95
5A

LOS ANGELES POLICE COMMISSION

BOARD OF
POLICE COMMISSIONERS

ENRIQUE HERNANDEZ, JR.
PRESIDENT

DEIRDRE HILL
VICE PRESIDENT

HERBERT F. BOECKMANN, II
RABBI GARY GREENEBAUM

ART MATTOX



RICHARD J. RIORDAN
MAYOR

RICHARD M. DAMERON
EXECUTIVE DIRECTOR

NICOLE J. LUPO
BOARD SECRETARY

EXECUTIVE OFFICE

SUITE 144-150, PARKER CENTER
150 N. LOS ANGELES STREET
LOS ANGELES, CA 90012

MAILING ADDRESS

Box 30158
LOS ANGELES, CA 90030

485-3531

September 21, 1995

Honorable Richard J. Riordan
Mayor, City of Los Angeles
Room 305, City Hall
200 N. Spring Street
Los Angeles, CA 90012

Attn: June Lagmay

REVIEW OF PROPOSED CONTRACTING PROCEDURES FOR THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES

At a regular meeting of the Board of Police Commissioners held September 12, 1995, this Board discussed and approved the contracting procedures for the City's Official Police Garage Franchises with the following changes: 1) the language on page 11 be changed to include the Department of Transportation and the City Administrative Officer in the evaluation process and 2) recommended that the Public Safety Committee review the language on page 12, referral fee, before submitting to full Council.

Very truly yours,
BOARD OF POLICE COMMISSIONERS

GUADALUPE ORTIZ
Commission Executive Assistant I

cc: Chief of Police
CID



INTRADEPARTMENTAL CORRESPONDENCE

September 13, 1995

BOARD OF
POLICE COMMISSIONERS
Approved SEP 12 1995
Secretary G. V. [Signature]

TO: Commissioner Herbert F. Boeckmann, II

FROM: Commanding Officer, Commission Investigation Division

SUBJECT: **REVIEW AND AMENDMENT OF PROPOSED CONTRACTING PROCEDURES FOR THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES**

Commission staff has reviewed the proposed contract procedures and recommends approval with the following changes:

Page 2 Facilities

Primary Storage Facility: The proposer must have a primary place of business located within the _____ Area as defined above. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area with a storage capacity for a **minimum of 400** vehicles ~~(approximately one acre)~~. The facility must also include a secure area for the storage of ~~fifteen (15)~~ _____ evidentiary hold vehicles.

Page 3 Operating Equipment

Proposers will be required to provide a **minimum of one** flat-bed car carrier(s), ~~three~~ tow trucks with contemporary equipment to minimize damage, and two-way radio communication equipment. In addition, proposers will be required to maintain systematic records and vehicle controls, and lease or purchase and maintain equipment necessary to be on-line with DOT's Ticket Information Management System (TIMS).

Page 3 Audit and Inspection of Records

. . . The contractor shall maintain such data and records in an accessible location for

a period of three (3) years ~~after the termination of the contract.~~

Page 9 Compliance with Laws

The contractor and all subcontractors will also be required to abide by and conform to all applicable laws of the United States, of California and the ordinances and policies of the City of Los Angeles ~~Municipal Code~~ and the nondiscrimination provisions of the Los Angeles Administrative Code (Section 10.8), all as currently constituted or as amended in the future.

Page 11 Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, ~~the Mayor's Office, the Controller's Office, and the Office of the City Administrative Officer, and the Office of the Chief Legislative Analyst~~ will evaluate the proposals and make a recommendation to be submitted to the Police Commission for a selection. The Police Commission will make the final selection.

Page 12 Selection Criteria

The contractor selection will be based on the professional merits and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business and adequate financial ability of the proposer will be considered a **minimum** qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs in addition to available storage facilities and adequate towing equipment deemed necessary to serve the proposed area. Additionally, proposals will be rated based on the most favorable terms from both a City and rate payer standpoint.

Consideration for selection will also include commitment to Affirmative Action and a review of reverence for the law concerning applicants, their families and business associates.

Page 12 Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should provide a concise statement of the proposer's understanding of the services and responsibilities required, and demonstrate the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability and willingness to abide by the Los Angeles Police Commission Board Rules governing

Official Police Garages, their ability to provide the required operating equipment, ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests that would interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Page 12 Referral Fee

~~The numerically greatest Referral Fee shall receive the highest ranking.~~

The primary focus for selection is based on the level of service to the City and the public. The Referral Fee will be considered as selection criteria only to differentiate the most viable candidates who are otherwise substantially equal and qualified.

A handwritten signature in black ink, appearing to read 'C. Beck', is written over the printed name.

CHARLIE BECK, Lieutenant
Commanding Officer
Commission Investigation Division

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Date: July 26, 1995

To: Richard J. Riordan, Mayor

From:  Keith Comrie, City Administrative Officer

Subject: **CONTRACTING PROCEDURES FOR THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES**

SUMMARY

On January 13, 1995, the Mayor vetoed an ordinance (C. F. No. 89-0357) that would add Section 80.77.3 to the Los Angeles Municipal Code to establish contracting procedures for the City's Official Police Garages (OPGs). In his veto message, the Mayor directed the Office of the City Administrative Officer (CAO) to form a Steering Committee that included representatives of the Mayor's Office, the CAO's Office, the Office of the Chief Legislative Analyst (CLA), the Office of the Controller, and the Departments of Police and Transportation with the purpose of developing an appropriate approach to commence the competitive bidding of OPG franchises immediately. The Steering Committee was also instructed to review the methods by which the City may recover the full cost of the activities associated with its towing program.

During the course of its review, the Steering Committee addressed the following issues:

- requirements for performance as an Official Police Garage for the City of Los Angeles;
- methods for recovering the cost of the City's towing operations including the establishment of a *franchise fee* such as fee on gross receipts; and
- the ability of the OPGs to pay a franchise fee or combination of fees to the City to cover the cost of its towing program. The Public Resources Advisory Group (PRAG), our contract financial advisors, reviewed the financial status of four operators who agreed to provide access to their records. After review of the information provided by PRAG the Committee concluded that the proposed charges are reasonable.

As part of the research to determine the most acceptable method of recovering the cost of the City's towing program, the Steering Committee reviewed the towing programs of other jurisdictions in the State of California. It found that the procedures currently employed in the City of San Diego (namely that of requiring towing garages to competitively bid on the available contracts in each of that city's nine towing districts), was equitable and provided a mechanism to inject competition into the bidding process.

I WISH TO BE HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 8

TODAY'S DATE 1-29-96

I am speaking FOR ☒ AGAINST ☐ the Agenda Recommendation

COUNCIL FILE NO.: 95-2019

SUBJECT: OPG

Name: GARY MINZER

Street: 1015 N. Mansfield Ave.

City: LA, CA 90038

Telephone: 213-4668583

Are you speaking on your own behalf? YES ☒ NO ☐

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name: _____

Street: _____

City: _____

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

☒ Lobbyist for person.

☐ Attorney for person.

☐ Employee of the person.

☐ Other: _____

Are you registered as a Lobbyist with the City Ethics Commission?*

YES ☒

NO ☐

* Any questions about the City's Lobbying Law should be directed to the City Ethics Commission at (213) 237-0310. You may also go to the Commission Office at 201 N. Los Angeles Street, L.A. Mall, Suite 2, Los Angeles, CA 90012.

PLEASE GIVE THIS CARD TO ONE OF THE TWO POLICE OFFICERS AT THE FRONT OF THE COUNCIL ROOM WELL BEFORE YOUR ITEM IS TO BE HEARD BY THE CITY COUNCIL.

I WISH TO BE HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 8

TODAY'S DATE 1/28/96

I am speaking FOR ☒ AGAINST ☐ the Agenda Recommendation

COUNCIL FILE NO.: 95-2019

SUBJECT: OPG

Name: Ken Spiker

Street: 14156 MAGNOLIA Blvd

City: SHERMAN OAKS CA 91423

Telephone: 818 9906145

Are you speaking on your own behalf? YES ☐ NO ☒

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name: Official Police Garage Assoc. Inc

Street: 14156 MAGNOLIA Blvd

City: SHERMAN OAKS CA 91423

(over)

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

☒ Lobbyist for person.

☒ Employee of the person.

☐ Attorney for person.

☐ Other:_____

Are you registered as a Lobbyist with the City Ethics Commission?*

YES ☒ NO ☐

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Did not speak

I WISH TO BE ☐ **ARD** BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 8

TODAY'S DATE 1/29-56

I am speaking FOR ☒ AGAINST ☐ the Agenda Recommendation

COUNCIL FILE NO.: 95-2019

SUBJECT: OP6

Name: KEN SPIKER JR.

Street: 605 FRANKFORT AVE

City: HUNTINGTON BEACH, CA 92648

Telephone: 818 590-6145

Are you speaking on your own behalf? YES ☒ NO ☐

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name: _____

Street: _____

City: _____

(over)

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

[☒] Lobbyist for person.

[☐] Employee of the person.

[☐] Attorney for person.

[☐] Other:_____.

Are you registered as a Lobbyist with the City Ethics Commission?*

YES [☒] NO [☐]

* Any questions about the City's Lobbying Law should be directed to the City Ethics Commission at (213) 237-0310. You may also go to the Commission Office at 201 N. Los Angeles Street, L.A. Mall, Suite 2, Los Angeles, CA 90012.

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I WISH ☐ BE HEARD BEFORE THE CI ☐ COUNCIL

AGENDA ITEM NO. I

TODAY'S DATE 12/8/80

FOR [☒] AGAINST [☐] THE AGENDA RECOMMENDATION

COUNCIL FILE NO.: 95-2019

SUBJECT: OP6

NAME: (PLEASE PRINT) KEW SPIKER JR

ADDRESS: 605 FRANKFORT AVE

CITY: H. B. ZIP CODE 52648

REGISTERED AS LOBBYIST WITH CITY CLERK: YES [☒] NO [☐]

I AM A PAID REPRESENTATIVE FOR OP6'S

NOTE: THE PRESIDENT WILL INFORM THE COUNCIL OF YOUR DESIRE TO BE
HEARD. IF THERE HAS BEEN A COMMITTEE HEARING ON THIS MATTER,
EIGHT VOTES MAY BE NECESSARY FOR YOUR REQUEST TO BE APPROVED.

ORGANIZATION OR AFFILIATION (OPTIONAL):

ADDITIONAL COMMENTS:

I WISH ☐ BE HEARD BEFORE THE CI ☐ COUNCIL

AGENDA ITEM NO. _____

TODAY'S DATE 12-8-95

FOR [☒] AGAINST [☐] THE AGENDA RECOMMENDATION

COUNCIL FILE NO.: _____

SUBJECT: ORG issue

NAME: (PLEASE PRINT) GARY MINZER Hollywood TawOPG Pres

ADDRESS: 1015 N Mansfield

CITY: LA, CA. 90038 ZIP CODE _____

REGISTERED AS LOBBYIST WITH CITY CLERK: YES [☐] NO [☒]

I AM A PAID REPRESENTATIVE FOR _____

NOTE: THE PRESIDENT WILL INFORM THE COUNCIL OF YOUR DESIRE TO BE
HEARD. IF THERE HAS BEEN A COMMITTEE HEARING ON THIS MATTER,
EIGHT VOTES MAY BE NECESSARY FOR YOUR REQUEST TO BE APPROVED.

ORGANIZATION OR AFFILIATION (OPTIONAL):

ADDITIONAL COMMENTS:

I WISH TO BE HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 41

TODAY'S DATE 12/8/95

I am speaking FOR ☒ AGAINST [] the Agenda Recommendation

COUNCIL FILE NO.: WITH SOME CHANGE

SUBJECT: OPG'S

Name: ROBERT RING

Street: RING & GREEN 1900 AVE OF THE STARS #2300

City: LA LA 90067

Telephone: (310) 201-0777

Are you speaking on your own behalf? YES [] NO ☒

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name: GIRARD & PETERSON TOW

Street: TOM JOHN TOW

City: US TOW

(over)

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

☐ Lobbyist for person.

☐ Employee of the person.

☒ Attorney for person.

☐ Other:_____.

Are you registered as a Lobbyist with the City Ethics Commission?*

YES ☐ NO ☒

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I WISH ☐ BE HEARD BEFORE THE CI ☐ COUNCIL

AGENDA ITEM NO. 1

TODAY'S DATE 12-8-95

FOR 1 AGAINST [] THE AGENDA RECOMMENDATION

COUNCIL FILE NO.: 952019

SUBJECT: OPF

NAME: (PLEASE PRINT) David Girard (Girard and Porterson)

ADDRESS: 154 W. Providencia Ave.

CITY: Burbank CA 91502 ZIP CODE

REGISTERED AS LOBBYIST WITH CITY CLERK: YES [] NO [+]

I AM A PAID REPRESENTATIVE FOR

NOTE: THE PRESIDENT WILL INFORM THE COUNCIL OF YOUR DESIRE TO BE
HEARD. IF THERE HAS BEEN A COMMITTEE HEARING ON THIS MATTER,
EIGHT VOTES MAY BE NECESSARY FOR YOUR REQUEST TO BE APPROVED.

ORGANIZATION OR AFFILIATION (OPTIONAL):

ADDITIONAL COMMENTS:

~~NO MORE DELAY~~

I WISH TO BE HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO.

~~95-2019~~ 6

TODAY'S DATE

12/4/95

I am speaking FOR ☒

AGAINST ☐ the Agenda Recommendation

COUNCIL FILE NO.:

95-2019

SUBJECT:

OP6

Name:

Ken Spikar

Street:

14156 MAGNOLIA BLVD

City:

SHERMAN OAKS CA

Telephone:

818 9906145

Are you speaking on your own behalf?

YES ☐

NO ☒

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name:

Official Police Garages Assoc

Street:

14156 MAGNOLIA BLVD

City:

SHERMAN OAKS CA

(over)

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

☒ Lobbyist for person.

☐ Employee of the person.

☐ Attorney for person.

☐ Other:_____

Are you registered as a Lobbyist with the City Ethics Commission?*

YES ☒ NO ☐

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I WISH TO ☒ HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 6

TODAY'S DATE 12/4/95

FOR ☒ AGAINST ☐ THE AGENDA RECOMMENDATION

COUNCIL FILE NO.: 95-2019

SUBJECT: OPG Official Police Garage

NAME: (PLEASE PRINT) ROBERT RINE

ADDRESS: 1900 Ave of the Stars

CITY: LA ZIP CODE 90067

REGISTERED AS LOBBYIST WITH CITY CLERK: YES ☐ NO ☒

I AM A PAID REPRESENTATIVE FOR Independent Town
Companies

NOTE: THE PRESIDENT WILL INFORM THE COUNCIL OF YOUR DESIRE TO BE
HEARD. IF THERE HAS BEEN A COMMITTEE HEARING ON THIS MATTER,
EIGHT VOTES MAY BE NECESSARY FOR YOUR REQUEST TO BE APPROVED.

ORGANIZATION OR AFFILIATION (OPTIONAL):

ADDITIONAL COMMENTS:

I WISH TO BE HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 6

TODAY'S DATE 12-4-95

I am speaking FOR ☒ AGAINST ☐ the Agenda Recommendation

COUNCIL FILE NO.: _____

SUBJECT: OPG

*Red Not
Spent*

Name: GARY MINZER - Hollywood Tow - OPG - President
Street: 1015 N. Mansfield Ave
City: Los Angeles, CA
Telephone: 213-4668583

Are you speaking on your own behalf? YES ☒ NO ☐

If NO, and you are being compensated to speak for or represent someone other than yourself, please disclose who you are representing:

Name: _____

Street: _____

City: _____

(over)

What relationship do you have with the person you are speaking for or representing? (Check as many as apply)

☐ Lobbyist for person.

☐ Employee of the person.

☐ Attorney for person.

☐ Other:_____.

Are you registered as a Lobbyist with the City Ethics Commission?*

YES ☐ NO ☐

* Any questions about the City's Lobbying Law should be directed to the City Ethics Commission at (213) 237-0310. You may also go to the Commission Office at 201 N. Los Angeles Street, L.A. Mall, Suite 2, Los Angeles, CA 90012.

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I WISH TO ☐ HEARD BEFORE THE CITY COUNCIL

AGENDA ITEM NO. 695 2019

TODAY'S DATE 12-4-95

FOR ☐ AGAINST ☐ THE AGENDA RECOMMENDATION

COUNCIL FILE NO.: 95 2019

SUBJECT: OP 6 TOWING And not speak

NAME: (PLEASE PRINT) DAVID W GIRARD

ADDRESS: 154 W PROVIDENCIA AVE

CITY: DORRANCE CA ZIP CODE 91502

REGISTERED AS LOBBYIST WITH CITY CLERK: YES ☐ NO ☒

I AM A PAID REPRESENTATIVE FOR _____

NOTE: THE PRESIDENT WILL INFORM THE COUNCIL OF YOUR DESIRE TO BE
HEARD. IF THERE HAS BEEN A COMMITTEE HEARING ON THIS MATTER,
EIGHT VOTES MAY BE NECESSARY FOR YOUR REQUEST TO BE APPROVED.

ORGANIZATION OR AFFILIATION (OPTIONAL):

ADDITIONAL COMMENTS:

NO MORE DELAYS

The current system provides for:

- A towing fee paid by the vehicle owner to the OPG is set by the Police Commission - at a rate that is uniform citywide.
- A vehicle release fee paid to the City - the sole source of revenue from this activity.

The changes recommended by the Steering Committee would over time, once all contracts have been rebid, provide for full cost recovery by the City of the approximately \$12 million cost of the parking enforcement activity. The current release fee recovers only about \$5 million of the cost. Changes include:

- Phased-in implementation of Four OPG awards per year, plus any replacement contracts.
- A gross receipts fee of 5% of all OPG revenues effective immediately.
- A referral payment fee on a per vehicle basis - this will be bid by the potential franchisee and will be evaluated as one of the selection criteria.
- Collection of the release fee for lien sale vehicles valued over \$250. A hardship exemption contained in the 1994 Council action for stolen vehicles is currently in process pending action by the Police Department and Commission.

RECOMMENDATIONS

1. Direct the Board of Police Commissioners to issue the attached Request For Proposal (RFP) for bidders to provide Official Police Garage services;
2. Authorize the Board of Police Commissioners to execute separate contracts with each of the successful bidders in accordance with the provisions of the attached RFP;
3. Direct the City Attorney to prepare an ordinance to establish a *Gross Receipts Fee* equal to five percent (5%) of all revenues obtained by the franchisee through its Official Police Garage status - including the towing, parking, and the sale of lien vehicles - such fees to be paid by all OPG's, effective immediately, to the City Clerk on a quarterly basis substantially in conformance with the provisions of the attached RFP;
4. Direct the City Attorney to prepare an ordinance to establish a *Referral Payment Fee* to be assessed on a per vehicle basis for each OPG under the all new contracts awarded under the attached RFP; and
5. Direct the City Attorney to revise the Los Angeles Municipal Code to require that impounded vehicles valued over \$250 that are abandoned or not claimed by their owners be assessed a Vehicle Release Fee in accordance with the provisions of the attached RFP.

Attention:

ALL PROSPECTIVE PROPOSERS

Attached is a request for proposal to provide towing and storage services in the _____ area as an "Official Police Garage" for the City of Los Angeles.

All proposals must be completed and submitted in writing by 5:00 p.m. on _____ 1995. At that time, responses conspicuously marked "Official Police Garage – for the _____ Area" must be received by mail or hand-delivered to the City of Los Angeles Board of Police Commissioners, 150 N. Los Angeles Street, Los Angeles, CA 90012, Attention: Commanding Officer, Commission Investigation Division.

The City will not be responsible for any cost of preparation or delivery of proposals whether accepted or rejected by the City.

Proposers may submit questions in writing about the RFP up until fifteen days of the proposal due date to the above address, attention: Commanding Officer, Commission Investigation Division. Written responses to questions that are received in a timely manner will be sent to all parties receiving the RFP.

BJB:opgrfp

Attachment

I. Scope of Services

General Duties

General duties include responding on a first priority basis to requests for towing services initiated by the City of Los Angeles Police Department or Department of Transportation. Typical towing situations include, but are not limited to, the removal of illegally parked vehicles and vehicles that are disabled as a result of traffic accidents. Service must be provided on a 24-hour, 365 days per year basis. The anticipated volume of vehicle impounds is approximately _____ vehicles monthly.

The contractor will be required to maintain adequate equipment at all times to provide the required towing service within the time frame(s) prescribed in the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A), which are incorporated as part of this Request for Proposal.

An Official Police Garage (OPG) is responsible for the safekeeping of all vehicles, and the contents thereof that are remanded to its custody until such vehicles, and/or their contents have been released to properly interested person(s) or disposed of pursuant to the law.

The contractor will be required to take all reasonable precautions required by the Board of Police Commissioners to avoid damage to any evidence, such as fingerprints or stains. Vehicles taken into custody that involve evidence shall be stored in an area protected against entry by unauthorized persons. Vehicles impounded by the Police Department for investigation shall not be released to the owners without the prior approval of the Police Department. Vehicles impounded by the Department of Transportation (DOT) and held for payment of outstanding citations or lack of current registration shall not be released to the owner(s) without the prior approval of the DOT.

Additionally, all vehicles shall be checked by the contractor against the DOT database of vehicles with five or more delinquent parking tickets, and if identified as a "scofflaw vehicle", shall not be released without the prior approval of the DOT.

Excluded from this contract is the towing and storage of "heavy duty" vehicles (over 10,000 pounds unladen).

Facilities

Primary Storage Facility: The proposer must have a primary place of business located within the _____ Area as defined above. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area with a storage capacity for a **minimum of 400 vehicles** (approximately one

acre). The facility must also include a secure area for the storage of fifteen (15) evidentiary hold vehicles. The storage lot must be zoned CM, M-1, M-2, or M-3.

Secondary Storage Facility: Secondary storage facilities shall only be used to store vehicles appraised under two thousand five hundred dollars (\$2,500) unless otherwise approved by the Board of Police Commissioners. All secondary storage facilities shall be fenced for security and lighted to afford illumination of all stored vehicles, and shall be located within five (5) miles of the respective geographic area of responsibility.

All storage facilities shall be in compliance with the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A). In addition, landscaping that conforms with general aesthetics and environmental concerns is required. If a proposer does not have a primary place of business as described above, the proposer, if awarded the contract, will have sixty (60) days to obtain the required facilities within the specified Area, and must submit sufficient proof of having obtained these facilities to the City. If the proposer is not able to obtain the required facilities and equipment within the sixty (60) days allowed, the bid process will be reopened, and the City will choose from among the remaining qualified bidders.

Operating Equipment

Proposers will be required to provide a **minimum** of one flat-bed car carrier, three tow trucks with contemporary equipment to minimize damage, and two-way radio communication equipment. In addition, proposers will be required to maintain systematic records and vehicle controls, and lease or purchase and maintain equipment necessary to be on-line with DOT's Ticket Information Management System (TIMS).

Audit and Inspection of Records

At any time during normal business hours and as often as the City may deem necessary, the successful proposer shall make available for examination all data and records with respect to matters covered by the OPG contract and shall permit the City and/or its duly authorized representatives to audit, examine and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, and other data relating to all contract matters and with respect to materials, payrolls, personnel records and other data relating to all matters covered by the contract. The contractor shall maintain such data and records in an accessible location for a period of three (3) years after the termination of the contract.

The contractor agrees to include the above clause in all subcontracts hereunder.

Compensation

The City will not provide any compensation for towing or storage services rendered under the terms of this contract. Rates and charges for towing and storage will be established by the City of Los Angeles, Board of Police Commissioners. Such charges must be paid by the owners of impounded vehicles. These charges become a lien against such vehicles.

Towing and Storage Rates

The rates a contractor may charge for towing and storage services shall be in accordance with the Rules Governing Official Police Garages established by the Board of Police Commissioners (See Attachment B). Rates and charges for the removal and storage of vehicles that have occurred as the result of law enforcement activity or in the performance of duties of an Official Police Garage shall not exceed the rates and charges set by the Board (see Section on "Towing and Storage of City Owned Vehicles"). Except as approved by the Board, additional charges shall not be made for special equipment or service necessary to prepare vehicles for removal. The schedule of Board approved rates and charges shall be posted in a place clearly visible to the public at the contractor's place of business.

Towing and Storage of City Owned Vehicles

The proposed rates for towing and storage of City owned vehicles, seized vehicles, and vehicles held for evidentiary purposes, established pursuant to and applicable to this Request for Proposal are attached (See Attachment C).

The contractor shall be required to separately invoice the City, in triplicate [one (1) original and two (2) copies], for the towing of each City owned and each seized vehicle, and towing and storage of each vehicle held for evidentiary purposes. The invoices shall include the description of the vehicle, and towing and storage of each vehicle for evidentiary purposes. The invoices shall include the description of the vehicle, the date, time, origin and disposition of the towed vehicle, name and identification number of the City employee authorizing the tow and/or storage, and an itemized cost of services provided commensurate with the attached rate schedule. Invoices shall be delivered to the Los Angeles Police Department, Fiscal Operations Division, no later than the fifteenth (15th) of the month following the service rendered. The City shall make payment for services rendered on a monthly basis.

Contract Term

The duration of the agreement between the City and the successful proposer shall be for a period of five (5) years, with one (1), one-year option for an extension. The Referral Payment Fee will be subject to review should the City choose to exercise its option to renew the agreement for one-year.

Vehicle Release Fee

The contractor will be required to collect the City's Vehicle Release Fee assessed to owners of all vehicles that are impounded. Such fees shall be remitted to the City of Los Angeles, Office of the City Clerk on a quarterly basis.

Lien Sale Vehicles

Impounded vehicles valued over \$250 that are abandoned or not claimed by their owners shall have the City's Vehicle Release Fee added to their account as an amount due the City. Vehicles valued under \$250 shall not be assessed a Vehicle Release Fee. The Vehicle Release Fees shall be collected by the contractor and remitted to the City on a quarterly basis. In addition, the balance of all outstanding parking citations shall be added to the account of the lien sale vehicle. Such fees are collectable by the City as a secondary lienholder from surplus lien sale monies in the manner prescribed by State law.

Franchise Fees

A. Gross Receipts Fee

The Contractor shall pay to the City a *franchise fee* equal to five percent (5%) of gross City revenue. "Gross City Revenue" shall include all revenues obtained by the franchisee through the Official Police Garage status, including towing, parking, and sale of lien vehicles, but shall not include revenues obtained through contracts with other public agencies or through private parties. The Gross Receipts Fees shall be remitted to the City on a quarterly basis, and are payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter.

B. Referral Payment Fee

The contractor for each City Towing Area shall make quarterly Referral Fee payments to the City for the exclusive right to provide towing and storage services to the City within that Towing Area. Proposals shall include the amount of the quarterly Referral Fee payment that the proposer intends to provide to the City. The Referral Fee payment shall be bid on a *per car basis*.

The Referral Fee is payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter. The Referral Fee is calculated by multiplying the *per car* fee bid by the actual number of tows referred to the vendor by the City.

No part of the Referral Fee payment shall be refunded if this contract is terminated for any reason.

Late Payment

Any amount owed to the City more than fifteen (15) days beyond the date such amount is due shall accrue interest each day that such amount is not paid at the lower of the following rates:

- an annual rate equal to twelve percent (12%) per annum; or
- the maximum rate permitted by applicable law.

II. Background Investigation

A thorough investigation of each proposer's background and qualifications will be conducted by the Los Angeles Police Department, Commission Investigation Division. Proposers will be required to furnish proof of proper zoning, and a financial statement verified by a Certified Public Accountant to determine that the proposer has sufficient financial resources to perform the services required.

Included in the background investigation will be a review of the proposer's compliance with regulatory control including, but not limited to, any applicable history concerning compliance with the Board of Police Commissioners' Rules Governing Towing Operations or the Rules Governing Official Police Garages, and any applicable history with other governmental regulatory control. In addition, the proposer's business reputation in the community will be reviewed.

III. Contents of Proposal

Proposals should be organized generally as described below. You should note the various attachments that must be submitted with your proposal (**See section on "City Policy Statements"**). Failure to follow these guidelines may cause your proposal to be considered non-responsive.

Cover Letter

The cover letter of the proposal should be limited to one page. The letter must include the title, address and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by the company officer authorized to bind the company to all commitments made in the proposal.

Business Organization

1. State the full name and address of your organization and, if applicable, any branch or district office that will be managing the operation. State your intentions to establish a City of Los Angeles location if you do not currently have one.

3. Indicate whether you operate as an individual, partnership, or corporation; if as a corporation, include the state in which you are incorporated.
4. State whether you are licensed to operate in the State of California and the City of Los Angeles, and, if so, include your City of Los Angeles Business Tax Registration Certificate Number.
5. If you propose to subcontract any portion of the work to be performed, identify the subcontractor(s), include the positions, names, and qualifications of the individuals, and if the subcontractor is a Minority Business Enterprise, Women Business Enterprise, or Other Business Enterprise. The City has policies relative to participation of minority business enterprises, women business enterprises and other business enterprises in the performance of City contracts. See the various attachments in this Request for Proposal for details.

Authorized Representatives

Include the name, title, and telephone number of the people in your organization who are authorized to negotiate a contract with the City.

Key Personnel

The contractor must be able to demonstrate the capability and appropriate experience of the key people that will be assigned to provide the services required. Key people should be identified by name and title, and a statement of the area(s) for which each will be responsible should also be provided. Resumes for all key personnel are required to be submitted as well as those of other employees that the contractor will be employing to perform the various services required.

The City shall have the right to conduct background verifications on all people directly assigned to the contract, including the key people noted above. The City will reserve the right to approve any changes in key personnel.

Previous Experience

Provide a comprehensive statement of the company's prior relevant experience in providing towing and storage services for a governmental entity. Explain the extent of your company's involvement, and the dates and duration of the services. Provide client names, addresses and phone number(s) of the responsible official(s) of the client organization for use as a reference contact.

City Policy Statements

Standard Provisions for City Personal Services Contracts - (Attachment D)

Incorporated as part of this proposal by reference are the provisions and certifications for City personal services contracts (as revised October, 1993), including but not limited to nondiscrimination, affirmative action, and insurance requirements, which are attached and labeled.

Indemnity and Insurance

The indemnity requirements and the conditions governing acceptability of any insurance that may be required are set forth in detail in the Standard Provisions for Personal Services Contracts (as revised October, 1993), paragraphs PSC-16, and PSC-17. These paragraphs are incorporated herein by reference.

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Los Angeles Administrative Code Section 10.8 requires that the following information be submitted with each proposal:

1. A signed Affirmative Action Program Certification Form.
2. A signed Affirmative Action Plan. The Proposer must submit one of the three following plans:
 - a. "Los Angeles City Affirmative Action Requirements for Non-construction Contractors."
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Regardless of the type of affirmative action plan submitted, it must be reviewed and approved by the Department of Public Works, Bureau of Contract Administration before the contract is executed by the City.

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- A. Headquarters address of your firm.
- B. Total workforce.
- C. Percentage of the total workforce residing in the City of Los Angeles.
- D. Percentage of the total workforce employed in the City of Los Angeles.
- E. The address of any branch office(s) within the City of Los Angeles.
- F. Workforce in each City of Los Angeles branch office(s).
- G. Percentage of workforce in each City of Los Angeles branch office(s) residing in the City of Los Angeles.

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"This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; 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 himself an advantage over any other proposer."

Required Copies and Deadline for Submission of Proposal

Proposers must supply all information requested in the format prescribed by this RFP. One typed original and nine clear copies of the proposal are required. The proposal shall be addressed to the Quality and Productivity Commission, Attention: Barbara J. Bonino, Room 1260 City Hall East, 200 N. Main Street, Los Angeles, CA 90012. No proposal will be accepted after 5:00 P.M. on (_____). In the event that this date is changed, those who have been sent the RFP will be notified in writing. The City may require oral presentations of the proposals by the proposers to a review committee. The City reserves the right to determine timeliness of all proposals, extend the submission deadline, and to reject all proposals.

V. Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, the Mayor's Office, the Controller's Office, the Office of the City Administrative Officer, and the Office of the Chief Legislative Analyst will evaluate the proposals and make a recommendation for a selection.

The contractor selection will be based on the professional merits and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business will be considered a **minimum** qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs. Additionally, proposals will be rated based on the most favorable terms from both a City and rate payer standpoint.

The proposals will be evaluated based upon the program elements described herein. The basis for evaluating each element will be the degree of compliance with the needs and requirements specified in the Scope of Services and the narrative describing each program element. This process will determine if a bidder is qualified for further consideration.

After reviewing and evaluating the proposals submitted that meet the minimum qualifications set forth in this RFP, the City may ask for one last best offer from those proposers that are qualified, and will make its selection from among those.

Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should provide a concise statement of the proposer's understanding of the services and responsibilities required, and demonstrate the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability to provide the required operating equipment, ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests that would interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Comparable Experience

Experience should be listed in as much detail as possible, highlighting areas of similarity as well as differences in providing the services required. In addition to experience in the towing and storage of vehicles (including vehicles held for evidentiary purposes), the proposer should detail any relevant knowledge and experience in processing liens on all values of vehicles and in disposing of vehicles, and the ability to process the proposer's own liens.

Referral Fee

The numerically greatest Referral Fee shall receive the highest ranking.

Evaluation of Key Personnel

The relevant experience of key personnel to be assigned to the program should be clearly set forth. An organizational structure for the program should be provided, with the key

personnel to be assigned identified as to their functions and responsibilities. Included in this evaluation will be the proposer's business administration and management skill, efficiency and management audit controls.

Minority Business Enterprises, Women Business Enterprises and Other Business Enterprises Affirmative Action Programs

Compliance with these policy requirements shall be evaluated as Pass/Fail.

At the discretion of the City, firms submitting the most responsive proposals may be required to make oral presentations to a Review Committee. Such presentations will be used only if the review committee believes that they are necessary to determine the top proposer. The successful proposer will be named after the proposals and presentations (if any) are evaluated to select the most qualified firm. Proposers will be notified of the time and place of any oral presentations not less than two (2) days prior to the event.

The committee will evaluate the proposals on the basis of the factors previously mentioned.

VI. Required Contract

The proposer to whom a contract is awarded shall be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and be made a part of the final contract. However, the City reserves the right to further negotiate the terms and conditions of the contract with the selected contractor.

VII. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgement and acceptance of all the terms, conditions, and content set forth in this RFP unless otherwise expressly stated in the proposal. Proposers will either affirm their acceptance or state reasons for objecting to any requirement.

VIII. Tax Registration Certificate

The selected proposer and all subcontractors shall be required to have and maintain a valid City of Los Angeles tax registration certificate.

BJB:alopgrfp

Attachments

CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

AUG 08 1995

5B

Date: July 26, 1995

To: Richard J. Riordan, Mayor

From:  Keith Comrie, City Administrative Officer

Subject: **CONTRACTING PROCEDURES FOR THE CITY'S OFFICIAL POLICE GARAGE FRANCHISES**

SUMMARY

On January 13, 1995, the Mayor vetoed an ordinance (C. F. No. 89-0357) that would add Section 80.77.3 to the Los Angeles Municipal Code to establish contracting procedures for the City's Official Police Garages (OPGs). In his veto message, the Mayor directed the Office of the City Administrative Officer (CAO) to form a Steering Committee that included representatives of the Mayor's Office, the CAO's Office, the Office of the Chief Legislative Analyst (CLA), the Office of the Controller, and the Departments of Police and Transportation with the purpose of developing an appropriate approach to commence the competitive bidding of OPG franchises immediately. The Steering Committee was also instructed to review the methods by which the City may recover the full cost of the activities associated with its towing program.

During the course of its review, the Steering Committee addressed the following issues:

- requirements for performance as an Official Police Garage for the City of Los Angeles;
- methods for recovering the cost of the City's towing operations including the establishment of a franchise fee such as fee on gross receipts; and
- the ability of the OPGs to pay a franchise fee or combination of fees to the City to cover the cost of its towing program. The Public Resources Advisory Group (PRAG), our contract financial advisors, reviewed the financial status of four operators who agreed to provide access to their records. After review of the information provided by PRAG the Committee concluded that the proposed charges are reasonable.

As part of the research to determine the most acceptable method of recovering the cost of the City's towing program, the Steering Committee reviewed the towing programs of other jurisdictions in the State of California. It found that the procedures currently employed in the City of San Diego (namely that of requiring towing garages to competitively bid on the available contracts in each of that city's nine towing districts), was equitable and provided a mechanism to inject competition into the bidding process.

Attention:

ALL PROSPECTIVE PROPOSERS

Attached is a request for proposal to provide towing and storage services in the _____ area as an "Official Police Garage" for the City of Los Angeles.

All proposals must be completed and submitted in writing by 5:00 p.m. on _____ 1995. At that time, responses conspicuously marked "Official Police Garage – for the _____ Area" must be received by mail or hand-delivered to the City of Los Angeles Board of Police Commissioners, 150 N. Los Angeles Street, Los Angeles, CA 90012, Attention: Commanding Officer, Commission Investigation Division.

The City will not be responsible for any cost of preparation or delivery of proposals whether accepted or rejected by the City.

Proposers may submit questions in writing about the RFP up until fifteen days of the proposal due date to the above address, attention: Commanding Officer, Commission Investigation Division. Written responses to questions that are received in a timely manner will be sent to all parties receiving the RFP.

BJB:opgrfp

Attachment

I. Scope of Services

General Duties

General duties include responding on a first priority basis to requests for towing services initiated by the City of Los Angeles Police Department or Department of Transportation. Typical towing situations include, but are not limited to, the removal of illegally parked vehicles and vehicles that are disabled as a result of traffic accidents. Service must be provided on a 24-hour, 365 days per year basis. The anticipated volume of vehicle impounds is approximately _____ vehicles monthly.

The contractor will be required to maintain adequate equipment at all times to provide the required towing service within the time frame(s) prescribed in the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A), which are incorporated as part of this Request for Proposal.

An Official Police Garage (OPG) is responsible for the safekeeping of all vehicles, and the contents thereof that are remanded to its custody until such vehicles, and/or their contents have been released to properly interested person(s) or disposed of pursuant to the law.

The contractor will be required to take all reasonable precautions required by the Board of Police Commissioners to avoid damage to any evidence, such as fingerprints or stains. Vehicles taken into custody that involve evidence shall be stored in an area protected against entry by unauthorized persons. Vehicles impounded by the Police Department for investigation shall not be released to the owners without the prior approval of the Police Department. Vehicles impounded by the Department of Transportation (DOT) and held for payment of outstanding citations or lack of current registration shall not be released to the owner(s) without the prior approval of the DOT.

Additionally, all vehicles shall be checked by the contractor against the DOT database of vehicles with five or more delinquent parking tickets, and if identified as a "scofflaw vehicle", shall not be released without the prior approval of the DOT.

Excluded from this contract is the towing and storage of "heavy duty" vehicles (over 10,000 pounds unladen).

Facilities

Primary Storage Facility: The proposer must have a primary place of business located within the _____ Area as defined above. The primary place of business must include an adequate business office, and have a paved, properly lighted and fenced storage area with a storage capacity for a minimum of 400 vehicles (approximately one

acre). The facility must also include a secure area for the storage of fifteen (15) evidentiary hold vehicles. The storage lot must be zoned CM, M-1, M-2, or M-3.

Secondary Storage Facility: Secondary storage facilities shall only be used to store vehicles appraised under two thousand five hundred dollars (\$2,500) unless otherwise approved by the Board of Police Commissioners. All secondary storage facilities shall be fenced for security and lighted to afford illumination of all stored vehicles, and shall be located within five (5) miles of the respective geographic area of responsibility.

All storage facilities shall be in compliance with the Board of Police Commissioners' *Rules Governing Official Police Garages* (Attachment A). In addition, landscaping that conforms with general aesthetics and environmental concerns is required. If a proposer does not have a primary place of business as described above, the proposer, if awarded the contract, will have sixty (60) days to obtain the required facilities within the specified Area, and must submit sufficient proof of having obtained these facilities to the City. If the proposer is not able to obtain the required facilities and equipment within the sixty (60) days allowed, the bid process will be reopened, and the City will choose from among the remaining qualified bidders.

Operating Equipment

Proposers will be required to provide a minimum of one flat-bed car carrier, three tow trucks with contemporary equipment to minimize damage, and two-way radio communication equipment. In addition, proposers will be required to maintain systematic records and vehicle controls, and lease or purchase and maintain equipment necessary to be on-line with DOT's Ticket Information Management System (TIMS).

Audit and Inspection of Records

At any time during normal business hours and as often as the City may deem necessary, the successful proposer shall make available for examination all data and records with respect to matters covered by the OPG contract and shall permit the City and/or its duly authorized representatives to audit, examine and make excerpts or transcripts from such data and records, and to make audits of all invoices, materials, and other data relating to all contract matters and with respect to materials, payrolls, personnel records and other data relating to all matters covered by the contract. The contractor shall maintain such data and records in an accessible location for a period of three (3) years after the termination of the contract.

The contractor agrees to include the above clause in all subcontracts hereunder.

Compensation

The City will not provide any compensation for towing or storage services rendered under the terms of this contract. Rates and charges for towing and storage will be established by the City of Los Angeles, Board of Police Commissioners. Such charges must be paid by the owners of impounded vehicles. These charges become a lien against such vehicles.

Towing and Storage Rates

The rates a contractor may charge for towing and storage services shall be in accordance with the Rules Governing Official Police Garages established by the Board of Police Commissioners (See Attachment B). Rates and charges for the removal and storage of vehicles that have occurred as the result of law enforcement activity or in the performance of duties of an Official Police Garage shall not exceed the rates and charges set by the Board (see Section on "Towing and Storage of City Owned Vehicles"). Except as approved by the Board, additional charges shall not be made for special equipment or service necessary to prepare vehicles for removal. The schedule of Board approved rates and charges shall be posted in a place clearly visible to the public at the contractor's place of business.

Towing and Storage of City Owned Vehicles

The proposed rates for towing and storage of City owned vehicles, seized vehicles, and vehicles held for evidentiary purposes, established pursuant to and applicable to this Request for Proposal are attached (See Attachment C).

The contractor shall be required to separately invoice the City, in triplicate [one (1) original and two (2) copies], for the towing of each City owned and each seized vehicle, and towing and storage of each vehicle held for evidentiary purposes. The invoices shall include the description of the vehicle, and towing and storage of each vehicle for evidentiary purposes. The invoices shall include the description of the vehicle, the date, time, origin and disposition of the towed vehicle, name and identification number of the City employee authorizing the tow and/or storage, and an itemized cost of services provided commensurate with the attached rate schedule. Invoices shall be delivered to the Los Angeles Police Department, Fiscal Operations Division, no later than the fifteenth (15th) of the month following the service rendered. The City shall make payment for services rendered on a monthly basis.

Contract Term

The duration of the agreement between the City and the successful proposer shall be for a period of five (5) years, with one (1), one-year option for an extension. The Referral Payment Fee will be subject to review should the City choose to exercise its option to renew the agreement for one-year.

Vehicle Release Fee

The contractor will be required to collect the City's Vehicle Release Fee assessed to owners of all vehicles that are impounded. Such fees shall be remitted to the City of Los Angeles, Office of the City Clerk on a quarterly basis.

Lien Sale Vehicles

Impounded vehicles valued over \$250 that are abandoned or not claimed by their owners shall have the City's Vehicle Release Fee added to their account as an amount due the City. Vehicles valued under \$250 shall not be assessed a Vehicle Release Fee. The Vehicle Release Fees shall be collected by the contractor and remitted to the City on a quarterly basis. In addition, the balance of all outstanding parking citations shall be added to the account of the lien sale vehicle. Such fees are collectable by the City as a secondary lienholder from surplus lien sale monies in the manner prescribed by State law.

Franchise Fees

A. Gross Receipts Fee

The Contractor shall pay to the City a *franchise fee* equal to five percent (5%) of gross City revenue. "Gross City Revenue" shall include all revenues obtained by the franchisee through the Official Police Garage status, including towing, parking, and sale of lien vehicles, but shall not include revenues obtained through contracts with other public agencies or through private parties. The Gross Receipts Fees shall be remitted to the City on a quarterly basis, and are payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter.

B. Referral Payment Fee

The contractor for each City Towing Area shall make quarterly Referral Fee payments to the City for the exclusive right to provide towing and storage services to the City within that Towing Area. Proposals shall include the amount of the quarterly Referral Fee payment that the proposer intends to provide to the City. The Referral Fee payment shall be bid on a *per car basis*.

The Referral Fee is payable to the Office of the City Clerk on the fifteenth day of the calendar month following the end of each fiscal quarter. The Referral Fee is calculated by multiplying the *per car* fee bid by the actual number of tows referred to the vendor by the City.

No part of the Referral Fee payment shall be refunded if this contract is terminated for any reason.

Late Payment

Any amount owed to the City more than fifteen (15) days beyond the date such amount is due shall accrue interest each day that such amount is not paid at the lower of the following rates:

- an annual rate equal to twelve percent (12%) per annum; or
- the maximum rate permitted by applicable law.

II. Background Investigation

A thorough investigation of each proposer's background and qualifications will be conducted by the Los Angeles Police Department, Commission Investigation Division. Proposers will be required to furnish proof of proper zoning, and a financial statement verified by a Certified Public Accountant to determine that the proposer has sufficient financial resources to perform the services required.

Included in the background investigation will be a review of the proposer's compliance with regulatory control including, but not limited to, any applicable history concerning compliance with the Board of Police Commissioners' Rules Governing Towing Operations or the Rules Governing Official Police Garages, and any applicable history with other governmental regulatory control. In addition, the proposer's business reputation in the community will be reviewed.

III. Contents of Proposal

Proposals should be organized generally as described below. You should note the various attachments that must be submitted with your proposal (**See section on "City Policy Statements"**). Failure to follow these guidelines may cause your proposal to be considered non-responsive.

Cover Letter

The cover letter of the proposal should be limited to one page. The letter must include the title, address and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by the company officer authorized to bind the company to all commitments made in the proposal.

Business Organization

1. State the full name and address of your organization and, if applicable, any branch or district office that will be managing the operation. State your intentions to establish a City of Los Angeles location if you do not currently have one.

3. Indicate whether you operate as an individual, partnership, or corporation; if as a corporation, include the state in which you are incorporated.
4. State whether you are licensed to operate in the State of California and the City of Los Angeles, and, if so, include your City of Los Angeles Business Tax Registration Certificate Number.
5. If you propose to subcontract any portion of the work to be performed, identify the subcontractor(s), include the positions, names, and qualifications of the individuals, and if the subcontractor is a Minority Business Enterprise, Women Business Enterprise, or Other Business Enterprise. The City has policies relative to participation of minority business enterprises, women business enterprises and other business enterprises in the performance of City contracts. See the various attachments in this Request for Proposal for details.

Authorized Representatives

Include the name, title, and telephone number of the people in your organization who are authorized to negotiate a contract with the City.

Key Personnel

The contractor must be able to demonstrate the capability and appropriate experience of the key people that will be assigned to provide the services required. Key people should be identified by name and title, and a statement of the area(s) for which each will be responsible should also be provided. Resumes for all key personnel are required to be submitted as well as those of other employees that the contractor will be employing to perform the various services required.

The City shall have the right to conduct background verifications on all people directly assigned to the contract, including the key people noted above. The City will reserve the right to approve any changes in key personnel.

Previous Experience

Provide a comprehensive statement of the company's prior relevant experience in providing towing and storage services for a governmental entity. Explain the extent of your company's involvement, and the dates and duration of the services. Provide client names, addresses and phone number(s) of the responsible official(s) of the client organization for use as a reference contact.

City Policy Statements

Standard Provisions for City Personal Services Contracts - (Attachment D)

Incorporated as part of this proposal by reference are the provisions and certifications for City personal services contracts (as revised October, 1993), including but not limited to nondiscrimination, affirmative action, and insurance requirements, which are attached and labeled.

Indemnity and Insurance

The indemnity requirements and the conditions governing acceptability of any insurance that may be required are set forth in detail in the Standard Provisions for Personal Services Contracts (as revised October, 1993), paragraphs PSC-16, and PSC-17. These paragraphs are incorporated herein by reference.

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- A. Headquarters address of your firm.
- B. Total workforce.
- C. Percentage of the total workforce residing in the City of Los Angeles.
- D. Percentage of the total workforce employed in the City of Los Angeles.
- E. The address of any branch office(s) within the City of Los Angeles.
- F. Workforce in each City of Los Angeles branch office(s).
- G. Percentage of workforce in each City of Los Angeles branch office(s) residing in the City of Los Angeles.

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V. Selection Criteria

The proposals will be evaluated according to the major criteria set out below. A Review Committee made up of representatives from the Los Angeles Police Department, the Department of Transportation, the Mayor's Office, the Controller's Office, the Office of the City Administrative Officer, and the Office of the Chief Legislative Analyst will evaluate the proposals and make a recommendation for a selection.

The contractor selection will be based on the professional merits and demonstrated qualifications of those firms submitting proposals. Recent and significant experience in the operation of a towing service business will be considered a minimum qualification for contractors. Proposals will be evaluated to determine responsiveness to the City's needs. Additionally, proposals will be rated based on the most favorable terms from both a City and rate payer standpoint.

The proposals will be evaluated based upon the program elements described herein. The basis for evaluating each element will be the degree of compliance with the needs and requirements specified in the Scope of Services and the narrative describing each program element. This process will determine if a bidder is qualified for further consideration.

After reviewing and evaluating the proposals submitted that meet the minimum qualifications set forth in this RFP, the City may ask for one last best offer from those proposers that are qualified, and will make its selection from among those.

Proposal Quality and Responsiveness

Written proposals will be evaluated for adherence to the RFP requirements, completeness, brevity and clarity of content. Proposals should provide a concise statement of the proposer's understanding of the services and responsibilities required, and demonstrate the ability to accomplish them. Proposers will be evaluated in terms of their ability to operate primarily as an OPG for the City of Los Angeles, their ability to provide the required operating equipment, ability to provide the required storage facilities in a properly zoned area. Consideration will also be given to the other business and/or interests that would interfere with the proposer's ability to perform as an OPG for the City of Los Angeles.

Comparable Experience

Experience should be listed in as much detail as possible, highlighting areas of similarity as well as differences in providing the services required. In addition to experience in the towing and storage of vehicles (including vehicles held for evidentiary purposes), the proposer should detail any relevant knowledge and experience in processing liens on all values of vehicles and in disposing of vehicles, and the ability to process the proposer's own liens.

Referral Fee

The numerically greatest Referral Fee shall receive the highest ranking.

Evaluation of Key Personnel

The relevant experience of key personnel to be assigned to the program should be clearly set forth. An organizational structure for the program should be provided, with the key

personnel to be assigned identified as to their functions and responsibilities. Included in this evaluation will be the proposer's business administration and management skill, efficiency and management audit controls.

Minority Business Enterprises, Women Business Enterprises and Other Business Enterprises Affirmative Action Programs

Compliance with these policy requirements shall be evaluated as Pass/Fail.

At the discretion of the City, firms submitting the most responsive proposals may be required to make oral presentations to a Review Committee. Such presentations will be used only if the review committee believes that they are necessary to determine the top proposer. The successful proposer will be named after the proposals and presentations (if any) are evaluated to select the most qualified firm. Proposers will be notified of the time and place of any oral presentations not less than two (2) days prior to the event.

The committee will evaluate the proposals on the basis of the factors previously mentioned.

VI. Required Contract

The proposer to whom a contract is awarded shall be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and be made a part of the final contract. However, the City reserves the right to further negotiate the terms and conditions of the contract with the selected contractor.

VII. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgement and acceptance of all the terms, conditions, and content set forth in this RFP unless otherwise expressly stated in the proposal. Proposers will either affirm their acceptance or state reasons for objecting to any requirement.

VIII. Tax Registration Certificate

The selected proposer and all subcontractors shall be required to have and maintain a valid City of Los Angeles tax registration certificate.

BJB:alopgrfp

Attachments

ELIAS MARTINEZ
City Clerk

J. Michael Carey
Executive Officer

When making inquiries
relative to this matter
refer to File No.

CITY OF LOS ANGELES
CALIFORNIA



RICHARD J. RIORDAN
MAYOR

Office of
CITY CLERK
Council and Public Services
Room 395, City Hall
Los Angeles, CA 90012
Council File Information - (213) 485-5703
General Information - (213) 485-5705

Pat Healy
Chief Legislative Assistant

89-0357

January 18, 1995

*BACOT GROUND
INFORMATION
ONLY*

BUDGET AND FINANCE COMMITTEE

In accordance with Council Rules, communication from the Mayor (veto) and Controller relative to Ordinance which would add Section 80.77.3 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages (OPGs), was referred on January 17, 1995, to the BUDGET AND FINANCE COMMITTEE.

Elias Martinez
City Clerk
amm



CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 847-2489

OFFICE OF THE MAYOR

RICHARD J. RIORDAN
MAYOR

January 13, 1995

Honorable Members of the City Council:

I am herewith vetoing the Ordinance on Council File 89-0357 which would add Section 80.77.3 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages (OPGs).

There are several key reasons for this action:

- In my view we must always ensure that special franchises like our OPG contracts are fair to the City and its taxpayers. The best way to ensure fairness is to rely on the principles on which our country was built: open, competitive bidding at periodic intervals.
- Though the Council has accepted competitive bidding, its proposal deferred commencement of this process for three years. However, our OPG franchisees have held their lucrative City contracts on average for more than 30 years. Testing these contracts in the marketplace is long overdue.
- I have carefully evaluated the Council's concerns that the OPG franchisees have made significant capital investments in their businesses, and that revocation of the franchise would be inequitable. Based on tax information provided by many of the operators, it appears that the average unamortized investment in machinery and equipment is less than \$200,000. In my view our franchisees have had more than enough time to recoup many multiples of this investment, and it is the City taxpayers who are disadvantaged by the proposed delay.

I know that it is not in our interest to debate this matter endlessly; the City is the biggest loser by delay. I have asked my staff to work with Controller Rick Tuttle, who strongly supports this veto, and existing and potential OPG operators to come up with a policy that is fair to the City and to existing and potential operators. To move forward towards this goal I ask the CAO to form and lead a steering committee, which would include representatives

BUDGET
JAN 17 1995



OFFICE OF
CONTROLLER

RICK TUTTLE
CONTROLLER

220 CITY HALL
LOS ANGELES 90012
(213) 485-5093

January 13, 1995

Honorable John Ferraro, President
and Honorable Members of the City Council

I strongly support Mayor Richard Riordan's veto of the recently passed ordinance concerning contracting procedures for Official Police Garages.

I do so not only for those reasons spelled out in the Mayor's veto message, but because it has long been my view that the City should achieve full cost recovery for those services it provides where it is fair to do so. It makes no sense to me that all taxpayers should have to foot the bill for any expenses involved with towing vehicles off city streets.

The costs of police officers and traffic officers involved with this process should clearly be recovered to allow our scarce general funds to support other vital public safety services. The full city general fund costs are estimated to be \$12 million per year. Yet the City recovers less than half this amount.

I believe we can recover these costs from a combination of fees, and the terms of the contracts which will be competitively bid.

I urge the Council to support this effort, and look forward to working with you on this.

Very truly yours,

RICK TUTTLE,
City Controller

Mayor's Time Stamp

TIME LIMIT FILES
ORDINANCES

City Clerk's Time Stamp

RECEIVED

'95 JAN -5 18:11

FORTHWITH

FILE
CITY CLERK

'95 JAN -4 P2:46

CITY CLERK

DEPUTY MAYOR

COUNCIL FILE NUMBER 89-0357

COUNCIL DISTRICT 31

COUNCIL APPROVAL DATE January 3, 1995

LAST DAY FOR MAYOR TO ACT JAN 15 1995

ORDINANCE TYPE: Ord of Intent Zoning Personnel General

Improvement X LAMC LAAC CU or Var Appeals - CPC No

SUBJECT MATTER: Adding Section 80.77.3 to establish contracting procedures for Official Police Garages, including the selection process by the Board of Police Commissioners under the City's standardized bid and contract procedures commencing in calendar year 1998 for fixed terms of five years for each geographic police area of the City.

RECOMMENDATIONS:

APPROVED DISAPPROVED

PLANNING COMMISSION

DIRECTOR OF PLANNING

CITY ATTORNEY

X

CITY ADMINISTRATIVE OFFICER

TRANSPORTATION COMMITTEE

X

DATE OF MAYOR ~~APPROVAL, DEEMED APPROVED OR~~ *VETO: JAN 13 1995

*VETOED ORDINANCES MUST BE ACCOMPANIED WITH OBJECTIONS IN WRITING PURSUANT TO CHARTER SEC. 29

(CITY CLERK USE ONLY PLEASE DO NOT WRITE BELOW THIS LINE)

DATE RECEIVED FROM MAYOR ORDINANCE NO.

DATE PUBLISHED DATE POSTED EFFECTIVE DATE

ORD OF INTENT: HEARING DATE ASSESSMENT CONFIRMATION

ORDINANCE NO. _____

An ordinance adding section 80.77.3 to the Los Angeles Municipal Code to establish contracting procedures for Official Police Garages.

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

Section 1. Section 80.77.3 of the Los Angeles Municipal Code is hereby added to read:

SEC. 80.77.3. OFFICIAL POLICE GARAGES.

A. Definitions.

As used in this Section "Board" shall mean the Board of Police Commissioners. "Official Police Garage" shall mean a towing and garage business selected by the Board of Police Commissioners to remove and store vehicles at the direction of any Police Officer or Traffic Officer employed by the City of Los Angeles.

B. Selection Process for Official Police Garages.

1. The Board of Police Commissioners shall, commencing in calendar year 1998, enter into contracts, awarded for a fixed term of five years, with Official Police Garages for each of the geographic police areas of the city and for such heavy duty towing services as may, in judgment of the Board, be necessary.

2. Said contracts will be issued after utilizing the City's standardized bid and contract procedures.

3. Said contracts shall be entered into over a three year period commencing in 1998 and the bid and contract procedures shall be implemented successively beginning with the geographic area which has had a designated Official Police Garage of the longest period and concluding with the area which has had a designated Official Police Garage for the shortest period. The heavy duty towing contracts shall be awarded in a like manner.

4. Each contract provided for in this section shall provide for the payment, by the Official Police Garage to the General Fund of the City, of a fee which shall represent the Official Police Garages pro-rata share of the actual city costs associated with the selection and monitoring of performance of the Official Police Garages. The Board shall review this fee annually and adjust the

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles DEC 21 199 and was passed at its meeting of JAN 03 1995

~~XXXXXXXXXX~~
~~Approved:~~ _____

CITY CLERK

BY _____

Deputy

Presented to me for my consideration on January 5, 1995, and returned to the City Clerk without my approval on January 13, 1995.

Mayor

Approved as to Form and Legality

Nov 22, 1994

James K. Hahn, City Attorney

BY _____

BYRON R. BOECKMAN
Assistant City Attorney

File No. 89-0357