ORDINANCE NO. 185282

An ordinance amending Ordinance No. 183457 to add additional programs and projects to the authorization of the Department of Airports, also known as Los Angeles World Airports (LAWA), to award construction manager at risk contracts pursuant to a competitive sealed proposal method, and establishing criteria relating to such contracts for select airfield capital improvement projects and programs at Los Angeles International Airport (LAX) and Van Nuys General Aviation Airport (VNY).

WHEREAS, Section 371(b) of the Los Angeles City Charter permits the awarding of contracts pursuant to a competitive sealed proposal method, in accordance with criteria established by ordinance adopted by at least two-thirds of the City Council, and also allows for the use of design-build or other appropriate project delivery systems when justified by the type of project and approved by the contracting authority;

WHEREAS, the purpose of this ordinance is to establish criteria for the awarding contracts pursuant to a competitive sealed proposal method and authorize the use of the construction manager at risk project delivery method for contracts between LAWA and the successful contractors for procurement, pre-construction services, construction, and related services for select airfield capital improvement projects and programs at LAX and VNY (collectively, the Projects);

WHEREAS, the Projects would enable LAWA to meet the latest federal design and safety standards and enhance airfield operations and safety;

WHEREAS, time is of the essence and it is in the best interest of the City of Los Angeles to expedite implementation of the Projects in order to address the latest federal design and safety standards;

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

WHEREAS, the Los Angeles City Council desires to authorize LAWA to use the competitive sealed proposal selection process and the construction manager at risk alternative project delivery method for the Projects; and

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

NOW, THEREFORE,

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

Section 1. Los Angeles World Airports (LAWA) may use the competitive sealed proposal selection process as provided herein and the construction manager at risk alternative project delivery method for the following projects or any combination thereof: Runway 7R-25L Rehabilitation; Runway 6R-24L Safety Area (RSA) and Rehabilitation; Runway 6L-24R Safety Area (RSA) and Rehabilitation; West Remain Over Night (RON) Aircraft Parking Improvements; Secured Area Access Posts and Vehicle Checkpoints; North Airfield Runway Exit Taxiways Program; South Airfield Reconstruction Program; Taxiway Reconfiguration Projects; Taxilane Resurfacing Projects; and Airside Cargo Facility Ramp Reconstruction Project and the components of them at LAX and VNY (collectively, the Projects). Such contracts shall be awarded by the Board of Airport Commissioners (BOAC), on behalf of LAWA, subject to the City Council's right of review under Charter Section 245 or, if applicable, the City Council's right of approval under Charter Section 373. No award may be made to a proposer whose final proposal is higher as to ultimate cost to the City (as defined in Charter Section 371) than any other responsive proposal submitted. In order to utilize this method, BOAC shall make a written finding supported by a written statement of facts that award to the lowest responsive and responsible bidder is not practicable or advantageous, and shall also state in writing the reason for the particular award.

Sec. 2. Contract negotiations may be engaged in by LAWA after proposals have been opened to allow clarification and changes in the proposal. LAWA shall take adequate precaution to treat each proposer fairly.

Sec. 3. Proposals shall be solicited by issuing a request for proposal (RFP), which shall be subject to prior BOAC approval and reviewable by the City Council under Charter Section 245. Public notice of the RFP shall be given in writing or electronically to prospective contractors. The RFP shall state the time and place at which the proposals will be received by LAWA. Proposals received after the time and date specified shall be returned and shall not be considered.

Sec. 4. At a minimum, the RFP shall include: (a) a description of the services and items desired or the scope of work to be performed; (b) a statement of the evaluation criteria that will be used in evaluating proposals; and (c) a statement as to when and in what form costs or prices are to be submitted. In addition, the RFP shall require that proposers submit, at a minimum: (i) relevant experience; (ii) evidence of bonding capability; (iii) a selection plan for subcontractors that meets specified requirements and which is sufficient to ensure that fair practices are used in such selection; (iv) updated financial and other relevant information sufficient to provide evidence of financial ability to complete the work; and (v) such other information as LAWA deems relevant and appropriate.

Sec. 5. The evaluation criteria shall be described in the RFP in a plan of evaluation that identifies evaluation factors and their relative importance to the proposed work or project. The criteria shall include, but not be limited to, a means to measure how well a proposal meets desired performance requirements.

Sec. 6. Proposals shall be opened and their contents secured to prevent disclosure during the process of negotiating with competing proposers. Adequate precautions shall be taken to treat each proposer fairly and to insure that information gleaned from competing proposals is not disclosed to other proposers. Except for the names of the proposers, information contained in the proposals, including price, shall not be disclosed until a recommendation for award is made to BOAC.

Sec. 7. Award shall only be made to the responsible and responsive proposer whose final proposal is most advantageous to the City, except that BOAC may reject any or all offers if rejection is in the best interest of the City. No award may be made to a proposer whose final proposal is higher as to the ultimate cost to the City (as defined in Charter Section 371) than any responsive proposal submitted. The BOAC shall document its findings regarding this determination.

Sec. 8. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
BRIAN OSTLER
Deputy City Attorney

Date 11/1/17

File No. 14-0987

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

CITY CLERK

MAYOR

Ordinance Passed 11/21/2017

Approved 11/21/2017

Published Date: 12/08/2017
Ordinance Effective Date: 01/08/2018
Council File No.: 14-0987