

ORDINANCE NO. _____

An ordinance authorizing the Board of Water and Power Commissioners to award one or more agreements pursuant to a competitive sealed proposal method and to permit negotiations relating to the procurement of highly specialized power system equipment.

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

Section 1. The Los Angeles Department of Water and Power (LADWP) is authorized by Section 10.15(f) of the Los Angeles Administrative Code to use an alternative procurement method to acquire highly specialized equipment for LADWP used for power generation, transmission, and distribution where the technical complexities of such equipment require that factors in addition to price be taken into consideration. Large power transformers used in LADWP's high voltage substations are highly specialized equipment used as part of LADWP's electric generation, transmission, and distribution systems.

Sec. 2. LADWP may engage in contract negotiations after proposals have been opened to allow for clarification and changes in the proposal. LADWP shall take adequate precautions to treat each proposer fairly and to ensure that information obtained 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 the Board of Water and Power Commissioners (Board).

Sec. 3. The decision by LADWP to use the competitive sealed proposal method permitting negotiations for contracts is supported by written findings setting forth the specific facts which support the determination that competitive bidding and that adherence to the rule that the contract award be made to the lowest responsive and responsible bidder is not practicable or advantageous. No award(s) may be made pursuant to the alternative procurement method to a proposer whose final, negotiated proposal is higher as to the ultimate cost to the City than any other responsive proposal submitted.

Sec. 4. Proposals shall be solicited by the issuance of a Request for Proposal (RFP) to obtain proposals from qualified transformer manufacturers. The RFP shall be published in the same manner as notices for other competitive solicitations issued by LADWP. The RFP shall state the time and place at which the proposals will be received by LADWP. Proposals received after the time and date specified shall be returned and shall not be considered. LADWP retains the right to reject all proposals.

Sec. 5. At a minimum, the RFP shall include:

1. A description of the services and items required;
2. A statement of the evaluation criteria that will be used in evaluation proposals; and
3. A statement as to when and in what form costs or prices are to be submitted. In addition, the RFP may require that proposers submit:
 - (a) relevant experience and qualifications;
 - (b) support logistics;
 - (c) approach;
 - (d) equipment performance reliability and risk assessments;
 - (e) schedule and timing of deliveries;
 - (f) updated financial and other relevant information sufficient to provide evidence of financial ability to complete the work; and
 - (g) such other information as LADWP deems relevant and appropriate.

Sec. 6. 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 and how the lowest ultimate cost will be determined.

Sec. 7. Proposals shall be opened publicly, but their contents secured to prevent disclosure during the process of negotiating with competing proposers. Procedures applicable to discussions and negotiations with proposers shall be implemented, including safeguards to preserve confidential and proprietary information supplied by proposers, and other appropriate precautions to ensure each proposer is treated fairly. Proposer's sealed cost proposal shall not be considered confidential nor proprietary information, but shall not be disclosed until a recommendation of award is made to the Board of Water and Power Commissioners.

Sec. 8. The local business preference set forth Section 371(a) of the Los Angeles City Charter applied pursuant to this ordinance shall be utilized solely for the purpose of evaluating and awarding the corresponding contract or contracts and shall not change in any way the price to be paid by LADWP for goods and services under the contract and is hereby approved.

Sec. 9. Pursuant to Section 10.15(1)(f) of the Los Angeles Administrative Code, the aforementioned RFP criteria, approved by the Board of Water and Power Commissioners, Resolution No. _____, are hereby approved.

Sec. 10. Pursuant to Section 1022 of the Los Angeles City Charter, the services advertised for this RFP are for expert services which require knowledge and skills that are not available within LADWP and can therefore be performed more economically and feasibly by independent contractors.

Sec. 11. Notwithstanding any other ordinance, rule or law of the City of Los Angeles to the contrary, the Board may award one or more contracts using the aforementioned criteria and execute non-material corollary documents and amendments pursuant to Section 10.15(1)(f) of the Los Angeles Administrative Code and Sections 371(a) and 373 of the Los Angeles City Charter as to the equipment and services described in Section 1 for a term not to exceed nine (9) years without further approval by the Los Angeles City Council.

Sec. 12. 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

BENJAMIN CHAPMAN, City Attorney

By _____

MARK REUSCH
Deputy City Attorney

Date _____

File No. _____

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The Clerk of the City of Los Angeles hereby certifies 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 _____

Approved _____