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## REQUEST FOR PROPOSALS - #DCFS22-01 PROPERTY MANAGEMENT SERVICES

- Release Date:** December 27, 2021
- Proposal Due Date:** January 21, 2022, 4:30 P.M. PST  
Los Angeles Fire and Police Pensions  
Administrative Operations Division  
701 East Third Street, Suite 200  
Los Angeles, CA 90013
- RFP Administrator:** William Raggio  
Administrative Operations Division  
Email: William.Raggio@lafpp.com  
Phone: (213) 279-3035  
Fax: (213) 628-7719
- All questions must be emailed to the RFP Administrator no later than:** January 5, 2022, 4:30 P.M. PST  
Questions and answers concerning the RFP will be posted on the RFP page of the LAFPP website, [www.lafpp.com/requests-proposals](http://www.lafpp.com/requests-proposals) on or about January 12, 2022.
- Official RFP Notices/Addendums** To ensure that no firm is provided advantage over another, all requirements are specified in this RFP. Any changes to the requirements will be posted as an addendum to the RFP on the LAFPP website [www.lafpp.com/requests-proposals](http://www.lafpp.com/requests-proposals) and the City of Los Angeles' bid opportunities website, <http://www.labavn.org>. Proposers are solely responsible for monitoring the website and adhering to RFP notices/addendums.
- Prohibited Communications** From the RFP release date until a contract for these services is fully executed, firms are prohibited from communicating with members of the Board of Fire and Police Pension Commissioners or staff, other than the RFP Administrator, concerning this RFP or the resulting contract. Any communications could be considered attempts to lobby or market services, and is therefore prohibited by LAFPP's Marketing Cessation Policy. Firms will be disqualified from contract consideration if the prohibition is not honored.



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## 1. INTRODUCTION

Los Angeles Fire and Police Pensions (LAFPP) seeks competitive proposals from qualified companies to provide property management, commercial marketing and leasing, and related services for its Headquarters Building (The Neptune Building), located in the Los Angeles Arts District. The Neptune Building is LAFPP-owned and is currently occupied by LAFPP and two tenants. The services provided by the Vendor will include, but are not limited to, services in accordance with usual and customary practices for a mixed-use office/retail building.

## 2. BACKGROUND INFORMATION

LAFPP is one of three defined benefit retirement plans for City of Los Angeles employees. LAFPP is a team of dedicated professionals who administer a defined benefit retirement plan for all sworn employees of the City of Los Angeles. LAFPP has been serving eligible members and their beneficiaries since June 7, 1899. We continue our efforts to provide professional and prompt service to approximately 13,200 active members and 13,300 retired members and beneficiaries. The assets of the Fund are currently valued at approximately \$30.8 billion, as of June 30, 2021. LAFPP is governed by the Board of Fire and Police Pension Commissioners (Board). This body is made up of nine commissioners – five appointed by the Mayor and four elected by the active and retired Fire and Police sworn members.

In 2013, LAFPP purchased The Neptune Building to serve as its Headquarters Building. The Neptune Building is a 54,000 square foot four-story mixed-use office and retail space that was constructed in 1924. The building includes a rooftop patio area that is available to LAFPP staff. The Building is located in the Los Angeles Arts District at 701 E. 3<sup>rd</sup> Street on the Northeast corner of E. 3<sup>rd</sup> Street and Alameda Street. LAFPP staff occupies floors 2 – 4 and leases the 1<sup>st</sup> floor suites to generate revenue. There are currently two tenants on the 1<sup>st</sup> floor, and there is one vacant 1<sup>st</sup> floor suite that is actively being marketed. The property includes a parking lot immediately adjacent to the Building that provides parking for staff during normal business hours, and serves as a public, self-park and lock pay lot after business hours. The lot is operated by a contracted parking operator.

LAFPP is considering a permanent hybrid telecommuting schedule for staff that may result in vacating the 2<sup>nd</sup> floor and leasing it out to a tenant. It is anticipated that some commercial leasing services related to this transition may be necessary during the contract period.



### 3. SCOPE OF SERVICES

Upon contract award, the services provided by the Vendor will include, but will not be limited to:

- A. Oversee the day-to-day building operations.
- B. Provide any other service or subcontract with contractors, suppliers, and vendors on behalf of LAFPP, which are required in the ordinary business of managing and operating the Neptune Building. These services include but are not limited to: janitorial, maintenance and repairs of building systems, providing utilities, and other services not self-performed by the prime Vendor.
- C. Directly coordinate and oversee the Building staff who are onsite on a daily basis. This will involve subcontracting with professional vendors to provide the following services: security at the building's entrance, day porter, and parking lot operation. These service providers must also be coordinated and approved by LAFPP.
- D. Coordinate the purchase of all supplies, tools, and equipment that are necessary and proper to manage and operate the Neptune Building.
- E. Accounting/Financial management and reporting.
- F. Preparation of an annual operating budget and five-year capital budget for the Neptune Building. This includes recommended capital improvements and detailed suggestions for the improved operation of the property with a detailed narrative.
  - 1. This annual operating budget shall be prepared by December 31<sup>st</sup> each year for inclusion in LAFPP's ensuing fiscal year budget that must be presented to the Board by April 1 of each year.
- G. Procure property insurance on behalf of LAFPP.
- H. Collect and monitor proof of insurance for tenants and vendors.
- I. Coordinate all aspects of lease administration, with an emphasis on Tenant/Owner relations.
- J. Help coordinate annual occupant fire drill, as necessary.
- K. Construction project management.
- L. Tenant improvements management.



- M. Meet with LAFPP staff, as necessary, to discuss building issues and/or the status of repair items.
- N. Prepare monthly reports for LAFPP management regarding leasing activities, property operations, financial results, tenant issues, etc.
- O. Commercial marketing and leasing services at the request of LAFPP.
- P. Ensure the Building operations comply with all applicable COVID-19 mandates as they evolve and as directed by the County Health Department and/or City of Los Angeles.
- Q. Ensure the subcontracted Building contractors, suppliers, and vendors on behalf of LAFPP comply with all COVID-19 protocols that are currently in effect, and that may be implemented during the contract period.

#### **4. GENERAL SUBMITTAL REQUIREMENTS**

##### **4.1 Contract Period**

The term of this Contract shall be for a period of three (3) years beginning July 1, 2022 through June 30, 2025.

##### **4.2 Proposal Submittal Requirements**

**All proposals must be received by LAFPP no later than 4:30 p.m. Pacific Standard Time (PST) on Friday, January 21, 2022. All proposals must be submitted in portable document format (PDF) via email to:**

William Raggio, RFP Administrator  
William.Raggio@lafpp.com

The complete proposal shall be emailed with the following subject line:

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The RFP response and all applicable requested documents, forms, appendices, samples and fee schedules, must arrive by the specified deadline date to the specific e-mail address indicated above to be considered. LAFPP may deem a proposal nonresponsive if the Proposer



fails to provide all required documentation and copies. The RFP Administrator will send a confirmation email upon timely receipt of proposals. No proposal will be accepted by LAFPP after the deadline.

**Submission of proposals in a manner other than as described in these instructions will not be accepted.**

#### **4.3 Content of Proposal**

Proposals shall be based only on the material contained in the RFP, amendments, addenda and other materials published by LAFPP relating to this RFP. Proposals submitted in response to this RFP must provide the requested information in the format specified in Section 5. Adherence to this format will help to ensure a fair and objective evaluation of submitted proposals. The requested information is organized into individual sections, which should correspond to individual sections in the submitted proposals. Proposals must respond to each topic in the order presented, and responses should be numbered as stated in Section 5 of this RFP. LAFPP reserves the right to declare as nonresponsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided.

Note that responses to questions MUST be specifically answered within the context of the submitted proposal. The LAFPP Evaluation Committee will NOT refer to a designated website, brochure or other location for the requested information. Responses that utilize references to external materials as an answer will be considered nonresponsive.

Proposals failing to comply with the above requirements may be declared nonresponsive and eliminated from further consideration.

#### **4.4 Proposer's Questions**

Email questions regarding this RFP to: [William.Raggio@lafpp.com](mailto:William.Raggio@lafpp.com), no later than Wednesday, January 5, 2022, 4:30 P.M. PST. Questions will not be accepted via telephone. Answers to questions from all Proposers will be posted on the City's website ([www.labavn.org](http://www.labavn.org)), and LAFPP's website, ([www.lafpp.com/requests-proposals](http://www.lafpp.com/requests-proposals)) on or about January 12, 2022.

#### **4.5 Board Review**

It is anticipated that an evaluation of responses, cost information and a contract award recommendation will be presented to the Board of Fire and Police Pension Commissioners for approval in March 2022.



#### 4.6 Finalists and Interviews

From the proposals received, the LAFPP Evaluation Committee reserves the right to conduct interviews or to proceed with the evaluation process without conducting interviews. The purpose of interviews, if conducted, would be to allow Proposers the opportunity to clarify and expand upon aspects of their proposal. Interviews also present an opportunity to evaluate key personnel and discuss and clarify written proposals. Proposer(s) (either all or a short list) may be subsequently re-interviewed for final evaluation.

LAFPP reserves the right to interview only a short list of Proposers or to short list proposals without conducting interviews. If a short list is used, it will be based on the evaluation criteria as identified below. If LAFPP elects to establish a short list among the Proposers, LAFPP reserves the right for the evaluation committee to determine the number of short-listed Proposers during the evaluation process. Further, it is anticipated the finalists will be scheduled for interviews and/or emailed supplemental questions. Proposers are encouraged to take note of the tentative schedule in subsection 4.7 of this RFP for such interviews, presentations and supplemental questionnaires, and plan accordingly.

Please note, Zoom (or similar) video-conferencing may be utilized for finalist interviews consistent with COVID safety protocols. However, that decision will be made closer to the interview dates.

#### 4.7 Tentative Schedule

This schedule indicates estimated dates for the RFP process. LAFPP reserves the right to adjust this schedule when appropriate.

Date	Event
12/27/2021	Release RFP to public
01/05/2022	4:30 p.m. – Deadline to submit questions to LAFPP
01/12/2022	LAFPP Posts Q&As on the website (Approx. date)
<b>01/21/2022</b>	<b>RFP Responses Due – must be received by 4:30 p.m. PST.</b>
01/24/2022 - 02/11/2022	Evaluation period (subject to change dependent on number of bid responses)



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02/14/2022 - 02/18/2022	Finalist interviews
March 2022	Staff recommendation to Board to award contract

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## 5 **DETAILED SUBMITTAL REQUIREMENTS**

### **Proposal Format and Information Requirements**

Responses to the requests in this section must be in full and complete answer form, numbered consecutively, and with all requested information enclosed and all listed page limits and sizes honored. Each Proposer must, consistent with applicable page limits, provide as much information as it feels is necessary to properly convey its ideas and, when applicable provide any relevant additional information in an appendix.

For purposes of the evaluation, the Proposer must include information about any and every relevant member of their team to assist LAFPP in its evaluation.

Proposals must consist of the following sections in the sequence shown below. Bookmarks within the PDF file to identify each part of the proposal must be inserted to facilitate quick reference.

<b><u>PROPOSAL SECTION</u></b>	<b><u>TITLE</u></b>
1.0	Table of Contents
2.0	Cover Letter
3.0	Executive Summary
4.0	Business References
5.0	Qualifications and Experience
6.0	Required Documents/Forms
7.0	Other Information

Instructions relative to each part of the response to this RFP are defined in the remainder of this section. Response information should be limited to pertinent information only.



All proposals must be submitted in the manner as indicated in Section 4.2 – Proposed Submittal Requirements. LAFPP may deem a Proposer nonresponsive for failure to provide all required documentation in accordance with Section 4.2 and this Section 5.

### **Proposal Section 1.0: Table of Contents**

Each proposal must include a Table of Contents listing the sections included in the proposal.

### **Proposal Section 2.0: Cover Letter**

The cover letter must include the legal business name, address, telephone number and business status (individual, limited liability partnership, corporation, etc.) of the Proposer.

The cover letter must also include the person(s) authorized to represent the Proposer in negotiations with LAFPP with respect to the RFP and any subsequently awarded contract. Provide the representative's name, title, address, telephone number, email address and any limitation of authority for the person named.

Important Exceptions to Contract Documents - The Proposer shall clearly state in the cover letter any exceptions to, or deviations from, the minimum proposal requirements, and any exceptions to the terms and conditions of this RFP. Such exceptions or deviations will be considered in evaluating the proposals. Proposers are cautioned that exceptions taken to this RFP may cause their proposal to be rejected.

The cover letter shall have the following statement:

“The undersigned hereby offers and agrees to furnish the services in compliance with all the service level requirements, instructions, specifications, and any amendments contained in this RFP document and any written exceptions in the offer accepted by LAFPP This proposal is genuine, and not sham or collusive, nor made in the interest or on behalf of any person not named therein; the Proposer has not directly or indirectly induced or solicited any other Proposer to put in a sham bid, or any other person, firm or corporation to refrain from submitting a proposal, and the Proposer has not in any manner



sought by collusion to secure for themselves an advantage over any other Proposer.”

The cover letter is to be signed by a person(s) authorized to bind the Proposer to all provisions of this RFP, to any subsequent changes and to the contract if an award is made. If the Proposer is a partnership, the proposal must be signed by a general partner in the name of the partnership. If the Proposer is a corporation, the proposal must be signed on behalf of the corporation by two authorized officers (Chairman of the Board, President or Vice-President, and a Secretary, Treasurer or Chief Financial Officer) or an officer authorized by the Board of Directors to execute such documents on behalf of the corporation.

### **Proposal Section 3.0: Executive Summary**

*(3 pages maximum)* The Executive Summary highlights the key features of the proposal, the strengths of the Proposer, and explains the rationale for the specifics included in the proposal relative to this RFP.

### **Proposal Section 4.0: Business References**

List up to four references with which the Proposer has conducted business operations during the past three years using the form provided in Appendix 8.7 – Business Reference Form.

At its sole discretion, LAFPP reserves the right to request additional references, to contact and verify all references, and to request additional supporting references' information from the Proposer, as LAFPP deems necessary.

### **Proposal Section 5.0: Qualifications and Experience**

This section of the Proposer's response to the RFP provides LAFPP with an understanding of the Proposer's capability to provide the services covered by this RFP.

The Proposer must:

- Be a professional firm whose primary line of business includes property management services. Alternatively, the firm must have expertise in property management services if those areas are not their primary line of business.



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- Have all necessary permits and licenses to perform the requested services. The selected firm must be bonded where applicable.
- List at least five firms for which the Proposer has provided substantially similar Commercial Property Management Services as described in this RFP for five (5) years. Provide the information in table form, with the following requirements:
  - Name and location of operations managed, including the exact legal name of the company you provided services for, at each location
  - Period of time during which services were provided
  - Type of operation e.g. industrial, commercial, industrial and commercial, etc.
  - Activities and responsibilities of local management and support, including the frequency local management visits the building(s)
  - References for each location (i.e. company name, contact person, title, address, telephone number, email address, etc.) if different from Proposer's references provided in Appendix 8.7 – Business Reference Form
- Describe Proposer's experience in managing and maintaining similar commercial buildings.
- Describe Proposer's experience in planning and designing major maintenance projects, including technical qualifications of Proposer's in-house resources, and the resources of any subcontractors, if part of the Proposer's team.
- Describe Proposer's experience in planning and coordinating tenant improvements and construction management, including qualifications of Proposer's in-house resources, and the resources of any subcontractors, if part of the Proposer's team.
- Describe Proposer's overall approach and experience successfully managing transitions for similar projects.



- Submit a detailed resume of the proposed, assigned Property Manager and other key personnel. If the successful proposer is awarded the Agreement, the designated Property Manager will not be replaced, nor shall his/her agreed-upon function or level of commitment be changed, without the prior written consent of LAFPP.

### **Proposal Section 6.0: Required Documents/Forms**

In addition to the above, the Proposals must include the following information:

- Copies of any pertinent licenses required to deliver respondent's product or service (i.e., Business License)
- A detailed transition plan that explains the transfer from the incumbent to the selected firm.
- A copy of respondent's standard professional services contract.
- An explanation of the pricing proposal for the scope of work including pricing of fees and costs, billing practices and payment terms that would apply. LAFPP does not place any limits on the approach to pricing and is open to presentation of more than one pricing alternative for the scope of work, or portions of it. This section of the response should include an explanation as to how the pricing approach(es) will be managed to provide the best value to LAFPP. All pricing proposals should be "best and final," although LAFPP reserves the right to negotiate on pricing.
- An explanation of all actual or potential conflicts of interest that the Proposer may face in the representation of LAFPP.
- A description of all past, pending, or threatened litigation, including but not limited to malpractice claims, and all administrative, state ethics, and disciplinary proceedings and other claims against respondent and any of the individuals proposed to provide services to LAFPP.
- Any other information that the respondent believes is relevant to LAFPP's selection process.
- The following required documents/forms which can be found in the Appendix, Section 8:



- **Appendix 8.3:** *Bidder CEC Form 50*
- **Appendix 8.7:** *Business Reference Form*

Failure to submit these documents will deem your proposal as nonresponsive.

Additional requirements may apply for the selected contractor as indicated in Section 7, General Terms and Conditions.

### **Proposal Section 7.0: Other Information**

We will accept, for inspection, submissions of any materials you are currently using with other clients and, on request, will delete or destroy these items after the selection process is completed.

Please identify all items you wish to have deleted. All supplemental items should also be in an electronic format which can be transmitted via email.

Should any materials include any proprietary information that is exempt from being disclosed under the California Public Records Act, Proposer must comply with Section 7.9 – Confidential Information/Public Records Act. Should only portions be considered exempt, Proposer must additionally provide an appropriately redacted copy for this purpose.

## **6. EVALUATION OF RESPONSES**

### **6.1 Evaluation Process**

The selected Proposer must successfully pass all the following levels of review:

#### **Level I: Review of Qualifications, Experience & References**

The proposal must demonstrate that the Proposer has a proven positive record as a responsible Contractor performing the services similar to those described in this RFP for a minimum of 5 years; and has the resources and expertise to perform the required services.

#### **Level II: Administrative Responsiveness**

The proposal must demonstrate its responsiveness to the administrative requirements outlined in the RFP, e.g., adhering to the submittal requirements detailed in Section 5.



### **Level III: Proposed Services & Fees**

Each company's proposed plan of services and fees for providing the required services (Section 3) are evaluated and ranked according to the criteria described in Section 6.3 below and other factors.

Interviews may be conducted for short-listed proposals. Upon invitation, the Proposer will be provided an opportunity to present the company's business history, area of expertise, current/past client list, fee structure, technologies, methodologies, and industry best practices and proposed assigned staff to the Neptune Building. The balance of the interview will be used to answer any questions the evaluation committee may have. Key staff, who would be working on the contract if awarded, should be present. The City of Los Angeles seal and the LAFPP logo shall not be used in the presentation materials.

### **Level IV: Final Approval by the Board**

The Proposer that demonstrates to be the most qualified to provide the required services at the best overall value to LAFPP, as determined by the evaluation committee, will be recommended for contract award to the Board of Fire and Police Pension Commissioners (Board). The Board at its sole discretion makes the final award determination, if any.

## **6.2 Evaluation Committee**

An evaluation committee comprised of LAFPP staff will be established to evaluate all proposals based on the below.

## **6.3 Evaluation Criteria**

The evaluation committee will recommend award of a contract based upon the best combination of price, experience and quality of service delivery. Submitted proposals will be evaluated based on the following factors:

- a. Qualifications and experience of the firm in providing required services.
- b. Quality of the team proposed to provide services to LAFPP.
- c. Proposed Fees – Best Overall Value.
- d. The firm's past performance on contracts of similar size and scope.
- e. Information provided by references.
- f. Communication skills.
- g. Level of investment and commitment to the LAFPP relationship.
- h. The organization, completeness, and quality of the proposal, including cohesiveness, conciseness, and clarity.



LAFPP shall reserve the right to use such other criteria as may be deemed appropriate in evaluating proposals, even if such criteria are not mentioned in the RFP. Each proposal submission will be reviewed, evaluated and assigned a score based on the criteria outlined above. The highest scoring Proposers may be invited by LAFPP to participate in an interview.

## **7. GENERAL TERMS AND CONDITIONS**

### **7.1 General Conditions**

Submission of a response to this RFP shall constitute acknowledgment and acceptance of the standard terms and conditions set forth herein.

### **7.2 Valid Period of RFP**

All proposals shall be firm and final offers, and may not be withdrawn for a period of one hundred twenty (120) days following the announced deadline for the submission of proposals under this RFP. A response to this RFP is an offer to contract with LAFPP based upon the terms, conditions, service level agreement and specifications contained in the proposal submitted.

### **7.3 Proposal Submission**

All proposals must be submitted by the deadline specified in the RFP. Late responses will not be considered. Proposals should contain accurate and complete information as required in this RFP. The Proposer is liable for all errors or omissions incurred by the Proposer in preparing the proposal. The Proposer will not be allowed to alter the proposal documents after the due date of submission. Unclear, incomplete, and/or inaccurate documentation may cause a response to be removed from further consideration. Unnecessary or lengthy responses beyond those needed to sufficiently respond to all of the RFP requirements should be omitted.

### **7.4 Proposer Assumes RFP Costs**

LAFPP shall not be liable for any expenses incurred by any Proposer prior to issuing any contract that may result from this RFP. If Proposers are selected for a finalist interview, additional copies of the proposal may be required. These copies must be exact duplicates of the response initially submitted.



### **7.5 Proposer's Right to Withdraw Proposal**

The Proposer may withdraw its submitted proposal in writing at any time prior to the specified due date and time. A written request, signed by an authorized representative of the company, must be submitted via e-mail to William Raggio, RFP Administrator: [William.Raggio@lafpp.com](mailto:William.Raggio@lafpp.com)

After withdrawing a previously submitted proposal, the Proposer may submit another proposal at any time, up to the specified due date and time.

### **7.6 Prohibited Use of City Seal or LAFPP Logo and Alteration of RFP**

The Proposer is prohibited from using, copying or replicating in any form the City seal or LAFPP logo. In addition, the Proposer shall not change any wording in the RFP or associated documents.

### **7.7 Amendments to RFP**

LAFPP retains the right to amend this RFP and will make reasonable attempts to notify prospective Proposers of any changes. However, it is the Proposer's responsibility to monitor the RFP page on the LAFPP web site ([www.lafpp.com/requests-proposals](http://www.lafpp.com/requests-proposals)) and the City of Los Angeles' bid opportunities website (<http://www.labavn.org>) for any amendments pertaining to this RFP.

LAFPP will not be liable for the Proposer's failure to receive such notice and any consequential non-responsiveness or noncompliance. LAFPP reserves the right to extend the deadline for submission. Proposers will have the right to revise their response in the event the deadline is extended.

### **7.8 LAFPP's Right to Reject Proposals and Withdraw RFP**

LAFPP reserves the right to reject any or all proposals at any time without prior notice; to waive any minor informality in proposals received; to reject any unapproved alternate proposal(s); and reserves the right to reject the proposal of any Contractor who has previously failed to perform competently in any prior business relationship with LAFPP or the City of Los Angeles. The withdrawal of this RFP or rejection of any or all proposals shall not render LAFPP liable for costs or damages.

### **7.9 Confidential Information/Public Records Act**

All responses to the RFP will be kept confidential until such time as the



Board's recommendation for award of a contract has been announced. Thereafter, proposals are subject to public inspection and disclosure under the California Public Records Act. Proposers must clearly and conspicuously identify all copyrighted material, trade secrets or other proprietary information that the Proposer claims are exempt from the California Public Records Act (CPRA) – California Government Code Section 6250 et seq.

In the event a Proposer claims that any of its documents are exempt from inspection under the CPRA, the Proposer is required to state in the proposal the following: "The Contractor will indemnify the City and its officers, employees and agents, and hold them harmless from any claim or liability and defend any action brought against them for their refusal to disclose copyrighted material, trade secrets or other proprietary information to any person making a request therefor." Failure to include such a statement shall constitute a waiver of a Proposer's right to exemption from this disclosure.

#### **7.10 Ownership of Documents**

All reports, tables, charts, staff resumes, invoices and other contract documents prepared under this RFP by the Proposer shall be and remain the property of LAFPP upon LAFPP compensation of the Contractor for its services as herein provided. Other than the contents of this RFP, Contractors shall not release to others information furnished by LAFPP or any other City agency, Commission or Board without prior written approval from LAFPP.

#### **7.11 Award of Contract**

Any firm awarded a contract pursuant to this RFP will be required to enter into a written contract with the Board of Fire and Police Pension Commissioners of the City of Los Angeles, approved as to form by the City Attorney. This RFP and the proposal, or any part thereof, may be incorporated into and made a part of the final contract. LAFPP reserves the right to negotiate the terms and conditions of any contract resulting from this RFP.

#### **7.12 Independent Contractor**

The selected Contractor shall, at all times during the term of any contract resulting from this RFP, retain its status as an independent contractor. The Contractor's employees shall under no circumstances be considered or held to be employees or agents of either LAFPP or the City of Los Angeles.



### **7.13 Nondiscrimination, Equal Employment Practices and Affirmative Action Program (Non-Construction and Construction)**

Bidders/Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2., Non-discrimination Clause.

All contracts (both construction and non-construction) for which the consideration is \$1,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. By affixing its signature on a contract that is subject to the Equal Employment Practices Provisions, the Contractor shall agree to adhere to the provisions in the Equal Employment Practices Provisions for the duration of the contract.

All contracts (both construction and non-construction) for which the consideration is \$25,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. By affixing its signature on a contract that is subject to the Affirmative Action Program Provisions, the Contractor shall agree to adhere to the provisions in the Affirmative Action Program Provisions for the duration of the contract.

Furthermore, contractors shall include similar provisions in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations. The contract with the subcontractor that contends similar language shall be made available to the Office of Contract Compliance upon request.

Bidders/Proposers seeking additional information regarding the requirements of the City's Non-Discrimination Clause, Equal Employment Practices and Affirmative Action Program may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

### **7.14 Bidder Certification City Ethics Commission (CEC) Form 50**

Proposers (bidders) are subject to City of Los Angeles Charter Section 470(c)(12) and related ordinances. As a result, Proposers seeking to contract with the City of Los Angeles for goods or services contracts of a value of more than \$25,000 and a term of at least three months acknowledge and agree to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance



if they qualify as a lobbying entity under Los Angeles Municipal Code Section 48.02.

Proposers must submit the *Bidder CEC Form 50* (Appendix 8.3) with their proposal. Proposals submitted without a completed form shall be deemed non-responsive.

Contractors who fail to comply with City law may be subject to penalties, termination of contract and debarment. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960, or <http://ethics.lacity.org/>.

### **7.15 Business Inclusion Program**

It is the policy of the City under the Business Inclusion Program (Mayor's Executive Directive No. 14) to help ensure that all businesses, including certified Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Other Business Enterprise (OBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE) and Disabled Veterans-Business Enterprise (DVBE), have an equal opportunity to do business with the City. LAFPP strongly encourages all Proposers to make an effort to include members of these groups in any sub-contracting work to be performed if awarded the contract. The proposal shall include a list of all prospective sub-contractors, their status (MBE, WBE, OBE, etc.) and the service they will provide. More information on the Business Inclusion Program can be found at: <https://bca.lacity.org/BIS-Program-and-Local-Business-Preference>

### **7.16 Conflict of Interest**

LAFPP requires that all contractors disclose any existing or potential conflict of interest relative to the performance of services required by any contract resulting from this RFP. Any relationship that may be perceived or represented as an actual or potential conflict of interest must be disclosed. Failure to disclose shall result in immediate termination of any contract resulting from this RFP.

### **7.17 Contractor Disclosure Policy**

Any Proposer awarded a contract pursuant to this RFP must comply with the *LAFPP Contractor Disclosure Policy*, provided in Appendix 8.4. Failure to comply shall result in termination of any contract resulting from this RFP.



### **7.18 Standard Provisions**

Proposers must comply with the *Standard Provisions for City Contracts (Rev. 10/21) [v.4]*, provided in Appendix 8.1, except for the following:

- PSC-29 Service Contractor Worker Retention Ordinance
- PSC-31 Contractor Responsibility Ordinance
- PSC-32 Business Inclusion Program (Replaced by 7.15 of this RFP)
- PSC-33 Slavery Disclosure Ordinance
- PSC-34 First Source Hiring Ordinance
- PSC-35 Local Business Preference Ordinance
- PSC-41 Compliance with California Public Resources Code Section 5164.

### **7.19 Contractor Disaster Recovery and Business Continuity Plan**

During the term of any contract resulting from this RFP, LAFPP requires its contractors to have a working Disaster Recovery and Business Continuity Plan (DR/BCP) that will ensure continuity of operations and timely delivery of the services listed in Sections 3, Scope of Services. Contractors shall also test and maintain the DR/BCP throughout the life of the contract term(s) and an updated copy and testing results of the DR/BCP shall be promptly provided to the LAFPP Contract Administrator upon request. The DR/BCP shall show how contractors will continue to deliver essential business functions despite damage, loss, or disruptions due to a natural or man-made emergency or disaster.

Contractors shall present the DR/BCP to the LAFPP Contract Administrator when requested to do so upon reasonable notice. Should contractors fail to maintain an updated DR/BCP, are unable to promptly produce the DR/BCP when requested or fail to meet the agreed recovery time objectives of when contractors will return to normal business, LAFPP reserves the right to terminate the contract for cause.

### **7.20 Bonding, Insurance and Indemnification**

If awarded a contract, the respondent will furnish the City evidence of insurance coverage with the minimum limits, as set forth in the Insurance Schedule of Contract – sample insurance requirements and minimum limits are provided in Appendix 8.2b. Proof of insurance must be submitted in accordance with the requirements of the Office of the City Administrative



Officer, Risk Management upon contract execution. Information on compliance with City Insurance and Bond requirements is appended to this RFP in Appendix 8.2a and is also available on the City Risk Manager's website: [https://cao.lacity.org/risk/Submitting\\_proof\\_of\\_Insurance.pdf](https://cao.lacity.org/risk/Submitting_proof_of_Insurance.pdf)

The Contractor must maintain the required insurance coverage for the duration of any contract resulting from this RFP.

The Contractor must certify that it is aware of and will comply with Labor Code 3700 of the State of California requiring every employer to be insured against liability for Workers' Compensation or to undertake self-insurance before commencing any services under the terms of any contract resulting from this RFP.

The Contractor will be required to indemnify the City in accordance with the provisions set forth in PSC-20 and PSC-21 of the *Standard Provisions for City Contracts (Rev. 10/21)[v.4]*, provided in Appendix 8.1.

#### **7.21 Business Tax Registration Certificate (BTRC)**

The Contractor understands that the activity described herein constitutes doing business in the City of Los Angeles and it therefore understands that it must register for and pay a business tax pursuant to Section 21.03 of the Los Angeles Municipal Code. The Contractor shall obtain and maintain a current Business Tax Registration Certificate Number (BTRC #) and all such certificates required of it and shall not allow any such certificate(s) to be revoked or suspended while any contract is in effect. The Office of Finance administers this program. They are located at City Hall, 200 North Spring Street, Room 101, Los Angeles, CA 90012. Their phone number is (844) 663-4411. Forms and instructions can be accessed via the Internet at <http://finance.lacity.org/>.

#### **7.22 Solicitation of Contributions**

Any Proposer awarded a contract pursuant to this RFP must comply with the *LAFPP Solicitation of Contributions Policy*, provided in Appendix 8.6a. Failure to comply shall result in termination of any contract resulting from this RFP. A complete list of LAFPP fiduciaries as defined in abovementioned reference is provided in Appendix 8.6b.



## **8. APPENDIX**

- 8.1 Standard Provisions for City Contracts (Rev. 10/21) [v.4]
- 8.2a Required Instructions and Information on Complying with City Insurance Requirements
- 8.2b Required Insurance and Minimum Limits
- 8.3 Bidder CEC Form 50
- 8.4 LAFPP Contractor Disclosure Policy
- 8.5 LAFPP Contractor Disclosure Policy Reporting Form
- 8.6a LAFPP Solicitation of Contributions Policy
- 8.6b LAFPP Fiduciaries List
- 8.7 Business Reference Form