

0150-11950-0000

**TRANSMITTAL**TO  
CouncilDATE  
08-27-21

COUNCIL FILE NO.

FROM  
Municipal Facilities CommitteeCOUNCIL DISTRICT  
CD 10

The Municipal Facilities Committee (MFC) has waived consideration of the attached Department of Cultural Affairs (DCA) report, which is hereby transmitted for Council consideration of a proposed Request for Proposals (RFP) to solicit a third-party manager/operator for the Vision Theatre and Manchester Junior Arts Center (Vision/MJAC), substantially in the form attached to this report.

There is no immediate impact on the General Fund that would result from the release of the proposed RFP. Any additional funding considerations for remaining infrastructure improvements or capital equipment would be addressed separately through the City Budget process, to the extent that other offsetting funds cannot be secured to fully offset these expenses. Pursuant to instructions provided as part of the 2021-22 City budget proceedings, DCA will provide a separate report to the Budget and Finance Committee relative to potential funding requirements for ongoing operations and maintenance expenses beyond any contribution that would be made by the potential third-party manager/operator selected through the proposed RFP process.




Matthew W. Szabo,  
City Administrative Officer

MWS:JDL:05220034

**CITY OF LOS ANGELES**  
INTER-DEPARTMENTAL CORRESPONDENCE

**DATE:** August 26, 2021

**TO:** Municipal Facilities Committee

**FROM:** Danielle Brazell, General Manager   
Department of Cultural Affairs (DCA)

**CC:** Deborah Weintraub, AIA Chief Deputy City Engineer  
Bureau of Engineering (BOE)

**SUBJECT:** PROJECT UPDATE REPORT TO THE MFC: VISION THEATRE |  
MANCHESTER JUNIOR ART CENTER

**SUMMARY**

In collaboration with Council District 10 (CD10) and other members of the Proposition K program management team, the Department of Cultural Affairs (DCA) has developed a Request for Proposals (RFP) to solicit responses from performing arts and venue operators to manage and operate the Vision Theatre and Manchester Junior Arts Center (Vision/MJAC), which is located in the vibrant and historic Leimert Park Village neighborhood of South Los Angeles in Council District 10. The proposed RFP terms are presented in the discussion section of this report, along with an overview of City objectives for the management and operation of the facility in a manner that is responsive to the needs of the overall community, and an update on the progress of the final phases of capital improvements. There is no General Fund impact associated with the RFP at this time. However, there is a potential General Fund impact for capital equipment, remaining infrastructure improvements, and operational expenses, which will be presented through separate cover and considered for funding as part of the City budget process.

**RECOMMENDATION**

That the Municipal Facilities Committee (MFC) consider and direct staff to transmit to Council for further consideration, the Vision Theatre and Manchester Junior Arts Center (Vision/MJAC) Request for Proposals (RFP), substantially in the form attached to this report, which is intended to solicit a third-party manager/operator for the subject facility.

**FISCAL IMPACT**

There is no immediate impact on the General Fund that would result from the release of the proposed Request for Proposals. Any additional considerations for funding remaining infrastructure improvements or capital equipment would be addressed separately through the City Budget process, to the extent that other offsetting funds cannot be secured to fully offset these expenses. Additional consideration for annual funding may also be needed for ongoing operations and maintenance expenses beyond any contribution that would be made by the potential third-party manager/operator.

## **DISCUSSION**

The Vision Theatre, a Spanish-style Art Deco movie palace built in 1931, stands at the heart of Leimert Park Village. In 1997, the City of Los Angeles took control of the property with the goal of providing a performance venue and junior arts center, under the Department of Cultural Affairs (DCA) Performing Arts Program.

The Manchester Junior Arts Center (MJAC) is a specified Proposition K project with a defined scope of work to “refurbish, retrofit, and convert a city facility into a junior arts center.” The Vision Theatre was selected as an ideal location for the development of the MJAC component through Phase 1 of the theater renovations completed in 2011. Other Phase 1 improvements included renovation and restoration of the front portico, lobbies, and upstairs offices and events spaces, and was funded through a combination of State grants and City funding sources that include the Municipal Improvements Corporation of Los Angeles (MICLA), Capital Improvements Expenditure Program (CIEP), and Community Development Block Grants (CDBG). The use of the Proposition K monies, State grants, and debt funding through the MICLA program imposes various services requirements that will be satisfied through the terms negotiated as part of the operating / management contract.

The Bureau of Engineering is in the process of completing the final capital improvements through a concurrent implementation of Phases 2, 3, and 4 of the project that includes the following scope elements:

- Full restoration of the historic ceiling mural and the 750-seat audience chamber;
- Upgrade to new industry standard, audio-visual equipment; and,
- Development of interior space to include: new stage, fly loft, and lounge/event space; offices and storage; backstage dressing rooms; orchestra pit; artist amenities and green room; stage door/loading dock; and other production enhancements.

Inclusive of all funding sources and work underway, this facility will receive total investments of \$36.5 million in public monies to fund the current scope of work authorized for Phases 2-4 infrastructure upgrades, preservation, and interior improvements. However, before the facility can be activated for use, additional improvements outside the authorized scope would be required to purchase and install capital (audio-visual) equipment, along with other interior improvements that may be required. The program management team is currently working to finalize the additional scope and associated cost estimates, and will obtain the necessary levels of approval, accordingly.

### **1. OVERVIEW: REQUEST FOR PROPOSALS (RFP)**

#### **a. RFP Development and Objectives**

The program management team worked collaboratively with the Council Office to prepare the proposed RFP (refer to Attachment), which is reflective of programming objectives for the venue, applicable use restrictions defined by the sources of funds used for various phases of the project, and with the intention of being responsive to the needs and desires of the local community. The RFP is scheduled for release through Los Angeles Procurement Online Portal (LABAVN/LAPOP)

and posted on the websites for both DCA and the Office of the City Administrative Officer (CAO) in mid- to late-September 2021, with responses due by December 17, 2021.

The goal of this RFP is to identify the most experienced and qualified operator to successfully program, operate, manage, and maintain the Vision|MJAC, with a proven track record and demonstrable evidence of administering a year-round, multidisciplinary performing arts center / theater and a youth training facility focused on creative youth development in the performing arts, technical production, and leadership. Proposers must attend one of two mandatory site visits (refer to Section 1.b. chart below).

b. RFP Timeline

Significant milestones for the RFP process and completion of remaining capital improvements are outlined in the chart below:

Vision Theatre RFP Timeline	
September 16, 2021	ITGS Committee and Council consideration
September 2021	Council approval and RFP release
September/October	DCA report back to Budget and Finance on potential City budgetary impact for operations and maintenance expenses
October 5th and 7th	First Site Visit – Mandatory, every applicant must attend one of the two proposed meetings.  Launch BAVN/LAPOP Questions and Feedback
November 3rd and 5th	Second Site Visit - Mandatory
December 17, 2021	RFP responses due (contract negotiations to follow based on RFP outcome)
June - December 2022	Closeout of capital infrastructure project (Phases 2-4); Initiation of capital equipment initiation

c. RFP Evaluation Panel

The selection panel to review the RFP responses will include staff from the CAO, DCA and CD 10. In addition, a panel of selected staff and community members will review appeals of this RFP, with the final decision for any such process to be subject to Council action.

Proposals will be scored in each of the criteria below and ranked, accordingly. A comprehensive evaluation of the proposals by the panel. The evaluation of proposals will consist of two levels. Each Proposer must pass Level I to advance to Level II.

- **Level I** – Compliance with RFP Submission Requirements. DCA will conduct a preliminary evaluation of all proposals submitted by the deadline to determine compliance with proposal requirements and mandatory document submissions.

- **Level II – Evaluation and Scoring Criteria of Proposal Items.** Maximum points will be given to proposals that submit the best model to generate optimum artistic and economic benefit to the City and the community, while providing the best customer experience in a safe and well-managed venue.
- **Level II – Proposals will be evaluated, ranked, and scored based on the criteria below:**

RFP Level II Proposal Evaluation Criteria *	Maximum Points
Artistic Programming / Local Artist Engagement / Community Stakeholder Engagement	20 points
Financial Capacity	20 points
Facility Needs Assessment / Management and Operation Plan	15 points
Creative Youth Development Plan	15 points
Marketing and Development Plan	10 points
Concession / Merchandise / Beverage / Ticketing Operation	10 points
Community Accessibility and Job Training	10 points
<b>TOTAL</b>	<b>100 points</b>
* The evaluation panel may elect to interview proposers at a later date for the purpose of clarifying matters in the proposals or responding to the evaluation panel's questions. However, all proposals will be evaluated solely on the basis of the criteria listed above.	

City staff will report to Council with the RFP results following the December, 2021 response deadline and completion of the review, selection and appeals process.

## 2. STATUS OF CAPITAL IMPROVEMENTS

The Bureau of Engineering will provide through a separate report a full overview of the current project status, including any revisions to the capital budget and timeline.

As part of the 2021-22 City Budget, additional funding of \$1.3 million in Capital Technology Improvement Expenditure Program (CTIEP) monies was provided towards the cost of audio-visual (AV) equipment that would be purchased and installed under a final phase of development. Based on a preliminary rough order of magnitude, the cost of the AV equipment is estimated at a total cost of \$3 million. Absent other potential sources of funds sufficient to offset the remaining shortfall, a supplemental funding request will be submitted for consideration through the upcoming City Budget process. The ability for the City to fully fund the AV equipment necessary to operate the theatre facility and associated junior arts program would lessen the financial burden placed on any third-party operator and increase the likelihood of successful operations.

Based on known factors at this time, BOE has provided anticipated completion dates for the remaining improvements at this facility:

Construction Activity	Start Date	Anticipated Completion
Construction Phases 2, 3, and 4	March 2018	June 2022
Solar Panels Installation	July 2020	June 2022
Post Construction / Capital Equipment Installation	June 2022	Dec. 2022

### 3. OPERATIONAL CONSIDERATIONS AND NEXT STEPS

As part of the 2020-21 Budget Deliberations, Council adopted a Motion instructing the Department of Cultural Affairs (DCA) to report to the Budget and Finance Committee on any potential City budget impact that would be required to support facility operations (C.F. 21-0600). DCA anticipates providing a full report back in the fall on any continuing funding support that would be requested through the City Budget process for the upcoming year.

Currently, the Vision/MJAC will be provided “as is” and lacks a trained technical staff and the necessary operational plans to operate the facility. Proposers will need to demonstrate the capacity to address and provide all of the following:

- Artistic Programming
- Community Engagement
- Financial Management
- Operational Planning
- Youth Programming
- Marketing, Communications, and Development
- Concessions and Beverage Operations
- Merchandise and Ticketing Operations
- Workforce Development

Attachment

# City of Los Angeles



**Request for Proposals (RFP) for**

**FOR THE MANAGEMENT OPERATIONS, PROGRAMMING AND  
ENGAGEMENT OF THE VISION THEATRE AND  
THE MANCHESTER JUNIOR ARTS CENTER**

**RFP No. [#####]**

**Issued by:**

**Department of Cultural Affairs  
Office of the City Administrative Officer  
[Division Name]**

**Date Issued: [mm/dd/yyyy]  
Proposal Deadline: XX/XX/XXXX**

## RFP OVERVIEW

<b>DATE ISSUED:</b>	[mm/dd/yyyy]
<b>RFP NUMBER:</b>	[#####] [You are encouraged to use the BAVN Opportunity ID # to help the Proposer search for the RFP in BAVN.]
<b>TITLE:</b>	FOR THE MANAGEMENT OPERATIONS, PROGRAMMING AND ENGAGEMENT OF THE VISION THEATRE AND MANCHESTER JUNIOR ARTS CENTER
<b>DESCRIPTION:</b>	The City of Los Angeles Department of Cultural Affairs is seeking proposals from well-qualified business/non-profit entities to provide facility management, programming, fundraising, and operation services of the renovated Vision Theatre and Manchester Junior Arts Center.
<b>[MANDATORY/ NON-MANDATORY]</b>  <b>PRE-PROPOSAL CONFERENCE:</b>	Two (2) socially-distanced, in-person mandatory Pre-Proposal Conferences and a Site Walks will be held:  MONTH DATE, YEAR at TIME The Vision Theatre, 3341 West 43 <sup>rd</sup> Place, Los Angeles, CA 90008  RSVP is required in advance to receive the tour link. RSVP: xxxxxxx
<b>BIP OUTREACH DEADLINE:</b>	Business Inclusion Program (“BIP”) Outreach must be completed fifteen (15) days before the Proposal Deadline. See pages [XX-XX] for outreach instructions. <u>Failure to complete the BIP Outreach process will result in proposals being deemed non-responsive.</u>
<b>PROPOSAL DEADLINE:</b>	xx/xx/xxxx
<b>PROPOSAL DELIVERY ADDRESS:</b>	Attention: Daniel Tarica, Assistant General Manager Los Angeles Department of Cultural Affairs 201 N. Figueroa Street, 14 <sup>th</sup> Floor Los Angeles, CA 90012
<b>CONTRACT ADMINISTRATOR:</b>	Daniel Tarica, Assistant General Manager Department of Cultural Affairs daniel.tarica@lacity.org
<b>QUESTIONS:</b>	Proposers may submit questions regarding this RFP by emailing daniel.tarica@lacity.org. All questions and answers will be made available to all Proposers on the LABAVN website at: <a href="http://www.labavn.org">www.labavn.org</a> . No individual answers will be given. Deadline for questions: xx/xx/xxxx.



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# 1. The Opportunity

## 1.1 Introduction

The Department of Cultural Affairs (hereinafter referred to as “DCA” or “Department”) generates and supports high quality arts and cultural experiences for the City’s four million residents and 40 million annual visitors. DCA advances the social and economic impact of the arts and ensures access to diverse and enriching cultural activities through: grantmaking, marketing, development, public art, community, festivals and performing arts programming, theater management, arts education, and building partnerships with artists and arts/cultural/service organizations in neighborhoods throughout the City of Los Angeles with impact nationally and internationally.

DCA is pleased to offer an exciting opportunity for a well-qualified business/non-profit entity, with proven experience in venue management, festival production and performing arts producing and curation, with emphasis on technical stagecraft, concert booking/contracting/presenting, arts/venue management, community engagement/youth development, arts education, and facilities maintenance, and stewardship (hereinafter “Proposer”), to manage and operate the Vision Theatre /Manchester Junior Arts Center (hereinafter “Vision Theatre”) in the vibrant and historic Leimert Park Village neighborhood in South Los Angeles, Council District 10. Proposers must also have proven experience in strong financial management, events marketing, ticketing, artist services, audience services, security, scheduling, parking, technical direction, and customer service. Because of Proposition K mandates, (“Prop K”), Proposers must have proven experience in curriculum development, hands-on training for youth and cultural development, and the creation of a wide range of public programs that support youth development, performance opportunities, training and skill building, job creation, and creative entrepreneurship with an emphasis on the performing arts, stagecraft and production/technical programs.

DCA’s goals are:

1. To maximize the Vision Theatre as a community engagement resource and symbol of community pride, through the programming of diverse world-class theater, music, dance, film productions and educational events, along with offering a variety of cultural forums;
2. To promote the brand of the Vision Theatre as a global center for world-class artistic expression and performing arts education, reaffirming its place as a hub of cultural activity that specializes in presenting the African American experience and cultural traditions of the diaspora;
3. To use the Vision Theatre as an anchor and catalyst for economic development and revitalization of Leimert Park Village and South Los Angeles;
4. To serve as a center for community celebration and in gathering, belonging, and cultural connection, and to ensure that fair and equitable access is provided to artists and community-based organizations that focus on engagement, partnership, equity, racial justice and delivering high-quality, culturally-sensitive programming at affordable rates and ticket fees;
5. To become a home for leading, world-class performing artists, while anchoring and nurturing established and emerging Los Angeles-based arts and service organizations with a primary focus on the communities in Leimert Park and South Los Angeles;

6. To become a creative center for diverse cultural talent reflective of the surrounding Leimert Park Village and South LA community, through presentations and youth training programs;

7. To safeguard the City's significant level of capital investment by ensuring the Vision Theatre's building, advanced technology and equipment are safe, clean, consistently maintained and regularly updated so that the facility will continue to be a cultural asset for the City.

The purpose of this RFP is to identify the most experienced and qualified operator to successfully manage and maintain the Vision Theatre, with a proven track record and demonstrable evidence of administrating a performing arts center. Each Proposer must have a minimum of at least five (5) years of qualifying experience providing professional venue management services, organizing festivals or presenting performances, as well as a demonstrated commitment to youth development programs. The qualifications each Proposer should possess include the following:

- A successful history of facility management and oversight experience for concert/theater venues with a minimum seating capacity of one-thousand (1,000) per venue, and experience booking more than 100 events per year;
- The ability to exhibit that the organization is in excellent financial standing, with a track-record of fiscal responsibility and transparency;
- A history of high-level contributed income including sponsorships, major gifts, national foundational support, and multiple forms of philanthropy;
- A demonstrable knowledge about the regional, national and international touring and performing arts market and service organizations, as well as an excellent reputation amongst local, regional and national peers.
- A proven success in managing ticketing systems and launching marketing and PR campaigns through various forms of social media, especially to diverse communities, including illustrating the ability to provide data, metrics, and survey information;
- The established relationships with high-level and culturally relevant artists who expect to be presented, and the ability to evaluate and identify artistic choices that bring added value to the reputation of the venue;
- A track record as a seasoned presenter of professionally staged events of all forms, with the knowledge of how to book, negotiate, contract and produce cultural events that elevate the quality of life in Los Angeles;
- The ability to program for families and youth;
- The skills to illustrate an understanding of the Los Angeles performing arts ecosystem and its artists/arts organization in South LA, and how to best position the Vision Theatre -- and this community -- to be at the forefront of artistic expression that leverages unique partnerships and collaboration with other leading institutions;
- The depth of understanding of the Leimert Park and South LA cultural ecosystems, and attestable experience in programming for maximum impact within this context;

- The sufficient staffing capacity to produce a high-level of artistic and educational activity by submitting with this proposal a list of staff, an organizational chart, bios and descriptions for all staff members' roles. The proposal must include examples of successful creative youth development strategies and community development, curriculum development, and Prop K funding requirements;
- An irrefutable cultural competency and commitment to Diversity, Equity and Inclusion (known as "DEI").

## 1.2 Vision Theatre Renovation and Adaptive Reuse Project Background

The Vision Theatre, a Spanish-style Art Deco movie palace built in 1931, stands at the heart of Leimert Park Village. In 1997, the City of Los Angeles took control of the property with the goal of providing a performance and community arts center, under the Department of Cultural Affairs ("DCA"). Through Prop K funding, Phase 1 of the renovation of the theatre was completed in 2011. The focus of Phase 1 was to renovate and restore the front portico, lobbies, and upstairs offices and events spaces in the name of the Manchester Junior Arts Center. The City is currently in the process of finishing Phases 2, 3, and 4 of the renovations. These phases include a complete restoration of the historic ceiling mural, a complete renovation of the audience chamber with 750 seats, building a new stage and fly loft with state-of-the-art production and Audio/Visual equipment, creating a new lounge/event space, and providing new offices, backstage dressing rooms, orchestra pit, artist amenities and green room, piano storage room, stage door/loading dock, and other production enhancements. To date, the City has invested \$36.5 million for infrastructure upgrades, preservation and interior improvements. Once the renovation is complete, the remainder of the facility will be positioned to be outfitted with the operator's own equipment and assets.

### Vision Theatre Historical Overview

This highly revered architectural treasure has been an essential part of the Leimert Park community for nearly 90 years. First operated by Fox Theatres, in later years the venue served as a church and an important community gathering place. Designed in the classic southern California streamlined Spanish Art Deco style, the tall steel frame on top of the lower stucco clad tower originally featured the theater's name, and continues to be a landmark for the area. The theater is not currently registered as a Historic-Cultural Monument, but there are elements of the building that have been deemed to be "historic." Once complete, the Vision Theatre will again be a significant cultural anchor and artistic hub of the local community, and a major destination for the arts and other cultural events.

Actress Marla Gibbs purchased the theater in 1990, and renamed it the Vision Theatre. After the 1992 uprising and the economic recession which heavily impacted this area of Los Angeles, the City took over the venue in 1997. The theater was later converted into a performing arts center and for more than 10 years, the City of Los Angeles Department of Cultural Affairs ("DCA") booked programming and rentals in the restored lobbies and public spaces.

DCA's primary goals for the Vision Theatre are to maximize the Vision Theatre as a community resource and symbol of community pride, through the programming of diverse world-class theater, music, dance, film productions and educational events, along with offering a variety of cultural forums; to promote the brand of the Vision Theatre as a global center for world-class artistic

expression and performing arts education, reaffirming its place as a hub of cultural activity that specializes in presenting the African American experience and cultural traditions of the diaspora; to use the Vision Theatre as an anchor and catalyst for economic development and revitalization of Leimert Park Village and South Los Angeles; to serve as a center for community celebration and in gathering, belonging, and cultural connection, and to ensure that fair and equitable access is provided to artists and community-based organizations that focus on engagement, partnership, equity, racial justice and delivering high-quality, culturally-sensitive programming at affordable rates and ticket fees; to become a home for leading, world-class performing artists, while anchoring and nurturing established and emerging Los Angeles-based arts and service organizations with a primary focus on the communities in Leimert Park and South Los Angeles; to become a creative center for diverse cultural talent reflective of the surrounding Leimert Park Village and South LA community, through presentations and youth training programs; and to safeguard the City's significant level of capital investment by ensuring the Vision Theatre's building, advanced technology and equipment are safe, clean, consistently maintained and regularly updated so that the facility will continue to be a cultural asset for the City.

DCA has a wide variety of cultural programs providing services in Leimert Park Village and throughout the City of Los Angeles:

- **Performing Arts Program:** The Performing Arts Program manages six venues, the Warner Grand Theatre in San Pedro, the Madrid Theatre and the Taxco Theatre (not yet open) in Canoga Park, the Barnsdall Gallery Theatre in East Hollywood, the Lankershim Performing Arts Center and Lankershim Theatre in North Hollywood (coming soon), and the Vision Theatre / Manchester Junior Arts Center in Leimert Park. In addition to managing the six city theaters, through public and private support for performing arts programs, DCA implements initiatives to create festivals and platforms to select artists to create and/or present site-specific public art projects and/or programming. The Performing Arts Program champions Los Angeles artists through advocacy on a local, national, and international level by enhancing relationships with national touring circuits, for-profit promoters, national service organizations, other government agencies, foreign consulates, and important festivals and cultural centers across the globe. The Performing Arts also oversees two partner-venues, the Nate Holden Performing Arts Center in Mid-City and the Los Angeles Theatre Center, Downtown.
- **Community Arts Division:** DCA's Community Arts Division offers high-quality instruction in the arts; produces solo and group art exhibitions; creates outreach programs for underserved populations; develops special initiatives for young people; and promotes numerous events during the year that celebrate the cultural diversity of the community. The Division also engages in historic conservation efforts and conducts educational tours at its historical sites. DCA's galleries present high-quality arts exhibitions reflective of the diversity of Los Angeles.
- **Marketing, Development, and Design Strategy:** The Department markets the City's arts and cultural events through development and collaboration with strategic partners, design and production of creative catalogs, publications, and promotional materials, and management of the culturela.org website visited by more than three million people annually. The Department significantly supports artists and cultural projects through its Public Art Division by administering a portfolio that totaled \$23.6 million in "PWIAP" and Arts Development Fee funds in 2015-16. Of this amount, typically 15 to 20 percent, or between \$3.5 and \$4.7 million, was attributable to artists' fees.

- **Public Art Division:** DCA also provides support to artists and cultural projects through four distinct types of arts programs within its Public Art Division, each committed to the creation and/or maintenance of art within the public realm: the Public Works Improvements Arts Program (“PWIAP,” more commonly known as *Percent-for-Public-Art* or *Public % for Art*), the Private Arts Development Fee Program (“ADF”), the Murals Program, and the City’s Art Collection. As part of the Division’s PWIAP and ADF Programs, DCA implements an independent peer panel and public review process to commission public artists and to approve the creation and/or presentation of site-specific public art projects throughout the City of LA.
- **Grants Administration Division:** The Grants Administration Division awards approximately \$4.2 million annually to nurture and support community service providers and community artists in Los Angeles. Awards are given to large, mid-size, small, and emerging organizations. Grants are available in a variety of disciplines and categories including dance, music, media, and visual arts, as well as literature, educational programs, residencies, and professional fellowships.
- **Administration Division:** The Administration Division encompasses personnel, payroll, and accounting, the General Administrative and Support team is responsible for processing over 500 contracts annually, positioning DCA as the second ranking City agency, below Public Works, in terms of the number of City contracts awarded and administered.

### 1.3 Anticipated Term of Contract and Funding Source

The selected Proposer to this RFP will be invited to enter into an Operational Management Agreement (hereinafter “Agreement”) and be identified as the “operator.” The Agreement will govern the terms of the operation of the theater as an open venue for rentals, music concerts, films, dance, theatrical performances, residencies, and community and life events on a year-round basis. The venue is also the home for the Manchester Junior Arts Center (“MJAC”), which will be designed as a premiere youth development program focused on performing arts careers and technical skills. The operator will provide full facility oversight, financial management, programmatic responsibility, and stewardship of the theater on a year-round basis.

The terms of the Agreement are subject to negotiation. As currently envisioned, the Agreement will include the following:

- A term of five (5) years with the option to renew for two five (5) year extensions subject to review and to successfully meeting the terms of the Agreement).
- Within six (6) months of executing the Agreement, the selected proposer, as the operator, will be required to deliver to DCA:
  - A communication strategy and/or engagement plan to work with arts organizations, property owners, merchants, stakeholders, vendors, elders, service organizations and business owners in Leimert Park Village and surrounding neighborhood stakeholders (See addendum of key cultural stakeholders), City of Los Angeles Department of Recreation and Parks, and other schools, wellness providers, festivals, merchants, service, residential and neighborhood organizations, restaurants in the Village and surrounding areas.

This roadmap will communicate major initiatives and scheduled events that both maximizes the use of the venue and reduces congestion, addressing systemic issues in the surrounding community which include ADA compliance, DEI, wayfinding, safety/security, sanitation and



transiency. This plan must also address misuse or misrepresentation of the Vision Theatre brand and imagery.

- A plan for proposed community-supported performing arts programming and youth development that includes an emphasis on supporting performing artists, economic advancement, technical training, creative cultural production, job creation, youth and families, community health, wellness and engagement, and equity and social justice. The plan should include a strategy for addressing all disability services and ADA requirements within the venue.
- A comprehensive framework for addressing personnel and venue conditions at the Vision Theatre|Manchester Junior Arts Center, including sequencing recruitment and hiring of local labor, and a budget and timeline for acquiring the necessary equipment and artists' amenities to maintain a world class performing arts center. This report must itemize projected budget shortfalls, and provide potential solutions to closing those gaps.
- A proposed maintenance calendar and aging report for all capital improvements and purchases, and recommendations for addressing major repairs and upkeep of the physical plant, by both the operator and the City.
- An updated Historic Structures Report.
- The selected proposer, as the operator, must be prepared to enter into an Agreement that satisfies the requirements of the IRS's Revenue Procedure 2017-13 relating to safe harbors for management contracts of tax-exempt financed facilities. Some important limitations set forth in Revenue Procedure 2017-13 include, but are not limited to, the following:
  - Payments to the operator/service provider cannot be based on a share of the net profits from the operation of the facility.
  - No passing on the burden of bearing any share of net losses from the operation of the facility to the operator.
  - The City must maintain a significant degree of control over use of the facility, which could include the requirement that the City approves the budget for the operation and management of the facility, capital expenditures with respect to the facility and rates charged for the services provided at the facility.
  - The City must bear the risk of loss upon damage or destruction of the facility.
  - The operator must agree that it is not entitled to and will not take any tax position that is inconsistent with being a service provider to the City with respect to the facility.
  - The operator must not have any role or relationship with the City which substantially limits the ability of the City to exercise its rights under the Agreement.
  - Requirements for the protection and enhancement of the historic elements of the theater, and regular inspections by the Department of Cultural Affairs, or other appropriate City departments, to review the maintenance of those elements.
  - A procedure for principal users / community anchor organizations and stakeholders to schedule use of the theater and lobby spaces on a guaranteed annual basis. Provide a proposed plan to ensure equity of access for use of all areas of the theatre that fairly weighs the needs of local performing arts organizations, youth development programs, and for-profit/commercial rentals.

- At a minimum, the MAJC must be made available from Monday through Friday 2 p.m. - 6 p.m. during the school year, and with additional hours on all weekends, school holidays, and school vacation days as each are recognized by the Los Angeles Unified School District for creative youth development programs, drop-in hours and one-on-one creative youth development opportunities.
- The operator must provide up to 30 “City Days” to be used by City agencies, or local non profit cultural organizations and/or community groups on an annual basis. DCA will have final authority setting rates for the community use and rentals, subject to City Council approval, as necessary.
- An understanding of the parking and transportation needs for the theatre, demonstrating the accommodation of larger audiences and artist/crew/staff/ADA use, to be submitted within six (6) months from the date of the Agreement. This plan may address the exclusive use of one or more City lots by the theater on event days. It may also include the implementation of a shuttle program from local parking lots or designated street parking to the theater, in conjunction with the local Business Improvement District. It must also include support of the entities surrounding Leimert Park Village and CD 10.
- An understanding of how to work with City services including but not limited to Council Offices, Department of Cultural Affairs (“DCA”), Los Angeles Police Department (“LAPD”), Los Angeles Fire Department (“LAFD”), Los Angeles Homeless Services Authority (“LAHSA”), Bureau of Street Services (“StreetsLA”), Department on Disability, Los Angeles Department of Water and Power (“DWP”), Los Angeles Department of Sanitation (“LASAN”), Los Angeles Department of Transportation (“LADOT”), and General Services Department (“GSD”), as well as Historic Landmark Programs, Los Angeles City Planning, Leimert Park Taskforce and other departments/offices as applicable.
- Performance metrics to be addressed in the Agreement include:
  - An on-going schedule and report that details:
    - the number of of events/performances;
    - the size of audiences,
    - the number of participating artists, students and staff.
  - Milestones related to the Capital Improvement Plan.

## Community Use

Community Use of the facility will be made available at a reduced fee pursuant to the City’s booking/rental fees policy and with the approval of City Council, as required. There are two use rates: 1) the Non-Profit rate, and 2) the Commercial / For-Profit rate. The rates are designed to be affordable and the fees have been approved by LA City Council. Exceptions to approved fees will be subject to negotiation, and will be formalized via an official City of Los Angeles rental agreement.

Community Use includes Leimert Park, South L.A. and LA.-based independent performing artists and arts organizations, non-profits, commercial/for-profit agencies, producers, community



leaders, stakeholders, cultural/education organizations, K-12 schools and educators, churches, colleges and universities and service organizations.

Community Use also encompasses meetings and gatherings, and may include live performances for Commercial / For-Profit agencies, film productions, recordings, conferences, film premieres, promoters, and major concerts.

## City Use

The dates used by the City are referred to as City Days, and allow the City to book the venue without a rental fee; labor and other fees may be required. City Days are subject to availability. City use of the facility shall be done pursuant to the City's rental policies. Council Office or City Department-sponsored events qualify for City use and may be counted towards public use of the facility, in accordance with public finance such as MICLA. **1.4.**

## Minimum Qualifications

### Submittals, Evaluation and Award

Proposer shall demonstrate the ability to perform professional and financial oversight of this type of business, clearly articulate achievable facility maintenance, community engagement and programming plans for theater operations, rentals programs, capital improvement program, and document compliance with appropriate laws and regulations. Under this Agreement, no promoter or entity shall have exclusive rights to the theater. The Department is looking for a venue partner operator/programmer to bring a variety of performances and attractions of all genres that also include local community-based groups and principal users to provide annual performances.

As outlines in Section 3, the Proposer shall include in the proposal:

1. A cover letter introducing the proposer(s);
2. An artistic statement describing why Proposer is the ideal candidate for this opportunity, and an artistic proposal for the Vision;
3. A five (5) year report demonstrating success managing and programming a similarly sized venue and operation, including evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting;
4. A transparent financial reporting model, plus five (5) years of completed audits by an independent, certified auditor;
5. A sample event calendar and programming outline with performance milestones/timeline for implementation, and a recommended roster of LA-based principal users/arts organizations to maximize the use of the venue;
6. A comprehensive management and operation plan including organizational chart and staff positions, with bios, resumes, and job responsibilities;
7. A beverage/concessions/merchandise/alcohol operating plan;

8. A proposed facilities upgrades plan that identifies major/minor capital and equipment improvements and/or challenges with the venue and how they will be financed or addressed;
  9. A community engagement, programming and communication strategy that clearly identifies support of youth, families and the residents of Leimert Park Village and South Los Angeles;
  10. A plan that illustrates Proposer's understanding of the important cultural history and legacy of the Leimert Park Village neighborhood and supports the goals of serving artists, youth, families, and addressing the issues of health, wellness, social and economic justice;
  11. A creative youth development plan that realizes the creation of the Manchester Junior Arts Center and fulfills the requirements of Prop K funding (additional examples of successful youth programs, performing arts curriculum, and technical training programs are welcome);
  12. A description of how Proposer will address issues of diversity, equity, inclusion, and social justice with examples of successful past programs (no more than two pages);
  13. A description of how Proposer will serve artists and residents of South LA, area stakeholders and arts organizations, and programs for youth and families with a focus on African American cultural traditions, (no more than two pages);
  14. A comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff - the venue is provided "as/is."
- Currently, the venue does not come with trained technical or operations staff or training manuals. Venue is provided as/is. The venue does not have a ticketing and reservation system, point of sale systems, wireless ticketing equipment, electronic posters, computer software, food and beverage stations, functioning bar, registration tables, lobby furniture and decoration, film screens, office equipment, printers and computers, a backline, a concert grand piano, dance floor marley, acoustic shell, orchestra chairs and stands, stage genies, signage, keys charts, technical riders, light plots, choral risers, music stands, baseline kits, green room furnishings, artist amenities, washer/dryer, audience amenities, storage lockers, meeting room / events furnishings, cleaning supplies, trash cans and equipment, podium, kitchen equipment/break table, and supporting production tools and various stage materials, usher uniforms, meeting tables, baby-changing stations, marquee computer equipment, parking signs, stanchions, and lobby decorations;
15. A proposed plan for a Grand Reopening Celebration of the Vision Theatre, including a roster of artists to be featured (both local and national), a proposed budget, a proposed timeline, and a roster of activities and PR events;
  16. Five (5) letters of recommendation.

The Department will set and define policy and have authority over all contracts and agreements allowed under the City Charter. The selected Proposer will implement the Department's objectives, policies and guidelines.

### **Scoring**

The evaluation of proposals will consist of two levels. Each Proposer must pass Level I in order to advance to Level II.

**Level I** – Compliance with RFP Submission Requirements. DCA will conduct a preliminary evaluation of all proposals submitted by the deadline to determine compliance with proposal requirements and mandatory document submissions.

**Level II** – Evaluation and Scoring Criteria of Proposal Items (Exhibit C)

Maximum points will be given to proposals that submit the best model to generate optimum artistic and economic benefit to the City and the community, while providing the best customer experience in a safe and well-managed venue.

At **Level II**, proposals will be evaluated, ranked and scored based on the criteria below:

Criteria	Maximum Points
Artistic Programming / Local Artist Engagement / Community Stakeholder engagement	20 points
Financial Capacity	20 points
Facility Needs Assessment / Management and Operation Plan	15 points
Creative Youth Development Plan	15 points
Marketing and Development Plan	10 points
Concession/Merchandise/Beverage/Ticketing Operation	10 points
Community Accessibility and Job Training	10 points
<b>TOTAL</b>	<b>100 points</b>

**Evaluation and Recommendation**

Proposals will be scored in each of the criteria above and ranked according to scores. A comprehensive evaluation of the proposals by a panel of City and/or non-City stakeholders will be conducted.

The City reserves the right to request additional information to clarify a proposal. Furthermore, the City reserves the right to conduct such investigations as the City considers appropriate with respect to the qualifications of each proposer and any information contained in their materials. All proposals will be evaluated solely on the basis of the criteria listed above.

The evaluation panel may elect to interview proposers at a later date for the purpose of clarifying matters in the proposals or responding to the evaluation panel's questions.

### **Award**

The General Manager of the Department of Cultural Affairs will recommend the contract award. DCA shall notify all proposers in writing of the General Manager's recommendation.

Section 10.5 of the Los Angeles Administrative Code requires approval by the City Council of contracts for periods of longer than three (3) years. Agreements are deemed to be executed upon the date of signature, or as otherwise stipulated under the Terms section of the Agreement.

Once the award is approved, the selected Proposer will complete and submit the additional documents as required by this RFP, City Attorney, City Ordinance, State and/or Federal laws within forty-five (45) calendar days from the date the contract is awarded.

### **Protest**

The City will adhere to its Protest and Appeal Policy administered by the City Administrative Officer ("CAO"), outlined below. Should a proposer object on any ground to any provision or legal requirement set forth in the RFP, or any addendum to the RFP, the Proposer must follow the procedure set forth below.

### **Appeal Rights**

The City will notify all proposers of the results of the submission evaluations and of their right to file an appeal. Proposers may appeal procedural issues only.

### **Letter of Appeals**

Appeals shall be hand delivered to the City no later than five (5) business days after receiving notification of the results of the RFP. Appeals must be submitted in writing and must identify the specific reason for the appeal. Appeals must be delivered to:

Daniel Tarica, Assistant General Manager

Department of Cultural Affairs

Vision Theatre RFP

200 N. Main Street, Room 1500

Los Angeles, CA 90012-4190

The request for an appeal may not be more than three (3) typed pages. Written appeals must include the following information:

1. The name, address, telephone number and email address of the proposer.
2. The name and title of the RFP to which the organization responded, plus supporting incorporation documents.
3. A detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original submission. Only one appeal per submission will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

### **Review Panel**

A panel composed of selected staff will review appeals of this RFP. The decision of the panel will be the City's final recommendation. Final decision of an appeal rests with City Council authority.

### **Disclaimer**

The City is not responsible for representations made by any of its officers or employees prior to the approval of an agreement by the Los Angeles City Council unless such understanding or representation is included in this RFP or in subsequent written addenda. The City is responsible only for that which is expressly stated in this solicitation document and any authorized written addenda.

### **IMPORTANT:**

**In approving this RFP DCA, finds, pursuant to Charter Section 371(e)(10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by the common law and the Charter section 371 because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department for the improvement, operation and maintenance of the Department's venue. To select the best proposer, the Department finds it is necessary to utilize the competitive process as outlined by Charter section 372 and to evaluate proposals received based upon the criteria included in this RFP. The Department specifically finds that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs.**

### **City's Right to Reject Proposals and to Waive Informalities**

Notwithstanding any other provisions of this RFP, the City reserves the right to withdraw this RFP at any time without prior notice. The City also reserves the right to reject any and all proposals submitted or to waive any minor administrative irregularities contained in any proposals, when to do so would be in the best interest of the City and pursuant to Los Angeles City Charter Section 371 (c): "The City shall reserve the right to reject any and all bids or proposal and to waive any informality in the bid or proposal when to do so would be to the advantage of the City."

EXHIBITS (page 11)

## 2. Scope of Work

The purpose of this RFP is to identify the most experienced and qualified operator to successfully manage and maintain the Vision Theatre. Each Proposer must have a minimum qualifying experience of providing managing a multi-disciplinary performing arts center, facility management service, venue rental program, organizing festivals or presenting a season of performances, and a demonstrated commitment to artist and community engagement for at least five (5) years.

Among other requirements discussed later in this document, it is preferred that each Proposer have venue management experience for year-round concert/theater venues, arts and applied creative education programs with a minimum seating capacity of one-thousand (1,000) per venue.

### 2.1 Description of Services to Be Provided

As outlined above, Proposer shall demonstrate the ability to perform professional, programmatic, rental and financial management of this performing arts center. The Proposer must clearly articulate achievable plans for professional theater operations and venue stewardship, rental and contracting policies, artistic programming/presenting programs, youth development initiatives per Prop K requirements, a community engagement strategy, a complete communication/marketing plan, and document compliance with appropriate laws and regulations. Proposer must also include a strategy to provide fair and equitable access and use of the venue for community-based arts organizations for programming and community gathering. Further, services must achieve the goal of centering youth, families, L.A.-based artists and demonstrate strategies that address issues of DEI, community health and wellness, and social justice.

#### Primary Services

- 1) Facility Management and Oversight: Maintain all elements of the physical infrastructure of the building, including the upkeep, repair and replacement of all production and performance equipment; maintain and restore all historic elements related to the theater, and audience, artist and staff equipment including offices, computers, storage, ticketing and other amenities. Provide an up-to-date inventory/log of equipment purchases and venue repairs and upgrades.
- 2) Operations Plan and Staffing: Hire, pay and train all staff including venue management, artistic staff, ushers, production crew, merchandise/beverage/event staff, and volunteers, and make a good faith effort to support local hiring. Provide oversight for all operations that include security, custodial, safety, ADA compliance and accommodation, scheduling/booking, contracting, fundraising, parking services, and marketing/public relations/social media/email.
- 3) Fiscal Management: Follow best practices that are fiscally responsible and transparent. Provide an annual audit of revenue and expenses, and alert DCA as to any potential financial shortfalls that would prevent proper or continued operation of the venue and programs.
- 4) Fundraising/Development: Demonstrate the ability to acquire high level sponsorship, foundational support, membership and major gifts, or other forms of philanthropic support and innovative fundraising models. Adhere to proper City policies as they relate to fundraising, sponsorship and naming rights for the venue.

- 5) **Ticketing and Marketing:** Ensure that the venue maintains a professional ticketing operation and event marketing program, deploying all forms of social media and positively promoting the brand of the Vision Theatre through socially responsible means.
- 6) **Booking and Programming/Event Management:** Promote the theater for use and leverage these resources to bring major events, institutions, commercial promoters, and concert artists to the venue. Ensure a high level of Diversity, Equity and Inclusion (“DEI”) when booking the venue. Implement best business practices that follow industry standards in event contracting and rental agreements. Maintain a yearly report reflecting the number of contracts successfully deployed and a database of all venue users, to be provided to DCA in an annual report. The expectation is that the venue will be used seven days a week.
- 7) **Prop K fulfillment – Manchester Junior Arts Center:** Hire, train, and produce a program that fulfills the Prop K requirements for the Manchester Junior Arts Center. Create a curriculum and pedagogy that trains and educates youth in the field of arts management, technical production, programming and venue management. Provide a yearly assessment of the results of this program and how it successfully meets the Prop K requirements.
- 8) **Community Engagement/Communications Planning:** Generate annual and on-going open forums to discuss concerns with the community, plans and updates for the program, and solicit feedback for the venue can be actively involved in addressing issues of equity and social justice, and provide a safe place for the artists and community to gather. Allow for the venue to be available for emergency community gatherings, health and wellness, memorials for important leaders, and platforms for celebrating the community.
- 9) **Management of Principal Users/Anchor Organizations:** In a fair, equitable, and informed manner, identify Los Angeles-based and local principal users and anchor organizations that can best utilize the venue for regular and annual presentations, technical residences, incubation of new projects, and that offer educational programming for the community. Design a process that is mutually beneficial, and allows for new users/anchors to receive access and support on a yearly and on-going basis.
- 10) **MOU Compliance and Metrics:** Regularize communication with DCA on a seasonal and yearly basis. Provide DCA with performance metrics reporting the number of events/classes, sizes of audiences, number of students, and number of artists engaged. Provide a narrative describing the types of presentations, target audiences and racial profile of audience and artists served, and feedback from community and artists about the programs and services.

#### **A. Deliverables and Service Level Requirements**

Proposer shall provide the following for operating the the Vision Theatre:

1. Exhibit a successful history of facility management and oversight experience for concert/theater venues with a minimum seating capacity of one-thousand (1,000) per venue, and experience booking more than 100 events per year;
2. Present and produce as an annual and ongoing world-class series of important and culturally-relevant performances and arts education programs that speak to the local community surrounding Leimert Park Village and South L.A;



3. Demonstrate national arts leadership that centers the Vision Theatre as an important symbol of artistic excellence and community celebration;
4. Address and support the hiring and staffing of all areas of the operation that creates a pipeline for job creation, mentorship, and professional development, with an emphasis on local hiring;
5. Bring professional management of concession/merchandise/beverage services, including a plan for providing alcohol, with an eye to supporting local vendors;
6. Implement financial reporting models that adheres the best practices of fiscal responsibility and Generally Accepted Accounting Practices (“GAAP”);
7. Support all efforts related to ticketing, public relations, development and fundraising;
8. Construct a Front of House plan that addresses Ticketing / Audience Amenities / Ushering / Emergency Plan / Parking / Volunteers / Custodial / Security / City Services;
9. Draft a Back of House plan that coordinates technical and production maintenance - stewarding the City assets and backline. Plan for augmenting equipment, if needed;
10. Delineate artist amenities to ensure that artists are supported and can achieve their best possible performances;
11. Schedule a facility maintenance improvement and management plan that identifies ongoing repairs and major capital improvements and how they will be financed. Also, support the ongoing stewardship of all facility, production, and theatrical assets;
12. Propose a programming plan and process for generating an event calendar that allows for community use, local arts presentation, and commercial activity, in conjunction with the presented series provided by the selected operator;
13. Catalogue an engagement timeline that reflects performance milestones, including a demonstration of knowledge of how to best serve the artists and communities of Leimert Park Village and South Los Angeles;
14. Report metrics and data to DCA;
15. Practice and sustain the values of Equity, Diversity and Inclusion (“DEI”);
16. Be an active presence in the Leimert Park Village community and the broader Los Angeles performing arts ecosystem.

#### **B. Assigned Personnel**

Proposer shall submit a staffing model and organizational chart that serves both the Vision Theatre and the Manchester Junior Arts Center. Proposer must include roles and expertise needed to address and draw the following types of roles in the organization:



Vision Theatre (suggested):

- Performing Arts Center Director
- Technical Director
- Financial Director
- Marketing Director
- Public Relations /Social Media Staff
- Development Director
- Development Event Staff
- Community Engagement Director
- Contracts and Scheduling Manager
- Artistic Director(s)
- Program Administrator(s)
- Production Director: Production Crew including Stage Manager, sound, lighting, rigging, film, crew, artist services.
- Front of House – House managers, ushers, event staff.
- Security
- Parking Attendants
- Custodians
- Admin Assistants
- Ticketing/Ticketing Staff
- Other

Manchester Junior Arts Center:

- Director
- Program Manager
- Arts Educators, Educational Coordinators, Teaching Artists etc
- Admin/Event Assistants
- Artistic Staff - Directors, Choreographers, Stage Designers, Light/Sound Design, Costumers, Hair/Makeup, Rehearsal staff, etc.

- Other

## 2.2 Technical Specifications

DCA must determine and direct all technical aspects of the Front of House, Back of House, and Auditorium including stage and seating dimensions, equipment inventory, rigging, dressing rooms, stage power, lights, IT, wireless, computer technologies, ticketing equipment, AV, etc. The construction scope of work is available.

Currently, the venue does not come with trained technical or operations staff or training manuals. Venue is provided as/is. The venue does not have a ticketing and reservation system, point of sale systems, wireless ticketing equipment, electronic posters, computer software, food and beverage stations, functioning bar, registration tables, lobby furniture and decoration, film screens, office equipment, printers and computers, a backline, a concert grand piano, dance floor marley, acoustic shell, orchestra chairs and stands, stage genies, signage, keys charts, technical riders, light plots, choral risers, green room furnishings, artist amenities, washer/dryer, audience amenities, storage lockers, meeting room / events furnishings, cleaning supplies, trash cans and equipment, podium, kitchen equipment/break table, and supporting production tools and various stage materials, usher uniforms, meeting tables, baby-changing stations, marquee computer equipment, parking signs, stanchions, and lobby decorations.

## 2.3 Vendor Performance Management

### A. Performance Metrics

Performance metrics will include the following:

- 1) A schedule of major, high profile performances and community-based events that increases in number over the term
- 2) A date certain to begin operations.
- 3) Milestones related to demonstrating fiscal performance and transparency.
- 4) Milestones related to the Capital Improvement Plan.
- 5) Fulfilment of Prop K requirements to offer youth technical programs within a timely and on-going manner from venue opening.
- 6) Fulfilment of MICLA funding requiring DCA presence at the venue.

### B. Communication and Monitoring

The Department of Cultural Affairs will actively and regularly work with the partner operator. Standing meetings and regularly scheduled reports will be required.

**Quantitative:** Reporting will be required on a bi-annual and year end basis to track the number of events, the number of audiences/ticket buyers, the number of artists served, and percentages of the racial make-up of staff, audiences, and artists.

**Qualitative:** Reporting will be all in assessment and narrative form. This will include a list of the artists events, impact on community, listing of community meetings attended, listing of education events, feedback from audiences and students, and a self-assessment as to on-going successes and challenges for maintaining this the Vision Theatre and Manchester Junior Arts Center. Reports will be directly related to Scope of Work 2.1.

### C. Determining Satisfactory Completion

Two semi-annual meetings will be scheduled to discuss performance and garner information to ensure successful maintenance of the venue. Ongoing communication and skills training will be provided as-needed.

## **2.4 Optional Services and Transfer of Skills**

Proposers are encouraged to offer materials and services directly related to the specifications within this RFP, but not included in it, which will enhance the performance of the operator in the fulfillment of the goal(s) of this RFP:

- Provide a list of potential partners or collaborators who can help fill gaps in work experience, or provide additional staffing/operations or programming support.
- Provide a narrative that demonstrates knowledge and understanding of how to provide cultural services that meet the needs of the community in Leimert Park Village and South LA.
- Provide a report of technical expertise needed to assume the safe and professional implementation of stage events for artists in the cultural ecosystem.
- Provide an outline of educational expertise needed to develop youth programs that fulfill the Prop K requirements of the Manchester Junior Arts Center.

## 3. Proposal Content and Submission

### 3.1 Proposal Format

Proposals shall be based only on the material contained in the RFP, pre-proposal conference, amendments, addenda, and other material published by the City relating to the RFP. The Proposer must disregard any previous RFP draft material. Proposals must meet the requirements outlined in this RFP. It is requested that proposals be prepared economically and avoid the use of unnecessary promotional material.

Proposals should include detailed responses to each Proposal Item. If selected, Proposer must be willing and able to commit to the Proposal Items and all provisions in the Standard Provisions for City Contracts, posted as Exhibit [X]. The contents of the winning proposal will be deemed as a binding commitment and included as an attachment to the Agreement.

Proposers must respond to each of the following items in their written proposal. Each response in the proposal must be numbered to correspond with each of the numbered items below.

1. **Cover Letter:** Each proposal must include a cover letter limited to one (1) page that references the title of this RFP and the RFP Number, contains a general statement of the purpose for submission, and includes the following detailed company information:

- a. Proposer's full legal name;
- b. Proposer's legal business status (individual, partnership, corporation, etc.), address, website (if applicable), email, and telephone number;
- c. If Proposer is a corporation, partnership, LLP, LLC, etc., and identify the state under whose laws the Proposer is organized. If Proposer is an individual, identify the state where Proposer is domiciled.
- d. Name, title, address, email, and telephone number of the person(s) authorized to represent the Proposer to enter into negotiations with the City for the RFP and any subsequently awarded contract.
- e. If the Proposer is a 501c3, include Founding and Current Board Listing, articles of incorporation, background info and mission, staff listing, brief staff bio/job descriptions and five years of programming narratives.
- f. Indicate if Proposer's staff has or is currently employing any City of LA employees, or if City of LA employees are serving as consultants, volunteers, board members, or board members at large providing pro-bono services.

The cover letter must also indicate any limitation of authority for any person named.

2. **Artistic Statement:** Proposer should provide a narrative, which addresses the Scope of Work and shows Proposer's understanding of City's needs and requirements. The proposer should describe why Proposer is the ideal candidate for this opportunity (no more than three (3) pages);

3. **Financial Reports:** This section of the proposal should establish Proposer's fiscal strength and stability. The proposer will submit a five (5) year report demonstrating success managing and programming a similarly sized venue and operation, including evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting, plus five (5) years of completed audits by an independent, certified auditor (up to five (5) pages, plus audits);
4. **Projected Programming Overview and Narrative:** The proposer will submit an ideal performance season that Proposer would program, and clearly articulate how Proposer would work with arts organizations in South LA, maximizing venue use. The proposer should also articulate how Proposer would engage with rentals, commercial events, major artists, and important community events. Detail how Proposer would develop programming models that support African American artists, cultural traditions, and values (one (1) page);
5. **Community Engagement Plan:** A plan that illustrates Proposer's understanding of the important cultural history and legacy of the Leimert Park Village neighborhood and supports the goals of serving artists, youth, families, and addressing the issues of health, wellness, social and economic justice; A plan to recruit, hire, train and properly compensate staff reflective of the local Leimert Park Village and South L.A. communities.
6. The proposer should provide a narrative and list of community strategies and engagement plans demonstrating proper engagement will transpire under their management (two (2) pages maximum);
7. **Business Plan:** Proposer should include a one-year comprehensive management and operations plan taking into account all expenses and income during a start-up year for managing the venue, which includes a beverage/concessions/merchandise/alcohol operating plan, as well as identify primary personnel, including an organizational chart and staff positions, and job responsibilities (no more than two (2) pages);
8. **Manchester Junior Arts Center:** The proposer will present a plan for the successful implementation of this youth development initiative, including staffing, programming, and project outcomes; the plan must fulfill the requirements of Prop K funding (additional examples of successful youth programs, performing arts curriculum, and technical training programs are welcome) (up to three (3) pages);
9. **Fundraising/Development Plan:** Proposer should detail out the fundraising opportunities that could become available based on proven past experience of raising funds, sponsors, foundational support, major gifts, and memberships (three (3) pages);
10. **Technical Proposal:** A comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff. This should include a proposed facilities upgrades identifying major/minor capital and equipment improvements and/or challenges with the venue and how they will be financed or addressed (no more than three (3) pages)
11. **Grand Reopening Celebration:** A recommended plan for the gala reopening of the Vision Theatre, including a roster of artists to be featured (both local and national), a proposed budget, a proposed timeline, and a roster of activities and PR events (two (2) pages);

12. **Diversity, Equity, and Inclusivity:** Articulate how Proposer would center DEI as an important part of the staffing, programming, and leadership of the Vision Theatre|MJAC (one (1) page);
13. **Revenue and Expenses Projections:** cost and price proposal Proposer shall submit a draft of a Profit & Loss statement for the first complete fiscal year of operation with anticipated income and operating cost assumptions, including reflecting gaps that may require additional resources, funding and/or operating partners (up to three (3) pages);
14. **References:** Proposer must include five (5) one-page letters of recommendation. Each reference should list the contact name and position, organization, address, phone number, and email address. Each reference should describe the nature of the project worked on with the proposer and the timeline to complete the project (five (5) letters);
15. **Authorized Signatures:** Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive unless all contractual responsibility rests solely with one (1) Proposer or one (1) legal entity. The proposal must identify the responsible entity;
16. **Compliance Documents:** Proposer must provide signed copies of all compliance documents. See **Section 7** for the full list of required compliance documents and submittal instructions.

### 3.2 Tips for a Successful Proposal

Proposers shall consider the following guidelines in preparing their proposals:

- Ensure the proposal is well-organized in its response to the defined objectives.
- Verify that the proposal is complete and thoroughly responds to all Proposal Items and Compliance Documents described in the RFP and Checklist on page [XX].
- Formulate responses precisely and with detail; avoid vague, general, or open-ended responses. Explain how answers further the stated objectives and how Proposer will be able to quantitatively demonstrate success during the contract term if selected.
- Make sure the Proposal demonstrates that cost estimates are realistic and sustainable.
- If there are significant risks in the strategy, flag these and include plans to mitigate those risks, addressing any contingencies that may arise.
- If there are supports or resources the City could provide that would maximize Proposer's success or lower the cost of the proposal, please estimate the cost of these supports, which could include introductions, coordination, resources or services.

The written submission to this RFP process will be the primary basis by which the City considers its award. Proposers should be as thorough and as detailed as possible when responding to each requirement. Proposers will not be able to add to or change their submissions after the deadline. The City may deem a Proposer non-responsive if the Proposer fails to provide all required documentation and copies.

### 3.3 Preliminary Schedule

This schedule indicates estimated dates for the RFP process. The City may adjust this schedule as needed. Adjustments to dates below will be posted to the RFP listing on [www.labavn.org](http://www.labavn.org).

Date	Event
mm/dd/yyyy	Release RFP
mm/dd/yyyy	Deadline for submitting written questions for pre-proposal conference
mm/dd/yyyy	Pre-proposal conference
mm/dd/yyyy	[If applicable, insert BIP Outreach Deadline here.]
mm/dd/yyyy	<b>DEADLINE FOR RFP RESPONSES</b>
mm/dd/yyyy	Begin RFP evaluations
mm/dd/yyyy	[If applicable, insert information about scheduled site visit(s), oral interviews, and/or materials tests.]
mm/dd/yyyy	"Short list" of Proposers developed
mm/dd/yyyy	Negotiations with apparent successful Proposer begin
mm/dd/yyyy	Execute contract
mm/dd/yyyy	Post award information
mm/dd/yyyy	Begin service delivery

### 3.4 Pre-Proposal Conference

Two (2) safely-distanced, mandatory pre-proposal conference opportunities will be held to review the RFP document, respond to questions regarding the requirements of the RFP, and to share City needs. The conference is scheduled for [Enter day, mm/dd/yyyy, hh:mm ] at [Enter facility name, room #, street address, City, California, Zip Code].

Attendance is mandatory for anyone interested in submitting a proposal in response to this RFP. If Proposers are not able to attend at least one of the conferences, a representative may be sent as a proxy. Proposer or the representative must arrive on time as credit may not be given to latecomers. The registration for remote participation will be posted on [www.labavn.org](http://www.labavn.org) two (2) to three (3) days before the conference.

DCA requests that, to the extent possible, Proposers provide questions in writing before the conference, which will enable staff to prepare responses in advance. City staff will not assist in a Proposer's individual program design. **Proposers must bring a copy of the RFP. No copies will be provided at the conference.**

As covered under Title II of the Americans With Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. If an individual with a disability requires accommodations to attend a pre-proposal conference, please contact Daniel Tarica at (213) 202-5533 at least five (5) working days prior to the scheduled event.

### 3.5 Questions and Technical Assistance

Except for the pre-proposal conference, all questions must be submitted by email to Daniel Tarica at [daniel.tarica@lacity.org](mailto:daniel.tarica@lacity.org). Please identify the RFP title on the email subject line. To ensure a fair and consistent distribution of information, all questions will be answered in a Q&A document available on the RFP listing on [www.labavn.org](http://www.labavn.org). **No individual answers will be given.**

### 3.6 Deadline for Submission of Proposals

Proposals must be hand or courier-delivered in a sealed package by [Enter day, mm/dd/yyyy at hh:mm PST] or delivered via U.S. Certified Mail postmarked no later than 11:59 p.m. PST on the submission date. Sealed proposals are to be delivered to:

Attention: Daniel Tarica, Assistant General Manager  
 Los Angeles Department of Cultural Affairs  
 201 N. Figueroa Street, 14<sup>th</sup> Floor  
 Los Angeles, CA 90012

Proposers must submit one (1) original complete copy of the proposal, AND an electronic version in a labeled disk or USB memory stick. The proposal designated as the original must be marked "ORIGINAL" on the cover letter and must bear the "wet" signature of the representative or officer of the firm authorized to bind the Proposer to all provisions of the proposal, the RFP, any subsequent changes, and to the contract if an award is made.

Proposers shall complete and return all applicable documents, including forms, attachments, appendices, and exhibits to this RFP. The City may deem a Proposer non-responsive if the Proposer fails to provide all required documentation and copies. Submission of a proposal shall constitute acknowledgment and acceptance of all terms and conditions contained in the RFP.

**Proposals submitted after the Submission Deadline shall be considered late and will not be reviewed.** Timely submission of proposals is the sole responsibility of the Proposer. Proposers are encouraged to submit proposals well in advance of the proposal submission deadline. Please allow sufficient time for traffic, parking, and safety or security checks.

Proposers using U.S. Mail are required to obtain a "Proof of Mailing Certificate" stamped by the Postal Service as evidence that the proposals were mailed before 11:59 p.m. on the submission deadline date.



## 4. Evaluation and Selection Process

### 4.1 Evaluation Criteria

DCA will review and score each complete and fully responsive proposal. Proposals shall be determined eligible for review and scoring based on the responsiveness and factuality or verifiability of the proposal documentation and information.

Proposals shall be evaluated based on the following categories and may include consideration of any or all of the listed factors at the City's sole discretion. These same criteria will be applied to evaluating Proposer's performance during and after the contract period. The lowest cost Proposer may not be determined to be the best Proposer when all evaluation factors have been considered.

Evaluation criteria includes:

- **Artistic Programming / Local Artist Engagement / Community Stakeholder Engagement:** The Proposer clearly articulates how they would work with arts organizations in South LA, maximizing venue use. Additionally, the proposer details how Proposer would engage with rentals, commercial events, major artists, and important community events and demonstrates how Proposer would develop programming models that support African American artists, cultural traditions.
- **Financial Capacity:** The proposer established Proposer's fiscal strength and stability and demonstrated a history of success managing and programming similarly sized venues, through evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting, and enclosed five (5) years of completed audits by an independent, certified auditor.
- **Facility Needs Assessment / Management and Operation Plan:** The proposal includes a comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff, and reflects a realistic and workable business plan to move forward. Included assumptions and recommendations for facilities upgrades identifying major/minor capital and equipment improvements and/or challenges and how they will be financed or addressed;
- **Creative Youth Development Plan:** The proposer outlined a youth development initiative for MJAC, including staffing, programming, and project outcomes; the plan must fulfill the requirements of Prop K funding (and provided additional examples of successful youth programs, performing arts curriculum, and technical training programs);
- **Financial Capacity:** The proposer established Proposer's fiscal strength and stability and demonstrated a history of success managing and programming similarly sized venues, through evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting, and enclosed five (5) years of completed audits by an independent, certified auditor.
- **Marketing and Development Plan:** Proposer presented reasonable and rigorous fundraising marketing strategies to identify and capture opportunities that become available and

exhibited a proven past experience of raising funds, sponsors, foundational support, major gifts, and memberships.

- **Concession/Merchandise/Beverage/Ticketing Operation:** Proposer enclosed a one-year comprehensive management plan that addressed the necessary steps for operating patron services such as the sale of food, alcoholic and non-alcoholic beverages and merchandise.
- **Community Accessibility and Job Training:** Proposer illustrated how they would center DEI as an important part of the staffing, programming, and leadership and how they will serve artists and residents of South LA, and develop job training programming.

Criteria	Maximum Points
Artistic Programming / Local Artist Engagement / Community Stakeholder engagement	20 points
Financial Capacity	20 points
Facility Needs Assessment / Management and Operation Plan	15 points
Creative Youth Development Plan	15 points
Marketing and Development Plan	10 points
Concession/Merchandise/Beverage/Ticketing Operation	10 points
Community Accessibility and Job Training	10 points
<b>TOTAL</b>	<b>100 points</b>

## 4.2 Proposal Review Process

Proposals received by the Proposal Submission Deadline as specified in this RFP will be evaluated as outlined below.

### Preliminary Review – Level I

Proposals will be reviewed to determine the completeness of required documentation (including compliance documents), whether minimum eligibility requirements have been met, and compliance with the City's Administrative and General Contracting Requirements.

Proposers who fail to submit or complete the required documentation and satisfactorily comply with the City's requirements will be deemed as non-responsive, eliminated from further consideration and will not proceed to the proposal evaluation process.

Proposers will be notified in writing or email regarding the results of the Level One review.

### **Proposal Evaluation - Level II**

A Review Committee will be designated to evaluate/score the proposals. All eligible proposals shall be reviewed, scored, and ranked on the criteria outlined above.

The City reserves the right to verify information contained in the proposal. If the information cannot be verified, and if the errors are not willful, the City reserves the right to reduce the rating points. Additionally, DCA reserves the right to consult with other City departments during the evaluation process.

Based upon these evaluations, the selection committee shall develop a short-list of Proposers, which, in its judgment, are the most qualified. The short-list of Proposers may be interviewed by the Review Committee and public forums (should presentations be necessary). Selected Proposers will be recommended to the [Insert name of Board or Commission]. Following the Board's selection, the award of the contract is subject to successful negotiation of the terms and conditions of an agreement.

Proposers shall be notified in writing about funding recommendations and evaluation results.

## **4.3 Proposal Appeal Process**

The City will notify all proposers of the results of the preliminary review, proposal evaluations, and of their right to file an appeal. Proposers may make an appeal of procedural issues regarding non-responsiveness or regarding final award of contract. A protest based on non-selection alone or disagreement with the award of the contract is not sufficient grounds for a protest.

Appeals shall be hand or courier delivered to DCA no later than five (5) business days from the date that the notification was emailed. Applicants may file an appeal by submitting a written request and identifying the specific reason for the appeal to:

Attention: Daniel Tarica, Assistant General Manager  
Los Angeles Department of Cultural Affairs  
201 N. Figueroa Street, 14<sup>th</sup> Floor  
Los Angeles, CA 90012

Written appeals may not be more than three (3) type-written pages and shall request an appeals review be granted. Written appeals must include the following information: a) The name, address and telephone number of the proposer; b) The name/title of RFP to which the organization responded; c) Detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original proposal. Only one appeal per proposal will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs.

A panel composed of selected staff will review appeals of this RFP. The decision of the panel will be the City's final recommendation. Final decision of an appeal rests with City Council authority.

## 5. Submission Terms

### 1. Addendum(a)

The City reserves the right to issue addendum(a) to this RFP, which may add additional requirements which a proposal must meet to be considered responsive. All addenda will be posted on the RFP listing on the LABAVN website at [www.labavn.org](http://www.labavn.org). All Proposers must acknowledge any addendum(a) issued as a result of any change in this RFP on the Proposer Signature Declaration Page. Failure to indicate receipt of addendum(a) may result in a proposal being rejected as non-responsive.

### 2. In Writing

All proposals must be submitted in writing and proposers shall complete and return all applicable documents including, but not limited to, written responses, questionnaires, forms, appendices, spreadsheets, and any electronic files. The City may deem a proposer non-responsive if the proposer fails to provide all required documentation, copies, or electronic files and is eliminated from further consideration in the evaluation process.

### 3. Best Offer

The proposal shall include the proposer's best terms and conditions. Submission of the proposal shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of ninety (90) days from the submission deadline.

### 4. Authorized Signatures

Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. A non-officer individual, with authority to bind the proposer to a contract, is sufficient to sign all applicable documents for this RFP. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive unless it is established that all contractual responsibility rests solely with one Proposer or one legal entity. The proposal must identify the responsible entity.

### 5. Information Requested and Not Furnished

The information requested and the manner of submission are essential to permit prompt evaluation of all proposals. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided.

### 6. Alternatives

Proposers shall not change any wording in the RFP or associated documents. Any explanation or alternatives offered shall be submitted in a letter attached to the front of the proposal documents. Alternatives that do not substantially meet the City's requirements cannot be considered. Proposals offered subject to conditions and/or limitations may be rejected as non-responsive.

### 7. Proposal Errors

Proposers are responsible for all errors or omissions incurred by proposers in preparing the proposal. Proposers will not be allowed to alter proposal documents after the Proposal Submission Deadline, except as permitted by the City. The City reserves the right to make corrections or amendments due to errors identified in the proposal by the City or the proposer. This type of correction or amendment will only be allowed for typographical errors, transposition, or other obvious errors. Any changes will be date and time stamped and attached to the proposal. All changes must be coordinated in writing with, authorized by and made by the Contract Administrator.

## **8. Proposal Clarification**

The City reserves the right to request at any phase of the evaluation process that Proposers clarify information provided in RFP responses, including assumptions used in the RFP response. All clarifications must be coordinated in writing with, authorized by, and made by the Contract Administrator. Clarifications must be submitted in writing by the requested deadline. Otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

If the City determines that all proposers failed to submit requested information or adequately responded to the same RFP question or request for data, the City may, at its discretion, issue an RFP Addendum and provide all Proposers with an opportunity to respond to the RFP question. Responses to RFP Addendum questions must be submitted in writing by the stated deadline; otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

## **9. Waiver of Minor Administrative Irregularities**

The City reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

## **10. Interpretation and Clarifications of RFP Requirements**

The City will consider prospective recommendations or suggestions regarding any requirements before the pre-proposal conference. All recommendations or suggestions must be in writing and submitted to the Contract Administrator. The City reserves the right to change or amend any and all requirements of the RFP.

## **11. Proposal Submission Deadline**

Timely submission of proposals is the sole responsibility of the proposers. The City reserves the right to determine the timeliness of all submissions. The proposals, including all hard copies, redacted copies and electronic copies of the final proposals and proposal questionnaire must be received by the Contract Administrator at the published location and by the published submission deadline included with this RFP. Proposers should allow ample time to clear safety and/or security to meet the deadline listed above. All proposals will be date and time stamped upon receipt.

## **12. Cost of RFP**

All costs of proposal preparation shall be borne by the proposers. The City shall not, in any event, be liable for any pre-contractual expenses incurred by proposers in the preparation and/or

submission of the proposals. Proposals shall not include any such expenses as part of the proposed budget.

### **13. Withdrawal of Proposals**

Proposers may withdraw a submitted proposal in writing at any time before the specified due date and time. A written request, signed by an authorized representative of the company, must be submitted to the Contract Administrator. After withdrawing a previously submitted proposal, proposers may submit another proposal at any time up to the Proposal Submission Deadline.

### **14. Selection of Vendor**

The proposer with the highest score based on the RFP criteria and that also satisfies all City contracting requirements will be recommended for selection. Selection is not restricted to the lowest offer or bid. Should contract negotiations not be successful with the selected proposer, the City may, based on its exclusive discretion, negotiate with the next most qualified proposer.

### **15. Rejection of Proposals**

The City reserves the right to reject any or all proposals; 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 proposer who has previously failed to perform competently in any prior business relationship with the City. The rejection of any or all proposals shall not render the City liable for costs or damages.

The City reserves the right to select proposers whose proposals, in the sole judgment of the City, best meet the needs of the City. The City shall have the right to request that proposers provide additional information regarding any particular services or group(s) of services contained in their proposals, and to enter into negotiations with proposers for said service(s). The City reserves the right to reject any or all proposals; to waive any non-material irregularities or informalities in proposals received; to reject any unapproved alternate or incomplete proposal(s), and reserves the right to reject the proposal of any proposer who has previously failed to perform competently in any prior business relationship with the City. The rejection of any or all proposals will not render the City liable for costs or damages.

### **16. RFP Withdrawal, Cancellation, Other Options**

The City reserves the right to withdraw or cancel the RFP at any time if it deems such action necessary. If such action is taken, the City may re-issue the RFP. The City also reserves the right to contract with more than one respondent to this RFP. Furthermore, the City may exercise its right not to select any proposer from this RFP, if it determines that there was no responsive proposer.

If an inadequate number of proposals is received or the proposals received are deemed non-responsive, not qualified, or not cost-effective, the City may, at its sole discretion, reissue the RFP or award a sole-source contract with a vendor. The award of the contract is subject to the successful negotiation of the terms and conditions of an agreement.

The City reserves the right to verify all information in the proposal. If the information cannot be confirmed, the City reserves the right to reduce the rating points awarded. The City reserves the right to require a pre-award interview and site inspection.

## **17. Operator Evaluation Program**

When the term of the contract under this RFP has concluded, the City will evaluate the operator's performance. The City may also conduct evaluations of the operator's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on specified criteria, including the quality of the work product or service performed, the timeliness of performance, financial issues, and the expertise of personnel that Proposer assigns to the contract. An operator who receives a "Marginal" or "Unsatisfactory" rating will be provided with a copy of the final City evaluation and allowed fourteen (14) calendar days to respond. The City will use the final City evaluation and any response from the proposer to evaluate proposals and to conduct reference checks when awarding future service contracts.

## **18. Lobbying Law Compliance**

A. Proposers bidding for a contract, as defined in Los Angeles Administrative Code Section 10.40.1, shall submit with their bid, the Bidder Certification Form CEC 50 as prescribed by the City Ethics Commission acknowledging and agreeing to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance.

B. This ordinance serves to identify persons engaged in compensated lobbying activities aimed at influencing the decisions of City government. Additional information regarding these restrictions may be obtained from the City Ethics Commission at (213) 978-1960 or <http://ethics.lacity.org/>.

## **19. Campaign Contributions**

A. Proposers are subject to Charter Section 470(c)(12) and related ordinances. As a result, proposers may not make campaign contributions to and or engage in fundraising for certain elected City officials or candidates for elected City office from the time they submit the proposal until either the contract is approved or, for successful proposers, twelve months after the contract is signed. The proposer's principals and subcontractors performing \$100,000 or more in work on the contract, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

B. Proposers must submit CEC Form 55, provided as Exhibit [X], to the awarding authority at the same time the Proposal is submitted. The Form requires Proposers to identify their principals, their subcontractors performing \$100,000 or more in work on the contract, and the principals of those subcontractors. Proposers must also notify their principals and subcontractors in writing of the restrictions and include such notice in contracts with subcontractors. Proposals submitted without a completed CEC Form 55 shall be deemed non-responsive. Proposers 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/>.

## **20. Business Inclusion Program Requirements (BIP)**



It is the policy of the City to provide Minority Business Enterprise (MBE), Women Business Enterprise (WBE), Small Business Enterprise (SBE), Emerging Business Enterprise (EBE), Disabled Veteran Business Enterprise (DVBE), and all Other Business Enterprise (OBE) concerns an equal opportunity to participate in the performance of all City contracts. Proposers will assist the City in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs, WBEs, SBEs, EBEs, DVBEs and OBEs, have an equal opportunity to compete for and participate in City contracts.

Equal opportunity will be determined by the Proposer's BIP outreach documentation and the Business Inclusion Program for this RFP. Participation by MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs may be in the form of subcontracting.

[Department] Anticipated Levels of Participation	
MBE Participation:	[XX%]
WBE Participation:	[XX%]
SBE Participation:	[XX%]
EBE Participation:	[XX%]
DVBE Participation:	[XX%]

Proposers must refer to Exhibit [X] Business Inclusion Program ("BIP") to this RFP for additional information and instructions. BIP outreach is required and must be performed using LABAVN ([www.labavn.org](http://www.labavn.org)). **A proposer's failure to complete their BIP Outreach as described will result in their proposal being deemed non-responsive and shall disqualify the proposal from further consideration in the evaluation process.**

The BIP Outreach component must be completed online at [www.labavn.org](http://www.labavn.org) by [Insert Date] at 11:59 p.m. No outreach will be allowed on or after [Insert Date] at 12:00 a.m. Two documents are required as a result of your BIP Outreach: 1) the Schedule A, and 2) the BIP Summary sheet.

Schedule A is required to be submitted even if a Proposer does not receive any response from subcontractors to its solicitation. The Schedule A form is NOT available and cannot be submitted electronically on LABAVN where the outreach is conducted; a hard copy must be printed and submitted with original signatures by the proposal submission deadline.

The BIP Summary sheet must be completed and submitted online at [www.labavn.org](http://www.labavn.org) by 4:30 p.m., [Insert Date], the first calendar day following the day of the RFP response submittal deadline.

## 21. Local Business Preference Program Ordinance

Proposers are advised that any proposal submitted and contract awarded from this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.47, Local Business Preference Program (LBPP) Ordinance. The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate



and operate in Los Angeles County. The LBPP Ordinance allows the Department to apply additional points to the Proposal's final score under certain conditions.

Proposers shall refer to Part B, "Local Business Preference Program" for further information regarding the requirements and application of the Ordinance.

If applicable, proposers may choose to complete and upload the Local Business Certification Affidavit of Eligibility available on the BAVN at [www.labavn.org](http://www.labavn.org) before the Proposal Submission Deadline. The City may request supporting documentation to verify qualification for designation as a Local Business. Only those proposers who apply and qualify for a Local Business designation (or otherwise qualify by using a qualified Local Subcontractor) by the RFP due date will be eligible for additional points that can be awarded under the ordinance.

Proposers seeking additional information regarding the requirements of the Local Business Preference Program Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

## **22. Confidentiality**

All documents, records, and information provided by the City to the operator, or accessed or reviewed by the operator, during the performance of the services will remain the property of the City. All documents, records, and information provided by the City to the operator, or accessed or reviewed by the operator and any of its employees during the performance of services are confidential (from now on collectively referred to as "Confidential Information"). Operator agrees not to provide Confidential Information, nor disclose their content or any information contained in it, either orally or in writing, to any other person or entity. Operator agrees that all Confidential Information used or reviewed in connection with the operator's work for the City will be used only to carry out City business and cannot be used for any other purpose. The operator will be responsible for protecting the confidentiality and maintaining the security of City documents and records in its possession.

Any Confidential Information provided by the City to the operator or accessed or reviewed by the operator, during the performance of services, will be made available to its employees, agents, and subcontractors only on a need to know basis. Further, the operator will provide written instructions to all of its employees, agents, and subcontractors, with access to the Confidential Information about the penalties for its unauthorized use or disclosure.

The operator must not remove Confidential Information or any other documents or information used or reviewed in connection with the operator's work for the City from City facilities without prior approval from the City. At no cost to the City the operator will, at the conclusion of services, or at the request of the City, promptly return in an organized manner that preserves and protects the documentation, any and all Confidential Information and all other written materials, notes, documents, or additional information obtained by the operator during the course of work under the contract. The operator will not make or retain copies of any such information, materials or documents. The operator and its employees, agents, and subcontractors may have access to confidential employee personnel information; misuse of such information may adversely affect the subject individual's privacy rights and may violate various federal and State statutes. The operator will implement reasonable and prudent measures to keep secure personal employee information accessed by its employees, agents, and subcontractors during the performance of services. The operator will advise its employees, agents, and subcontractors of this confidentiality requirement.

The operator shall disclose the intent to use any service provider outside the continental United States of America to handle any aspect of the work within the scope of services, and shall describe to the City's satisfaction the methods which will be used to protect the City's interests and confidentiality of City records and information in doing so. The City reserves the right to approve any such service provider throughout the term of the contract at its sole and absolute discretion.

Any breach of security that occurs through the operator's website, offices or network shall require the operator to be responsible for notifying the City and all proposers affected by such breach. operator shall also be responsible for all costs associated with such notification. The operator shall indemnify the City for any breaches of its security and the improper disclosure of confidential information.

### **23. Government Taxation Forms**

Proposers must submit the following three forms to the awarding authority at the same time their proposal is submitted:

- A. IRS Request for Taxpayer Identification and Certificate (Form W-9)
- B. Evidence of having applied for or obtained a tax registration account number (City of L.A. Tax Registration Certificate number and Vendor Registration number)
- C. State of California Withholding Exemption Certificate (Form 590) or Non-resident Withholding Certification (Form 587), if the Proposer is located outside of California.

### **24. Online Submission of Required Documents**

#### **A. Equal Benefits Ordinance**

Proposers are advised that any contract awarded under this procurement process shall be subject to the applicable provisions of the Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO).

All proposers shall complete and upload the Equal Benefits Ordinance Affidavit (two (2) pages) available on the BAVN ([www.labavn.org](http://www.labavn.org)) before the award of a City contract, the value of which exceeds \$25,000. The Equal Benefits Ordinance Affidavit shall be effective for twelve months from the date it is first uploaded onto the City's BAVN. Proposers do not need to submit supporting documentation with their bids or proposals. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the Equal Benefits Ordinance Affidavit.

Proposers seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

#### **B. First Source Hiring Ordinance**

Unless approved for an exemption, operators under contracts used primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with

the provisions of Los Angeles Administrative Sections 10.44, et seq., First Source Hiring Ordinance (FSHO). Proposers shall refer to Standard Provisions for City Contracts (Revised 10/17), "First Source Hiring Ordinance," for further information regarding the requirements of the Ordinance. The First Source Hiring Ordinance Compliance Affidavit shall only be required of the Proposer that is selected for award of a contract.

### **C. Disclosure Ordinances Affidavit**

Unless otherwise exempt, by the provisions of the Slavery Disclosure Ordinance (SDO) and Disclosure of Border Wall Contracting Ordinance (DBWCO), any contract awarded under this RFP will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code, and the DBWCO, Section 10.50 of the Los Angeles Administrative Code.

Effective July 18, 2018, the DBWCO was combined with SDO on a revised Disclosure Ordinances Affidavit to be completed electronically on the Los Angeles Business Assistance Virtual Network (LABAVN).

You will be required to register on LABAVN ([www.labavn.org](http://www.labavn.org)) in order to access the new compliance affidavit web form. The web form can be found by clicking on the "Profiles" tab. Scroll to the "Company Profile" section and click on "Compliance Documents". The web form should be completed and submitted by the time of RFP submission.

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

### **25. Fair Chance Initiative for Hiring Ordinance**

City operators and subcontractors with ten (10) or more employees are prohibited under Los Angeles Administrative Code Section 10.48 from seeking a proposer's criminal history information until a formal offer is made, and from withdrawing a job offer unless the employer performs an assessment of the proposer's criminal history and the duties of the position (operators and subcontractors must also comply with State requirements regarding the use of criminal history information in the job application process). Operators and subcontractors are required to include information regarding the ordinance in all job solicitations and advertisements and to post notices informing job Proposers of their rights. Additional information and forms may be found at the Department of Public Works, Bureau of Contract Administration website at <http://bca.lacity.org>.

### **26. Iran Contracting Act of 2010**

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

### **27. Bond Assistance Program**

For those operators wishing to bid on City projects but are experiencing difficulty obtaining the required bid, performance and payment bonds, the City of Los Angeles provides bonding assistance through the Los Angeles Bond Assistance Program (BAP LA). For more information regarding the BAP LA, please go to the City's Risk Management website at <http://cao.lacity.org/risk>.

## 6. General Terms and Conditions

### 1. Definition of Terms

The following terms used in the RFP documents shall be construed as follows:

1. "City" shall mean the City of Los Angeles.
2. "Department or DCA" shall be considered synonymous with the City's Department of Cultural Affairs (DCA).
3. "Agreement " shall be considered synonymous with the term "Contract."
4. "Proposer" shall mean individual, partnership, non-profit, corporation or other entity who submits a proposal in response to this RFP.
5. "Operator" shall mean the individual, partnership, non-profit, corporation or other entity to which this agreement is awarded, and shall be synonymous with the terms "contractor" and/or "vendor."

### 2. Property of City / Proprietary Material

All proposals submitted in response to this RFP will become the property of the City and subject to the California Public Records Act (California Government Code Section 6250 et seq). Proposers must identify all trade secrets or other proprietary information that the Proposers claim is exempt from the Public Records Act. The City Attorney will make an independent determination regarding whether the identified information is disclosable.

In the event a proposer claims such an exemption, the proposer is required to state in the proposal the following: "Proposer 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 therefore."

Failure to include such a statement shall constitute a waiver of a proposer's right to exemption from this disclosure.

### 3. Pre-Award Negotiations

Before the award of the contract, the successful Proposer(s) may be required to attend negotiation meetings that will be scheduled at a later date. The intent of the meeting(s) will be to discuss and negotiate contract requirements, prices/premiums, service level agreements, detailed scope of work specifications, ordering, invoicing, delivery, receiving and payment procedures, etc. to ensure successful administration of the contract.

### 4. Execution of Contract

Unless otherwise stated, proposals submitted will be irrevocable for a period of [90 days or one-year] following the proposal [opening/due] date. A contract will be developed following action by the Board.

Any contract made under this RFP must be accepted in writing by the proposer. If for any reason the proposer should fail to accept the contract in writing, then the proposer may be deemed non-responsive and the City may commence contract negotiations with another proposer.

Please note that the City takes a legal approach whereby all contracts contain an order of precedence. In the event of an inconsistency between the provisions of the operator's documents and the City's documents, the City's documents take precedence concerning the resolution of the inconsistency.

## **5. Amendments, Modifications and Change Orders**

Any amendments, adjustments, alterations, additions, deletions, or modifications in the terms and conditions of the resultant agreement must be made by written amendment or change order approved by the Contracting Authority, the operator, and signed by the City Attorney. If the operator performs any modification without a written amendment/change order, the City will neither pay for nor be obligated to accept said modification.

## **6. Prime Contractor**

The proposer awarded the contract must be the prime contractor performing the primary functions of the contract. If any portion of the contract is to be subcontracted, it must be clearly outlined in the proposal document as to what part(s) are to be subcontracted, the reasons for subcontracting and a listing of subcontractors. The City reserves the right to reject any proposal wherein use of subcontractors significantly affects the ability of the proposer to function as the prime operator on the awarded contract. The prime operator will at all times be responsible for the acts and errors or omissions of its subcontractors or joint participants and persons directly or indirectly employed by them.

## **7. Subcontractors/Joint Ventures**

Acceptance or rejection of a proposer's request to use subcontractors is at the sole discretion of the City. With the written approval of the City, the operator may enter into subcontracts and joint participation agreements with others for the performance of portions of the resultant agreement.

The provisions of the resultant agreement shall apply to all subcontractors in the same manner as to the operator. In particular, the City will not pay, even indirectly, the fees and expenses of subcontractors that do not conform to the limitations and documentation requirements of the resultant agreement.

## **8. Copies of Subcontractor Agreements**

Upon written request from the City, the operator shall supply the City with all subcontractor agreements.

## **9. Supplier Performance Feedback Meetings**

The proposer awarded the resulting agreement is required to attend periodic performance feedback meetings at the request of the Contracting Authority. The meetings will be facilitated by the Contracting Authority and will focus on the operator's and the City's performance in fulfilling the service level requirements contained in the contract. The meetings will provide a forum to informally discuss opportunities for improving contract terms and conditions, service level requirements, and cost reductions for both parties.

#### **10. Replacement of Operator's Staff**

The City reserves the right to have the operator replace any contract personnel with equally or better-qualified staff upon providing written notice to the operator. Also, the City reserves the right to approve in advance any changes in project personnel or levels of commitment by the operator to the project.

#### **11. Operator's Address**

The address given in the proposal will be considered the legal address of the operator and will be changed only by written notice to the City. The operator will supply an address to which certified mail can be delivered. The delivery of any communication to the operator personally, or to such address, or the depositing in the United States Mail, registered or certified with postage prepaid, addressed to the operator at such address, will constitute a legal service thereof. Also, telephone numbers, fax numbers, and e-mail addresses (if applicable) must be provided.

#### **12. Term & Option to Renew**

The term of any contract(s) established under this RFP shall be for the period identified in the RFP Introduction. The City reserves the right in its sole discretion to seek an extension of the term of the contract.

#### **13. Standard Contract Provision Requirements**

Proposers must carefully review the information contained in the City of Los Angeles Requirements and Checklist [Exhibit X], including the Standard Provisions for City Contracts. Compliance with these requirements and submission of necessary forms is mandatory at the time of submission of a proposal, before awarding the contract, or both. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided. These requirements will be discussed in detail at the Pre-Proposal Conference.

#### **14. Governing Law**

All matters relating to the formation, validity, construction, interpretation, performance, and enforcement of the RFP and the resultant agreement/contract, must comply with all applicable laws of the United States of America, the State of California and the City.

#### **15. California State Sales Tax**

Do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing.

#### **16. California State Board of Equalization Permit**



Proposers must enter the company's State of California Board of Equalization permit number on the proposal form. If the company does not have this permit, the proposer must sign the proposal form declaring that the company has no California sales tax permit.

#### **17. Federal Excise Taxes**

The City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. The Department of General Services, upon request, will furnish Federal excise exemption certificates.

#### **18. Periodic Independent Audit**

The City reserves the right to assign an independent auditor to assess the quality of services being provided and the extent to which the vendor and its subcontractors are conducting City business within generally accepted industry standard practices. Each contractor will be required to cooperate fully with any external audit.

#### **19. Financial Audit**

Firms providing services to the City will be responsible for the verification of the legitimacy of payments made to service providers and their subcontractors. The City, therefore, reserves the right for the staff of its Office of the Controller or their designee to conduct audits of financial accountability procedures.

#### **20. Proposer Background Information**

Proposers must submit contact information as requested in the Proposal Questionnaire.

#### **21. Proposer Signature Declaration**

Proposers shall provide a Signature Declaration as requested in the Proposal Questionnaire.

## **7. Proposer Checklist**

As part of the RFP process, **all proposers are to review, complete, and submit the following proposal components and compliance documents**. Previous compliance document submittals and/or waivers do not apply. New forms must be completed and processed.

Additional information regarding some compliance documents may be available at the Pre-Proposal Conference, on a City website, and/or by phone with the administering City Department of a given ordinance or compliance document. Exemptions from certain ordinances may also apply. The Department of Cultural Affairs reserves the right to request additional information and/or clarification regarding submitted compliance documents during the evaluation process.

All proposals **MUST** include the following components and compliance documents listed on the stand alone following page:

To be developed after the document is completed.



Proposer's Name: \_\_\_\_\_

PROPOSAL CHECKLIST	
Follow this sequence in presenting your proposal with the checklist as the Table of Contents. Proposals must be ordered as indicated on this form.	
Table of Contents	
PROPOSAL DOCUMENTS	PAGE NUMBER
Cover Letter (on company letterhead)	
Table of Contents/Proposal Checklist	
[Insert Narrative/Technical/Cost Component A]	
[Insert Narrative/Technical/Cost Component B]	
[Insert Narrative/Technical/Cost Component C]	
[Insert Narrative/Technical/Cost Component D]	
[Insert Narrative/Technical/Cost Component E]	
[Insert Narrative/Technical/Cost Component F]	
[Insert Narrative/Technical/Cost Component G]	
REQUIRED RFP COMPLIANCE DOCUMENTS TO BE SUBMITTED	
Proposer Business Location and Workforce Information, Exhibit [X]	
Non-Collusion Affidavit, Exhibit [X]	
Contractor Responsibility Ordinance Questionnaire, Exhibit [X]	
Contract Responsibility Ordinance Pledge of Compliance, Exhibit [X]	
Certification of Compliance with Child Support Obligations, Exhibit [X]	
Living Wage and Service Contract Worker Retention Ordinances (LWO & SCWRO) Form(s) ( <i>Submit ONLY if seeking exemption</i> ), Exhibit [X]	
Equal Benefits Ordinance Compliance/First Source Hiring Compliance Affidavits, Exhibit [X]	Submit online
Slavery and Border Wall Disclosure Ordinance, Exhibit [X]	Submit online
Bidder Certification: City Ethics Commission (CEC) Form 50, Exhibit [X]	
Prohibited Contributors (Bidders) Certification: City Ethics Commission (CEC) Form 55, Exhibit [X]	

Business Inclusion Program Outreach Summary Sheet, Exhibit [X]	Complete online
Business Inclusion Program Schedule A - MBE/WBE/SBE/EBE/DVBE/OBE Subcontractors Information Form, Exhibit [X]	
Iran Contracting Act of 2010 Compliance Affidavit, Exhibit [X]	