


0220-03145-0367

TRANSMITTAL

TO Council	DATE 2/6/23	COUNCIL FILE NO.
FROM Proposition K – L.A. For Kids Steering Committee	COUNCIL DISTRICT Various	

At its meeting held on January 26, 2023, the L.A. for Kids Steering Committee approved the recommendations of the attached Bureau of Engineering (BOE) report, which is hereby transmitted for Council consideration. Adoption of the report would authorize the release of the 11th Funding Cycle Request for Proposals ("11th Cycle RFP"), on or about February 23, 2023, substantially in the form attached, with authority for staff to make technical modifications consistent with the intent of the final Council action taken. Aggregate funding of \$11,958,353 is available for award through the RFP, which includes: \$11,394,353 in Proposition K funds for Youth Schools / Recreation Projects (\$10,650,619) and Acquisition of Parks/Natural Lands (\$743,734), along with \$564,000 in Health Alternatives to Smoking (HATS) trust fund monies available for award in under-served census tracts.

There is no immediate impact on the General Fund as this is an administrative action. However, to the extent that City projects are awarded funding through the 11th Cycle RFP, there is a potential future General Fund impact to address any capital funding shortfalls that may arise, and to fund ongoing operational and maintenance expenses once the capital projects are completed.



Matthew W. Szabo
Chair, L.A. For Kids Steering Committee

MWS:MMG/AJW:05230126d

CAO 649-d

**CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE
L.A. FOR KIDS STEERING COMMITTEE MEETING,
AGENDA ITEM (5)
THE 11TH FUNDING CYCLE, REQUEST FOR PROPOSALS
(PROP K-CATEGORIES 3 & 8 AND HATS TRUST FUND)
FOR
(FISCAL YEARS 2024-25; 2025-26; 2026-27)**

BUREAU OF ENGINEERING

DATE: January 26, 2023

TO: Proposition K – L.A. for Kids Steering Committee

FROM: Ohaji K. Abdallah, Program Manager *Ohaji K. Abdallah, R.A.*
Recreational and Cultural Facilities Program
Architectural Division

SUBJECT: REQUEST FOR PROPOSALS FOR THE 11TH FUNDING CYCLE TO INCLUDE FUNDING SOURCES: PROPOSITION K, CATEGORIES 3 & 8, AND HEALTH ALTERNATIVES TO SMOKING (HATS) TRUST FUND, FOR FISCAL YEARS 2024-25, 2025-26 and 2026-27

RECOMMENDATION

The Bureau of Engineering (BOE) requests that the L.A. for Kids Steering Committee recommend that the City Council:

1. Approve the 11th Funding Cycle Request for Proposals (“11th Cycle RFP”), substantially in the form attached that includes funding from the following:
 - a. Proposition K, Category 3 and Category 8; and
 - b. Healthy Alternatives To Smoking (HATS) Trust Fund;
2. Authorize the release of the 11th Cycle RFP on or about Thursday, February 23, 2023; and,
3. Authorize the L.A. for Kids Steering Committee staff, with the assistance of the City Attorney, to make technical modifications to the attached 11th Cycle RFP consistent with the intent of this report.

BACKGROUND:

1. Proposition K

The passage of Proposition K in 1996 created a City-wide assessment district which generates \$25,000,000 per year in funds for the acquisition, improvement, construction and maintenance of parks and other recreation and cultural facilities serving youth,

through an annual assessment on all real property in the City over a 30-year period. The Proposition K Program has two tiers of funding for acquisition and capital improvements projects -- those that are specified in the Proposition K ballot measure (referred to as

“Specified Projects”) and those that are awarded funding through a competitive grant proposal process (referred to as “Competitive Projects”). Under the Proposition K ballot measure, \$298,850,000 of the total assessment funds generated over the 30-year life of the Program must be allocated to the 183 projects that are specified in the ballot measure.

The Proposition K ballot measure also requires that a minimum of \$143,650,000 out of the total assessment funds generated over the 30-year life of the Program be awarded through an open and competitive process available to governmental agencies, City departments, and nonprofit organizations as defined in the ballot measure.

DISCUSSION

The Proposition K ballot measure identifies eight categories of funding for competitive grants and designates a total amount of funding to be allocated to each category over the 30-year life of the Proposition K Program (ending in 2026). Six of the eight categories have already reached the required amount of funding through allocations made to projects that were awarded grants over the past ten competitive funding cycles.

The following table illustrates the balance remaining in each of the eight categories for the remainder of the Proposition K Program. Competitive grant funds will only be awarded under this 11th Cycle RFP process in Category 3 – Youth Schools/Recreation Projects, and Category 8 – Acquisition of Parks /Natural Lands. Both these categories, category (3) and category (8) for Proposition K are shown in bold text in the table below, which will be awarded through the 11th Funding Cycle RFP, which is anticipated to be released in February 2023.

Project Funding Categories	Original Ballot Measure Allocation	Approximate Remaining Funds as of 2022-2023
1. Regional Recreation/Educational Facilities	\$20,000,000	None
2. Neighborhood At-Risk Youth Recreational Facilities	\$20,000,000	None
3. Youth Schools / Recreation Projects	\$20,000,000	\$10,650,619
4. Aquatic Upgrades	\$16,000,000	None
5. Athletic Fields	\$16,650,000	None
6. Outdoor Lighting	\$16,000,000	None

7. Urban Greening	\$15,000,000	None
8. Acquisition of Parks / Natural Lands	\$20,000,000	\$743,734
TOTAL RESTRICTED FUNDS		\$11,394,353
TOTAL UNRESTRICTED FUNDS		None

Approximately \$11,394,353 will be made available for competitive grants from only the THIRD CATEGORY, Youth Schools/ Recreation Projects; and EIGHTH CATEGORY, Acquisition of Parks/Natural Lands through this 11th Cycle RFP, for Proposition K Projects, for fiscal years 2024-25, 2025-26, and 2026-27.

2. Health Alternatives to Smoking (HATS) Trust Fund Ordinance

Included in this 11th Cycle RFP, is a special section for funds that will be made available from the HATS Trust Fund (Ordinance No. 172727) that was established by the Los Angeles City Council in July 1999. These funds will disburse monies collected from the National Tobacco Settlement, and will only be used for the acquisition of park land and recreation improvements in under-served areas. Under-served areas are census-tracts that meet all of the following criteria based on the latest available census: above average youth in poverty (greater than 36 percent); above average persons 18 and under (greater than 26 percent); below average acreage in parks (less than 2 percent; and not adjacent to major parks or national forest land.

The 11th Cycle RFP notes that \$565,000 will be made available by the HATS Trust Fund. However, this amount is the minimum amount to be awarded from the HATS Trust Fund, as the intent of the 11th Cycle RFP is to award all amounts available in the HATS Trust Fund. Therefore, as the 11th Cycle RFP notes, this minimum amount may be adjusted at the time of the award such that the final amount awarded may be higher than the minimum amount set forth in the RFP to reflect any increase in the HATS Trust Fund due to accrual of interest on the existing amounts in the fund. Proposals submitted for HATS funding will follow all of the same policies, procedures, guidelines, content and formatting, as proposals submitted for Proposition K funding. BOE will review the proposals for responsiveness to the RFP and for Program compliance. The proposals will then be evaluated by Scoring Panels. BOE will then present preliminary funding recommendations to the L.A. for Kids Steering Committee (LAFKSC). As in the past, it is anticipated that BOE's funding recommendations will be presented to the Regional Volunteer Neighborhood Oversight Committees (RVNOCs) in the fall of 2021. The RVNOCs will conduct independent analysis of the proposed projects and will submit their own funding recommendations to the LAFKSC. Finally, the LAFKSC will submit its funding recommendations to the City Council for final consideration in May/June of 2024.

As in past grant cycles, this 11th Cycle RFP will be released towards the end of February 2023, and BOE will receive proposals for projects from City departments, other governmental entities, and non-profit organizations as defined in the ballot measure.

Once received, BOE will review the proposals for responsiveness to the RFP and for Program compliance. The proposals will then be evaluated by Scoring Panels. BOE will then present preliminary funding recommendations to the L.A. for Kids Steering Committee (LAFKSC). As in the past, it is anticipated that BOE's funding recommendations will be presented to the Regional Volunteer Neighborhood Oversight Committees (RVNOCs) in the fall of 2023. The RVNOCs will conduct independent analysis of the proposed projects and will submit their own funding recommendations to the LAFKSC. Finally, the LAFKSC will submit its funding recommendations to the City Council for final consideration in May/June of 2024. Grant awards will not be final until May or June of 2024, when the City Council approves the final awards. Because a three-year funding cycle is involved, projects that are approved for funding may get all, partial, or none of the funding in fiscal years 2024-25, 2025-26, or may not get any funding until fiscal year 2026-27.

BOE staff will conduct **4** virtual Technical Assistance Seminars (TAS) over an **8 week** period of time, which should give potential bidders important information about the Proposition K, RFP process, and requirements for proposal submittals. These virtual TAS will be conducted via GOOGLE HANGOUTS. It is mandatory that potential proposers log on remotely, via GOOGLE HANGOUTS, and attend one of the **4 TAS** in order for them to submit a proposal(s).

At these TAS, potential bidders will also have an opportunity to have their questions about the RFP answered. City staff believes that the information disseminated at the TAS (including changes to the funding cycle, the terms of the grant agreement, and various City contracting requirements) is extremely important. Thus, the RFP provides that attendance at one of the TAS's is mandatory. Entities that do not attend a TAS will not be eligible to submit a proposal for funding under the 10th Cycle RFP process.

The 11th Cycle RFP covers three fiscal years, **2024-25, 2025-26, 2026-27**, similar to what was done in the 10th Cycle RFP. The 11th Cycle RFP states that proposers whose projects are selected for award of grant funds may receive funds in any of the three fiscal years covered by the RFP. The RFP also states that the resulting grant agreements will provide for a three-year term for completion of the design and construction portion of the grant agreement. The 11th Cycle RFP will also contain the applicable City requirements relating to RFPs and City contracts. As necessary, BOE staff will update the RFP and attachments to implement any applicable City contracting requirements. Staff from the Bureau of Engineering will advertise the RFP through the Regional Alliance Marketing and Procurement (RAMP), and will send a notice of the release of the RFP to the more than six hundred non-profit agencies and governmental entities that are part of BOE's mailing list. Additionally, BOE staff will email several hundred schools/agencies, issue a press release coordinated through Department of Public Work's Public Information Office, and will send notice of release of the RFP to all City Council Offices, City departmental general managers, City Neighborhood Councils and other non-profit clearing houses.

Attachment:

1. Proposition K & HATS 11th Funding Cycle Request for Proposal (Fiscal Years 2024-25 • 2025-26 • 2026-27)



**CITY OF LOS ANGELES
L.A. FOR KIDS PROGRAM
L.A. FOR KIDS STEERING COMMITTEE
REQUEST FOR PROPOSALS (RFP)**

11th Competitive Funding Cycle:

- Proposition K Funds (Category 3 & 8)
- Health Alternatives to Smoking (HATS) Trust Fund

Fiscal Years 2024-25; 2025-26; 2026-27

Issued: February 23, 2023

**DEADLINES:
THURSDAY, May 25, 2023, 3:00 p.m.**



<https://eng.lacity.org/about/divisions/recreation-and-cultural-facilities/overview>

Dear Proposer:

As a prelude to this RFP booklet, it is important that you pay close attention to the following information:

Funding for this RFP will only be available for the following funding sources/categories:

Part One - Proposition K Funds: \$11,394,353

I. Restricted Funds - Available only for TWO Funding Categories

- a. Youth Schools/Recreation Projects (recreation as related to schools only): \$10,650,619
- b. Acquisition of Parks/Natural Lands: \$743,734

Part Two - Health Alternatives to Smoking (HATS) Trust Fund: \$565,000*

***The HATS Trust Fund amount set forth in this RFP is the minimum amount of HATS funds to be awarded. The final amount awarded may be higher to reflect any increase in the fund due to accrual of interest.**

If you choose to submit a proposal for multiple funding source/category(s) (i.e. a combination of more than one funding source/category) please be sure to include separate budget sheets and detailed scope(s) descriptions for each funding source/category.

Note: If you submit a proposal with the different categories in Proposition K funds, separate budget sheets should be provided for each funding category.

Example: *If you wish to submit a proposal with multiple Proposition K funding categories, such as youth schools and/or acquisition of parks/natural lands, separate budget sheets should be provided for each funding category with the requested amount(s).*

Your proposal can be for one or a combination of multiple funds from any of the two (2) funding sources/categories listed above.

If you submit a proposal with Proposition K funds and HATS funds, separate budget sheets should be provided for each funding source.

Example: *Under Proposition K - \$500 K for acquisition and \$1M for HATS, then separate budget sheets should be provided for each funding source.*

Proposals that fail to do submit separate budget sheets as described above will be deemed unresponsive.

All proposers are required to register through the City of Los Angeles, Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org if you have not already done so. This will help you upload some of the required forms, etc.

***PLEASE VISIT THE LINK <https://eng.lacity.org/about/divisions/recreation-and-cultural-facilities/overview> TO DOWNLOAD THE 11TH CYCLE RFP, AND ASSOCIATED LINKS FOR THE ATTACHMEWNTS, FOR THE PROPOSITION K AND HATS GRANT FUNDS. ALL THE LINKS WILL BE POSTED THERE FOR YOUR CONVENIENCE.**

Important Note:

You will need to provide the name, telephone number, and email of a qualified person in the proposing agency/organization responsible for the proposal.

Prop K staff should be able to contact this person in case of any question(s) related to the submitted proposal.

**City of Los Angeles
L.A. for KIDS PROGRAM**

REQUEST FOR PROPOSALS

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Technical Assistance Seminars (TAS)

Due to the technical nature of required materials for the **Proposition K Funds and Health Alternatives to Smoking (HATS) Trust Funds**, it is **mandatory** that potential proposers attend one of these FOUR (4) virtual Technical Assistance Seminars (TAS). **Potential proposers who do not attend a TAS are NOT eligible to submit a proposal for any of the sources/categories.**

Please RSVP via e-mail at engpropkrfp@lacity.org at least **three** working days prior to the seminar date the proposer wishes to attend. Provide the TAS date you will attend and name of the potential proposer entity. **Please make sure that the attendee signs in at the TAS, so that your agency receives credit for attendance at one of the 4 sessions.**

Technical Assistance Seminar Schedule			
Date	Time	Location	Google Hangout Link
Wed, March 8, 2023	10:30 am – 12:30 pm	N/A Remote TAS Only	https://meet.google.com/yih-bbbo-piw?hs=122
Wed, March 22, 2023	10:30 am – 12:30 pm	N/A Remote TAS Only	https://meet.google.com/nen-juyy-uxi
Wed, April 05, 2023	10:30 am – 12:30 pm	N/A Remote TAS Only	https://meet.google.com/nen-juyy-uxi
Wed, April 19, 2023	10:30 am – 12:30 pm	N/A Remote TAS Only	https://meet.google.com/nen-juyy-uxi

* Dates are subject to change.

Reasonable accommodations as well as information in alternative formats are available upon request. 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. Sign Language Interpreters, assistive listening devices, other auxiliary aids, and/or services can be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the seminar by contacting Proposition K staff as noted above.

**City of Los Angeles
L.A. for Kids Program**

REQUEST FOR PROPOSALS

The City of Los Angeles (“City”) will conduct four (4) Technical Assistance Seminars (TAS) for potential proposers prior to the Request for Proposals (RFP) due date. Questions regarding the RFP process and requirements, environmental assessment procedures, and City contracting procedures will be discussed at the TAS. If you have any questions or concerns regarding any of the topics discussed at any of the TAS, please email engpropkrfp@lacity.org. See prior page of this RFP for dates, times, and locations of the TAS. **It is mandatory that potential proposers attend one of the four virtual Technical Assistance Seminars (TAS). Potential proposers who do not attend a TAS, and/or sign-in at any one of the virtual seminars roster sheets will not be eligible to submit a proposal.**

OVERVIEW

The City, is announcing the eleventh (11th) open and competitive grant process (“11th Funding Cycle”), to identify eligible proposers and projects for grants to be awarded under the following:

Part One - Proposition K:

I. Approximate Available **Restricted** Funding by Category:

a. Category 3 - Youth Schools/Recreational Projects: **\$10,650,619**

b. Category 8 - Acquisition of Parks/Natural Lands: **\$743,734**

Part Two - Health Alternatives to Smoking (HATS) Trust Fund (\$565,000* pages 13 - 15): Funding for design and construction of youth facilities, located in the HATS eligible Census Tracts. **(See Map on page 14 of this RFP)**

*Please see page 2 of this RFP regarding adjustment of this amount at time of award.

Link to the HATS Census Tracts Map:

<https://ladcp.maps.arcgis.com/apps/webappviewer/index.html?id=2541142a257244198e39df862c7c596f>

A total of approximately **\$11,959,353** will be made available from the two funding sources, **1. Proposition K** (Youth Schools/Recreation Projects, Acquisition of Parks/Natural Lands) and **2. Health Alternatives to Smoking (HATS) Trust Fund**, for projects throughout the City. Eligible proposers may submit separate proposals for an unlimited number of capital improvements and/or acquisition projects within each available funding category. **However, proposers must submit each project proposal separately and each**

proposal must stand alone. Exception: If the proposer has multiple projects with similar scopes at multiple locations, the proposer can submit all projects under one proposal. An individual budget should be included for each location.

Also, if you choose to submit a proposal for multiple funding sources/categories (i.e. a combination of more than one funding source/category) please be sure to include separate budget sheets and detailed scope(s) descriptions for each funding source/category.

Note: One proposal may be submitted for a project that is eligible for multiple funding sources, but the proposal must clearly identify the funding sources that the project should be considered for, and it must meet the submittal requirements for the funding sources identified.

SEE PAGE PAGE iii above. Proposals that fail to have separate budget sheets as noted above will be deemed unresponsive.

The City reserves the right to fund one, multiple, all or none of the locations/ proposals.

INSTRUCTIONS FOR SUBMITTING PROPOSALS ELECTRONICALLY

For the safety of all parties, proposals will be received **electronically only via e-mail**. No hard copy proposals will be accepted. Proposals must be sent via email to **engpropkrfp@lacity.org**. and received **no later than 3:00 p.m. on Thursday, May 25, 2023**.

Each submission file size must be **20 megabytes (MB)** or smaller or broken up into multiple files not to exceed **20 MB each**. The email subject line should state: **Prop K 11th Cycle Proposal – Agency Name – Project Title**

If one agency is submitting multiple project proposals, each project proposal should be submitted separately.

Proposals and all required documents are due on or before 3:00 p.m. on Thursday, May 25, 2023.

Proposals received after this time will be deemed non-responsive and ineligible for Prop K and/or HATS funding.

A. Proposal Conditions

1. All costs of the proposal preparation, including site visits if applicable, shall be borne by the proposer's agency. The City shall not, in any event, be liable for any pre-contractual expenses incurred by the proposer in the preparation or submission of the proposal. The proposer shall not include any such expense as part of the budget in the proposal.
2. The proposal must set forth full, accurate, and complete information as required by this RFP.
3. Proposers may submit more than one project proposal package; however, each proposal package must be complete and must stand on its own.
4. Proposals may be withdrawn by the applicant by written request at any time up to the time of the funding/grant award, if any.

B. Authority to Proceed

1. Implementation of the proposed activities will proceed only after the City has signed and executed a Grant Agreement with the selected proposer. Any project activity or cost associated therewith which takes place prior to contract execution will be at the financial risk of the proposer.
2. A sample standard agreement for a Proposition K Grant is available at <http://propk.lacity.org>. Click the menu item entitled Competitive Grants at the left side of the webpage and then click on Standard Grant Agreement. **All proposers will be required to sign a similar grant agreement if awarded a grant. Hence, it is strongly recommended that proposers and their legal counsel review the sample Standard Grant Agreement prior to submitting a proposal.** This sample grant agreement is subject to change and should not be construed as the final agreement between the City and the grantee. Interested parties should contact City staff via e-mail at engpropkrfp@lacity.org with any questions about the Standard Grant Agreement.

C. General City Reservations

1. The City reserves the right to retain all submitted proposals. Proposals and the information contained therein shall become the property of the City of Los Angeles. Selection or rejection of a proposal does not affect these rights.
2. The City reserves the right to reject any and all proposals and to waive any informality in the proposal when to do so would be in the best interest of the City.

3. The City reserves the right to reject the proposal of any proposer who has previously failed to timely or satisfactorily perform any contract with the City.
4. The City reserves the right to extend the RFP submission deadline should such action be in the best interest of the City.
5. The City reserves the right to reject any or all proposals received in response to this RFP if deemed not feasible or incomplete or not in the best interest of the City.
6. The City reserves the right to reject any or all proposals wherein the City has determined that the proposer is not capable of financing its proposed project without assistance from the City.
7. The City reserves the right to withdraw this RFP at any time without prior notice. Further, the City makes no representations that any contract will be awarded to any proposer responding to this RFP.
8. The City reserves the right to refuse to fund any agency with outstanding disallowed costs with the City, regardless of the merits of the proposal submitted.
9. The City reserves the right to maintain site control of all funded projects. In the instance of City-owned property used for project purposes that is not under the control of RAP, the City Council will adopt a motion indicating that the Council will make the property available for purposes of the project and its related programs and services.
10. The City reserves the right to waive any provision(s) of this RFP to the extent that waiver of such provision(s) allows for the intent of Proposition K or HATS to be implemented.

PURPOSE

This Request for Proposals (RFP) for the 11th Funding Cycle will cover the following fiscal years:

2024 - 2025, 2025 - 2026, and 2026 - 2027

Any funding awarded under this RFP will not be available **until after July 1, 2024**. Because of the three-year funding cycle, some projects that are ultimately approved for funding, may not receive any funding until after July 1, 2024.

Part One - Proposition K:

- I. Available Restricted Funding Categories
 - a. Category 3 - Youth Schools/Recreational Projects: **\$10,650,619**
 - b. Category 8 - Acquisition of Parks/Natural Lands: **\$743,734**

Part Two - Health Alternatives to Smoking (HATS) Trust Fund

- I. Funding available for design and construction of youth facilities, located according to HATS eligible Census Tract: \$565,000* (See Map on page 14 of this RFP)
- II. HATS funding may only be used for the acquisition of park land and recreation improvements in eligible under-served census tract areas. The under-served areas are census tracts that meet all of the following criteria based on the latest available census data:
 - a. Above average youth in poverty (greater than 36%);
 - b. Above average persons 18 and under (greater than 26%);
 - c. Below average acreage in parks (less than 2%); and
 - d. Not adjacent to major parks or national forest land.
- III. Award of the HATS funding will follow the same policies, procedures, guidelines, content and formatting as proposals submitted for Proposition K funding. See Part Two, on page 13 of this RFP for additional details.

*Please see page 2 of this RFP regarding adjustment of this amount at the time of award.

PART ONE - PROPOSITION K

I. BACKGROUND

The passage of Proposition K in 1996 created a Citywide assessment district that generates \$25,000,000 each year in funds for the acquisition, improvement, construction and maintenance of parks and recreational and community facilities through an annual assessment on all real property in the City for 30 years. Funding is provided for capital improvements and for acquisition of land for parks, recreational, or open-space purposes. The primary purpose of funding allocated through this RFP will be to combat the inadequacies and decay of the City's recreational infrastructure for youth, which has resulted in serious unmet needs for park, recreation, child-care, and community facilities serving youth in particular.

Under Proposition K, approximately \$298,850,000 of the total amount to be generated over 30 years has been allocated to the City for 183 projects specified in the ballot measure. Proposition K also requires the allocation of at least \$143,650,000 of the total amount generated over the 30-year life of the Proposition K Program, through an open and competitive process for eligible governmental agencies, nonprofit organizations and City departments.

City Proposition K staff, including representatives from the Mayor's Office, the Offices of the City Administrative Officer, the Chief Legislative Analyst, and the Department of Public Works - Bureau of Engineering, will administer the competitive grant process. Successful proposals will be funded during a three-year funding cycle, commencing July 1, 2024, and ending June 30, 2027.

The City seeks projects that propose to improve the quality of life for local residents, specifically youth in the neighborhoods where they live. Eligible projects must enhance the recreational opportunities for City residents, especially the City's youth and their families, by providing safe neighborhood parks and facilities.

II. ELIGIBLE PROPOSERS/PROJECTS

This RFP competitive grant process invites eligible governmental entities, non-profit organizations, and City departments to submit proposals for viable capital improvements and/or acquisition projects that meet the eligibility and other requirements of the Proposition K Program as described in this RFP.

The Proposition K competitive grant process includes a multi-tiered review and scoring process, which begins upon submission of proposals and ends by June 2024, when the City Council makes the final awards. Success at any tier of the competitive grant process is not a guarantee of success, until recommendations are finally approved by the City Council.

The 11th Funding Cycle is for three years, commencing July 1, 2024, and ending June 30, 2027. All Grant Agreements will provide for a three-year term for completion of acquisition (if applicable), and design and construction of the project. This three-year term will begin from the date the City Clerk attests the Grant Agreement. The overall term of the Grant Agreement will include the services and maintenance repayment period, which will depend upon the amount of the grant awarded (See Part Four - Contract Requirements, page 30).

This RFP seeks proposals **under the restricted funds** for the following two Proposition K funding categories; **Category 3.** Youth Schools/Recreational Projects, and **Category 8.** Acquisition of Parks/Natural Land.

Eligible proposers for Prop K include:

- Government Entities: Any public agency that has among its purposes the provision of parks, recreation or community services or facilities serving the general community, providing services to youth, or gang prevention and intervention services, or any public or private school.
- Non-profit organizations: Any charitable organization authorized under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, which has among its purposes the provision of parks and/or recreation services or facilities serving the general community, youth, or gang prevention and intervention services.
- City Departments: Any department of the City of Los Angeles which has among its purposes the provision of parks and/or recreation services or facilities serving the general community, youth, or gang prevention and intervention services.
- Youth Schools: Projects include recreational improvements at schools under joint-use agreements with City's Department of Recreation and Parks.

NOTE: Funding is not available for operational expenses. Proposers must demonstrate in their proposal that all services are to be provided at the proposer's expense. Proposers are required to provide proof of adequate funding and staffing for the proposed services over the entire Proposition K required services and maintenance period, which is from five to 20 years or more, depending on the grant amount awarded. See Part Four - Contract Requirements of this RFP, page 27.

III. INELIGIBLE CAPITAL IMPROVEMENT PROJECTS

Under the different funding categories, the following are **not** eligible for funding:

1. Municipal auditoriums or halls, or similar public facilities for the indoor presentation of performances, shows, productions, fairs, conventions, exhibitions, pageants, meetings, parties or other group events, activities or functions.
2. Improvements for employment, education, or counseling programs.

3. Staffing costs associated with any program or facility. Grant funds cannot be used to pay for administrative salaries of any department, organization, or non-profit entity.
4. Project proposals that are not for new or additional improvements, such as refinancing of property or facilities.
5. Maintenance of a non-Proposition K - L.A. for Kids Program funded portion of the facility; (A separate annual competitive grant process will be conducted for the allocation of Proposition K maintenance funds for Proposition K funded capital projects).
6. Operational costs associated with either an existing or proposed facility.
7. Acquisition of personal property, fixtures, furnishings or equipment.
8. Projects that are not accessible to the public.
9. Projects and related programming that will be used for religious purposes.
10. Additional examples of projects found to be ineligible under the Proposition K - L.A. for Kids Program grant funds include, but are not limited to: classrooms, computer rooms, theaters, auditoriums, meeting rooms (lacking recreational components), trailhead signage, sports equipment and other equipment, personal property, and libraries.

IV. OVERVIEW OF FUNDING CATEGORIES

1. **Youth Schools/Recreation Projects (Category 3)** - Projects include recreational improvements at schools under joint-use agreements with City's Department of Recreation and Parks.
2. **Acquisition of Parks/Natural Lands (Category 8)** - Projects include the acquisition of land for the development of parks, including pocket parks. The acquisition of land is allowable only for open spaces such as parks or athletic fields. Proposition K - L.A. for Kids Program grant funds may not be used to acquire land for the sole purpose of building a new structure or building, such as a recreation or multi-purpose facility. **The City shall own all real property acquired using Proposition K funds.**

NOTE: The City reserves the right to determine to what extent, or whether the proposed projects will be eligible to receive grant funds from the various funding categories.

The table below lists all eight funding categories identified in the Proposition K ballot measure and the original ballot measure allocation per category. The City has already met the minimum funding requirements for six of the categories (Category 1 - Regional Recreation/Educational Facilities; Category 2 - Neighborhood At-Risk Youth Recreational Facilities; Category 4 – Aquatic Upgrades; Category 5 - Athletic Fields; and Category 6 - Outdoor Lighting). There is **\$11,394,353** in competitive grant funding available to be awarded through the 11th Funding Cycle RFP for projects in the remaining two Proposition K funding categories in order to meet the ballot measure minimum funding requirements. These two categories (3 and 8) and the balance remaining for Proposition K are shown in bold text in the table below.

Approximately **\$11,394,353** will be made available for Proposition K competitive grants through this RFP. Projects that are not selected as part of the RFP will be placed on an alternates list (C-List) and can potentially receive funding if awarded projects are later withdrawn or deemed infeasible.

Project Funding Categories Proposition K	Original Ballot Measure Allocation Per Category	Approximate Remaining Funds Per Category As of FY2022-23
1. Regional Recreation/Educational Facilities	\$20,000,000	\$0
2. Neighborhood At-Risk Youth Recreational Facilities	\$20,000,000	\$0
3. Youth Schools/ Recreation Projects	\$20,000,000	\$10,650,619
4. Aquatic Upgrades	\$16,000,000	\$0
5. Athletic Fields	\$16,650,000	\$0
6. Lighting	\$16,000,000	\$0
7. Urban Greening	\$15,000,000	\$0
8. Acquisition of Parks / Natural Lands	\$20,000,000	\$743,734
Restricted Funds	Subtotal	\$11,394,353
TOTAL PROPOSITION K FUNDS		\$11,394,353

In the event the full amount requested in the project proposal is not awarded, proposals must discuss valid contingency funding options in the Fiscal and Budgetary Review section of the proposal. (See Part Three, Section C, Subsection C.3, Number 2, page 25 - Fiscal

and Budgetary Review of this RFP). The proposer must be able to put these contingencies into place if the amount awarded is less than the amount requested.

Proposals must describe how the proposer would do the following if it is awarded less than the requested amount of funding:

- a. Supply additional funds, and /or;
- b. Reduce the scope of the proposed project.

Each proposal must specify the project funding category that best describes the project in the appropriate section. All proposers must review, sign and submit with the proposal the Attachment A - Title Page and Assurances.

PART TWO - HEALTH ALTERNATIVES TO SMOKING (HATS) TRUST FUND

I. Overview

In July 1999, the Los Angeles City Council approved the Health Alternatives to Smoking (HATS) Trust Fund (Ordinance No. 172727). The HATS Trust Fund was created to disburse monies collected from the National Tobacco Settlement. Monies from the fund may only be used for the acquisition of park land and recreation improvements in under-served areas.

Approximately \$565,000* will be made available under the HATS Program. (*Please see page 2 of this RFP regarding adjustment of this amount at time of award.) Under-served areas are census tracts that meet all of the following criteria based on the latest available census (See map and census tract on pages 14 and 15):

- Above average youth in poverty (greater than 36 percent);
- Above average persons 18 and under (greater than 26 percent);
- Below average acreage in parks (less than 2 percent); and
- Not adjacent to major parks or national forest land.

Proposals submitted for HATS funding must follow all of the same policies, procedures, guidelines, content and formatting as proposals submitted for Proposition K funding. The selection process will be the same as the Proposition K process identified in Part Three. Eligible projects will be scored and evaluated using the same procedures and criteria as Proposition K (see Part Three, Section C), but will also include an initial review of whether the project meets the HATS requirements as indicated above. A proposal for a HATS grant must indicate how it meets the above criteria. Inclusion in the pool of recommended projects is not an indication of success in this competitive grant process. The recommended list of projects is subject to change until the City Council approves the final list of projects.

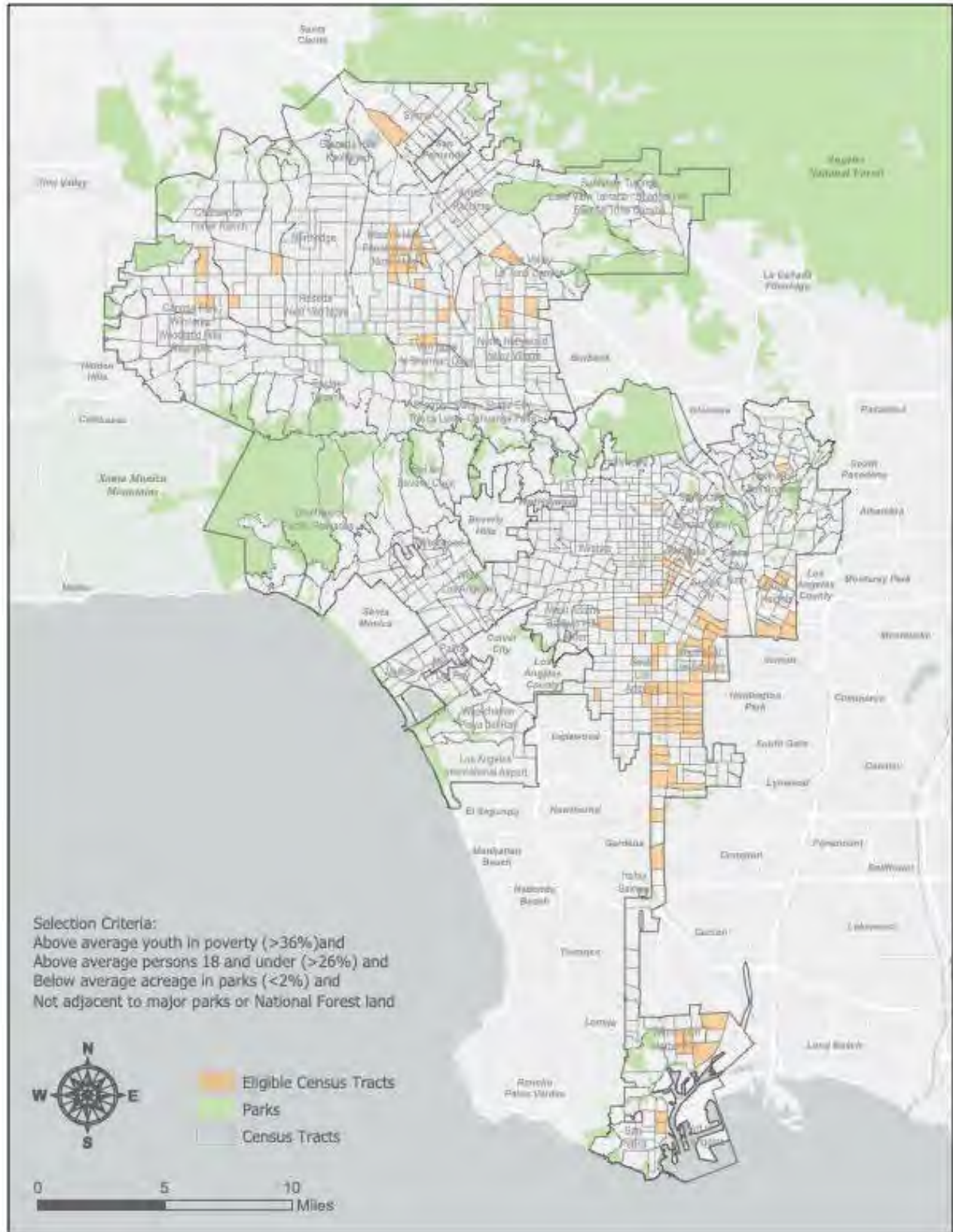
Any proposal for HATS funding may also be submitted for Proposition K funding if eligible. The proposal must clearly identify the funding sources (i.e., Proposition K and/or HATS)

that the proposal is to be considered for. The proposal must meet the submittal requirements for the funding sources identified.

Below is the link to the interactive HATS map:

<https://ladcp.maps.arcgis.com/apps/webappviewer/index.html?id=2541142a257244198e39df862c7c596f>

II. HEALTHY ALTERNATIVES TO SMOKING (HATS) CENSUS TRACTS MAP



III. CENSUS TRACT for the Healthy Alternatives Smoking Trust Fund

106604	123204	209104	229420	239701
113233	127103	209401	231210	239702
115302	127520	209520	231710	239801
117201	127920	209820	231720	239802
117405	128210	212204	232110	240010
117407	128303	212305	234901	240401
117408	134521	219020	237101	240402
117510	134522	221601	237102	241001
117530	134710	221602	237401	241120
119320	183520	224310	237710	241202
119340	191410	224320	237720	291120
120030	203710	226001	238310	291210
120103	203720	226420	238320	294120
120105	204410	227010	239201	294510
120105	204420	227020	239202	294520
120106	204910	228210	239310	294701
120107	204920	228220	239320	294810
121222	205120	228310	239330	294820
122410	208301	228420	239502	296220
123010	208902	228710	239601	297110
123203	209103	228720	239602	

PART THREE – PROPOSAL REVIEW AND EVALUATION

I. COMPETITIVE GRANT PROCESS

A. Proposal Review and Award Process Summary

FOR PROPOSITION K AND HATS

1. Four Technical Assistance Seminars (TAS) will be conducted virtually. (See TAS Schedule Page vii of this RFP).
2. Upon receipt of proposals through e-submittal only, City staff will conduct an initial eligibility review of submissions for compliance with the RFP requirements (see Part Three, Section C, Subsection C.1, on page 20).
3. City staff will conduct site visits to evaluate project feasibility.
4. Once proposals are reviewed by City staff for eligibility, responsiveness, and feasibility, applicants will be notified of initial eligibility recommendations. Any agency whose proposal is determined by City staff not to be eligible may submit a written request to have the L.A. for Kids Steering Committee review the determination of ineligibility.
5. City staff will convene scoring panels, which will score the eligible proposals that passed the initial review based on criteria discussed in Part Three, Section C, Subsection C.2 on page 21.
6. City staff will prepare a preliminary list of projects recommended for funding using the results from the scoring panels and additional factors such as: Citywide distribution of funds; location of the project in relation to the Council Districts; the appropriate mix of large or small projects; the variety of types of projects to be funded; the availability of funding, and such other factors that are in the best interest of the City. City staff will create a Preliminary Funding Recommendation Report and present it to the Steering Committee for consideration, who will then forward it to the Regional Volunteer Neighborhood Oversight Committees (RVNOCs).

There are three RVNOCs, one representing each region of the City (Valley, Central, and Southern). The RVNOCs advise the City on funding recommendations for proposals submitted in response to the RFP.

7. Following receipt of the Preliminary Funding Recommendation Report, each RVNOC will review the project proposals within its region and make funding recommendations for projects within its region. This recommendation may or

may not be consistent with the Preliminary Funding Recommendation Report presented by the City staff.

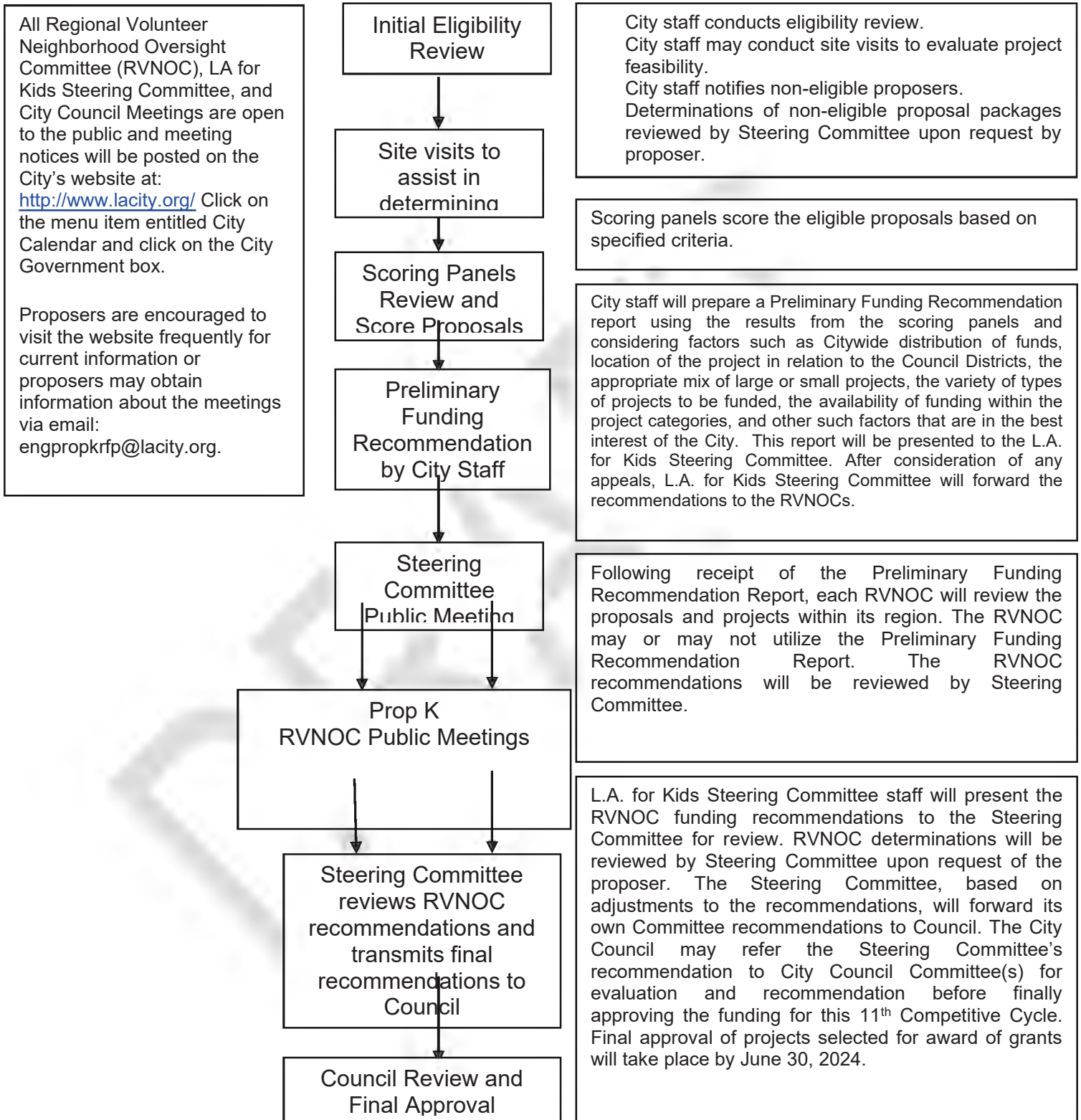
8. City staff will present the staff's Preliminary Funding Recommendations and the RVNOC Recommendations to the L.A. for Kids Steering Committee for review.
9. The L.A. for Kids Steering Committee will take into consideration the Preliminary Funding Recommendations, the RVNOC recommendations, and any additional input received from proposers or members of the public and will develop its recommendations that will be transmitted to the City Council. The City Council may refer the Steering Committee's recommendation to City Council Committee(s) for consideration before finally approving the funding for this cycle. The Steering Committee's recommendations will cover the entire three-year period. Funding for any one project may be spread throughout any or all of the three years. Final approval by the City Council will occur sometime during May or June 2024.
10. The complete grant process includes a multi-tiered review and scoring process, which begins upon submission of proposals and ends when the City Council makes final awards. Success at any tier of the competitive grant process is not a guarantee of selection for award.
11. Grant award letters will be mailed and contract negotiations with the selected agencies will begin shortly after July 1, 2024. All required documentation pertaining to federal, state, and local requirements including but not limited to, proof of required insurance, must be on file with the City before the contract can be executed. Funding that is granted for fiscal year 2024-25 pursuant to award in this funding cycle will not be available before July 1, 2024.

All successful non-City grantees will be required to execute a Grant Agreement. A sample grant agreement is available on the Bureau of Engineering's - Proposition K website at <http://propk.lacity.org>. Click on the menu item entitled Competitive Grants at the left side of the webpage. Note that grant agreements executed as a result of this RFP will have a three-year period for completion of design and construction and a services and maintenance performance period commensurate with the amount of grant awarded that commences upon completion of construction. (See Part Four Section A of this RFP on page 30). The City reserves the right to revise the sample grant agreement, to reflect any changes to the City's contracting requirements.

All RVNOC, L.A. for Kids Steering Committee, Council Committee, and City Council meetings are open to the public and meeting notices will be posted on the City's website at: <http://www.lacity.org>. Click on the menu item entitled City Calendar and click on the City Government box. Proposers are encouraged to visit the website frequently for current information, or proposers may obtain information about the meetings via e-mail at engpropkrfp@lacity.org.

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B. Grant Project Selection Process Chart



C. Proposal Evaluation Procedures and Criteria

C.1 Initial Review

Proposals will be screened initially by City staff to ensure, at a minimum, compliance with the following:

- a. Timeliness of submission (Deadline for Submission: **Thursday, May 25, 2023, by 3:00 p.m.**)
- b. Completeness of proposal. Make sure the project scope is completely described, succinct and clear. Include any and all dimensions if needed to describe the project scope. **Be sure to provide a clear and legible colored Site Plan of the project as an attachment with Site Control documents.**
- c. If the proposer is a non-profit organization, proof that the organization has been incorporated in the State of California for a minimum of one year and is currently in good standing.
- d. A valid City of Los Angeles Business Tax Registration Certificate (BTRC). In order to obtain the required BTRC, contact the Office of Finance, at (844) 663-4411. If the proposer is an LLC or a Corporation, the same legal name as what is on file with the California Secretary of State must be used when submitting the proposal.
- e. The project is located within the Assessment District boundary (i.e. legal boundaries of the City of Los Angeles).
- f. Adequate documentation of site control is provided (grant deed, escrow instructions, letters of intent (for those eligible), or lease for appropriate duration, etc.).

Proposals that do not include appropriate evidence of site control, will be deemed non-responsive and will be rejected (see Part Four, Section D for Site Control requirements, page 31).

- g. Land acquisition projects must submit the following:
 - Letter from proposer identifying a single project site.
 - Letter from the property owner indicating willingness to negotiate in good faith for the sale of the property.
 - Letter from: (a) the Board of Recreation and Park Commissioners regarding the willingness of the Department to own the property and lease it back to proposer for development, operation and maintenance; or

(b) if the proposed site will not be under the control of the Department of Recreation and Parks, then the proposal must contain a copy of a City Council motion regarding the willingness of the City to own the property and lease it back to proposer for development, operation and maintenance.

- Preliminary title report.
- A Class “C” appraisal.
- An Acquisition Schedule.

See Part Four, Section D of this RFP for more information about the required site control documents. **Note: The City shall own all property acquired using Proposition K funds.**

h. Proposer and project are eligible for funding as defined in this RFP.

If an agency’s proposal does not satisfy the initial screening process outlined above, including evidence of site control, the proposal will be deemed non-responsive, will be disqualified and will not be reviewed further. Proposers will be made aware of such disqualification by written, mailed notice, approximately three weeks after the proposal submission deadline.

C.2 Scoring

City staff will convene a panel of individuals with the appropriate expertise and professional experience to score proposals. Each proposal will receive a score based on the quality of the responses.

A maximum of 100 points is possible. Each proposal will be rated on the criteria listed below.

	EVALUATION CRITERIA	MAXIMUM POINTS
1.	PROJECT DESCRIPTION AND MANAGEMENT	20
2.	FISCAL AND BUDGETARY REVIEW	25
3.	PROJECT READINESS	25
4.	SERVICE CAPABILITY	20
5.	BONUS POINT CRITERIA X 2.0 PTS	10
	TOTAL	100

After the review panels score the proposals, City staff will further evaluate the proposals using the results of the Scoring Panels and additional factors such as Citywide distribution of funds; location of the project in relation to the Council Districts; the appropriate mix of large or small projects; the variety of types of projects to be

funded; the availability of funding; and such other factors that are in the best interest of the City. City Staff will then make recommendations to the L.A. for Kids Steering Committee in a Preliminary Funding Recommendation Report. **City staff is not bound by the proposal rankings scores assigned by the scoring panels.**

C.3 Evaluation Criteria

The Scoring Panels will evaluate and score qualified proposals based on the criteria described below. Proposers must adhere to the page maximums listed below for each section of their proposal and to the requirements listed under the **Proposal Content Guidelines in Part Six on page 42.**

1. Project Description and Management (20 points; 3 pages maximum)

Proposals that do not address the following requirements will be disqualified and will not be reviewed further.

- i. Provide a complete description of the proposed capital improvement and/or acquisition of land for parks, recreational, or open-space purposes project. The project description should discuss the project's design, location, style, type, and approximate size and should provide as much detail as possible.
- ii. The project description should give a detailed description of the project, its size (dimensions, square footage, etc.), hours of operation, how many youths they plan to serve daily, monthly and yearly. The proposal should also provide a detailed description of the recreational activities planned to be provided at the site, specifically activities for youth.
- iii. Provide a detailed narrative history of the agency/organization's previous experience with capital improvement projects (including project management) and results of that involvement.
- iv. Identify a qualified person responsible for managing the proposed capital improvement project and provide that person's previous experience in the management of similar projects. Provide the name, telephone number, and e-mail address for said person.

2. Fiscal and Budgetary Review (25 points; 3 pages maximum)

Proposals that do not address the following requirements will be disqualified and will not be reviewed further. Proposals must demonstrate how the project is cost effective and how the proposing agency/organization is financially capable of implementing the project.

Proposers must use only the forms provided in this RFP for the Fiscal and Budgetary Review (See Attachment E - Project Budget Forms, Attachment F - Project Information

Summary and Attachment J - Sample Construction and Expenditure Milestones Schedule).

- i. Provide a narrative discussion of the estimated acquisition cost (if applicable) and the estimated cost of the proposed Capital Improvement Project (based on current costs for construction), and the organization's plan for staffing the proposed project. The narrative must reflect the proposer's ability to acquire the site (if applicable) and develop the project on a cost-reimbursement basis. The narrative must address the proposed project's impact on the organization's cash flow. The City reserves the right, in its discretion, to adjust for inflation if appropriate and desirable.
- ii. Using the Project Budget Forms and Project Information Summary, completely fill in all line items in the forms (See Attachment E and Attachment F). These attachments are accessible from the website noted on page 3 of this RFP. If proposing under more than one funding category or source, provide a budget form for each funding category or source. Different components of the project may fall under different categories therefore separate budget forms will be necessary for project components per funding category. **Note:** Funds may not be used to pay for the proposers' employee salaries or for consultant service fees if the consultant is an officer or member of the organization's governing board.
- iii. Provide a copy of the proposer's most recent audited financial statements for the last two years (unless incorporated for less than two years), signed by a Certified Public Accountant (CPA). These attachments are not included in the page limit.
- iv. Provide the name, telephone number, and email of a qualified person in the proposing agency/organization responsible for financial matters and describe that person's experience in managing the financial aspects of grant funding, acquisition and design and construction projects in the past three years.
- v. Describe how the project is feasible and viable within the funding limitations of the detailed budget submitted. Demonstrate how it can be acquired (if applicable) and be built within the proposed budget. Explain whether the proposer has secured all the other funds necessary so that the project would be fully funded assuming the requested funds were awarded. If not fully funded with the requested grant, describe what steps are necessary to secure full funding for the project and the timeline for such fundraising.
- vi. As part of this RFP process, proposers will be required to describe how the agency/organization would do the following, if it is awarded less than what was requested in funding:
 - a. Secure additional funds to make up the difference to complete the project timely; and/or
 - b. Reduce the scope of the proposed project.
- vii. Provide a Construction and Expenditure Milestones Schedule.

Note: This is not a Project Budget. See Attachment J for sample schedule. Proposers must prepare a schedule that is customized and realistic for their project.

3. Project Readiness (25 points; 3 pages maximum)

Proposals that do not address the following requirements will be disqualified and will not be reviewed further. Proposals must demonstrate how far along the proposing agency/organization is toward having a project that is ready to proceed to implementation if funds are awarded. Scoring for these criteria will reflect how close the project is to starting construction or being acquired.

- i. Implementation Schedule - Provide a schedule and narrative that explains the proposed project's start-up and completion, including milestones which describe the various phases of completion. Provide at least the milestones indicated below:
 - Securing all non-Proposition K funds necessary to implement the project (provide time frame when funds will be made available)
 - Architect selection
 - Plan check completion
 - Bid & Award process
 - Construction timeline
 - Start of construction
 - Completion date of construction
- ii. Discuss the proposing agency/organizations understanding of the process to secure the services of a licensed contractor via a sealed competitive bid process. Assume for the purposes of the schedule that the earliest that any Proposition K funds would be received by a successful project is July 1, 2024.
- iii. Describe how the project is consistent with existing zoning requirements and provide a complete description of seismic and/or Los Angeles Building and Safety requirements. Describe how the agency would complete plan check. Identify the current use and type of occupancy permit and the proposed use and type of occupancy permit.
- iv. Describe the proposer's current or proposed site control. Identify the existing site size, and proposed project floor area.

- v. Discuss the proposed project site's ownership status, current use and current occupancy status. Describe the process by which the agency would obtain a Notice of Completion, Certificate of Occupancy, or Temporary Certificate of Occupancy upon completion of the proposed Proposition K and/or HATS project.
- vi. Describe the likely environmental documents (California Environmental Quality Act (CEQA), Lead Paint, Asbestos, Methane, and Hazardous Material Surveys) that will be required for the project. Describe the steps, if any, the agency/organization will take to meet the above requirements and how this would affect the proposed timeline and milestones.

4. Service Capability (20 points; 3 pages maximum)

Proposals that do not address the following requirements will be disqualified and will not be reviewed further. Proposals must demonstrate the need for the project in the community it will serve, and the proposing agency/organization's capability to sustain the project and provide the services and maintenance for the requisite service repayment period.

- i. Describe the specific recreational programs that the proposer will offer for youth at the project site, including the schedule and frequency of the programs. Also describe the benefits that the proposed project and programming will provide to the City's youth and general population. Note: Grantee will be required to provide recreational programming/services throughout the term of service repayment as specified in Part Four - Contract Requirements of this RFP on page 30.
- ii. Describe the agency/organization's qualitative and quantitative goals and objectives in terms of providing recreational services to our City's youth and general population; indicate how agency/organization has sustained these goals.
- iii. Provide information on youth population currently being served by the proposer and youth programs offered over the past two years.
- iv. Estimate how many additional youths will be served with the proposed expanded services over the life of the capital improvement project. How will the agency/organization ensure expansion of services to youth? How will the agency/organization manage the increase in staffing needs and services? Note: Proposer will be required to provide services throughout the term of service repayment as specified in Part Four - Contract Requirements of this RFP on page 27.
- v. Discuss how the proposed project will create or enhance the existing capacity of recreation and leisure facilities available to local youth and residents and the method(s) used to reach that conclusion. Discuss the involvement of local residents in developing the proposed project. Identify the census tract number, address, and zip code of the location of the project. Discuss why and how this project meets local needs and program requirements, especially with respect to youth.

- vi. Include information about the proposing agency/organization's percentage of operating funds allocated to administrative costs, program/service delivery costs and project maintenance costs.

5. Bonus Points Discussions (10 points; 5 pages maximum) for Proposition K Funding

Two (2) bonus points will be awarded for appropriate documentation of EACH of the following proposal components. Components i. through v. below are mandated by City Ordinance and are areas of high priority for Proposition K Program funding:

- i. Project includes an **at-risk youth component**, either by including training and employment of at-risk youth to implement the project or by providing facilities to serve at-risk youth;
- ii. Project serves an **area without similar services** or facilities. Provide maps or other documentation or data which support discussion (e.g., census tract data providing population figures);
- iii. Project **demonstrates community support** (may include letters or petitions of support, not included in page limit);
- iv. Project **demonstrates high cost-effectiveness** (should include information about percentage of operating funds allocated to administrative cost and program delivery);
- v. Project **sustainability**: (should include information about the organization's financial stability, demonstrating the ability to provide service payback requirements).

PART FOUR - CONTRACT REQUIREMENTS
(PROPOSITION K AND HATS)

A. Services and Maintenance Obligation

All selected proposers will be required to sign a grant agreement requiring them to use and operate the project funded by Proposition K and HATS Programs to provide recreational services to area youth for a specified period. The grant agreement will also require the grant recipients to maintain all capital improvements and acquisitions of land for parks, recreational, or open-space funded by their respective funds for a specific period. Grant recipients will be required to provide Services and Maintenance for the time periods set forth below based on the amount of grant funds awarded. Services and Maintenance period commences upon completion of construction as evidenced by a Certificate of Occupancy, Notice of Completion, or Certificate of Completion issued by the Bureau of Engineering.

SERVICES AND MAINTENANCE PERFORMANCE SCHEDULE

Number of Years Required to Provide Services and Maintenance	Amount of Grant
5 years	\$1.00 - \$100,000
10 years	\$100,001 - \$500,000
7 years	Synthetic Sports Fields and Tracks
15 years minimum (beyond 15 years to be set on case by case basis)	\$500,001 - \$1,000,000
20 years minimum (beyond 20 years to be set on case by case basis)	\$1,000,001 and above

In addition, grant recipients will be required to comply with all of the City's general contracting requirements as contained in Part Six - Proposal Content Guidelines on page 39 of this RFP and attachments to this RFP.

A copy of the sample standard Grant Agreement is located on the internet at [**http://propk.lacity.org**](http://propk.lacity.org). Selected proposers will be required to sign a similar agreement. Failure to fulfill the obligations under the grant agreement, such as providing the specified services and maintenance for the requisite number of years, may result in the termination of the grantee's agreement with the City. Termination of a Grant Agreement will trigger various remedies as set forth in the Standard Grant Agreement, including but not limited to, requiring the grant recipient to repay the City the cash equivalent of the unexpired portion of the grant agreement.

B. Performance Security and Site Security Instruments

Successful non-City proposers will be required to enter into Performance Security and Site Security instruments for the Project site to ensure that the project will be completed, and the services will be provided for the requisite Services and Maintenance Performance period. Performance Security and Site Security instruments may include one or more of the following: Deed of Trust, Promissory Note, Option to Lease, Lease-Leaseback Agreement or Sublease of Leaseback Agreement and Use of Restriction Covenant.

Successful proposers leasing City property must amend their leases to include a cross-default provision specifying that a default on the grant agreement constitutes a default under the lease.

C. Reimbursements

To be eligible for reimbursements, the grantee must use a competitive bid process to select the construction contractor and a competitive bid or proposal process to select other services (such as design or project management services). The City reserves the right to deny reimbursement to the grant recipient for services contracted by the grantee if a competitive bid or selection process was not used. The L.A. for Kids Steering Committee may authorize the grant recipient to contract on a sole source basis for specific services if justified. The grant recipient must submit a written request for sole source service authorization to the L.A. for Kids Steering Committee in advance of contracting or incurring expenses for such services on a sole source basis.

D. Site Control Documents

The City will conduct four technical assistance seminars (TAS) (see page vii) for potential proposers prior to the due date for proposals, at which time questions regarding site control document procedures and City contracting practices will be discussed.

Proposers must review the following requirements and submit appropriate documents as part of the proposal. **Proposals that do not include the appropriate evidence of site control, when applicable, will be deemed non-responsive and rejected.** The City reserves the right to maintain site control of all Proposition K funded projects.

If a proposer leases the project site and is awarded a Proposition K and/or HATS grant, the term of the lease may have to be extended beyond the 20 years as specified below, depending on the amount of the grant awarded and consistent with the length of terms described in the Services and Maintenance Performance Schedule.

1. For Proposed Capital Improvement Projects:

The following information and documentation must be submitted with the proposal unless otherwise noted herein.

- a. Projects proposed under Category 3 - Youth Schools/Recreational Projects and projects on LAUSD property or on proposer's own school property require a

joint-use agreement with the Department of Recreation and Parks and all other documents indicated below prior to recommendation of award.

- i. Proof of ownership of the land in the form of a grant deed or title report.

AND

- ii. Executed Master Joint-Use Agreement (JUA) and/or Project/Site Specific Joint-Use Agreement with the City Department of Recreation and Parks as further described below.
- iii. If a potential proposer's proposal package does not have an executed Master JUA and executed Project/Site-Specific JUA in place on or before **Thursday, May 25, 2023, by 3:00 p.m.**, proposer must submit with their proposal a **Letter of Commitment and subsequently the JUAs as specified below.**

(a) Letter(s) of Commitment to Enter into Good Faith Negotiations from each party (executed by authorized representatives of the Youth School and the Department of Recreation and Parks), outlining the subject areas for which project-specific terms and conditions will need to be negotiated to formulate "joint use", including, but not limited to:

- Maintenance protocols
- Public access requirements and hours available for public use
- Operational costs and procedures for cost allocation
- Specific areas of the campus that are subject to joint use
- Allocation formula for utilities costs
- Length of official "joint use" term (keyed to amount of grant award)
- Parking
- Security
- Indemnification and "Risk Management" requirements

Letter(s) of Commitment to Enter into Good Faith Negotiations from interested parties as described above must be submitted as part of the proposal.

(b) Joint Use Agreements after Deadline for Submittal of Proposals - Where a proposer has submitted Letter(s) of Commitment to Enter into Good Faith Negotiations as part of its proposal, in order to continue to be eligible for consideration for a grant award, the proposer must submit the applicable executed Master JUA and/or Project/Site Specific JUA, as further described below, on or before **Thursday, December 28, 2023, by 3:00 p.m.** Executed Master JUAs and/or Project/Site Specific JUAs must be submitted on or before this deadline to the Bureau of Engineering Recreational and Cultural Facilities Program, **via email at engpropkrfp@lacity.org**. Failure to submit

executed JUAs by this deadline may result in the proposal being disqualified from further evaluation and consideration for award of a grant.

- iv. Master Joint Use Agreements - All proposers seeking funding for more than one site requiring a JUA must execute a Master JUA between the proposer and the City of Los Angeles Department of Recreation and Parks. The Master JUA will include all terms and conditions applicable to all sites requiring a JUA potentially funded in the current funding cycle. Master JUAs should address as many of the terms and conditions as possible that are listed above for Letters of Commitment. The Master JUA must identify each Youth School/ Recreational Project that will be subject to the Master JUA. Only projects determined to be responsive to Proposition K submittal requirements and which are under consideration for funding in the current funding cycle will be included in the Master JUA.

Executed Master Joint Use Agreements must be submitted either with the proposal on or before the deadline for submitting proposals, or if the proposal included a Letter of Commitment to Negotiate in Good Faith, the executed Master JUA must be submitted on or before **Thursday, December 28, 2023, by 3:00 p.m.**, as specified above, via email to **engpropkrfp@lacity.org** and mail a hard copy to the Bureau of Engineering Recreational and Cultural Facilities **1149 S. Broadway, 8th Floor, Los Angeles, CA 90015**.

- v. Project/Site Specific Joint Use Agreements - All proposers seeking funding for a single site requiring a JUA must submit an executed Project/Site Specific JUA for the site in lieu of a Master JUA. Each Project/Site Specific JUA should address as many of the terms and conditions as possible that are listed above for Letters of Commitment. Only Project/Site Specific JUAs for projects that have satisfied initial threshold Proposition K submittal requirements, and which are under consideration for funding in the current funding cycle, may be submitted.

Executed Project/Site Specific Joint Use Agreements must be submitted either with the proposal on or before the deadline for submitting proposals, or if the proposal included a Letter of Commitment to Negotiate in Good Faith, the executed Project/Site Specific JUA must be submitted on or before **Thursday, December 28, 2023, by 3:00 p.m., via email, and a hard copy** as specified above, to the Bureau of Engineering Recreational and Cultural Facilities Program, **1149 S. Broadway, 8th Floor, Los Angeles, CA 90015**.

- vi. Each of these Master JUAs and/or Project/Site Specific JUAs must contain the following paragraph:

“The LAUSD [or other Youth School] and the Department of Recreation and Parks recognize and acknowledge that, prior to undertaking the activities set forth in the Joint Use Agreement, one or both of the parties must perform, complete and certify the adequacy of environmental review in accordance

with the California Environmental Quality Act (“CEQA”). The parties further recognize that, as a result of the information obtained by means of the CEQA process, the parties may decide to modify, condition, or disapprove the activities set forth in the Joint Use Agreement. Nothing in the Joint Use Agreement shall limit or hinder the parties’ exercise of their independent judgment and discretion with respect to these activities. In particular, the parties’ obligations under the Joint Use Agreement are subject to, and shall not arise until after, completion of the CEQA process and Proposition K grant approval by the Los Angeles City Council.”

- vii. The JUAs are contingent on CEQA approval and grant approval by the Los Angeles City Council. JUAs must be executed and submitted by the deadlines set forth above, but the JUAs will not become effective until after the Proposition K grant agreement is executed.
- Viii. For inquiries regarding Letter(s) of Commitment and JUAs, contact Darryl Ford, City of Los Angeles, Department of Recreation and Parks at (213) 202-2608, or Joel Alvarez @ (213) 202-5600. Proposers must initiate seeking a Letter of Commitment and JUAs as early as possible in preparing their proposal to allow for sufficient time for negotiating and processing approval of those documents through the Board of Recreation and Park Commissioners and any governing body of the Proposer.

2. For Proposed Acquisition Projects:

All of the following information and documentation must be included with the proposal for acquisition projects.

- a. A letter from proposer identifying a single project site;
- b. A letter from the property owner indicating their willingness to negotiate in good faith for the sale of the property acknowledging that the City will be the owner of the property;
- c. If the proposer is a non-City entity:
 - i. If the proposed site will be under the control of the Department of Recreation and Parks, the proposal must contain a letter from the Board of Recreation and Park Commissioners confirming the Department’s willingness to collaborate with the proposer to effectuate the purchase and development of the property with the title to be held by the City/Department.
 - ii. If the proposed site will not be under the control of the Department of Recreation and Parks, the proposal must contain a copy of a City Council motion directing the Department of General Services to collaborate with the proposer to effectuate the purchase and development of the property with the title to be held by the City.

- iii. The letter from the Department of Recreation and Parks or the City Council Motion must also explain the anticipated roles and responsibilities of the proposer and the City entity during the negotiation and acquisition and development after the acquisition (if applicable), including the City's willingness to lease the site back to the grantee for development, operation and maintenance.
- d. A preliminary title report;
- e. A Class "C" appraisal; and
- f. An acquisition schedule (See Attachment G – Sample Schedule).

PART FIVE - ENVIRONMENTAL ASSESSMENT PROCEDURES **(PROPOSITION K AND HATS TRUST FUND)**

Proposers must complete and submit with their proposal all of the following environmental assessment documents:

1. Initial Site Investigation for Hazardous Materials (also known as a “Phase I Environmental Assessment”)
2. Lead Paint Study
3. Asbestos Study
4. Methane Study
5. Required CEQA information

Additional information on Environmental Assessment Procedures can be obtained by attending one of the Technical Assistance Seminars. See Page vii of this RFP for a schedule of the seminars.

A. Initial Site Investigation for Hazardous Materials

The proposal must include an Initial Site Investigation for Hazardous Materials (“Phase I Environmental Assessment”).

1. For non-City projects, located on private property, the investigation should be done by a private consultant registered as a qualified Environmental Assessor by the State of California or equivalent.
2. For non-City projects, located on City-owned property, the proposer must check with the City Department with which they have a lease for the subject property, to determine whether an Initial Site Investigation for Hazardous Materials already exists. The Phase I shall not be older than 1 year. If not, the proposer must coordinate with staff of the responsible City Department regarding preparation of the Initial Site Investigation.
3. The investigation must include the following at a minimum:
 - a. A determination of the likelihood of presence of hazardous materials within and/or nearby, the project site, and the types of contaminants likely to be present.
 - b. Current and historic uses of the property.

- c. Likely nearby or on-site current and historical potential sources of contamination.
- d. Any enforcement actions, site cleanups or other known related public agency actions with respect to hazardous materials contamination on or nearby to the proposed project site.
- e. Recommendations for further site assessment (e.g., Phase II soil study, soil borings to determine actual types and concentration of contaminants present) and/or recommendations for removal, mitigation or abatement of any identified or likely contaminants hazardous materials on-site.
- f. Estimated costs for any such studies recommended and/or estimated cost for removal, mitigation or abatement of identified or likely contaminants or hazardous materials on site.

B. Lead Paint Study

1. The proposal must include a Lead Based Paint study of all painted surfaces within the proposed project site. The study must comply with all current requirements for Lead Based Paint studies, and include:
 - a. The results of samples of a representative number of painted surfaces from the proposed project site.
 - b. If no painted surfaces are present on/within the project site, the proposer must submit a statement so stating.
 - c. If lead based paint, or the likelihood thereof, is identified, the study must include recommendations for the abatement and/or mitigation of said lead-based paint, and an estimated cost for such abatement and/or mitigation.
2. For City projects, the lead study must be prepared by qualified City staff or private consultants.
3. For Non-City projects the lead study must be prepared by qualified City staff, licensed private consultants, or a licensed private testing lab.

C. Asbestos Study

1. The proposal must include an asbestos study that includes the following:
 - a. A brief history of the construction and use of any building and/or structure proposed for acquisition, renovation and/or expansion.

- b. The likelihood of presence of asbestos containing materials (ACM), based upon the construction date of the structure(s) or building(s), type of construction materials, etc.
 - c. If, based upon the historical review of the building, it is determined that there is a potential for/likelihood of, Asbestos Containing Materials (ACM) to be present within the project site, samples of any materials suspected to be ACM must be taken and submitted for laboratory analysis, and the results of such analysis must be included in the asbestos study.
 - d. If the results of laboratory analysis determine the presence of ACMs, recommendations for abatement and/or mitigation of the ACMs must be included in the asbestos report, as well as an estimated cost for such abatement or mitigation.
2. For City projects, the asbestos study must be prepared by qualified City staff or private consultants.
3. For Non-City projects, the asbestos study must be prepared by qualified City staff, a licensed consultant, or a licensed private testing lab.

D. Methane Study

The proposal must include a Methane Study that determined whether or not the proposed project is located in a methane hazard area or other area likely to have high concentrations of methane. The study must identify the sources(s) consulted and must be prepared by qualified City staff or private consultants. If the project is found to be located in a methane hazard area or area likely to have high concentrations of methane, the Study must include recommendations for mitigation and an estimated cost for such mitigation, and the project budget should include adequate funding to implement such mitigation measures.

E. CEQA Information

1. All City proposers and non-City proposers (non-profit organizations and other governmental agencies) must submit with their proposal documentation regarding CEQA compliance as set forth below. Environmental documents must be prepared or approved by qualified City Staff or consultants.
2. As early as possible after release of this RFP all proposers must meet with the appropriate entity to process compliance with CEQA as follows:
 - a. City Property Controlled by the Department of Recreation and Parks

Proposers for projects located on property controlled by the Department of Recreation and Parks must meet with representatives of the Department.
 - b. City Property Not Controlled by the Department of Recreation and Parks

Proposers for projects to be located on property owned by the City, but not controlled by the Department of Recreation and Parks must meet with the Bureau of Engineering, Environmental Management Group at (213) 485-5730.

c. Property Owned by Non-City Governmental Agency

Proposers for projects to be located on property owned by other non-City governmental agency must meet with representatives of that governmental agency.

d. Privately Owned Property

Proposers for projects to be located on privately owned property must meet with representatives of the City's Planning Department, Environmental Impact Report (EIR) Section at (213) 978-1331 or (213) 978-1332. The representatives will help proposers determine the appropriate CEQA compliance method, and the documentation required to be submitted with the proposal.

3. All City and non-City proposers must submit the following information as part of the proposal:

- a. If a Notice of Determination or Notice of Exemption has already been filed in connection with an earlier approval of the project, proposers must submit a copy of the filed Notice, and a copy of the Environmental Impact Report ("EIR") or Negative Declaration, prepared for the project, if applicable.
- b. Note that if the project being proposed has changed from whatever was previously analyzed (including any expansion of a previously approved project or change of location), a substantial amount of time has passed since CEQA analysis was completed (generally 3 years since approval of the project by the lead City agency), or other factors affect the accuracy of the previous CEQA analysis, proposers must submit an analysis of whether new environmental review will be needed.
- c. If no Notice of Determination or Notice of Exemption has previously been filed, or if new environmental review is needed, proposers must submit one of the following:
 - i. A draft Notice of Exemption, if the project is determined to qualify for the exemption;
 - ii. An Initial Study or Initial Endowment Assessment form and discussion of whether a Negative Declaration, Mitigated Negative Declaration, or EIR will be required; or

- iii. An Initial Study and draft of the Negative Declaration, Mitigated Negative Declaration, or EIR.

F. CEQA Compliance Costs

1. CEQA Compliance Costs Incurred Prior to Submitting Proposal

- a. A proposer may qualify to be reimbursed for CEQA compliance costs for the proposed project that were incurred prior to submitting the proposal. The City may reimburse successful proposers up to \$500 for projects for which a Notice of Exemption was prepared and up to \$10,000 for projects for which a Negative Declaration, Mitigated Negative Declaration, or an EIR was prepared prior to submission of the proposal. Proposers must include a request for reimbursement of those costs, and proof of monies spent, as part of the proposal. If additional funds beyond the amount specified above are requested, the proposer must provide bids from three environmental consulting firms or an appropriate City Agency justifying the greater cost of environmental compliance.
- b. The City reserves the right to reimburse all, part or none of these CEQA compliance costs, depending upon when and under what circumstances the documents were prepared, the source of funds used for the original preparation, and the justification of the costs.
- c. Projects that are not chosen for funding will not be eligible for reimbursement of CEQA compliance costs or other costs of preparation of the proposal.

2. CEQA Compliance Costs After Submitting Proposal

For projects requiring a Negative Declaration, Mitigated Negative Declaration, or an EIR, that cannot be completed prior to the deadline for submitting proposals, proposers may apply for funds to prepare the environmental documentation in the first year of the grant cycle (July 1, 2024 - June 30, 2025).

- a. The proposal must include a budget for both the CEQA compliance (including cost for preliminary design for CEQA compliance) and the overall project costs, including capital improvement costs.
- b. Project design costs that can be funded in the first year of the funding cycle includes only the design work necessary to complete CEQA documentation (e.g., the cost to prepare a preliminary design sufficient to be able to determine the likely environmental impacts and any required mitigation measures of the proposed project).

- c. The proposal must include cost estimates for preparation of the environmental documents from three or more environmental consulting firms or the appropriate City agency.
- d. The proposal must include a timeline for completion of the environmental documentation, and the overall project, assuming completion and approval of the environmental documentation in the first year of the grant cycle (July 1, 2024 - June 30, 2025).
- e. If actual environmental compliance costs exceed the amount funded for year one of the grant cycle, the additional cost will not be reimbursable and will be the obligation of the grantee.
- f. If environmental compliance costs are funded non-City proposers will be required to execute a grant agreement specifically for the CEQA compliance costs, which will require the proposer to repay the Proposition K Program any grant funds that were expended if the project is not implemented. Similarly, if grant funds are expended for CEQA compliance on a City project, the funds must be repaid to the Proposition K Program if the project is not implemented.
- g. Approval of funding for CEQA compliance in the first year of the grant cycle does not constitute approval of the project for implementation and does not guarantee that the project will be approved for additional monies in future years. Additional funding will depend on the results of the environmental analysis and availability of funds for project implementation.

PART SIX - PROPOSAL CONTENT GUIDELINES

All submitted proposals must be complete. Contextual changes or additions to the proposal after it has been submitted will not be accepted. Failure to comply with legal or administrative submission requirements will lead to disqualification. Proposals must include the following:

A. Title Page and Assurances (Attachment A)

The Title Page and Assurances packet (Attachment A) must be submitted in the legal name of the corporation as stated in the Articles of Incorporation, if applicable, and must be signed by the person or persons (i.e. Chief Executive Officer, General Manager, Agency Director, Board Chair, etc.) who has legal authority to bind the corporation or public agency in a contract with the City.

The Title Page and Assurances will not be counted as a part of the 20-page maximum requirement. Required information includes the legal name of the organization submitting the proposal, street address, city, state, and zip code, daytime telephone number with area code, fax number with area code, and e-mail address. The Title Page and Assurances packet must also identify the individual(s) authorized to represent the proposer's organization in negotiating and executing an agreement with the City and information on how to contact them.

B. City of Los Angeles Non-Collusion Affidavit, Lobbying Ordinance CEC Form 50, and Bidder Contributions (Measure H) CEC Form 55 (Attachments B, C and D)

1. Non-Collusion Affidavit (Attachment B).

All proposers must submit a completed Non-Collusion Affidavit with their proposal signed by the proposing entity's authorized representative. **The signature on this Affidavit must be notarized.**

2. Lobbying Ordinance CEC Form 50 (Attachment C).

All proposers must submit with their proposal a completed City Lobbying Ordinance CEC Form 50. Information regarding the City's Municipal Lobbying Ordinance can be found at <https://ethics.lacity.org/wp-content/uploads/Laws-Lobbying-MLO.pdf>

3. Bidder Contributions (Measure H) CEC Form 55 (Attachment D).

All proposers must submit with their proposal a completed Bidder Contributions (Measure H) CEC Form 55 under Charter Section 470(c)(12).

4. Failure to submit a completed CEC Form 50 and a completed CEC Form 55 will result in the proposer being deemed non-responsive and the proposal will be rejected. These requirements cannot be waived.

C. Table of Contents

An accurate Table of Contents listing required, and optional proposal components and related pages must be included. Proposers must ensure that each page of their proposal documentation is clearly numbered.

D. Legal Entity Status

Non-Profit Organization - Proof of Incorporation in the State of California and tax-exempt status under, Section 501(c)(3) of the Internal Revenue Code. Submit a copy of the letter from the State Franchise Tax Board and Internal Revenue Service that recognizes the organization's tax-exempt status and authority to operate and that the corporation is in good standing with the California Secretary of State.

Government Agency - Proof of status as a government entity.

E. Articles of Incorporation

Non-Profit Organization - Grantee's Articles of Incorporation and all amendments thereto, as filed with the Secretary of State.

F. By-Laws

Non-Profit Organization - Proposer's By-Laws, and all amendments thereto, as adopted by the proposing entity and properly attested.

G. Corporate Board or Governing Body Authorization

Resolutions or other corporate actions of the non-profit organizations Board of Directors or of the governmental agency's governing body, properly attested or certified, which specify the name(s) of the person(s) authorized to submit the proposal and authorized to obligate the grantee and execute all contractual documents required of successful Proposition K and/or HATS grantees.

H. City Business Tax Registration Certificate (BTRC)

A current and valid BTRC to do business within the City or evidence of exemption. The legal name(s) on the BTRC must be identical to the legal name of the entity submitting the proposal and identical to the name(s) on the Proof of Incorporation from the State of California. Call Office of Finance phone nos. **(213) 473-5901** for any questions about the BTRC or visit: <https://finance.lacity.org/how-register-btrc>.

I. Taxpayer Identification

The proposing entity's Internal Revenue Service Taxpayer Identification Number.

J. Evaluation Criteria

Information regarding how the project meets the following evaluation criteria is more fully described in Part Four, Section C - Proposal Evaluation Procedures and Criteria.

1. Project Description and Management
2. Fiscal & Budgetary Review
3. Project Readiness
4. Service Capability
5. Bonus Points Discussions for Proposition K (if any)
 - a. Project includes an at-risk youth component, either by including training and employment of at-risk youth to implement the project or by providing facilities to serve at-risk youth;
 - b. Project serves an area without similar services or facilities;
 - c. Project demonstrates community support;
 - d. Project demonstrates high cost-effectiveness;
 - e. Project sustainability

K. Site Control Documents

For All Proposed Capital Improvement Projects

See documents required in Part Four, Section D.1., pages 31 - 34

For Proposed Acquisition Projects

See documents required in Part Four, Section D.2., page 34

L. Project Related Documents

1. Conceptual Site Plans of the Proposed Project.
2. Site Map, documenting project site in relation to community, including project's location relative to existing facilities.

3. Parcel Map (must include parcel number and site address).
4. Project Budget Forms (See Attachment E). Construction activities will be subject to all applicable Prevailing Wage Laws. Construction cost estimates included in the project budget submitted with the proposal must clearly demonstrate compliance with the Prevailing Wage Laws. For a copy of the current Prevailing Wage Determination, please contact the Department of Public Works, Bureau of Contract Administration at 1149 S. Broadway, Suite 300, Los Angeles, CA 90015, (213) 847-2662.
5. Project Information Summary see (Attachment F).
6. Construction and Expenditure Milestones Schedule (See Attachment J for sample)

M. Financial Documents

1. Current audited financial statement for the past two years, signed by a Certified Public Accountant.
2. Itemized list of all current and proposed funding sources, including contact information.

N. Environmental Assessment Documents

Environmental Assessment Documentation

1. Initial Site Investigation for Hazardous Materials
2. Lead Paint study
3. Asbestos study
4. Methane study
5. CEQA documentation

O. Compliance Documents – To Be Submitted with Proposal

1. Certification of Compliance with Child Support Obligations (return with proposal) (Attachment K)
2. Certification regarding Americans with Disabilities Act (return with proposal) (Attachment L).

3. Living Wage Ordinance and Service Contract Worker Retention Requirements - (Living Wage and Service Contract Worker Retention documents (return with proposal) (Attachment M).
4. Compliance with Contractor Responsibility Ordinance, Contractor Responsibility Questionnaire (return with proposal) (Attachment O).
5. Compliance with Iran Contracting Act of 2010 (return with proposal) (Attachment Q).
6. Nondiscrimination, Equal Employment Practices, Affirmative Action. Two Forms (Attachment I).

P. Compliance Documents - To Be Submitted through Regional Alliance Marketplace for Procurement (RAMP)

The following forms are to be completed and submitted through the City of Los Angeles Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org **prior** to the deadline for submitting proposals in response to this RFP. Proposers must confirm they have completed the required forms by initialing and signing the 11th Cycle RFP Submittal Checklist found at the end of this RFP.

1. Equal Benefits Ordinance Compliance Forms Affidavit, Application for Reasonable Measures (if applicable), and Application for Provisional Compliance (if applicable) (Attachment H).
2. Disclosure Ordinances Affidavit (Attachment N).

Q. Compliance Documents – Post Award

The following compliance documents will be required after final Council approval of a grant award and before the execution of the grant agreement with the City of Los Angeles.

1. Deed of Trust/Promissory Note/Option to Lease (grantee owned sites).
2. Sublease and Sublease Leaseback Agreement (grantee leased sites).
3. Assignment of Architect's Contract and Plans and copy of Architect's contract.
4. Insurance Requirements, and coverage levels as set by the City Risk Manager are specific to each project, based on total grant amount, type of project environmental document, acquisition, design and/or construction, etc., as well as total project cost. Requirements will likely include Workers Compensation, Automobile, Professional Liability, General Liability, and Property Insurance. See Attachment P - Required Insurance and Minimum

Limits [Form Gen.146 (Rev 3/09) for a list of likely types of insurance that will be required for the grant agreement.

- 5 Required permits (land use, building and safety permits and approvals).
Submit with proposal if available.
6. Restrictive use covenant to be executed at time of grant agreement.

DRAFT

PART SEVEN - PROPOSAL SUBMISSION DEADLINE AND GUIDELINES

For the safety of all parties involved during the current COVID-19 Pandemic, proposals will be received **electronically only via e-mail**. No hard copy proposals will be accepted. Proposals must be sent via email to **engpropkrfp@lacity.org** and received **no later than 3:00 p.m. on Thursday, May 25, 2023**.

Each submission file size must be 20 megabytes (MB) or smaller or broken up into multiple files not to exceed 20 MB each. The email subject line should state: **Prop K 11th Cycle Proposal – Agency Name – Project Title**

If one agency is submitting multiple project proposals, each project proposal should be submitted separately.

Proposals and all required documents are due on or before 3:00 p.m. on Thursday, May 25, 2023. Proposals received after this time will be deemed non-responsive and ineligible for Prop K funding.

11th Funding Cycle Request for Proposals
Fiscal Years (2024-2025, 2025-2026 & 2026-2027)
RFP Implementation Calendar - *All dates subject to change

Request for Proposals released	Thursday, February 23, 2023
Four Technical Assistance Seminars (attendance at one TAS is <u>mandatory</u>)	March – April 2023
Deadline to submit proposals via email	Thursday, May 25, 2023 by 3:00 p.m.
Initial Eligibility Review & Initial Site Visits	Completed by early August 2023
Proposals reviewed, and applicants notified of initial eligibility determinations	Mid-August 2023
Determinations of non-eligible proposal packages reviewed by the L.A. for Kids Steering Committee (SC) upon request of proposer	Late August 2023
Scoring panels administered	Early September 2023
BOE Proposition K staff review and prepare preliminary funding recommendations report	Mid-September 2023
BOE Proposition K staff preliminary funding recommendations considered by the SC and thereafter the SC transmits recommendations to RVNOCs	Late September 2023
Deadline for submittal of executed master JUAs and agreements and Site Specific JUAs (where applicable)	Thursday, December 28, 2023
RVNOCs and Steering Committee review, prioritize proposed projects	Early January 2024
RVNOC determinations will be reviewed by Steering Committee upon request of Proposer	February 2024
SC reviews, prioritizes projects and submits recommendations to City Council	March – April 2024
City Council grant award hearings and final action	April – June 2024
Grant award notifications	July – August 2024

	LIST OF ATTACHMENTS TO BE SUBMITTED WITH PROJECT PROPOSAL
A	Title Page and Assurances
B	Non-Collusion Affidavit
C	Lobbying Ordinance, Bidder Certification, CEC Form 50
D	Bidder Contributions, Measure H, CEC Form 55
E	Project Budget Forms
F	Project Information Summary
G	Acquisition Schedule (Sample is provided; customized document must be prepared by proposer)
H*	Equal Benefits Ordinance - To be completed on RAMP
I	Nondiscrimination, Equal Employment Practices, Affirmative Action Program (2forms)
J	Construction and Expenditure Milestones Schedule (Sample is provided; customized document to be prepared by proposer)
K	Certification of Compliance with Child Support Obligations
L	Certification Regarding Compliance with the American Disabilities Act
M	Living Wage Ordinance and Service Contract Worker Retention Ordinance
N*	Disclosures Ordinance Affidavit –To be completed on RAMP
O	Contractor Responsibility Ordinance
P	Insurance Requirements (Does not need to be submitted with RFP. Provided for informational purposes only)
Q	Iran Contacting Act of 2010 – 1 form
R	Proposal Submittal Authorization Form

Note: * All Bidders/Proposers must complete and upload, the forms marked with an (*) through the City of Los Angeles, Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org prior to the deadline for submitting.

PROPOSAL SUBMITTAL CHECKLIST

	Proposers must initial & sign this checklist certifying that the proposal as submitted contains the required information or documents and where applicable that the required documents have been completed through RAMP.	RFP Page #	Initials
1.	Table of Contents: An accurate table of contents is required	43	
2.	Title Page and Assurances (Attachment A)	42 A-1 to A-3	
3.	City of Los Angeles Non-Collusion Affidavit (Attachment B)	42 B-1	
4.	City Ethics Commission, CEC Form 50 (Attachment C)	42 C-1 and C-2	
5.	City Ethics Commission, CEC Form 55 (Attachment D)	42 D-1 to D-3	
6.	Proof of legal entity status and tax-exempt status	43	
7.	Articles of Incorporation and By-Laws – Adopted by agency and properly attested	43	
8.	Proof of corporate board or governing body action authorizing submission of proposal	43	
9.	City of Los Angeles Business Tax Registration Certificate (BTRC) or Evidence of Exemption	43	
10.	Documents for Proposed Acquisition Projects	34 G-1	
11.	Site Control – Grant deed, Title Report, Lease,	31	
12.	Conceptual Site Plans (For All Proposed Projects)	44	
13.	Site Maps	44	
14.	Parcel Map	44	
15.	Project Budget Forms (Attachment E) (see page 26, note additional request for provisions of audited financial statements)	45 E-1 to E- 4	
16.	Project Information Summary (Attachment F)	45 F-1	
17.	Construction and Expenditure Milestones Schedule (Attachment J) (Sample only)	45 J-1	
18.	Project Description and Management	25	
19.	Fiscal and Budgetary Review	25	

20.	Project Readiness	27	
21.	Service Capability	28	
22.	Bonus Points (optional)	29	
23.	Financial Documents	45	
24.	List of all other Funding Sources	45	
25.	Environmental Assessment Documents	45	
26.	Certification of Compliance With Child Support Obligations	45 K-1 to K-2	
27.	Certification regarding Compliance with the American Disabilities Act - (Attachment L)	45 L-1	
28.	Living Wage and Service Contract Worker Retention Ordinance – (Attachment M) – LW 10 or LW 13	45 M-1 to M-7	
29.	Contractor Responsibility Ordinance – (Attachment O)	46 O-1 to O-11	
30.	Compliance with Iran Contracting Act of 2010 – (Attachment Q)	46 Q-1 to Q-3	
31.	Equal Benefits Ordinance – (Attachment H) TO BE COMPLETED ON RAMP (Regional Alliance Marketplace for Procurement) rampla.org	46 H-1 to H-3	
32.	Non-discrimination, Equal Employment Practices, Affirmative Action Program, (Attachment I)	46 I-1 to I-7	
33.	Disclosure Ordinances Affidavit – (Attachment N) TO BE COMPLETED ON RAMP ((Regional Alliance Marketplace for Procurement) rampla.org	46 N-1 to N-2	
34.	PROPOSAL SUBMITTAL CHECKLIST	50	

Name of Proposing Entity: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____

(IT IS MANDATORY THAT YOU SUBMIT THIS CHECKLIST WITH YOUR PROPOSAL)

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT A

TITLE PAGE AND ASSURANCES

PROPOSITION K L.A. FOR KIDS
PROGRAM 11th Cycle Request for Proposals

TITLE PAGE AND ASSURANCES

Legal Name of Agency Submitting Proposal:		
Address (Street, City, State, Zip Code):		
Phone #:	Fax#:	Email Address:
Agency's Authorized Representative:		Address (if different than above):
Project Name:		
Project Location / Address: (Street, City, State, Zip Code):		
Project Description:		
Recreational Services to be provided for youth as repayment of Proposition K Grant:		
Los Angeles Business Tax Registration Certificate Number:		Federal Employer ID Number:
City Council District:		Census Tract Number:
Project Category:		

ASSURANCES

1. It is understood and agreed by the undersigned that:
 - a. The proposer states that no person who is presently employed by the City of Los Angeles has any personal, financial, or economic interest, direct or indirect, in any agreement resulting from this offer and will not have such interest for a period of one (1) year following their employment with the City of Los Angeles.
 - b. Audit and Inspection of Records:

The proposer will permit the authorized representatives of the City of Los Angeles to inspect and audit all data and records relating to its proposal and performance under the contract or grant award.
 - c. Expenditure of Grant Funds:

Funds granted as a result of this Request for Proposals are to be expended for the purpose set forth herein and in accordance with all applicable laws, regulations, policies, and procedures of the City of Los Angeles, and, where applicable, the State and Federal governments.
2. City of Los Angeles Prevailing Wage:

Recipients of City grant funds must further comply with City, or State Prevailing Wages requirements.
3. City of Los Angeles Equal Benefits Ordinance:

Recipients of City grant funds must further comply with Equal Benefits requirements.
4. City of Los Angeles Americans with Disabilities Act:

Recipients of the City of Los Angeles grant funds under this Request for Proposals must ensure that their project will be designed in accordance with the requirements of the Americans with Disabilities Act, as amended.
5. City of Los Angeles Living Wage Ordinance/Service Contractor Worker Retention Ordinance requirements.

Recipients of City grant funds must comply with Living Wage Ordinance/Service Contractor Worker Retention requirements.

6. City of Los Angeles Affirmative Action Program Requirements:

Recipients of City grant funds their contractors must comply with the Affirmative Action Program Requirements as provided for in Division 10, Chapter 1, and Article 1 of the Los Angeles Administrative Code.

Signature of Person Legally Authorized
To Sign for Agency

Type or Print Name

Title

Date

Affix Corporate Seal

Seal must bear the same title under which this application is being submitted (if the agency does not have a Corporate Seal, a current copy of the Articles of Incorporation must be attached).

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT B

NON-COLLUSION AFFIDAVIT

PROPOSITION K L.A. FOR KIDS PROGRAM
11th Cycle Request for Proposals

NON-COLLUSION AFFIDAVIT

_____, being first duly sworn, deposes and says that he or she is
(name of person signing)

the _____ of _____
(president, executive director, general manager, etc.) (the entity making the foregoing proposal)

and that the proposal is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the proposal is genuine and not collusive or sham; that the proposer has not directly or indirectly induced or solicited any other proposer to put in a false or sham proposal, and has not directly or indirectly colluded, conspired, connived, or agreed with any proposer or anyone else to put in a sham proposal, or that anyone shall refrain from proposing; that the proposer has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the grant request amount of the proposer or any other proposer, or to fix any overhead, profit or cost element of the grant request amount, or of that of any other proposer, or to secure any advantage against the public body awarding the contract or anyone interested in the proposed grant or contract; that all statements contained in the proposal are true; and further, that the proposer has not, directly or indirectly submitted his or her proposed grant request amount or any breakdown hereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, proposal depository, or to any member or agent thereof to effectuate a collusive or sham proposal.

ALL SIGNATURES MUST
BE WITNESSED BY NOTARY

(Attach appropriate jurats)

Name of Proposing Entity

Signature of Proposer's Authorized Representative

Date

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT C

LOBBYING ORDINANCE CEC FORM 50

Bidder Certification

This form must be submitted with your bid or proposal to the City department that is awarding the contract noted below. If you have questions about this form, please contact the Ethics Commission at (213) 978-1960.

☐ **Original Filing** ☐ **Amendment:** Date of Signed Original _____ Date of Last Amendment _____

Reference Number (Bid, Contract, or BAVN)	Awarding Authority (Department awarding the contract)		
Bidder Name			
Address			
Email Address		Phone Number	

Certification

I certify the following on my own behalf or on behalf of the entity named above, which I am authorized to represent:

A. I am applying for one of the following types of contracts with the City of Los Angeles:

1. A goods or services contract with a value of more than \$25,000 and a term of at least three months;
2. A construction contract with any value and duration;
3. A financial assistance contract, as defined in Los Angeles Administrative Code § 10.40.1(h), with a value of at least \$100,000 and a term of any duration; or
4. A public lease or license, as defined in Los Angeles Administrative Code § 10.40.1(i), with any value and duration.

B. I acknowledge and agree to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if I qualify as a lobbying entity under Los Angeles Municipal Code § 48.02.

I certify under penalty of perjury under the laws of the City of Los Angeles and the state of California that the information in this form is true and complete.

Name

Signature

Title

Date

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT D

**MEASURE H, CEC FORM 55
Charter Section 470(c)(12)**

Prohibited Contributors (Bidders)

This form must be completed in its entirety and submitted with your bid or proposal to the City department that is awarding the contract. Failure to submit a completed form may affect your bid or proposal. If you have questions about this form, please contact the Ethics Commission at (213) 978-1960.

☐ **Original Filing** ☐ **Amendment:** Date of Signed Original _____ Date of Last Amendment _____

Reference Number (Bid, Contract, or BAVN): _____ Date Bid Submitted: _____

Contract Description (Title of the RFP or City contract solicitation and description of the services to be provided):

Awarding Authority (Department awarding the contract): _____

Bidder Name: _____

Bidder Address: _____

Bidder Email Address: _____ Bidder Phone Number: _____

Schedule Summary

Please complete all three of the following:

1. SCHEDULE A – Bidder's Principals (check one)

The bidder has one or more **PRINCIPALS**, as defined in LAMC § 49.7.35(A)(6).
At least one principal is required for entities. (If you check "Yes", Schedule A is required.)

Yes

☐

No

☐

2. SCHEDULE B – Subcontractors and Their Principals (check one)

The bidder has one or more **SUBCONTRACTORS** on this bid or proposal with
subcontracts worth \$100,000 or more. (If you check "Yes", Schedule B is required.)

Yes

☐

No

☐

3. TOTAL NUMBER OF PAGES SUBMITTED (including this cover page): _____

Certification

I certify the following under penalty of perjury under the laws of the City of Los Angeles and the state of California:

A) I understand, will comply with, and have notified my principals and subcontractors of the requirements and restrictions in Los Angeles City Charter § 470(c)(12) and any related ordinances; B) I understand that I must amend this form within ten business days if any information changes; C) I am the bidder named above or I am authorized to represent the bidder named above, and my name appears below; and D) The information provided in this form is true and complete to the best of my knowledge and belief.

Name

Signature

Title

Date

Schedule A - Bidder's Principals

Please identify the names and titles of all the bidder's principals (attach additional sheets if necessary). Principals include a bidder's board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the bidder of at least 20 percent and employees of the bidder who are authorized by the bid or proposal to represent the bidder before the City.

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

☐ Check this box if additional Schedule A pages are attached.

Schedule B - Subcontractors and Their Principals

Please identify all subcontractors whose subcontracts are worth \$100,000 or more. Separate Schedule B pages are required for each subcontractor who meets the threshold.

Subcontractor's Name

Subcontractor's Address

Please check one of the following options:

This subcontractor has one or more principals. ☐ Yes* ☐ No

* Each principal's name and title must be identified below. Attach additional sheets if necessary. Principals include a subcontractor's board chair, president, chief executive officer, chief operating officer, and individuals who serve in the functional equivalent of one or more of those positions. Principals also include individuals who hold an ownership interest in the subcontractor of at least 20 percent and employees of the subcontractor who are authorized by the bid or proposal to represent the subcontractor before the City.

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

Name: _____ Title: _____
Address: _____

☐ Check this box if additional Schedule B pages are attached.

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT E

PROJECT BUDGET FORMS

PROPOSITION K L.A. FOR KIDS PROGRAM
11th Cycle Request for Proposals

PROJECT BUDGET FORMS

Contact information for the person who provided the cost estimate for this project: *(This person should be knowledgeable about the financial aspects of this project)*

CONTACT NAME: _____ CONTACT TITLE: _____

TELEPHONE: _____ EMAIL: _____

I. CAPITAL IMPROVEMENTS BUDGETS:

Estimated capital improvements costs for proposed project (please attach bids for services whenever applicable). If a section is not applicable to your project, please indicate with "Not Applicable" in the appropriate column. In the "Matching Funds Already Secured" column, indicate only those funds which have been already committed to your project; attach documentation of such commitment.

DESCRIPTION OF ESTIMATED PROJECT COSTS	PROPOSITION K FUNDS REQUESTED	MATCHING FUNDS ALREADY SECURED	MATCHING FUNDS NOT YET SECURED	SOURCE OF MATCHING FUNDS	TOTAL PROJECT COSTS:
A. PLANNING/DEVELOPMENT					
Site Acquisition					
Escrow Fees					
Appraisal Fees					
Architecture Fees					
Engineering Fees					
Environmental Assessment - Reimbursement					
Legal Fees					
Permits					
Survey					
Preliminary Site Assessment					
Bonds, Premium					
Outside Project Manager					
Other, Consultant Services					
Other, Specify					
SUBTOTAL PLANNING & DEVELOPMENT					

DESCRIPTION OF ESTIMATED PROJECT COSTS	PROPOSITION K FUNDS REQUESTED	MATCHING FUNDS ALREADY SECURED	MATCHING FUNDS NOT YET SECURED	SOURCE OF MATCHING FUNDS	TOTAL PROJECT COSTS:
B. CONSTRUCTION					
Demolition					
Excavation/Grading					
Landscape & Irrigation					
Electrical					
Carpentry					
Masonry					
Structural Steel					
Drywall/Stucco					
Painting					
Roofing					
Insulation					
Tile					
Flooring					
Plumbing					
Lighting					
Pools/Aquatic Upgrades					
Heating/Cooling					
Fire Protection					
Inspection Fees					
Other, Specify					
<i>SUBTOTAL, CONSTRUCTION</i>					
TOTAL PROJECT COSTS					

II. PROJECTED OPERATING COSTS UPON PROJECT COMPLETION:

Detail a one-year operating budget for your completed project. Identify all staffing positions you intend to fund, along with each approximate yearly salary. If only a portion of a salary or other operating cost will be allocated to this project, indicate this and the rationale for doing so in your budget narrative. Itemize the source(s) of funding that will cover the operating costs associated with this project. Note that some funding will be made available to successful applicants for maintenance of the Proposition K funded components; however applicants should identify other sources of maintenance dollars as well. Operational, staffing and/or maintenance dollars are **not** allowable expenses under this Request for Proposals.

PROJECTED OPERATING EXPENSES	TOTAL FUNDS REQUIRED	SOURCE OF FUNDS
A. PERSONNEL		
Administrative Personnel- List Positions.		
Direct Services Staff - List Positions		
Support Staff (clerical, aides, etc.)		
<i>SUBTOTAL, PERSONNEL</i>		
B. OPERATING COSTS		
Rent/Mortgage		
Utilities		
Insurance		
Custodial Services		
Maintenance of Facilities		
Phones/Fax/Internet		
Program Supplies		
Other, Specify		
<i>SUBTOTAL, OPERATING</i>		

C. EQUIPMENT		
Computers		
Appliances		
Recreational Equipment, specify		
Other, Specify		
<i>SUBTOTAL, EQUIPMENT</i>		
TOTAL OPERATING COSTS		

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT F

PROJECT INFORMATION SUMMARY

PROPOSITION K L.A. FOR KIDS PROGRAM

11th Cycle Request for Proposals **Project****Information Summary**

1	Proposer	Organization Name	Principal Office
2	Representative of the Applicant	Name & Title	Mailing/Email Address
		Phone:	Fax:
3	Project	Project Title	Project Site
4	Site Control	Type of Site Control	
5	If Applicant Owns site	Property Appraised Value	All Existing and Pending Loans or Line of Credit Amount(s)
6	Funding Amount	Prop K Amount Requested	Matching Funds Amount and Source(s)
7	Scope of Work to be funded by Prop K (Be as descriptive as possible)	1.	
		2.	
		3.	
		4.	
8	Identified Services for Repayment of Prop K grant (Be as descriptive as possible)	1.	
		2.	
		3.	
		4.	
9	Service Hours	Monday through Friday:	Weekend Hours:
10	Service Terms	Minimum City Residents Served per month	Minimum of Service Hours per month

Types of Site Control : 1 – Applicant owns site; 2 – Applicant leases site from private owner; 3 – Applicant leases site from City Department; 4- Applicant leases site from other public agency.

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT G

SAMPLE ONLY

ACQUISITION SCHEDULE

**(Sample is provided, however proposers must
prepare a customized document for the project)**

PROPOSITION K L.A. FOR KIDS PROGRAM
11th Cycle Request for Proposals

SAMPLE ACQUISITION SCHEDULE

SAMPLE ACQUISITION SCHEDULE

Parcel No.	Acreage	Estimated Date of Acquisition	Estimated value of Land to be Acquired *	Estimated Cost of Relocation	Estimated value of Improvements to be Acquired	Total Estimated Cost
1	25.20	12-08	202,000	4,500	10,000	216,500
2	2.97	12-08	29,000	-	-	29,000
3	6.00	1-09	31,000	-	-	31,000
4	37.13	3-09	86,500	-	-	86,500
			Administration of relocation program			1,000
			Relocation			7,000
Total Acreage	71.30					
				TOTAL		371,000

* As evidenced by a Class C Appraisal.

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT H

EQUAL BENEFITS ORDINANCE

Equal Benefits Ordinance (EBO) / First Source Hiring Ordinance (FSHO)

If a contract is subject to the Equal Benefits Ordinance (EBO) and/or the First Source Hiring Ordinance (FSHO), Bidders/Proposers are required to complete a streamlined EBO/FSHO Compliance Affidavit web application form that is located on the City of Los Angeles' Business Assistance Virtual Network (BAVN) at www.labavn.org. Bidders/Proposers are responsible for creating a BAVN profile and completing and submitting the affidavit. See below for additional details about the EBO and the FSHO.

Equal Benefits Ordinance (EBO):

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

All Bidders/Proposers shall complete and submit the Equal Benefits Ordinance Compliance Affidavit, available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org, prior to award of a City contract that exceeds \$25,000. The affidavit shall be valid for a period of three years from the date it is first **uploaded** onto the City's BAVN. Bidders/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 EBO Affidavit.

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

First Source Hiring Ordinance (FSHO):

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds \$25,000 with a term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO).

All Bidders/Proposers shall complete and electronically sign the FSHO Compliance Affidavit available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract. The affidavit shall be valid for a period of three years from the date it is first uploaded on the City's BAVN.

Bidders/Proposers seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

City of Los Angeles
Department of Public Works
Bureau of Contract Administration
Office of Contract Compliance
1149 S. Broadway, Suite 300, Los Angeles, CA 90015
Phone: (213) 847-2625 E-mail: bca.ceoe@lacity.org

EQUAL BENEFITS ORDINANCE COMPLIANCE AFFIDAVIT

Prime contractors must certify compliance with Los Angeles Administrative Code (LACC) Section 10.8.2.1 et seq. prior to the execution of a City agreement subject to the Equal Benefits Ordinance (EBO).

SECTION 1. CONTACT INFORMATION

BAVN Company Id: _____ EIN/TIN: _____
Company Name: _____
Company Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Phone: _____ E-mail: _____
Approximate Number of Employees in the United States: _____
Approximate Number of Employees in the City of Los Angeles: _____

SECTION 2. EBO REQUIREMENTS

The EBO requires City Contractors who provide benefits to employees with spouses to provide the same benefits to employees with domestic partners. Domestic Partner means any two adults, of the same or different sex, who have registered as domestic partners with a governmental entity pursuant to state or local law authorizing this registration, or with an internal registry maintained by the employer of at least one of the domestic partners.

Unless otherwise exempt, the contractor is subject to and shall comply with the EBO as follows:

- A. The Contractor's operations located within the City limits, regardless of whether there are employees at those locations performing work on the City Contract; and
- B. The Contractor's operations located outside of the City limits if the property is owned by the City or the City has a right to occupy the property, and if the contractor's presence at or on the property is connected to a Contract with the City and
- C. The Contractor's employees located elsewhere in the United States, but outside of the City Limits, if those employees are performing work on the City Contract.

A Contractor must post a copy of the following statement in conspicuous places at its place of business available to employees and applicants for employment:

"During the performance of a Contract with the City of Los Angeles, the Contractor will provide equal benefits to its employees with spouses and its employees with domestic partners."

SECTION 3. COMPLIANCE OPTIONS

I have read and understand the provisions of the Equal Benefits Ordinance and have determined that this company will comply as indicated below:

- I have no employees.
- I provide no benefits.
- I provide benefits to employees only. Employees are prohibited from enrolling their spouse or domestic partner.
- I provide equal benefits as required by the City of Los Angeles EBO.
- I provide employees with a "Cash Equivalent." Note: The "Cash Equivalent" is the amount of money equivalent to what your company pays for spousal benefits that are unavailable for domestic partners, or vice versa.
- All or some employees are covered by a collective bargaining agreement (CBA) or union trust fund. Consequently, I will provide Equal Benefits to all non-union represented employees, subject to the EBO, and will propose to the affected unions that they incorporate the requirements of the EBO into their CBA upon amendment, extension, or other modification of the CBA.
- Health benefits currently provided do not comply with the EBO. However, I will make the necessary changes to provide Equal Benefits upon my next Open Enrollment period which begins on (Date) _____

..... Our current company policies, i.e., family leave, bereavement leave, etc., do not comply with the provisions of the EBO. However, I will make the necessary modifications within three (3) months from the date of this affidavit.

FIRST SOURCE HIRING ORDINANCE COMPLIANCE AFFIDAVIT

Contractors (including loan or grant recipients) participating on a City contract that is subject to the First Source Hiring Ordinance (FSHO) are required to certify their compliance prior to contract execution.

As part of their obligations under the FSHO, Contractors must provide the Awarding Department a list of anticipated employment opportunities that they and their subcontractors expect to fill in order to perform the services under the contract. The FSHO-1 form (available at <http://bca.lacity.org>) should be utilized to inform the Awarding Authority of any such opportunities. If no opportunities are anticipated, contractors *do not* need to submit the FSHO-1 form prior to contract award, but must report any subsequent employment opportunities on the FSHO-3 form (available at <http://bca.lacity.org>) as described below.

During the term of the contract, the contractor and their subcontractors shall:

1. At least seven business days prior to making an announcement of a specific employment opportunity, provide notification of that employment opportunity by submitting the FSHO-3 form to the Community Development Department;
2. Interview qualified individuals referred by the City's referral resources; and
3. Prior to filling any employment opportunity, inform the Office of Contract Compliance of the names of the referral resources used, the names of the individuals referred, and the names of the referred individuals who were interviewed. If the referred individuals were not hired, the contractor should also provide the reasons they were not hired.

DECLARATION UNDER PENALTY OF PERJURY

I understand that I am required to permit the City of Los Angeles access to and upon request, must provide certified copies of all company records pertaining to benefits, policies and practices for the purpose of investigation or to ascertain compliance. Furthermore, I understand that failure to comply may be deemed a material breach of any City contract by the Awarding Authority. The Awarding Authority may cancel, terminate or suspend in whole or in part, the contract; monies due or to become due under a contract may be retained by the City until compliance is achieved. The City may also pursue any and all other remedies at law or in equity for any breach. The City may use the failure to comply as evidence against the Contractor in actions taken pursuant to the provisions of the LAAC Section 10.40, et seq., Contractor Responsibility Ordinance.

TERMS OF ACCEPTANCE AND SIGNATURE:

I, _____, the requestor for this "EBO/FSHO Affidavit", warrant the truthfulness of the information provided in the document.

Electronic Signature:*

Signature _____

Date _____

I understand that checking this box constitutes a legal signature confirming that I acknowledge and agree to the above Terms of Acceptance.

Execution of document by E-signature. By clicking on the check box it indicates an electronic signature. This is considered the legal equivalent of a manual or "wet" signature. Once signed electronically, this document is considered original and legally binding.

**PROPOSITION K: L.A. FOR KIDS PROGRAM
11TH CYCLE REQUEST FOR PROPOSALS**

ATTACHMENT I

**NONDISCRIMINATION/ EQUAL EMPLOYMENT PRACTICES/AFFIRMATIVE
ACTION**

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

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

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

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

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

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

CITY OF LOS ANGELES

NONDISCRIMINATION • EQUAL EMPLOYMENT PRACTICES CONSTRUCTION & NON-CONSTRUCTION CONTRACTOR

Los Angeles Administrative Code (LAAC), Division 10, Chapter 1, Article 1, Section 10.8 stipulates that the City of Los Angeles, in letting and awarding contracts for the provision to it or on its behalf of goods or services of any kind or nature, intends to deal only with those contractors that comply with the non-discrimination and Affirmative Action provisions of the laws of the United States of America, the State of California and the City of Los Angeles. The City and each of its awarding authorities shall therefore require that any person, firm, corporation, partnership or combination thereof, that contracts with the City for services, materials or supplies, shall not discriminate in any of its hiring or employment practices, shall comply with all provisions pertaining to nondiscrimination in hiring and employment, and shall require Affirmative Action Programs in contracts in accordance with the provisions of the LAAC. The awarding authority and/or Office of Contract Compliance of the Department of Public Works shall monitor and inspect the activities of each such contractor to determine that they are in compliance with the provisions of this chapter.

I. Los Angeles Administrative Code Section 10.8.2 All Contracts: Non-discrimination Clause

Notwithstanding any other provision of any ordinance of the City of Los Angeles to the contrary, every contract which is let, awarded or entered into with or on behalf of the City of Los Angeles, shall contain by insertion therein a provision obligating the contractor in the performance of such contract not to discriminate in his or her employment practices against any employee or applicant for employment because of the applicant's race, religion, national origin, ancestry, sex, sexual orientation, age, disability, marital status, domestic partner status, or medical condition. All contractors who enter into such contracts with the City shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor's contract with the City.

II. Los Angeles Administrative Code Section 10.8.3. Equal Employment Practices Provisions

Every non-construction contract with or on behalf of the City of Los Angeles for which the consideration is \$1,000 or more, and every construction contract for which the consideration is \$1,000 or more, shall contain the following provisions, which shall be designated as the **EQUAL EMPLOYMENT PRACTICES** provision of such contract:

A. During the performance of this contract, the contractor agrees and represents that it will provide equal employment practices and the contractor and each subcontractor hereunder will ensure that in his or her employment practices persons are employed and employees are treated equally and without regard to or because of race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status or medical condition.

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

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

C. As part of the City's supplier registration process, and/or at the request of the awarding authority, or the Board of Public Works, Office of Contract Compliance, the contractor shall certify in the specified format that he or she has not discriminated in the performance of City contracts against any employee or applicant for employment on the basis or because of race, religion, national origin, ancestry, sex, sexual orientation, age, disability, marital status or medical condition.

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

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

F. Upon a finding duly made that the contractor has failed to comply with the Equal Employment Practices provisions of a City contract, the contract may be forthwith canceled, terminated or suspended, in whole or in part, by the awarding authority, and all monies due or to become due hereunder may be forwarded to and retained by the City of Los Angeles. In addition thereto, such failure to comply may be the basis for a determination by the awarding authority or the Board of Public Works that the said contractor is an irresponsible bidder or proposer pursuant to the provisions of Section 371 of the Charter of the City of Los Angeles. In the event of such a determination, such contractor shall be disqualified from being awarded a contract with the City of Los Angeles for a period of two years, or until the contractor shall establish and carry out a program in conformance with the provisions hereof.

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

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

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

J. At the time a supplier registers to do business with the City, or when an individual bid or proposal is submitted, the contractor shall agree to adhere to the Equal Employment Practices specified herein during the performance or conduct of City Contracts.

K. Equal Employment Practices shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:

1. Hiring practices;
2. Apprenticeships where such approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;
3. Training and promotional opportunities; and
4. Reasonable accommodations for persons with disabilities.

L. All contractors subject to the provisions of this section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor. Failure of the contractor to comply with this requirement or to obtain the compliance of its subcontractors with all such obligations shall subject the contractor to the imposition of any and all sanctions allowed by law, including but not limited to termination of the contractor's contract with the City.

Equal Employment Practices Provisions Certification – The Contractor by its signature affixed hereto declares under penalty of perjury that:

1. The Contractor has read the Nondiscrimination Clause in Section I above and certifies that it will adhere to the practices in the performance of all contracts.
2. The Contractor has read the Equal Employment Practices Provisions as contained in Section II above and certifies that it will adhere to the practices in the performance of any construction contract or non-construction contract of \$1,000 or more.

COMPANY NAME

AUTHORIZED SIGNATURE

ADDRESS

NAME AND TITLE (TYPE OR PRINT)

CITY, COUNTY, STATE, ZIP

TELEPHONE/E-MAIL

AFFIRMATIVE ACTION PLAN

The following contracts are subject to the City of Los Angeles Affirmative Action Program as required by the Los Angeles Administrative Code (LAAC) Section 10.8.4 et seq.:

- Every non-construction contract of \$100,000 or more;
- Every construction contract of \$5,000 or more.

Purpose - An affirmative action program is a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time a contractor's workforce, generally, will reflect the gender, racial and ethnic profile of the available labor pools. Therefore, as part of its affirmative action program, a contractor monitors and examines its employment decisions and compensation systems to ensure equal employment practices, and takes steps to correct underutilization of women and minorities.

Contractors are subject to all provisions contained in LAAC Section 10.8.4 et seq. which can be found at <http://bca.lacity.org>. The excerpts below are provided to serve as a starting point for satisfying these requirements:

LAAC Section 10.8.4 (B) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to their race, religion, ancestry, national origin, sex, sexual orientation, age, disability, marital status or medical condition.

LAAC Section 10.8.4(K) The plan shall be subject to approval by the Office of Contract Compliance prior to award of the contract.

LAAC Section 10.8.4(M) The Affirmative Action Plan required to be submitted shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:

1. Apprenticeship where approved programs are functioning, and other on-the-job training for non-apprenticeable occupations;
2. Classroom preparation for the job when not apprenticeable;
3. Pre-apprenticeship education and preparation;
4. Upgrading training and opportunities;
5. Encouraging the use of contractors, subcontractors, and suppliers of all racial and ethnic groups, provided, however that any contract subject to this ordinance shall require the contractor, subcontractor or supplier to provide not less than the prevailing wage;
6. The entry of qualified women, minority and all other journeymen into the industry; and
7. The provision of needed supplies or job conditions to permit persons with disabilities to be employed, and minimize the impact of any disability.

LAAC Section 10.8.4(Q) All contractors subject to the provisions of the section shall include a like provision in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations, including but not limited to filing and reporting obligations, on the subcontractors as are applicable to the contractor.

CONTRACTOR DECLARATION

In pursuit of accomplishing the intent of the City's Affirmative Action Program, the contractor certifies and agrees to immediately implement good faith efforts, measures to recruit and employ minority, women, and other potential staff in a nondiscriminatory manner including, but not limited to, the following actions. The contractor shall:

- (a) Recruit and make efforts to obtain such employees.
- (b) Continually evaluate personnel practices to assure that hiring, upgrading, promotions, transfers, demotions and layoffs are made in a nondiscriminatory manner so as to achieve and maintain a diverse work force.
- (c) Utilize training programs and assist minority, women and other employees in locating, qualifying for and engaging in such training programs to enhance their skills and advancement.
- (d) Maintain such records as are necessary to determine compliance with equal employment and affirmative action obligations, and making such records available to City, State and Federal authorities upon request.
- (e) Said policies shall be provided to all employees, subcontractors, vendors, unions and all others with whom the contractor may become involved in fulfilling any of its contracts.

Requirements For Construction Contractors ONLY

Construction contractors are additionally subject to all provisions contained in LAAC Section 10.13 et. seq. which can be found at <http://bca.lacity.org>. As part of these provisions, construction contractors are required to:

1. Submit an **Anticipated Employment Utilization Report (AEUR)** with each new bid for purposes of effectuating this Affirmative Action Plan for the specific project. The AEUR can be found in the bid documents or at <http://bca.lacity.org>.
2. Establish a person at the management level of the contracting entity to be the Equal Employment Opportunity (EEO) Officer. Such individual must have the authority to disseminate and enforce the company's Equal Employment and Affirmative Action Policies.

NAME OF EEO OFFICER

TITLE

E-MAIL

PHONE NUMBER

By its execution hereof, the contractor accepts and submits the foregoing as its Affirmative Action Plan. I certify under penalty of perjury under the laws of the State of California that I have read and understood the foregoing requirements of LAAC Section 10.8 et seq. and agree to comply with them while under contract as set forth therein.

Executed this ____ day of _____, in the year 20____, at _____, _____.
(CITY) (STATE)

COMPANY NAME

TELEPHONE/E-MAIL

AUTHORIZED SIGNATURE

ADDRESS

NAME AND TITLE (TYPE OR PRINT)

CITY, COUNTY, STATE, ZIP