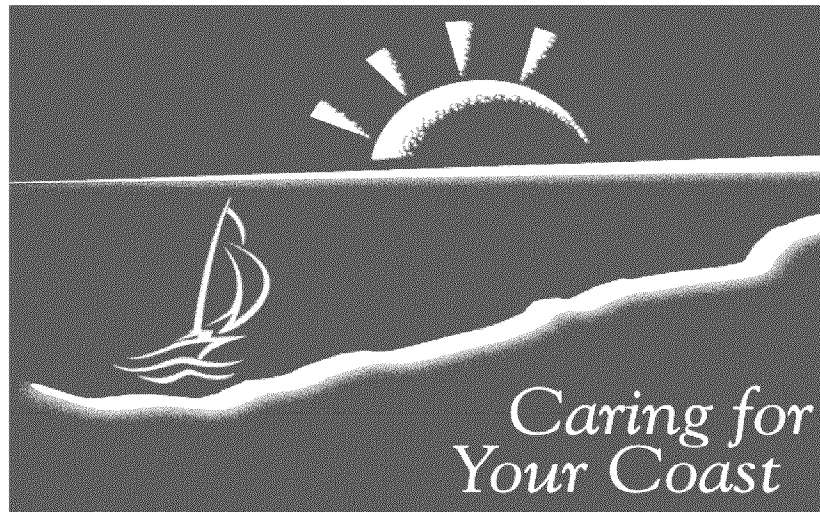


REQUEST FOR PROPOSALS FOR URBAN PLANNING AND DESIGN CONSULTING SERVICES

LOS ANGELES COUNTY



Department of
**Beaches &
Harbors**

**Planning Division
Los Angeles County Department of Beaches and Harbors
13837 Fiji Way
Marina del Rey, CA 90292**

January 29, 2009

**LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
REQUEST FOR PROPOSALS (RFP)
URBAN PLANNING AND DESIGN SERVICES**

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
1.0 INTRODUCTION.....	1
1.1 OVERVIEW OF REQUEST FOR PROPOSAL.....	2
1.2 DEFINITIONS.....	3
1.3 MINIMUM MANDATORY REQUIREMENTS.....	5
1.4 COUNTY RIGHTS AND RESPONSIBILITIES.....	5
1.5 DIRECTOR TO INTERPRET RFP.....	5
1.6 CONTRACT TERM.....	6
1.7 CONTRACT RATES.....	6
1.8 AWARD OF WORK.....	6
1.9 CONTACT WITH COUNTY PERSONNEL.....	6
1.10 FINAL CONTRACT AWARD BY THE BOARD OF SUPERVISORS.....	7
1.11 CONTRACT AWARDED ACCORDING TO COUNTY'S INTENDED PURPOSE.....	7
1.12 MANDATORY REQUIREMENT TO REGISTER ON COUNTY'S WEBVEN.....	7
1.13 COUNTY OPTION TO REJECT PROPOSALS.....	8
1.14 PROTEST PROCESS.....	8
1.15 NOTICE TO PROPOSERS REGARDING THE PUBLIC RECORDS ACT.....	8
1.16 INDEMNIFICATION AND INSURANCE.....	9
1.17 DETERMINATION OF PROPOSER RESPONSIBILITY.....	9
1.18 PROPOSER DEBARMENT.....	10
1.19 PROPOSER'S ADHERANCE TO COUNTY'S CHILD SUPPORT COMPLIANCE PROGRAM.....	13
1.20 GRATUITIES.....	13
1.21 NOTICE TO PROPOSERS REGARDING THE COUNTY LOBBYIST ORDINANCE.....	14
1.22 FEDERAL EARNED INCOME CREDIT.....	14
1.23 CONSIDERATION OF GAIN/GROW PARTICIPANTS FOR EMPLOYMENT.....	15
1.24 COUNTY'S QUALITY ASSURANCE PLAN.....	15
1.25 RECYCLED BOND PAPER.....	15
1.26 SAFELY SURRENDERED BABY LAW.....	16
1.27 COUNTY POLICY ON DOING BUSINESS WITH SMALL BUSINESS.....	16
1.28 JURY SERVICE PROGRAM.....	16
1.29 LOCAL SMALL BUSINESS ENTERPRISE PREFERENCE PROGRAM.....	18
1.30 LOCAL SMALL BUSINESS ENTERPRISE (SBE) PROMPT PAYMENT PROGRAM.....	19
1.31 NOTIFICATION TO COUNTY OF PENDING ACQUISITIONS/MERGERS BY PROPOSING COMPANY.....	19
1.32 TRANSITIONAL JOB OPPORTUNITIES PREFERENCE PROGRAM.....	19

**LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
REQUEST FOR PROPOSALS (RFP)
URBAN PLANNING AND DESIGN SERVICES**

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
2.0 PROPOSAL SUBMISSION REQUIREMENTS.....	21
2.1 COUNTY RESPONSIBILITY.....	21
2.2 TRUTH AND ACCURACY OF REPRESENTATIONS.....	21
2.3 DISQUALIFICATION FOR MULTIPLE PROPOSALS OR COLLUSION.....	21
2.4 PROPOSALS IRREVOCABLE FOR 120 DAYS.....	21
2.5 NONCONFORMING PROPOSALS.....	21
2.6 INADEQUATE, INCOMPLETE, NONRESPONSIVE OR LATE PROPOSALS.....	22
2.7 PROPOSALS TO BE IN ENGLISH.....	22
2.8 RFP TIMETABLE.....	22
2.9 SOLICITATION REQUIREMENTS REVIEW.....	22
2.10 PROPOSERS' QUESTIONS.....	23
2.11 PROPOSERS CONFERENCE.....	24
2.12 PROPOSAL DUE DATE.....	24
2.13 REQUIRED FORMAT AND CONTENT OF PROPOSAL.....	25
2.14 ADDITIONAL INFORMATION.....	30
2.15 PROPOSALS MUST FOLLOW REQUIRED FORMAT.....	30
3.0 SELECTION PROCESS.....	31
3.1 ADHERENCE TO MINIMUM REQUIREMENTS (Pass/Fail).....	31
3.2 EVALUATION COMMITTEE.....	31
3.3 ORAL PRESENTATION TO EVALUATION COMMITTEE.....	31
3.4 ADDITIONAL INQUIRIES.....	31
3.5 EVALUATION SCORING.....	32
3.6 ITEMS CONSIDERED BY EVALUATORS.....	32
3.7 NUMERICAL RANKING.....	34
3.8 PROPOSER SELECTION.....	34
3.9 EXECUTION BY SELECTED PROPOSER(S).....	35
3.10 CONDITIONAL RECOMMENDATION BY DIRECTOR.....	35
3.11 SUPPLEMENTAL DOCUMENTS.....	35
3.12 DISQUALIFICATION REVIEW.....	35
3.13 DEPARTMENT'S PROPOSED CONTRACTOR SELECTION REVIEW.....	35

**LOS ANGELES COUNTY DEPARTMENT OF BEACHES AND HARBORS
REQUEST FOR PROPOSALS (RFP)
URBAN PLANNING AND DESIGN SERVICES**

ATTACHMENTS

- Attachment A: Sample Contract
- Attachment B: Statement of Work
- Attachment C: Technical Exhibits
- Attachment D: Transmittal Form to Request a Solicitation Requirements Review

EXHIBITS

- Exhibit 1: Work Order
- Exhibit 2: County of Los Angeles Policy on Doing Business with Small Business
- Exhibit 3: Listing of Contractors Debarred in Los Angeles County
- Exhibit 4: Jury Service Ordinance
- Exhibit 5: IRS Notice 1015
- Exhibit 6: Safely Surrendered Baby Law
- Exhibit 7: Determination of Contractor Non-Responsibility and Contractor Debarment

FORMS

- P-1: Offer to Perform
- P-2: Proposer's Organization Questionnaire/Affidavit
- P-3: Work Plan
- P-4: Quality Control Plan
- P-5: Business and Financial Summary
- P-6: Proposer's EEO Certification
- P-7: Contractor Employee Jury Service Program Certification Form and Application for Exemption
- P-8: Certification of No Conflict of Interest
- P-9: Attestation of Willingness to Consider GAIN/GROW Participants
- P-10: Familiarity with the County Lobbyist Ordinance Certification
- P-11: Certification of Independent Price Determination & Acknowledgement of RFP Restrictions
- P-12: Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form
- P-13: Transitional Job Opportunities Preference Application
- P-14: Contractor's Administration

1.0 INTRODUCTION

The Los Angeles County Department of Beaches and Harbors (Department) is seeking one or more qualified and experienced firms to provide as-needed urban planning and design consulting services. Qualified firms may submit a written Proposal for a contract to provide such services. Proposals must be in the form described in this Request for Proposals (RFP). Selection of a contractor will be based on the qualifications of the firms submitting Proposals.

A thorough understanding of the role of quality design in facilitating redevelopment is of crucial importance in the County's selection of urban planning and design consultant(s). The purpose of this RFP is to solicit architecture, landscape architecture, planning and graphic design teams capable of providing comprehensive design consultation, including architectural standards, wayfinding devices, aesthetic elements and community amenities.

PROPOSERS OR THEIR PRINCIPAL OWNERS MUST HAVE A MINIMUM OF FIVE YEARS' EXPERIENCE IN PERFORMING SIGNIFICANT URBAN PLANNING AND DESIGN CONSULTING SERVICES FOR GOVERNMENTAL AGENCIES OR PRIVATE ORGANIZATIONS.

The Marina del Rey Small Craft Harbor is a public boat harbor that is owned by the County of Los Angeles. It includes the unincorporated waterfront and surrounding land area between the communities of Venice to the north and Playa del Rey to the south. While the County has retained ownership and control over the Marina's public beach, parks, roads, parking lots, boat storage yard, directory signs, public library, and administration buildings, it has leased substantial portions of the Marina to private entities. The County-owned, unincorporated area contains approximately 5,445 apartment rental units, 600 luxury condominiums, 1 million square feet of retail, office and restaurant development, six hotels and approximately 5,246 boat slips in 23 anchorages and marinas. The Department also operates 19 beaches for the County. All persons interested in submitting a Proposal may conduct their own inspection of public areas in Marina del Rey and County-operated beaches.

In 1997, the Los Angeles County Board of Supervisors approved the Marina del Rey Asset Management Strategy (AMS), a redevelopment concept that incorporates vision elements such as: a powerful sense of place; accessible waterfront; multimodal transportation; pedestrian-friendly circulation; a mix of uses; outstanding, creative residential developments; and stimulation to refurbish existing development. Copies of the Asset Management Strategy document will be made available to those attending the pre-proposal meeting and to others who request it.

The AMS is the first significant redevelopment effort since the Marina's construction four decades ago. Over the next decade, the County is poised to sponsor a variety of public improvements that relate to the Marina's built environment. Public improvements will be specified in cooperation with Department's staff, the Marina del Rey Design Control Board (DCB) and the Small Craft Harbor Commission (SCHC), and will be implemented in conjunction with the Marina's current redevelopment effort.

1.1 OVERVIEW OF REQUEST FOR PROPOSAL

This Request for Proposal (RFP) is composed of the following parts:

- **Introduction:** Specifies the Proposer's minimum requirements, provides information regarding some of the requirements of the contract and explains the solicitation process.
- **Proposal Submission Requirements:** Contains instructions to Proposers in how to prepare and submit their proposal.
- **Selection Process and Evaluation Criteria:** Explains how the proposals will be selected and evaluated.
- **Attachments:** Terms and Conditions of the Sample Contract, Statement of Work, Exhibits accompanying Statement of Work and Transmittal to Request a Solicitation Requirements Review.
- **Exhibits:** Exhibits accompanying Contract.
- **Forms:** Forms contained in this section must be completed and included in the proposal.

1.2 DEFINITIONS

The following words shall be construed to have the following meanings, unless otherwise apparent from the context in which they are used.

Asset Management Strategy - The Marina del Rey redevelopment plan approved by the Board on April 15, 1997.

Board, Board of Supervisors - The Board of Supervisors of Los Angeles County.

Chief Deputy - The Chief Deputy of the Department.

Contract - An agreement for performance of the work between the selected Proposer(s) and the County, approved by the Board of Supervisors.

Contract Administrator (CA) - The Chief of the Planning Division of the Department or a designated representative.

Contract Year - The twelve-month period commencing on the effective date of the Contract and each succeeding twelve-month period over the remaining term of the Contract, including the optional years.

Contractor(s) - The Proposer(s) whose Proposal(s) is accepted by the Board of Supervisors for performance of the Contract work.

Contractor's Representative - The person designated by the Contractor to represent the Contractor in matters related to performance of the Contract.

County - The County of Los Angeles.

County Counsel - The Los Angeles County Counsel.

Department - The Los Angeles County Department of Beaches and Harbors.

Director - The Director of the Department.

Design Control Board - A five-member body appointed by the Board of Supervisors with authority to review and approve architectural design and plans and specifications for construction in Marina del Rey.

Evaluation Committee - The committee appointed by the Director to evaluate Proposals and to recommend a Proposer(s) as Contractor(s) pursuant to the RFP.

Offer to Perform - Form P-1 of the RFP.

Performance Standard - The essential terms and conditions for the performance of the Contract work as defined in the Contract.

Proposer - Any person or entity authorized to conduct business in California who submits a Proposal.

Request for Proposals (RFP) - All parts of this document, including its attachments, exhibits and forms.

Small Craft Harbor Commission - A five-member advisory body appointed by the Board of Supervisors with responsibility for making recommendations concerning Marina del Rey's planning, financing, development, operations, leasing policies, rules and regulations and other matters.

Statement of Work - Explains in detail the Work to be performed by the contract.

Subcontractor - A person, partnership, company, corporation, or other organization furnishing supplies or services of any nature, equipment, or materials to the Contractor(s), at any tier, under oral or written agreement.

Work Order - An agreement subordinate to the Contract, incorporating all of its terms and conditions, by which the Contractor is authorized to perform specific tasks. (See Exhibit 1)

1.3 MINIMUM MANDATORY REQUIREMENTS

Interested and qualified Proposers that can demonstrate their ability to successfully provide the required services outlined in *Attachment B, Statement of Work* are invited to submit proposal(s), provided they meet the following requirements:

- Proposers must have a minimum of five years' experience performing significant urban planning and design consulting services for governmental agencies or private organizations.
- Proposer's Contract Representative must have a minimum of five years' experience providing urban planning and design consulting services.
- Proposer and/or Proposer's staff member must possess a valid license in good standing with the California Architects Board.
- Proposer must complete and return Forms P-1 through P-14.

1.4 COUNTY RIGHTS AND RESPONSIBILITIES

No oral amendments of the RFP are authorized and only the Director of the Department has the right to amend the RFP by written addendum. The Department is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addendum shall be made available to each person or organization which the Department records indicate has received this RFP. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the Proposal not being considered, as determined in the sole discretion of the Department. The County is not responsible for and shall not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

1.5 DIRECTOR TO INTERPRET RFP

Should there be any uncertainty, ambiguity, or discrepancy in the terms of the RFP or any dispute about their meaning or applicability, the Director shall be consulted and will interpret them. The Director's interpretation shall be binding

upon all parties. Should any Proposer rely on any uncertain or ambiguous provision of the RFP without referring the matter for resolution to the Director, the Proposer does so at his or her own risk.

1.6 CONTRACT TERM

The Contract term shall be for a period of three years with two one-year renewal options. Renewal options shall be exercised at the sole discretion of the Director. The Contract shall become effective on April 17, 2009, or upon approval by the Board of Supervisors.

1.7 CONTRACT RATES

The maximum sum the County will spend for urban planning and design consulting services during any Contract year is \$240,000. If additional work is required, the Director may increase the maximum annual sum of any Contract year to \$288,000. The hourly rates as submitted by each Proposer on Form P-1 for this RFP shall remain in effect during the term of the Contract.

1.8 AWARD OF WORK

The award of work for this Contract is on an as-needed basis only. Work on this Contract shall not commence unless authorized by the Director through the issuance of a Work Order (Exhibit 1). The selection of a Contractor to whom a Work Order is issued shall be at the sole discretion of the Director. Neither the recommendation by the Department of a Contractor to perform as-needed services, nor the approval of a Contract by the Board of Supervisors with such Contractor, entitles any Contractor to compensation or any specific work assignment.

1.9 CONTACT WITH COUNTY PERSONNEL

All contact regarding this RFP or any matter relating thereto must be in writing and may be mailed, e-mailed or faxed as follows:

Nicolette Taylor, Contracts Analyst

13837 Fiji Way, Marina del Rey, CA 90292

NTaylor@bh.lacounty.gov

Facsimile: (310) 821-8155

If it is discovered that Proposer contacted and received information from any County personnel, other than the person specified above, regarding this solicitation, County, in its sole determination, may disqualify his or her proposal from further consideration.

1.10 FINAL CONTRACT AWARD BY THE BOARD OF SUPERVISORS

Notwithstanding a recommendation of a department, agency, individual, or other, the Board of Supervisors retains the right to exercise its judgment concerning the selection of a proposal and the terms of any resultant agreement, and to determine which proposal best serves the interests of the County. The Board is the ultimate decision-making body and makes the final determination necessary to arrive at a decision to award, or not award, a contract.

1.11 CONTRACT AWARDED ACCORDING TO COUNTY'S INTENDED PURPOSE

The Contract shall be awarded through a competitive process to the responsible and responsive Proposer(s) whose experience, approach to Contract requirements and organizational resources are determined most suitable for County's intended purpose. The County reserves the right to make a total award, a combination of awards, or to reject all Proposals, whichever is in the best interest of the County.

1.12 MANDATORY REQUIREMENT TO REGISTER ON COUNTY'S WEBVEN

Prior to a contract award, all potential Contractors must register in the County's WebVen. The WebVen contains the Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the Internet by accessing the County's home page at http://lacounty.info/doing_business/main_db.htm. *There are underscores in the address between the words 'doing business' and 'main db'.*

1.13 COUNTY OPTION TO REJECT PROPOSALS

The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP. The County shall not be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

1.14 PROTEST PROCESS

Any actual or prospective Proposer may file a protest in connection with the solicitation or award of a Board-approved service contract. It is generally accepted that the Proposer challenging the decision of a County department bears the burden of proof in its claim that the Department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed award. Throughout the review process, the Department has no obligation to delay or otherwise postpone an award of contract based on a Bidder protest. In all cases, the Department reserves the right to make an award when it is determined to be in the best interest of the County of Los Angeles to do so.

1.14.1 Grounds for Review

Unless state or federal statutes or regulations otherwise provide, the grounds for review of any departmental determination or action should be limited to the following:

- Review of Solicitation Requirements
- Review of a Disqualified Bid
- Review of District's Proposed Contractor Selection

1.15 NOTICE TO PROPOSERS REGARDING THE PUBLIC RECORDS ACT

Responses to this RFP shall become the exclusive property of the County. At such time as the Department recommends Proposer(s) to the Board of Supervisors (Board) and such recommendation appears on the Board agenda, all such proposals submitted in response to this RFP become a matter of public record, with the exception of those parts of each proposal which are defined by

the Contractor as business or trade secrets, and plainly marked as “Trade Secret”, “Confidential”, or “Proprietary”.

The County shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. **A blanket statement of confidentiality or the marking of each page of the proposal as confidential shall not be deemed sufficient notice of exception. The Proposer(s) must specifically label only those provisions of the proposal which are “Trade Secrets”, “Confidential”, or “Proprietary” in nature.**

1.16 INDEMNIFICATION AND INSURANCE

Contractor shall be required to comply with the indemnification provisions contained in *Attachment A, Sample Contract, Sub-paragraph 2.22*. The Contractor(s) shall procure, maintain, and provide to the County proof of insurance coverage for all the programs of insurance along with associated amounts specified in *Attachment A, Sample Contract, Sub-paragraphs 2.24*.

1.17 DETERMINATION OF PROPOSER RESPONSIBILITY

1.17.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County’s policy to conduct business only with responsible Proposers.

1.17.2 Proposers are hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may determine whether the Proposer is responsible based on a review of the Proposer’s performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by the Proposer against public entities. Labor law violations which are the fault of the subcontractors and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.

- 1.17.3** The County may declare a Proposer to be non-responsible for purposes of this contract if the Board of Supervisors, in its discretion, finds that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or omission which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.
- 1.17.4** If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department shall notify the Proposer in writing of the evidence relating to the Proposer's responsibility, and its intention to recommend to the Board of Supervisors that the Proposer be found not responsible. The Department shall provide the Proposer and/or the Proposer's representative with an opportunity to present evidence as to why the Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 1.17.5** If the Proposer presents evidence in rebuttal to the Department, the Department shall evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board of Supervisors. The final decision concerning the responsibility of the Proposer shall reside with the Board of Supervisors.
- 1.17.6** These terms shall also apply to proposed subcontractors of Proposers on County contracts.

1.18 PROPOSER DEBARMENT

- 1.18.1** The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five (5) years but may exceed five (5) years or be

permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with County, if the Board of Supervisors finds, in its discretion, that the Proposer has done any of the following: (1) violated a term of a contract with the County or a nonprofit corporation created by the County; (2) committed an act or omission which negatively reflects on the Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same; (3) committed an act or offense which indicates a lack of business integrity or business honesty; or (4) made or submitted a false claim against the County or any other public entity.

- 1.18.2** If there is evidence that the apparent highest ranked Proposer may be subject to debarment, the Department shall notify the Proposer in writing of the evidence which is the basis for the proposed debarment, and shall advise the Proposer of the scheduled date for a debarment hearing before the Contractor Hearing Board.
- 1.18.3** The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or Proposer's representative shall be given an opportunity to submit evidence at that hearing. After the hearing, the Contractor Hearing Board shall prepare a tentative proposed decision, which shall contain a recommendation regarding whether the Proposer should be debarred, and, if so, the appropriate length of time of the debarment. The Proposer and the Department shall be provided an opportunity to object to the tentative proposed decision prior to its presentation to the Board of Supervisors.
- 1.18.4** After consideration of any objections, or if no objections are received, a record of the hearing, the proposed decision and any other recommendation of the Contractor Hearing Board shall be presented to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny or adopt the proposed decision and recommendation of the Contractor Hearing Board.

- 1.18.5** If a Proposer has been debarred for a period longer than five (5) years, that Proposer may, after the debarment has been in effect for at least five (5) years, submit a written request for review of the debarment determination to reduce the period of debarment or terminate the debarment. The County may, in its discretion, reduce the period of debarment or terminate the debarment if it finds that the Proposer has adequately demonstrated one or more of the following: (1) elimination of the grounds for which the debarment was imposed; (2) a bona fide change in ownership or management; (3) material evidence discovered after debarment was imposed; or (4) any other reason that is in the best interests of the County.
- 1.18.6** The Contractor Hearing Board will consider requests for review of a debarment determination only where (1) the Proposer has been debarred for a period longer than five (5) years; (2) the debarment has been in effect for at least five (5) years; and (3) the request is in writing, states one or more of the grounds for reduction of the debarment period or termination of the debarment, and includes supporting documentation. Upon receiving an appropriate request, the Contractor Hearing Board will provide notice of the hearing on the request. At the hearing, the Contractor Hearing Board shall conduct a hearing where evidence on the proposed reduction of debarment period or termination of debarment is presented. This hearing shall be conducted and the request for review decided by the Contractor Hearing Board pursuant to the same procedures as for a debarment hearing.
- 1.18.7** The Contractor Hearing Board's proposed decision shall contain a recommendation on the request to reduce the period of debarment or terminate the debarment. The Contractor Hearing Board shall present its proposed decision and recommendation to the Board of Supervisors. The Board of Supervisors shall have the right to modify, deny, or adopt the proposed decision and recommendation of the Contractor Hearing Board.
- 1.18.8** These terms shall also apply to proposed subcontractors of Proposers on County contracts.

1.19 PROPOSER'S ADHERANCE TO COUNTY'S CHILD SUPPORT COMPLIANCE PROGRAM

Proposers shall: 1) fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any contract that may be awarded pursuant to this solicitation. Failure to comply may be cause for termination of a contract or initiation of debarment proceedings against the non-compliant Contractor (County Code Chapter 2.202).

1.20 GRATUITIES

1.20.1 Attempt to Secure Favorable Treatment

It is improper for any County officer, employee or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that the Proposer's provision of the consideration may secure more favorable treatment for the Proposer in the award of the Contract or that the Proposer's failure to provide such consideration may negatively affect the County's consideration of the Proposer's submission. A Proposer shall not offer or give either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the Contract.

1.20.2 Proposer Notification to County

A Proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration.

The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submission being eliminated from consideration.

1.20.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

1.21 NOTICE TO PROPOSERS REGARDING THE COUNTY LOBBYIST ORDINANCE

The Board of Supervisors of the County of Los Angeles has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in County Code Chapter 2.160. In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by Los Angeles County Code Section 2.160.010, retained by the Proposer is in full compliance with Chapter 2.160 of the Los Angeles County Code and each such County Lobbyist is **not** on the Executive Office's List of Terminated Registered Lobbyists by completing and submitting the *Familiarity with the County Lobbyist Ordinance Certification*, as set forth in Form P-10, as part of their proposal.

1.22 FEDERAL EARNED INCOME CREDIT

The Contractor(s) shall notify its employees, and shall require each subcontractor to notify its employees, that they may be eligible for the Federal Earned Income Credit under the federal income tax laws. Such notice shall be provided in accordance with the requirements set forth in *Internal Revenue Service Notice No. 1015, Exhibit 5*.

1.23 CONSIDERATION OF GAIN/GROW PARTICIPANTS FOR EMPLOYMENT

As a threshold requirement for consideration for contract award, Proposers shall demonstrate a proven record of hiring participants in the County's Department of Public Social Services Greater Avenues for Independence (GAIN) or General Relief Opportunity for Work (GROW) Programs or shall attest to a willingness to consider GAIN/GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Additionally, Proposers shall attest to a willingness to provide employed GAIN/GROW participants access to the Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Proposers who are unable to meet this requirement shall not be considered for contract award. Proposers shall complete and return the form, *Attestation of Willingness to Consider GAIN/GROW Participants*, as set forth in *Form P-9*, along with their proposal.

1.24 COUNTY'S QUALITY ASSURANCE PLAN

After contract award, the County or its agent will evaluate the Contractor's performance under the contract on a periodic basis. Such evaluation will include assessing Contractor's compliance with all terms in the Contract and performance standards identified in the Statement of Work. Contractor's deficiencies which the County determines are severe or continuing and that may jeopardize performance of the Contract will be reported to the County's Board of Supervisors. The report will include improvement does not occur consistent with the corrective action measures, the County may terminate the Contract in whole or in part, or impose other penalties as specified in the Contract.

1.25 RECYCLED BOND PAPER

Proposer shall be required to comply with the County's policy on recycled bond paper as specified in *Attachment A, Sample of Contract, Sub-paragraph 2.38*.

1.26 SAFELY SURRENDERED BABY LAW

The Contractor(s) shall notify and provide to its employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is set forth in *Exhibit 6* of this solicitation document and is also available on the Internet at www.babysafela.org for printing purposes.

1.27 COUNTY POLICY ON DOING BUSINESS WITH SMALL BUSINESS

The County has multiple programs that address small businesses. The Board of Supervisors encourages small business participation in the County's contracting process by constantly streamlining and simplifying our selection process and expanding opportunities for small businesses to compete for our business.

The Local Small Business Enterprise Preference Program requires the company to complete a certification process. This program and how to obtain certification are further explained in this Section.

The Jury Service Program provides exceptions to the Program if a company qualifies as a Small Business. Further explanation of this Program is provided in Sub-paragraph – 1.28, Jury Service Program of this Section.

The County also has a Policy on Doing Business with Small Business that is stated in *Exhibit 2*.

1.28 JURY SERVICE PROGRAM

The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") (Los Angeles County Code, Chapter 2.203). Prospective Contractors should carefully read the *Jury Service Ordinance, Exhibit 4*, and the pertinent jury service provisions of the *Sample Contract, Attachment A, Sub-paragraph 2.7*, both of which are incorporated by reference into and made a part of this RFP.

The Jury Service Program applies to both Contractors and their Subcontractors. Proposals that fail to comply with the requirements of the Jury Service Program will be considered non-responsive and excluded from further consideration.

The Jury Service Program requires Contractors and their Subcontractors to have and adhere to a written policy that provides that its employees shall receive from the Contractor, on an annual basis, no less than five days of regular pay for actual jury service. The policy may provide that employees deposit any fees received for such jury service with the Contractor or that the Contractor deduct from the employee's regular pay the fees received for jury service. For purposes of the Jury Service Program, "employee" means any California resident who is a full-time employee of a Contractor and "full-time" means 40 hours or more worked per week, or a lesser number of hours if: 1) the lesser number is a recognized industry standard as determined by the County, or 2) the Contractor has a long-standing practice that defines the lesser number of hours as full-time. Therefore, the Jury Service Program applies to all of a Contractor's full-time California employees, even those not working specifically on the County project. Full-time employees providing short-term, temporary services of 90 days or less within a 12-month period are not considered full-time for purposes of the Jury Service Program.

There are two ways in which a Contractor might not be subject to the Jury Service Program. The first is if the Contractor does not fall within the Jury Service Program's definition of "Contractor". The Jury Service Program defines "Contractor" to mean a person, partnership, corporation or other entity which has a contract with the County or a Subcontract with a County Contractor and has received or will receive an aggregate sum of \$50,000 or more in any 12-month period under one or more County contracts or subcontracts.

The second is if the Contractor meets one of the two exceptions to the Jury Service Program. The first exception concerns small businesses and applies to Contractors that have 1) ten or fewer employees; and, 2) annual gross revenues in the preceding twelve months which, if added to the annual amount of this Contract is less than \$500,000, and, 3) is not an "affiliate or subsidiary of a business dominant in its field of operation". The second exception applies to Contractors that possess a collective bargaining agreement that expressly supersedes the provisions of the Jury Service Program. The Contractor is subject to any provision of the Jury Service Program not expressly superseded by the collective bargaining agreement.

If a Contractor does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then the Contractor must so indicate in the *Certification Form and Application for Exception, Form P-7*, and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing the Contractor's application, the County will determine, in its sole discretion, whether the Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

1.29 LOCAL SMALL BUSINESS ENTERPRISE PREFERENCE PROGRAM

The County will give Local SBE preference during the solicitation process to businesses that meet the definition of a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204.030C.1 of the Los Angeles County Code. A Local SBE is defined as: 1) A business certified by the State of California as a small business and 2) has had its principal office located in Los Angeles County for at least one year. The business must be certified by the Office of Affirmative Action Compliance as meeting the requirements set forth in 1 and 2 above prior to requesting the Local SBE Preference in a solicitation.

To apply for certification as a Local SBE, businesses may register at the Office of Affirmative Action Compliance's web-site at:

<http://oaac.co.la.ca.us/contract/sbemain.html>

Certified Local SBEs must request the SBE Preference in their solicitation responses and may not request the preference unless the certification process has been completed and certification affirmed. Businesses must attach the Local SBE Certification Letter to the Required Form - *Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form, Form P-12* with their proposal. Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified Local SBE.

Information about the State's small business enterprise certification regulations is in the California Code of Regulations, Title 2, Subchapter 8, Section 1896 et seq., and is also available on the California Department of General Services Office of Small Business Certification and Resources Web site at <http://www.pd.dgs.ca.gov/smbus/default>.

1.30 LOCAL SMALL BUSINESS ENTERPRISE (SBE) PROMPT PAYMENT PROGRAM

It is the intent of the County that Certified Local SBEs receive prompt payment for services they provide to County departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice.

1.31 NOTIFICATION TO COUNTY OF PENDING ACQUISITIONS/MERGERS BY PROPOSING COMPANY

The Proposer shall notify the County of any pending acquisitions/mergers of their company. This information shall be provided by the Proposer on *Form P-2, Proposer's Organization Questionnaire/Affidavit*. Failure of the Proposer to provide this information may eliminate its proposal from any further consideration.

1.32 TRANSITIONAL JOB OPPORTUNITIES PREFERENCE PROGRAM

In evaluating proposals, the County will give preference to businesses that are certified by the County as Transitional Job Opportunity vendors, consistent with Chapter 2.205 of the Los Angeles County Code. A Certified Transitional Job Opportunity vendor is, and has been such for three (3) years, an entity: 1) that is a non-profit organization recognized as tax exempt pursuant to section 501 (c) (3) of the Internal Revenue Services Code; set forth, under penalty of perjury, such information as requested by the County on either electronic or hard copy forms, along with their application form and three most recent annual tax returns to the Department with their proposal response to the contracting solicitation for which they are competing; 2) has been in operation for at least one year providing transitional job and the related supportive services to program participants; and 3) provide a profile of their program with a description of their

program components designed to assist program participants, number of past program participants, and any other information requested by a contracting department.

Transitional Job Opportunities vendors must request the preference in their solicitation response and may not receive the preference until their certification has been affirmed by the applicable department. County must verify the Transitional Job Opportunity vendor certification prior to applying the preference. Sanctions and financial penalties may apply to a Proposer that knowingly and with intent to defraud seeks to obtain or maintain certification as a Transitional Job Opportunities vendor.

To request the Transitional Job Opportunities Preference, Proposer must complete the *Transitional Job Opportunities Preference Application – Form P-13* and submit it along with all supporting documentation with their proposal.

2.0 PROPOSAL SUBMISSION REQUIREMENTS

This section contains key dates and activities as well as instructions to Proposers in how to prepare and submit their proposal.

2.1 COUNTY RESPONSIBILITY

The County is not responsible for representations made by any of its officers or employees prior to the execution of the Contract unless such understanding or representation is included in the Contract.

2.2 TRUTH AND ACCURACY OF REPRESENTATIONS

False, misleading, incomplete or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at the Director's sole judgment and his/her judgment shall be final.

2.3 DISQUALIFICATION FOR MULTIPLE PROPOSALS OR COLLUSION

The existence of reasonable grounds for belief that the Proposer is interested in more than one Proposal may cause the rejection of all such Proposals. If there are reasonable grounds for believing that collusion exists among Proposers, - their Proposals may be disqualified from consideration.

2.4 PROPOSALS IRREVOCABLE FOR 120 DAYS

All Proposals shall be firm and may not be revoked for a period of 120 days following the final date for submission. The Proposal price must accurately reflect the cost of performing the Contract work in accordance with the terms and conditions of the Contract. However, the Director may, upon written request, permit withdrawal of a Proposal at his discretion.

2.5 NONCONFORMING PROPOSALS

Submission of a Proposal shall constitute acknowledgment of, acceptance of and willingness to comply with all of the terms, conditions and criteria contained in this RFP. Nonconforming provisions in a Proposal shall be ineffective to

modify the terms of the RFP and shall not become part of any resulting Contract unless they are expressly identified and assented to by the County in the written Contract. Proposals which contain terms, conditions or limitations unacceptable to the County may, at the sole discretion of the County, be rejected.

2.6 INADEQUATE, INCOMPLETE, NONRESPONSIVE OR LATE PROPOSALS

It is the Proposers responsibility to ensure that a correct and timely Proposal is received by the County. Proposals determined by the County to be inadequate, incomplete or non-responsive may, at the County's sole discretion, be rejected. Proposals submitted after the required date and time shall be rejected and returned to the sender unopened. Timely hand-delivered Proposals are acceptable. No facsimile (fax) or electronic mail (e-mail) copies will be accepted.

2.7 PROPOSALS TO BE IN ENGLISH

All Proposals and documents shall be written in the English language.

2.8 RFP TIMETABLE

The timetable for this RFP is as follows:

- Release of RFP.....**January 29, 2009**
 - Request for a Solicitation Requirements Review Due.....**February 12, 2009**
(10 business days after release of solicitation document)
 - Written Questions Due.....**February 12, 2009**
 - Proposers Conference.....**February 12, 2009**
 - Questions and Answers Released.....**February 17, 2009**
- Proposals Due by February 23, 2009, 12:00 p.m. Pacific Standard Time**

2.9 SOLICITATION REQUIREMENTS REVIEW

A person or entity may seek a Solicitation Requirements Review by submitting *Attachment D, Transmittal Form to Request a Solicitation Requirements Review* along with supporting documentation. A Solicitation Requirements Review shall only be granted under the following circumstances:

- The request for a Solicitation Requirements Review is received by the Department by February 12, 2009;
- The request for a Solicitation Requirements Review includes documentation, which demonstrates the underlying ability of the person or entity to submit a proposal;
- The request for a Solicitation Requirements Review itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
- The request for a Solicitation Requirements Review asserts either that:
 - application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantage the Proposer; or,
 - due to unclear instructions, the process may result in the County not receiving the best possible responses from the Proposers.

The Solicitation Requirements Review shall be completed and the Department's determination shall be provided to the Proposer, in writing, within a reasonable time prior to the proposal due date.

All Requests for Review should be submitted to:

Los Angeles County Department of Beaches and Harbors
Administrative Services Division
Attn: Stefan Popescu, Contracts Manager
13837 Fiji Way
Marina del Rey, CA 90292

2.10 PROPOSERS' QUESTIONS

Proposers may submit written questions regarding this RFP by mail, fax or email to the Contracts Analyst identified below. All questions must be received by **February 12, 2009**. All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFP. When submitting questions please specify the RFP section number, paragraph number, and page number and quote the passage that prompted the question. This will ensure that the question can be quickly found in the RFP.

County reserves the right to group similar questions when providing answers. The Department will be unable to respond to questions received after **February 12, 2009**.

Questions should be addressed to:

Los Angeles Department of Beaches and Harbors
Administrative Services Division – Attn: Nicolette Taylor, Contracts Analyst
13837 Fiji Way
Marina del Rey, CA 90292
Fax: (310) 821-8155
Email: NTaylor@bh.lacounty.gov

2.11 PROPOSERS CONFERENCE

On February 12, 2009 at 10:00 a.m. a Proposers Conference will be held at the Boathouse Meeting Room Boathouse Meeting Room, 13640 Mindanao Way, Marina del Rey. Attendance is not mandatory. However, the meeting will be the last opportunity to ask specific questions about the RFP.

All persons planning to submit a Proposal should read the RFP before attending the meeting. Questions and answers from the meeting will be distributed to all persons who obtained a copy of the RFP from the Department as well as those present at the meeting. The County will not be able to respond to questions raised after the meeting.

2.12 PROPOSAL DUE DATE

THE DEADLINE FOR RECEIPT OF PROPOSALS IS 12:00 P.M., February 23, 2009. Proposals must be received at the Department's Administrative Headquarters by the deadline date and time. Postmarks will be disregarded. Proposals are mailed at the Proposer's risk. One original and four copies, each securely bound or stapled, must be delivered to the attention of:

Contracts Section, Nicolette Taylor
Urban Planning and Design Services RFP
Department of Beaches and Harbors

13837 Fiji Way, Marina del Rey, CA 90292

2.13 REQUIRED FORMAT AND CONTENT OF PROPOSAL

Proposals shall be developed according to the guidelines set forth in this Section. The Proposals must be specific and complete in every detail. Failure of a Proposal to conform to these requirements may result in its rejection.

The Proposal must include the following:

1. Offer to Perform

Complete and sign the Offer to Perform (Form P-1). Failure to submit hourly rates on Form P-1 may be grounds for rejection of the Proposal. The hourly rates shall provide full compensation to the Contractor(s) for services required for the performance of the Contract(s). The Offer to Perform must: (1) state whether the Proposer is an individual proprietor, partnership, joint venture, corporation, limited liability company or other form of entity; (2) identify persons authorized to accept service of legal process in California; and (3) identify the name, title, address and telephone number of each person who is authorized to bind the Proposer to performance of the Contract work.

The Offer to Perform shall be signed as follows:

- If an individual or sole proprietor, by the individual owner.
- If a corporation, by two authorized officers. If a partnership, by an authorized general partner.
- If a joint venture, by all joint venturers.
- If a limited liability company, by the managing member or other person(s) specifically authorized by the operating agreement.

2. Proposer's Organization Questionnaire/Affidavit

The Proposer shall complete, sign and date the Proposer's Organization Questionnaire/Affidavit (Form P-2). **The person signing the form must be authorized to sign on behalf of the Proposer and to bind the applicant in a Contract.**

3. Work Plan

Submit a work plan (Form P-3) consistent with the Contract work describing:

- How the Proposer will perform the Contract work. A narrative discussion of the Proposer's approach to various kinds of assignments and County requirements;
- Proposer's ability and resources to provide the kinds of consulting services described in *Attachment B, Statement of Work*;
- How the experience of Proposer's staff is specifically related to the services described in *Attachment B, Statement of Work*;
- What level of staff the Proposer would assign to provide the various kinds of services listed in *Attachment B, Statement of Work*;
- Proposer's ability to support the Department before the Board of Supervisors, Small Craft Harbor Commission, Design Control Board, Regional Planning Commission, California Coastal Commission, and other bodies;
- Proposer's design approach and philosophy, including:
 1. Benefits of approach to be taken
 2. Value to be provided to the Department
 3. Ability to produce high quality graphics for the Department
- Proposer's ability to furnish all necessary professional and technical graphic design services, prepare preliminary design development drawings, final construction and fabrication drawings, prepare bid documents, scheduling and cost estimates and provide construction management services;
- Proposer's quality control plan describing the Proposer's procedures for ensuring compliance with the Contract terms and conditions and identifying and preventing unsatisfactory performance of the Contract work, including:
- A plan for reviewing the work of Proposer and Proposer's employees and ensuring its accuracy and compliance with professional standards;

- A plan for ensuring that interim deadlines, if any, and delivery dates are met;
- The methods for identifying and preventing unsatisfactory performance of the Contract work; and
- Documentation methods of all monitoring results, including any corrective action taken.
- Resumes of the firm principal(s), proposed Contractor's Representative (as that position is defined in *Attachment B, Statement of Work*) and other key individuals on Proposer's staff, stating their professional training and specific related experience in the last five years

4. Quality Control Plan

Completed and signed Quality Control Plan (Form P-4). Failure to submit or fully complete Form P-4 may be grounds for rejection of the Proposal.

5. Business and Financial Summary

Complete and sign Business and Financial Summary (Form P-5). False statements may be cause for disqualification or debarment. The submission of financial statements and client credit references shall constitute permission by the Proposer for the Department to check, verify, and have certified all information contained in such statements. The following information must be attached:

- Identification of previous assignments which are similar in scope and purpose to the urban planning and design consulting services that will be required under the Contract. A summary description of the experience your firm has had in the formulation of design packages and in the provision of consulting services for major marinas as described on Form P-3, No. 5.
- Description of the organization's size and structure;
- Listing of references from at least five contracts currently being performed or which have been completed in the last three years. References from jobs most similar to the scope of the Contract work

will be given the most weight. Furnish the following information for each reference:

- Date contract or service began and ended;
- Name, address and the telephone number of client;
- Description of services provided.
- Listing of a minimum of three (3) credit or financial references, giving names, addresses and telephone numbers;
- Provision of a letter of commitment, binder or certificate of current insurance coverage from an insurance company setting forth coverage meeting the limits and other requirements of *Attachment A, Sample Contract, Section 2.24*.
- Statement of whether the Proposer, any staff member, or Subcontractor named in the Proposer's work plan has been the subject of a disciplinary action by the California Architects Board, and briefly state the nature of the complaint or violation and the results of the disciplinary proceeding.

6. Proposer's EEO Certification

The Proposer shall complete and sign the Proposer's Certification (Form P-6) and submit it as part of the Proposal. Failure to submit Form P-6 may be grounds for disqualification.

7. Contractor Employee Jury Service Program Certification Form and Application for Exception.

Proposer shall complete and sign the Contractor Employee Jury Service Program Certification Form and Application for Exception (Form P-7). Failure to submit or fully complete Form P-7 may be grounds for disqualification.

8. Certification of No Conflict of Interest

Proposer shall complete and sign the Certification of No Conflict of Interest form (Form P-8). Failure to submit or fully complete Form P-8 may be grounds for disqualification.

9. Attestation of Willingness to Consider GAIN/GROW Participants

Proposer shall complete and sign the Attestation of Willingness to Consider GAIN/GROW Participants Form (Form P-9). Failure to submit or fully complete Form P-9 may be grounds for disqualification.

10. Familiarity with the County Lobbyist Ordinance Certification

Proposer shall complete and sign the Familiarity with the County Lobbyist Ordinance Certification (Form P-10). Failure to submit or fully complete Form P-10 may be grounds for disqualification.

11. Certification of Independent Price Determination & Acknowledgment of RFP Restrictions

Proposer shall complete and sign Certification of Independent Price Determination & Acknowledgment of RFP Restrictions (Form P-11). Failure to submit or fully complete Form P-11 may be grounds for disqualification.

12. Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form

The Proposer shall complete and sign Request for Local SBE Preference Program Consideration and CBE Firm/Organization Information Form (Form P-12). Failure to fully complete or submit Form P-12 may be grounds for disqualification.

13. Transitional Job Opportunities Preference Application (if applicable)

Complete the Transitional Job Opportunities Preference Application and provide all supporting documents.

14. Contractor's Administration

The Proposer shall complete Contractor's Administration, Form P-14 and designate the Contract Representative, who shall be responsible for overall management and coordination of Contract work and any authorized officials of the contractor.

2.14 ADDITIONAL INFORMATION

Proposers may attach to their Proposals any information that would aid the Evaluation Committee in making a recommendation. Additional information may be requested by the Evaluation Committee to evaluate the Proposer's qualifications to perform the Contract work.

2.15 PROPOSALS MUST FOLLOW REQUIRED FORMAT

Proposers must respond specifically to all elements of the RFP. The content and sequence of Proposals must follow the "Required Format and Content of Proposal" as outlined in Section 2.13. Failure of the Proposal to conform to these requirements may, at the County's sole discretion, disqualify the Proposal from consideration.

3.0 SELECTION PROCESS

The County reserves the sole right to judge the contents of the Proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). The selection process will begin with receipt of the proposal on **February 23, 2009**.

3.1 ADHERENCE TO MINIMUM REQUIREMENTS (Pass/Fail)

Department shall review the Proposer's Organization Questionnaire/Affidavit, Form P-2, and determine if Proposer meets the minimum requirements as outlined in Minimum Mandatory Requirements section of this RFP. Failure of the Proposer to comply with the minimum requirements may eliminate its proposal from any further consideration. The County may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

3.2 EVALUATION COMMITTEE

Proposal evaluation will be made by an Evaluation Committee, which may include representatives from the Department, representatives from other County departments, public agencies and/or persons from the private sector. The selection and composition of the Evaluation Committee shall be solely determined by the Director. The Committee will use the criteria listed in the RFP to evaluate the Proposals. At the County's discretion, additional information may be requested from Proposers to clarify and explain Proposals.

3.3 ORAL PRESENTATION TO EVALUATION COMMITTEE

The Evaluation Committee may invite one or more Proposers to make an oral presentation to the Committee or one or more of its members, the Director, or the Departments staff as a further means of evaluating the Proposals.

3.4 ADDITIONAL INQUIRIES

The Evaluation Committee or any of its members may also question a Proposer about the Proposer's experience, past performance, financial stability, ability to

perform on schedule and any other matter that may reasonably relate to the Proposer's qualifications to perform the Contract work. In the County's sole discretion, the failure of a Proposer to promptly respond to any such inquiry may be deemed grounds for rejection of the Proposal.

3.5 EVALUATION SCORING

The Evaluation Committee will rate Proposals on a point system, subject to the County's right to disqualify incomplete and inadequate Proposals. Scoring will be based on information received from the Proposers. The Evaluation Committee will award the number of points it deems fair and appropriate within the range of possible scores for each scoring category and will assign a composite score to each qualifying Proposal based upon the following weighted criteria:

Experience and organizational resources – 30 percent

Approach to Contract requirements – 30 percent

Proposal Price – 20 percent

Quality Control Plan – 10 percent

References – 10 percent

3.6 ITEMS CONSIDERED BY EVALUATORS

In determining how well Proposals meet these criteria, the Evaluation Committee will consider the following items (but may also consider others):

1. Proposer's Experience and Organizational Resources

A maximum score of 300 points is possible for this category. Evaluators will consider experience in performing government contracts; familiarity with coastal engineering and development; familiarity with the Los Angeles Coast and Marina del Rey; the range of skills and depth of experience of the Proposer's principal(s) and staff; stability; ability to meet obligations; resources to meet increased payroll, supply and other expenses required by the Contract; and ability to fulfill a broad range of assignments based on:

- Recent experience in providing engineering and consulting services;
- Nature, size, scope, and outcome of past and current projects;

- Client references and comments of County staff;
- Resumes of Proposer principal(s) and key employees;
- Staffing as described in Proposer's Work Plan;
- Financial statements; and
- Evidence of insurability

2. Approach to Contract Requirements

A maximum score of 300 points is possible for this category. The Proposer's demonstrated understanding of the Contract work and proposed approach to the various elements of the work, the Proposer's grasp of the County's and the Department's unique requirements and the likelihood that the Proposer will respond appropriately to the Department's assignments, based on the Proposer's Work Plan (Form P-3).

3. Proposal Price

A maximum score of 200 points is possible for this category. The Proposer's principal's hourly rates quoted on Form P-1 will be evaluated with the maximum number of possible points awarded to the lowest cost proposal. All other proposals will be compared to the lowest cost and points awarded accordingly. However, should one or more of the Proposers request and be granted the Local SBE Preference, the cost component points will be determined as follows:

Local SBE Preference: Five percent (5%) of the lowest cost proposed will be calculated, which shall not exceed \$50,000, and that amount will be deducted from the Cost submitted by all Local SBE Proposers who requested and were granted the Local SBE Preference.

Transitional Job Opportunities Preference: Five percent (5%) of the lowest cost proposed will be calculated and that amount will be deducted from the Cost submitted by all Proposers who requested and were granted the Transitional Job Opportunities Preference.

4. Quality Control Plan

A maximum score of 100 points is possible for this category. Proposer's process of managing internal controls and its response to the Department's complaints or requests regarding work performance based on Proposer's response to Form P-4.

5. References

A maximum score of 100 points is possible for this category. The references listed on Form P-5 will be evaluated based on information provided and by telephone contact.

3.7 NUMERICAL RANKING

The Proposals shall be ranked in numerical sequence based on their composite scores in the evaluation process, and the Director, in his sole discretion shall recommend one of the Proposals for acceptance by the County. The Director's recommendation does not constitute award of the Contract, since only the Board of Supervisors may award a Contract.

3.8 PROPOSER SELECTION

After a prospective Contractor has been selected, the County and the prospective Contractor(s) will negotiate a Contract for submission to the Board of Supervisors for its consideration and possible approval. If a satisfactory Contract cannot be negotiated, the County may, at its sole discretion, begin contract negotiations with next qualified Proposer who submitted a proposal, as determined by the County. The recommendation to award a Contract will not bind the Board of Supervisors to award a Contract to the prospective Contractor. The County retains the right to select a Proposal other than the Proposal receiving the highest number of points if County determines, in its sole discretion, another Proposal is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

3.9 EXECUTION BY SELECTED PROPOSER(S)

The Contract shall be executed first by the Proposer(s) whose Proposal(s) is (are) selected by the Director for recommended acceptance by the County. The Proposer's failure to execute and return the Contract to the Director within five days after its receipt, or such longer time as the Director may allow, shall be deemed to be a refusal to enter the Contract, and the Director, in his sole discretion, may either reject all other Proposals or recommend any other Proposal for acceptance, based on his own evaluation or negotiation with the remaining Proposers.

3.10 CONDITIONAL RECOMMENDATION BY DIRECTOR

The Director reserves his right to condition his recommendation of the selected Proposal(s) on changes being made in the Proposal(s). If the Director elects to negotiate such changes, the negotiations will be conducted with the Proposer(s) whose Proposal(s) is (are) first selected. In the event an agreement is not reached with the first selected Proposer(s), negotiations may be conducted with any other Proposer the Director selects through his sole discretion.

3.11 SUPPLEMENTAL DOCUMENTS

Within fifteen days after acceptance of its Proposal by the Board of Supervisors, or before the starting date of the Contract, whichever comes first, the selected Proposer(s) shall provide the CA with satisfactory written proof of insurance complying with Section 2.24 of the *Attachment A, Sample Contract*.

3.12 DISQUALIFICATION REVIEW

A proposal may be disqualified from consideration because the County determined it was a non-responsive proposal at any time during the evaluation process. If the County determines that a proposal is disqualified due to non-responsiveness, the County shall notify the Proposer in writing. Upon receipt of the written determination of non-responsiveness, the Proposer may submit a written request for a Disqualification Review by the date specified. Requests for a Disqualification Review not timely submitted will be denied. A Disqualification Review shall only be granted under the following circumstances:

- A. The firm/person requesting a Disqualification Review is a Proposer;
- B. The request for a Disqualification Review is submitted timely; and,
- C. The request for a Disqualification Review asserts that the department's determination of disqualification due to proposal non-responsiveness was erroneous (e.g. factual errors, etc.) and provides actual support on each ground asserted as well as copies of all documents and other material that support the assertions.

The Disqualification Review shall be completed and the department's determination shall be provided to the Proposer, in writing, prior to the conclusion of the evaluation process.

3.13 DEPARTMENT'S PROPOSED CONTRACTOR SELECTION REVIEW

3.13.1 Departmental Debriefing Process

Upon completion of the evaluation, and prior to entering negotiations with the selected Proposer, the Department shall notify the remaining Proposers in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, the Proposer may request a Debriefing within the time specified in the letter. A Debriefing will not be provided unless the request is made within the timeframe specified. The purpose of the Debriefing is to compare the Proposer's response to the solicitation document with the evaluation document. The Proposer shall be debriefed only on its response. Because the contract process has not been completed, responses from other Proposers shall not be discussed.

If the Proposer is not satisfied with the results of the debriefing, it may, within five (5) business days of the debriefing, request a review on the grounds and in the manner set forth below for review of the department's recommendation for contract award.

3.13.2 Proposed Contractor Selection Review

The Proposer may submit a written request for a Proposed Contractor

Selection Review if they assert that their proposal should have been determined to be the highest-scored proposal because of one of the following reasons:

- A. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - Failure to correctly apply the standards for reviewing the proposal format requirements.
 - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
- B. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in the Proposer receiving an incorrect score and not being selected as the recommended contractor.
- C. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
- D. Another basis for review as provided by state or federal law.

Upon completing the Proposed Contractor Selection Review, the County shall issue a written decision to the Proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the contract award recommendation is to be heard by the Board. If the Proposer is not satisfied with the results of the Proposed Contractor Selection Review, it may request a review on the grounds and in the manner set forth below for a County Review Panel.

3.13.3 County Review Panel Process

If the Proposer is not in agreement with the results of the Department's Proposed Contractor Selection Review, the Proposer may submit a written request for a review by a County Review Panel.

SELECTION PROCESS AND EVALUATION CRITERIA

Upon completion of the Panel's Review, the Panel will forward its report to the department, which will provide a copy to the Proposer.