



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE

REFER TO FILE:

AE-3

January 5, 2012

REQUEST FOR PROPOSALS DESIGN-BUILD SERVICES MANHATTAN BEACH LIBRARY PROJECT SPECIFICATIONS NO. 7168, C.P. 69571

The County of Los Angeles Department of Public Works is requesting proposals from qualified design-build entities to provide design-build services for the Manhattan Beach Library Project, Specs. 7168. The project is located at 1320 Highland Avenue, Manhattan Beach, CA 90266. Information regarding requirements for submittals is contained in the enclosed Request for Proposals.

We request your indication within five working days from the receipt of this letter that you will or will not be responding to this Request for Proposals. Please complete the enclosed Response to Request for Proposals form and e-mail to Mr. David Asato at dasato@dpw.lacounty.gov.

A pre-proposal conference to answer questions concerning the project will be held on January 12, 2012, at 1:00 p.m., at the Department of Public Works, 900 South Fremont Avenue, First Floor Conference Room D, Alhambra, California 91803. Attendance is strongly encouraged.

Prequalification Questionnaire submittals must be addressed and submitted to the Department of Public Works, Architectural Engineering Division, 900 South Fremont Avenue, 8th Floor, Alhambra, California 91803, attention Mr. Asato, **no later than 3:00 p.m., February 23, 2012**. Delivery packages should be marked: "Manhattan Beach Library Project."

Request for Proposals
Manhattan Beach Library Project
January 5, 2012
Page 2

If you have any questions regarding this Request for Proposals, you may contact Mr. Asato at (626) 458-2586, or at the e-mail address above.

Very truly yours,

GAIL FARBER
Director of Public Works

for 

SHARI AFSHARI
Assistant Deputy Director
Architectural Engineering Division

SA:DA
P:\aepub\CONTRACTS\David\Manhattan Beach LibraryCover

Enc.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS
ARCHITECTURAL ENGINEERING DIVISION

RESPONSE TO REQUEST FOR PROPOSALS (RFP)

**MANHATTAN BEACH LIBRARY PROJECT
SPECS. 7168**

Please complete this form and fax to the person indicated in the RFP cover letter.
Thank you.

Date: _____

To: David Asato
Department of Public Works

Email: dasato@dpw.lacounty.gov

From:

Company:

Contact Name:

Phone: _____ ()

Fax: _____ ()

Email:

Please check all that apply

- ☐ We will be responding to the RFP
- ☐ We will not be responding to the RFP

Reason(s) for not responding to the RFP:

- ☐ Due to current or anticipated workload
- ☐ Do not perform the type of work required by the RFP
- ☐ Staffing not available at this time
- ☐ Not enough time provided to respond
- ☐ Other

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES**

MANHATTAN BEACH LIBRARY PROJECT

1320 HIGHLAND AVENUE

MANHATTAN BEACH, CA 90266

SPECS. 7168, C.P. 69571

January 2012

**COUNTY OF LOS ANGELES
DEPARTMENT OF PUBLIC WORKS
900 SOUTH FREMONT AVENUE
ALHAMBRA, CA 91803**

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES
MANHATTAN BEACH LIBRARY PROJECT**

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EXHIBITS

- A. Part A - Prequalification Questionnaire
- B. Section 00300, Cost Proposal Form (to be distributed to prequalified design-builders)
- C. Section 00500, Design-Build Agreement (Sample)
- D. Section 00610, Bond for Faithful Performance (Sample)
- E. Section 00620, Payment Bond for Labor and Materials (Sample)
- F. Section 00700, General Conditions
- G. Section 00800, Supplementary Conditions
- H. Labor Compliance Program (to be determined and provided at a later date)
- I. Design-Build Manual (to be distributed to prequalified design-builders)
- J. Itemized Scoping Documents List
- K. Life Cycle Cost Methodology and Template (to be distributed to prequalified design-builders)
- L. Schematic Drawings (Sheets A1.11, A1.21, A1.21A, A1.22, A1.23, A3.01 & A3.02)
- M. Schematic Basis of Design
- N. Schematic LEED Scorecard

ATTACHMENTS (REQUIRED CERTIFICATION FORMS)

Forms 00310 through 00440 must be acknowledged in the Part A Prequalification Questionnaire submittal, but not submitted. These forms will be required only from the shortlisted proposers as part of Part B Request for Technical and Cost Proposals.

- 00310 Best Management Practices (BMP) Requirements
- 00311 Construction and Demolition Debris Recycling Requirements
- 00312 Builders Risk Course of Construction Insurance Requirements
- 00410 Proposal Bond
- 00430 Subcontractor Listing and Subcontracting
- 00435 Community Business Enterprises (CBE) Participation Form
- 00438 Request for Local Small Business Enterprise (SBE) Preference
Consideration and Community Business Enterprise (CBE)
Firm/Organization Information Form
- 00440 Equals

Forms 00445 through 00496 below are required forms to be complete, signed, and attached to the Part A Prequalification Questionnaire submittal:

- 00445 Community Business Enterprise Program Sanctions
- 00450 Noncollusion Affidavit
- 00460 Greater Avenues for Independence/General Relief Opportunity for
Work (GAIN/GROW) Participation Affidavit
- 00465 3-Year Contracting History
- 00470 False Claims
- 00471 Civil Litigation History
- 00472 Criminal Convictions
- 00473 Debarments
- 00474 Labor Law/Payroll Violations
- 00485 Contractor Employee Jury Service Program
- 00490 Design-Builder's Industrial Safety Record
- 00491 Injury & Illness Prevention Plan & Code of Safe Practices Affidavit
- 00492 Bidder's Organization Questionnaire/Affidavit
- 00493 Defaulted Property Tax Reduction Program
- 00494 Avoidance of Conflict of Interest Certificate
- 00495 Familiarity with the County Lobbyist Ordinance Affidavit Form
- 00496 Proposer's EEO Certification Form

**REQUEST FOR PROPOSALS
FOR
DESIGN-BUILD SERVICES
MANHATTAN BEACH LIBRARY PROJECT**

1 INTRODUCTION AND OVERVIEW

**THIS IS A QUALIFICATIONS-BASED, BEST VALUE SELECTION.
THIS IS NOT A LOW BID SOLICITATION.**

1.1 General:

The County of Los Angeles, Department of Public Works (Public Works) is inviting Design-Build proposals from interested firms to perform the design, construction, and warranty maintenance for the Manhattan Beach Library Project (Project), Specs. 7168. The project is located at 1320 Highland Avenue, Manhattan Beach, CA 90266.

The County's primary objective in utilizing the Design-Build approach for this Project is to bring the best available design and construction experience and expertise together to collaborate with the County as a team to successfully deliver this Project.

The County desires to select a cooperative, highly qualified Proposer to deliver a project that fully meets the County's established criteria using the Design-Build approach. This approach is intended to allow designers and contractors to work together to address the unique challenges of the Project.

The successful Proposer will be selected according to the selection process described herein in Section 3 and the evaluation criteria described in Section 5. This Request for Proposals (RFP) includes two parts. All interested Proposers are invited to submit a response to Part A — Prequalification Questionnaire (Exhibit A). The top three (3) ranked Proposers who are short-listed under Part A will be invited to submit a response to Part B - Technical and Cost Proposal.

The purpose of Part A – Prequalification Questionnaire is to provide the County with sufficient information to determine if a Proposer is responsible and meets the minimum qualifications to satisfactorily perform the proposed work. Used in this context, the term Responsible has reference to trustworthiness, as well as quality, fitness, capacity, experience, and ability of the Proposer to satisfactorily perform the work.

The purpose of the Part B- Technical and Cost Proposal is to evaluate the proposals and rank the Proposers sequentially from the most advantageous to the least to deliver the Project.

1.2 Project Overview:

The proposed project will consist of the construction of a new two-story 21,500 square foot library facility and associated site improvements, including access ramps, walkways, landscaping, and underground utilities. The demolition of the existing library facility will be handled by the County in coordination with the selected design-builder.

The selected Design-Builder will be required to cooperate with the County and the City of Manhattan Beach in coordinating and scheduling the demolition, make-ready, and construction work for the project to minimize the impacts to the ongoing operations and functions at the Manhattan Beach City Civic Center.

The selected Design-Builder should demonstrate a clear understanding of the project requirements and challenges and willingness to work collaboratively with the County and the City to achieve a successful outcome for the project.

1.3 Definitions:

Definitions are provided in Exhibit F, General Conditions, to clarify the terms used in this RFP document.

1.4 RFP Schedule:

A tentative schedule is provided for information purposes only:

01/05/12	RFP issue date
01/12/12	Part A - Presubmittal conference
02/23/12	Part A — Prequalification Questionnaire Submittals due to the County
03/22/12	Part A - Initial Determination of Prequalified Proposers
04/09/12	Invitation to short-listed Proposers to submit Part B-Technical and Cost Proposal.
04/16/12	Part B – Pre-Proposal conference
TBD	Optional Presubmittal Meeting(s)
05/24/12	Part B –Technical and Cost Proposal Submittals due to the County
TBD	Oral Presentations
06/28/12	Notification of Final Ranking of Proposers
08/21/12	Award of Contract (Tentative)

The County reserves the right to revise the RFP schedule at any time during the selection process.

1.5 Cost of Proposal:

The County shall not in any way be liable or responsible for any costs incurred in connection with the preparation, submittal, or presentation of any proposal submitted in response to this RFP.

1.6 County's Ownership of Materials and Equipment

Proposer acknowledges and grants to County, a perpetual, unlimited, royalty-free, non-exclusive and irrevocable license for County (including without limitation its employees, contractors and agents) to use, copy, modify and create derivative works of all processes, materials, documents, reports and other information of all types, including computer models developed by the Proposer for the project, that is submitted, provided, or otherwise disclosed by Proposer as a result of this RFP. This grant of license includes, but is not limited to, rights to use any know-how disclosed or otherwise provided by Proposer or any of its subcontractors; rights to practice any inventions owned, controlled, or licensed by Proposer; and rights to use, copy, modify and create derivative works based on, incorporated in, or derived from, the materials, documents, reports and other information of all types. Proposer also acknowledges that any and all associated intellectual property rights for any derivative works created by the County (including without limitation its employees, contractors and agents), shall be owned by the County.

1.7 Qualifications of Proposers and Subcontractors

1.7.1 The Proposer and each listed entity, including subcontractors known at time of Part B – Technical and Cost Proposal submittal must have a valid license issued by the Contractors' State License Board for the type of work proposed to be performed by the Proposer and each listed subcontractor under the Contract. The applicable license(s) is required at time of Part B –Technical and Cost Proposal submittal in order to be considered a responsive Proposer. This Project requires the Proposer to possess an active State of California Contractor's license classification of "B" at time of Part B –Technical and Cost Proposal submittal.

1.7.2 Design professionals known at the time of Part B –Technical and Cost Proposal submittal must have valid professional licenses issued by the State of California for the discipline of work proposed to be performed by each listed design professional. The applicable license(s) is required at time of Part B –Technical and Cost Proposal submittal in order to be considered a responsive proposal.

- 1.7.3 In addition to the above, the Scoping Documents set forth specialty license requirements, experience requirements, and certification requirements. The apparent successful Proposer shall be required to demonstrate to the County's satisfaction that the Proposer and its proposed subcontractors (whether required to be listed or not) that are known at time of proposal submittal, possess these specialty license, experience, and certification requirements.

1.8 Prohibition from Involvement in Proposal Process

In accordance with Section 20133 of the California Public Contract Code, any architect or engineer, retained by the County to assist in the development of the project-specific documents shall not be eligible to participate in the preparation of a proposal with any Design-Builder for this Project. Therefore, the following firms, which were retained by the County to assist in the preparation of the Scoping Documents for the Project, will not be allowed to participate in response to this RFP, including Part A – Prequalification Questionnaire and Part B – Technical and Cost Proposal, in any capacity:

Architect

Johnson Favaro
5898 Blackwelder St.
Culver City, CA 90232

Acoustics, AV & IT

Waveguide
6060 Center Dr., Suite 870
Los Angeles, CA 90045

Civil

Rothman Engineers
205 South Broadway, Suite 206
Los Angeles, CA 90012

Cost Estimating

C. P. O'Halloran Associates, Inc.
2659 Townsgate Road, Suite 213
Westlake Village, CA 91361

Curtain Wall

Burro Happold
9601 Jefferson Blvd.
Culver City, CA 90232

Energy Model

Brummitt Energy Associates
2171 India Street, Suite B
San Diego, CA 92101

Graphics

Ph.D
1524a Cloverfield Blvd.
Santa Monica, CA 90404

Interiors

Carol Cambianica
1606 Ben Lomond Drive
Glendale, CA 91202

Landscape

EPT Design
844 East Green Street, Suite 201
Pasadena, CA 91101

MEP

Glumac
617 W. 7th Street, Suite 500
Los Angeles, CA 90017

Structural

Englekirk
2116 Arlington Avenue
Los Angeles, CA 90018-1398

LEED, Sustainability

Davis Langdon
301 Arizona Aveue, Suite 301
Santa Monica, CA 90401

Hazardous Building Materials Survey

Ninyo and Moore
475 Goddard, Suite 200
Irvine, CA 92618

Geotech Consultant

Geotechnologies, Inc.
439 Western Avenue
Glendale, CA 91201

Topographic Survey

JMC²

411 N. Harbor Blvd., Suite 201
San Pedro, CA 90731

Proposers must not contact the firms listed above. All contacts shall be through the County's Contract Administrator listed immediately below.

Contact with any firm listed in this Section (including principal, manager, or employee), during the RFP period regarding this RFP may be cause for immediate disqualification of the Proposer.

1.9 Contact with Public Works Employees

As of the issue date of this RFP and continuing until the date of award of Contract, all Proposers are specifically directed not to hold meetings, conferences, or technical discussions regarding the RFP with County employees and project consultants listed in Section 1.8 above, unless otherwise requested by the Contract Administrator. During this RFP period, questions regarding this RFP may be directed in writing to, or faxed to, the Contract Administrator identified below:

Contract Administrator: David Asato
County of Los Angeles Department of Public Works
Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Phone (626) 458-2586
Facsimile (626) 979-5311
E-mail: dasato@dpw.lacounty.gov

Questions must be received 14 calendar days prior to each submittal deadline. Any questions received within 14 calendar days of the deadline may not be considered.

Contact with any other County official or employee, or any firm listed in Section 1.8 of this RFP (including principal, manager, or employee), during the RFP period regarding this RFP may be cause for immediate disqualification of the Proposer.

1.10 Complete Sets of Scoping Documents

Complete sets of Scoping Documents shall be used in preparing proposals; the County does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Scoping Documents.

Where certain Scoping Documents are not made available with the RFP or are issued in draft form at the time of issuance of the RFP, the County will issue final and complete versions of such documents at the time Proposers are invited to submit Part B – Technical and Cost proposals.

1.11 Proposal Effective Period

All Part B – Technical and Cost Proposal submissions shall remain in effect for a period of one hundred and twenty (120) calendar days from the proposal submittal date, or in the event the County issues a Request for Best and Final Offer, 120 calendar days from the submittal of the Best and Final Offer. Proposers may withdraw their proposals 121 calendar days after final proposals or Best and Final Offers are submitted by submitting written notice addressed to Public Works.

1.12 Examination of RFP and Site

Before submitting a proposal, each Proposer is responsible to: a) examine the RFP and all attachments and exhibits thoroughly; b) visit the site to familiarize itself with field conditions that may in any manner affect cost, progress, or performance of the Work; c) and become familiar with Federal, State, and local laws, ordinances, rules, and regulations that may in any manner affect cost, progress, or performance of the Work. Also, Proposer is required to provide County written notice of errors, ambiguities, or discrepancies that it discovers in or among this RFP, including any documents attached thereto, as-built drawings of Site conditions, and actual Site conditions.

1.13 Performance and Other Bonds

Section 00700, General Conditions (Exhibit F), sets forth requirements as to performance bonds and other bonds (Refer to Exhibits D and E for samples). When the successful Proposer delivers the executed Agreement to the County, it shall be accompanied by the required contract security.

2 **SCOPE OF SERVICES**

2.1 Project Description

The proposed project will consist of the construction of a new two-story 21,500 square foot library facility and associated site improvements, including access ramps, walkways, landscaping, and underground utilities. The library will include adult reading areas, a teen area, and a juvenile/early childhood area with dedicated programming space, a homework center; group study/tutoring rooms; a 100-seat community meeting room; express-service check-out machines; information services desks; public access

computers; staff areas; and public restrooms. The project scope will include a portion of the furniture, fixtures, and equipment (tables, chairs, built-in casework, book shelving, modular work stations, and staff lockers) to expedite procurement and installation by the design builder in coordination with the other finish trades. The remaining furniture, fixtures, and equipment (computers, printers, fax machines, and copier machines), and interior signage will be procured separately by the County. The demolition of the existing library facility will be handled by the County in coordination with the selected design-builder.

The County is in the process of evaluating the necessary environmental documentation in order to comply with the California Environmental Quality Act.

The project will be required to be designed and constructed to achieve, at a minimum, a leadership in energy and environmental design (LEED) gold certification by the U.S. Green Building Council.

2.2 Scope of Services

Proposals must be for a complete Design-Build project and must include all design, engineering, construction, procurement and installation of equipment (unless otherwise specified), permits, and warranty maintenance services. The proposal price must contain all costs and fees for such services.

The Design-Builder shall be responsible for all turnkey design and construction services required for the completion of the Project in accordance with the Scoping Documents and the County's Design-Build Manual (Design-Builder) included as Exhibit I. The Scoping Documents are listed in Exhibit J, Itemized Scoping Documents List.

The Design-Builder's deliverables and services shall include, but are not limited to, the following:

- 2.2.1 Design and construction of the Project in compliance with any and all applicable codes, rules/regulations, and laws.
- 2.2.2 Compliance with the Project's approved environmental documents provided by the County.
- 2.2.3 Any and all design and engineering work.
- 2.2.4 Any and all demolition, construction, and warranty maintenance work.

- 2.2.5 Identifying and obtaining all required permits, inspections, and approvals for the Project.
- 2.2.6 Procuring and installing all equipment, unless otherwise specified.
- 2.2.7 Quality control and performance testing.
- 2.2.8 Start-up and commissioning.
- 2.2.9 Training of County employees in the use, operation, and maintenance of systems and equipment.
- 2.2.10 Providing all operating manuals and documents.
- 2.2.11 Warranty maintenance services.

2.3 Project Schedule

The anticipated Contract Time for this Project is 690 calendar days, as defined in Section 00700, General Conditions, of the Project Manual and Section 01010, Project General Requirements, of the Project Manual.

2.4 Project Design-Build Budget

- 2.4.1 The County's established design-build budget for this Project is \$14,500,000, including \$1,500,000 for furniture, fixtures, and equipment.

3 SELECTION PROCESS

3.1 Basis of Selection

- 3.1.1 The County will award the Design-Build contract on the basis of a Best Value selection as provided for in Public Contract Code Section 20133, and as specifically described in this RFP.
- 3.1.2 The RFP includes two parts, Part A - Prequalification Questionnaire and Part B -Technical and Cost Proposal. Part A is open to all interested parties. Part B is limited to the invited Proposers prequalified under Part A.
- 3.1.3 The County will assemble an Evaluation Committee which will review and score the proposal submittals. The Evaluation Committee will review the proposals based upon the evaluation criteria defined in Section 5 of this RFP. Those proposals that do not meet the RFP requirements may be deemed nonresponsive and disqualified from further consideration during the RFP process.

- 3.1.4 The Evaluation Committee may request clarification of any portion of a proposal submittal. A Proposer's response to such a request must be in writing and shall become part of the Proposer's proposal. If the Proposer fails to respond within the time indicated in the request, the Proposer may be deemed nonresponsive and its proposal may be disqualified from further consideration during the RFP process.
- 3.1.5 An oral presentation is part of this RFP, and will be held on the date specified in Section 1.4. This presentation is intended to provide each Proposer with an opportunity to present its proposed project team, outline aspects of its proposal and project plan, and allow the County to ask specific questions and clarifications related to the Proposer and its proposal.
- 3.1.6 The selection will be made on the basis of qualifications, demonstrated competence, ability to meet County criteria, and technical response to the RFP without regard to race, creed, color, or gender.
- 3.1.7 Public Works, at its sole discretion, reserves the right to reject any and all proposals or waive minor deficiencies, irregularities, or technicalities in any proposal, if determined to be in the County's best interest.

3.2 Part A — Prequalification Questionnaire

- 3.2.1 A presubmittal conference will be held at the **Department of Public Works' Headquarters, 900 South Fremont Avenue, Alhambra, California 91803, on January 12, 2012 at 1:00 pm in First Floor Conference Room D**, to review the RFP and answer questions from prospective Proposers.
- 3.2.2 Proposers that provide all required information in the Part A — Prequalification Questionnaire will be deemed responsive. Failure to provide all the requested information in Part A - Prequalification Questionnaire may be cause for disqualifying the Proposer as nonresponsive.
- 3.2.3 All Proposers that have responded to Part A — Prequalification Questionnaire, and have been determined to be responsive, will be deemed prequalified.

3.3 Part B — Technical and Cost Proposals

3.3.1 Invitation to Submit Part B — Technical and Cost Proposals will be extended to the top three (3) ranked Proposers. One week prior to the County's issuance of such invitation, the top three (3) ranked Proposers will be required to reconfirm their intent to submit a response to Part B –Technical and Cost Proposals. If any of the invited Proposers withdraw from the RFP process or otherwise decline to submit a proposal for Part B, the County reserves the right to invite the next highest scoring prequalified Proposer(s) so that at least a total of three prequalified firms participate in Part B.

3.3.2 In the event the County determines that less than three Proposers are prequalified, the County reserves the right to invite them to submit Part B –Technical and Cost Proposals.

3.3.3 Invited Proposers will be requested to submit Part B – Technical and Cost Proposals offering Design-Build Services in accordance with Section 2, and in a format specified in Section 4 of this RFP.

3.3.4 Pre-Proposal Conference

A pre-proposal conference will be held on April 16, 2012 at 10:00 am at a location to be determined at Public Works Headquarters to answer questions concerning the RFP. Proposers are strongly encouraged to attend.

3.3.5 Optional Presubmittal Meetings:

Public Works will conduct optional presubmittal meetings with each Proposer who has been invited to submit Part B — Technical and Cost Proposals if requested by any Proposer. The purpose of these meetings will be to answer questions concerning the Project. Meetings will be held individually and confidentially with each Proposer.

Requests for such meetings must be received in writing at least one week prior to the requested meeting date. Meetings will not be scheduled during the last week prior to the proposal submittal due date.

3.3.6 The Evaluation Committee will review all Part B – Technical and Cost Proposals and score them based upon the criteria outlined in Section 5 of this RFP. Technical proposals will be evaluated and

scored first. After all technical components have been scored, the cost proposals will be evaluated and scored. The Proposers' total scores will be used to rank the Proposers based on the review of the Proposers' written submittals.

- 3.3.7 If oral presentations are required, the County will invite the top three ranked Proposers to make oral presentations based on the ranking from the evaluation of the Part B – Technical and Cost Proposals. The Evaluation Committee will score the presentations based on criteria outlined in Section 5 of this RFP.
- 3.3.8 After the proposal evaluations and oral presentations, if any, are completed, the Evaluation Committee will tally the total score for each proposal and rank the Proposers sequentially from the most advantageous to the least and the Proposers will be informed of the final ranking and scores.
- 3.3.9 Good faith negotiations will begin with the most advantageous Proposer. In the event that additional elements, changes, or enhancements to existing elements contained in this RFP may be required, Public Works reserves the right to negotiate with the top-ranked Proposer to cause these changes to be incorporated in the work product.
- 3.3.10 The list of Proposers from the most advantageous to the least will be presented to the Board of Supervisors with a recommendation regarding the award of the Design-Build Agreement (Refer to Exhibit C for sample). Public Works will make a recommendation to the Board of Supervisors regarding award of a contract to the most advantageous Proposer based on the Proposer's ability to best meet the requirements stated in the RFP.
- 3.3.11 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 Proposer and the terms of any resultant agreement, and to determine which Proposer best serves the interests of the County. The Board of Supervisors is the ultimate decision-making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract.

3.4 Request for Best and Final Offer (BAFO)

- 3.4.1 The County reserves the right, at its sole discretion, to request a Best and Final Offer (BAFO) from all Proposers after review of the cost proposals is complete and prior to determination of the final ranking.

- 3.4.2 If a request for BAFO is issued by the County, all amendments to the RFP, including evaluation criteria, will be issued in an addendum. Applicable portions of the scores received by Proposers in connection with their previously evaluated proposal may, in the County's discretion, be factored into the scoring of their BAFO, depending on the nature and magnitude of the changes outlined in the addendum.
- 3.4.3 Upon conclusion of the County's evaluation of the BAFOs, the Evaluation Committee will tally the total score for each proposal and rank the Proposers sequentially from the most advantageous to the least and the Proposers will be notified of the final ranking and scores.

3.5 Contract Award

- 3.5.1 If the County determines to award a contract, it shall be awarded to the most advantageous responsive and responsible Proposer with preference to businesses that are certified by the County as a Local Small Business Enterprise as set forth in Section 6.36. The Board of Supervisors reserves the right to reject any or all proposals or to waive in the public interest technical or inconsequential errors or discrepancies in proposals submitted.
- 3.5.2 The Board shall have the right to delay the award of the contract for 120 days after the submittal of Part B – Technical and Cost Proposals and/or the submittal of the Best and Final Offer, whichever occurs later, unless otherwise agreed to by the County and Proposers. Proposers may withdraw their proposals 121 calendar days after final proposals or Best and Final Offers are submitted by submitting written notice addressed to Public Works.
- 3.5.3 Upon notification from Public Works, the most advantageous Proposer will be required to deliver within fourteen (14) calendar days to the offices of Public Works certificate(s) issued by the insurance carrier(s), payment and performance bonds, and three (3) signed and notarized originals of the Design-Build Agreement.
- 3.5.4 When the Board of Supervisors has formally awarded the Design-Build Agreement, the County will execute the contract and issue the fully executed contract to the Design-Builder followed by a Notice to Proceed.

PROPOSAL SUBMISSION REQUIREMENTS

The responses to this RFP, Part A – Prequalification Questionnaire and Part B – Technical and Cost Proposals, must be made according to the requirements set forth

in this Section, both for content and for sequence. Noncompliance with these requirements or the inclusion of conditions, limitations, or misrepresentations, may be cause for rejection of the proposal. Submittals shall be addressed and delivered to:

CONTRACT ADMINISTRATOR: David Asato
County of Los Angeles Department of Public Works
Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331

Submittals in response to Part A – Prequalification Questionnaire and Part B – Technical and Cost Proposals must be received by the submittal dates indicated in the respective cover letters.

PROPOSALS RECEIVED BY PUBLIC WORKS AFTER THE STATED DEADLINES WILL BE CONSIDERED FOR EVALUATION SOLELY AT THE DISCRETION OF PUBLIC WORKS, IF DETERMINED TO BE IN THE COUNTY'S BEST INTEREST.

4.1 Part A — Prequalification Questionnaire

4.1.1 Responses to Part A –Prequalification Questionnaire must be submitted in accordance with the following:

- Complete all requested information in Part A — Prequalification Questionnaire
- Sign and date the Commitment to Propose.
- Sign and date the Oath of Truthfulness.
- Submit six (6) complete copies (one unbound copy and five bound copies) of the completed documents.

4.1.2 The Part A –Prequalification Questionnaire is comprised of seven (7) sections as described below:

- Section 0: Proposer contact information.
- Section 1: Addresses the essential requirements necessary to meet the minimum baseline qualifications for Design-Build work as set forth by the County.
- Section 2: Proposer must agree, that if invited to submit a Part B — Technical and Cost Proposals, they will include signed copies of all County required certifications necessary to provide services to the County.

- Section 3: Addresses the organization, structure and history of the Proposer.
- Section 4: Provides the opportunity for the Proposer to demonstrate experience with similar types of projects as either a design-builder, or a traditional design or construction firm, along with an opportunity to highlight other positive information that the Proposer deems beneficial to the project and should be considered by the County.
- Section 5 — Commitment To Propose: The Proposer must certify that it will provide a full and complete proposal in response to Part B – Technical and Cost Proposals for the Project, if invited by the County.
- Section 6 — Oath of Truthfulness: The Proposer must declare under penalty of perjury under the laws of the State of California, that the information provided in the Part A –Prequalification Questionnaire is correct.

4.2 Part B — Technical and Cost Proposals

Only those Proposers who are short-listed will be invited to submit a response to Part B - Technical and Cost Proposals.

4.2.1 Responses to Part B must be submitted in the format as described below:

- All proposals must be submitted in 8.5" x 11" format, but not larger than 11" x 17" format.
- Submit ten (10) complete copies (one unbound copy and nine bound copies) of the technical proposal volume, one (1) bound copy of the CBE Good Faith Effort Documentation volume, and one (1) original Cost Proposal Form (Section 00300) in a separate sealed envelope.
- Submit one CD or DVD containing electronic files of the proposal in PDF format.
- The content of the proposal must be organized and tabbed as identified below.

- 4.2.2 The Part B – Technical and Cost Proposals shall be comprised of twelve sections divided by tabs as described below:

Required Proposal Sections:

- Tab-1 Cover Letter
- Tab-2 Table of Contents
- Tab-3 Design-Builder's Technical Design and Construction Expertise
- Tab-4 Design-Build Team Organization and Personnel
- Tab-5 Proposed Work Plan and Schedule
- Tab-6 Life Cycle Analysis
- Tab-7 Skilled Labor Force Availability
- Tab-8 Acceptable Safety Records
- Tab-9 Cost Proposal (In a Separate Sealed Envelope)
- Tab-10 Acceptance of Terms and Conditions
- Tab-11 Required Certification Forms
- Tab-12 CBE Good Faith Effort Documentation

Tab 1 - Cover Letter

Cover letter shall provide a brief introduction of the Proposer and include the name and address of the organization submitting the proposal; whether the proposing firm is a sole proprietorship, partnership, corporation, or joint venture; and the name, address, telephone number, and e-mail address of the contact person who will be authorized to make representations for the organization. Include a statement affirming the Proposer's sound financial capability.

Tab 2 - Table of Contents

Table of Contents shall include an outline of the proposal, identified by sequential page number, and tab titles as described in this Section.

Tab 3 – Design-Builder's Technical Design and Construction Expertise

This section provides the Proposer the opportunity to demonstrate its experience and expertise in the design and construction of projects of similar size, scope, type, and complexity.

The Proposer is provided the opportunity to present no more than five (5) projects which best represent its overall success in delivery of design-build projects, and/or other projects of similar size, scope, type, and complexity. The projects should be selected to highlight

the Proposer's ability to deliver design-build projects, coordinate between the general contractor and the design professionals in a team atmosphere, and show an ability and expertise in coordination of sub-trade contractors and trade specific design professionals.

For each project submitted provide:

- a. The project name, location, owner name, contract amount, and completion date (if not yet complete, indicate status),
- b. Owner reference information, including name, title, organization, and contact information for the project owner's representative,
- c. a narrative describing the delivery method and the role of the Proposer in the delivery of the project,
- d. a narrative describing how the Proposer's experience and lessons learned from the project will contribute to the successful delivery of this Project.

Tab 4 – Design-Build Team Organization and Personnel

- A. Provide an organizational chart of Proposer's team member-firms and key personnel, and provide a narrative describing how the proposed framework will provide a logical division of responsibility and a clear line of authority for delivery of the Project. Indicate any experience of the firms and/or individuals working together on prior projects.
- B. Designate the Proposer's Project Manager who will have authority and responsibility for the overall daily management of the Project.
- C. Designate a State of California licensed architect and/or engineer as the Proposer's Design Manager who will have overall responsibility for design of the Project.
- D. Provide resume information for all key personnel including experience, professional certification/license/registration, education, and relevant experience working as a member of a similar team. Include any previous design-build experience

and experience on projects of similar size, scope, type, and complexity.

Tab 5 – Proposed Work Plan and Schedule

A. Proposed Work Plan

Provide a narrative description of the Proposer's approach to delivering the Project in accordance with the Scope of Services and within the established Project Schedule and Project Budget specified in Section 2 of this RFP.

The Proposer's Work Plan should address in detail the following elements, at a minimum:

- Overall Management Plan
- Quality Assurance and Quality Control Plan for design and construction
- Integration and coordination of design and construction, including the use of building information modeling.
- County Reviews
- Jurisdictional Approvals
- Schedule Administration
- Cost Control
- Packaging and Phasing
- Safety Plan
- Commissioning Plan

B. Proposed Project Schedule

Provide a proposed Project schedule using the Critical Path Methodology (CPM) for delivery of the entire Project. The proposed schedule shall graphically illustrate the implementation of the work plan, and include all activities associated with the design, County reviews, jurisdictional approvals, procurement, construction, start-up and commissioning.

The proposed Project schedule shall serve as the basis for the Project Schedule required under Section 01310, Project Schedule, of the Project Manual.

Tab 6 – Life Cycle Cost Analysis

Proposer shall provide a life cycle cost (LCC) analysis for the Heating, Ventilation, and Air Conditioning (HVAC) system. The LCC analysis study period shall span 25 years using the Life Cycle Cost Methodology and Template included in Exhibit K of this RFP.

Tab 7 – Skilled Labor Force Availability

Proposer shall submit its agreement with a registered apprenticeship program, approved by the State of California Apprenticeship Council, which has graduated apprentices in each of the preceding five years. This graduation requirement shall not apply to apprentice programs for any crafts that have been deemed to be an apprenticeable craft by the Department of Labor and the Department of Industrial Relations in the five years prior to enactment of Public Contract Code Section 20133.

Tab 8 – Safety Record

Proposer shall provide an outline of its safety record including a demonstration of:

- A. Experience Modification Rate (EMR) for the most recent 3 year period (must be an average of 1.0 or less); and
- B. Total recordable injury/illness rate and average lost work rate for the most recent 3 year period (must not exceed the applicable statistical standard for its business category); or Proposer is a party to an alternative dispute resolution system as provided for in Section 3201.5 of the Labor Code.

Tab 9 – Cost Proposal

Proposer must submit in a separate sealed envelope its cost proposal for the entire Project on the Cost Proposal Form (Exhibit B). Envelope must be clearly marked "Cost Proposal" and include the Proposer's name and Project name.

In order for a Proposer to include an equal as part of its proposal, the Proposer must have submitted the proposed equal to the County for review and the County must have accepted it as an equal as described in Section 6.12. As part of this tab, the Proposer must submit a list of all accepted equals included as part of its proposal.

Tab 10 – Acceptance of Terms and Conditions

Proposer shall include a statement affirming the Proposer's acknowledgement and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFP, including any attachments and exhibits herein. Any and all parts of the submitted proposal may become a part of any subsequent contract between the selected Proposer and the County.

Tab 11 - Required Certifications and Forms

Proposer shall complete and submit the following certifications and forms with its proposal. Except for the Contractor Employee Jury Service Program form, these forms are required only from the Proposer. The Contractor Employee Jury Service Program form must be completed and signed by the Proposer and its subconsultants and subcontractors.

- A. Best Management Practices (BMP) Requirements (Section 00310)
- B. Construction and Demolition Debris Recycling Requirements (Section 00311)
- C. Builders Risk Course of Construction Insurance Requirements (Section 00312)
- D. Proposal Bond (Section 00410)
- E. Subcontractor Listing and Subcontracting (Section 00430)
- F. Community Business Enterprises (CBE) Participation Form (Section 00435)
- G. Description of Efforts to Employ Youth (Section 00436)
- H. Request for Local Small Business Enterprise (SBE) Preference Consideration and Community Business Enterprise (CBE) Firm/Organization Information Form (Section 00438)
- I. Equals (Section 00440)
- J. Community Business Enterprise Program Sanctions (Section 00445)

- K. Non-collusion Affidavit (Section 00450)
- L. GAIN/GROW (Section 00460)
- M. 3-Year Contracting History (Section 00465)
- N. False Claims (Section 00470)
- O. Civil Litigation History (Section 00471)
- P. Criminal Convictions (Section 00472)
- Q. Debarments (Section 00473)
- R. Labor Law/Payroll Violations (Section 00474)
- S. Contractor Employee Jury Service Program (Section 00485)
- T. Design-Builder's Industrial Safety Record (Section 00490)
- U. Injury & Illness Prevention Plan & Code of Safe Practices Affidavit (Section 00491)
- V. Bidder's Organization Questionnaire/Affidavit (Section 00492)
- W. Defaulted Property Tax Reduction Program (Section 00493)
- X. Avoidance of Conflict of Interest Certificate (Section 00494)
- Y. Familiarity with the County Lobbyist Ordinance Affidavit (Section 00495)
- Z. Proposer's EEO Certification Form (Section 00496)

Tab 12 – CBE Good Faith Effort Documentation

Submit, as a separate volume, documentation of Proposer's good faith efforts to meet the CBE participation goal specified in Section 6.31 of this RFP.

5 **EVALUATION CRITERIA**

5.1 Part A - Prequalification Questionnaire

5.1.1 All Proposer submittals in response to Part A – Prequalification Questionnaire will be screened for format and completeness. Proposers will be deemed responsive if they provide all required information in Part A — Prequalification Questionnaire in the correct format. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be deemed nonresponsive and disqualified from further consideration.

5.1.2 Sections 1 through 6 of the Part A – Prequalification Questionnaire will be evaluated by the Evaluation Committee according to the following criteria:

- Section 1 – Essential Requirements for Prequalification

All questions in this section are Pass/Fail, except for question 1.10 which is for information only. Proposer will be immediately disqualified if the answer to any of questions 1.1 through 1.5, including any subparts (i.e., 1.2a, 1.2b, or 1.2c) is "No". Proposer will be immediately disqualified if the answer to any of questions 1.6 through 1.9 is "Yes".

- Section 2 – Los Angeles County Required Certifications

All questions in this section are Pass/Fail. Proposer must affirm that it has reviewed all County forms listed in this Section, and agree to complete and submit all such forms as part of its

Part B — Technical and Cost Proposals if invited to submit. Failure to confirm a willingness to provide required certifications will be cause for disqualifying the Proposer as nonresponsive.

- Section 3 – Organization, History, Organizational Performance, and Compliance with Civil and Criminal Laws.

Certain questions in this section are only intended to obtain information from the Proposer and will be reviewed accordingly. The remaining questions in this section are intended for scoring purposes and will be scored according to the point scale specified following each question as noted in the questionnaire document.

- Section 4 – Recent Construction Projects Completed

All questions in this section are intended for scoring purposes and will be scored according to the point scale specified following each question as noted in the questionnaire document.

- Section 5 – Commitment to Propose

Proposer must complete and sign this section. Proposer will be immediately disqualified as nonresponsive if this section is not completed and signed.

- Section 6 – Oath of Truthfulness

Proposer must complete and sign this section. Proposer will be immediately disqualified as nonresponsive if this section is not completed and signed.

5.1.3 All Proposers that have not been disqualified will be deemed pre-qualified and will be ranked from highest to lowest scoring Proposer. The top three (3) ranked Proposers will be invited to submit a response to Part B- Technical and Cost Proposals upon notification from Public Works.

5.2 Part B-Technical and Cost Proposals

5.2.1 All Proposer submittals in response to Part B – Technical and Cost Proposals will be screened for format and completeness. Proposers will be deemed responsive if they provide all required information in Part B — Technical and Cost Proposals in the correct format. Any submittal failing to clearly present all of the requested information, or failing to be in the format requested, may be deemed nonresponsive and disqualified from further consideration.

- 5.2.2 Each proposal will be evaluated and scored according to the defined categories and points specified in the table below.

Evaluation Category	Points
Technical Design and Construction Expertise (*10% Min)	100
Life Cycle Cost (*10% Min.)	100
Skilled Labor Force Availability (*10% Min.)	100
Safety Record (*10% Min.)	100
Cost Proposal (*10% Min.)	200
Design-Build Team Personnel & Organization	100
Proposed Work Plan and Schedule	250
Oral Presentation (if used)	50
Total Maximum Points	1,000

* Indicates minimum values required by legislation (PCC 20133)

6 RFP GENERAL CONDITIONS

6.1 General Conditions:

This RFP is a solicitation for proposals only, and is neither intended, nor to be construed as, an offer to enter into an agreement or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule, or regulation. Thus, Public Works reserves the unqualified right to reject any or all proposals for any reason.

6.2 Public Works' Responsibilities:

Public Works is responsible only for that which is expressly stated in this RFP. Public Works 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.

6.3 Bid Security

- 6.3.1 Bid security is required of each Proposer at the time of the proposal submittal and shall be made payable to Los Angeles County, in an amount of ten percent (10%) of the Proposer's Base Price Proposal, in the form of cash, a certified check, a cashier's check, or a bid bond issued by a California-admitted Surety.

6.3.2 The bid security of the successful Proposer will be retained until such Proposer has executed the Agreement and contract security, whereupon it will be returned; if the successful Proposer fails to execute and deliver the Agreement and furnish the required insurance and contract security within fourteen (14) calendar days of notification from County, the County may annul the Notice of Award and the bid security of that Proposer may be forfeited. The bid security of any Proposer whom the County believes to have a reasonable chance of receiving the award may be retained until the earlier of the effective date of the contract or the one hundred and twenty-first (121st) day after proposal submittal. Bid security of Proposers other than the successful Proposer will be returned within thirty (30) days of the notification of the final ranking and scores of the Proposers.

6.4 Compliance with RFP:

Responses to this RFP shall be made according to the specifications and instructions contained herein. Failure to adhere to RFP instructions may be cause for rejection of any proposal.

6.5 Truth and Accuracy of Representations:

Substantially false, misleading, incomplete, or unresponsive statements and/or failure to adhere to the format herein described may be sufficient cause for rejection. The evaluation and determination of the fulfillment of the above requirement shall be in Public Works' sole judgment and shall be final.

6.6 Acceptance of Terms and Conditions:

Proposers understand and agree that submittal of a proposal will constitute acknowledgment and acceptance of, and a willingness to comply with, all of the terms, conditions, and criteria contained in this RFP, including any attachments and exhibits herein. Any and all parts of the submitted proposal may become part of any resultant contract between the selected Proposer and the County.

6.7 Public Works' Changes to RFP:

Public Works reserves the right to interpret or change any provisions of this RFP at any time prior to the proposal submittal date. Such interpretations or changes shall be in the form of addenda to this RFP. Such addenda will become part of this RFP and may become part of any resultant contract. Such addenda

shall be made available to each person or organization which has received an RFP. Should such addenda require additional information not previously requested, a Proposer's failure to address the requirements of such addenda may result in the Proposer not being considered.

Public Works, at its sole discretion, may determine that a time extension is required for submittal of proposals, in which case an addendum shall indicate the new proposal submittal date.

6.8 Modification and Withdrawal of Proposals

Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted or by a Proposer's representative with proper identification and verification, at any time prior to the closing time for receipt of proposals.

6.9 Consistency with Laws:

Any agreement entered into by the Proposer shall be consistent with applicable federal, state, and local laws.

6.10 Public Records Act:

Responses to this RFP become the exclusive property of Public Works. At such time as Public Works recommends to the Board of Supervisors, and such recommendation appears on the Board Agenda, all proposals submitted in response to this RFP become a matter of public records. Exceptions will be those elements in each proposal which are trade secrets as that term is defined in Government Code Section 6254.7 and which are so marked as "TRADE SECRET," "CONFIDENTIAL," or "PROPRIETARY." Public Works shall not in any way be liable or responsible for the disclosure of any such records including, without limitation, those so marked if disclosure is deemed to be required by law or by an order of the Court. Proposers which indiscriminately identify all or most of their proposal as exempt from disclosure without justification may be deemed unresponsive.

6.11 Protest Policy Review Process

The County will handle and process any and all protests in connection with this RFP according to the County of Los Angeles Contracting Manual, Countywide Construction Contracting Policy Guidelines, No. P-05-04, "Bid Protests", dated August 1, 2001. Proposers who wish to file a protest shall do so in accordance with the requirements specified in Contracting Policy Guidelines, No. P-05-04, which can be found at <http://dpw.lacounty.gov/general/bids/BidProtests.pdf>.

6.12 Equals

- 6.12.1 Whenever any material, product, apparatus, equipment, or service (collectively "item") is specified or indicated in the Scoping Documents by brand, trade, patent, proprietary name or by the name of the manufacturer, the item so specified or indicated shall be deemed to be followed by the words "or equal", unless specifically indicated to the contrary.
- 6.12.2 An "equal" is any material, product, apparatus, equipment, or service that has been substantiated and formally Accepted by the County to be equal in all respects to the material, product, apparatus, equipment, or service specified in the Scoping Documents.
- 6.12.3 A formal request for the County's acceptance of any equal product, apparatus or equipment known by the Proposer at the time of proposal shall be submitted for the County's review and acceptance by listing and describing each material, product, apparatus or equipment on Form 00440, Equals, no later than two weeks prior to the Part B – Technical and Cost Proposals submittal date. Lacking the County approval of an equal, Proposer is required to submit its Base Price Proposal according to the requirements specified in the Scoping Documents.

6.13 Alternatives

During the proposal period, alternatives, if any, and the corresponding prices described by the Proposer in the proposal will be reviewed, evaluated, accepted or rejected, and the proposed price will be adjusted accordingly. The review, evaluation, and price adjustment will be an interactive mutually agreeable process between the Proposer and the County.

6.14 County of Los Angeles Lobbyist Ordinance

The County 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 who seeks a County permit, license, franchise, or contract must certify compliance with the Ordinance. As part of this solicitation process, it is 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 RFP must certify that each County

lobbyist, as defined by Los Angeles County Code Section 2.160.010, that is, retained by the Proposer is in full compliance with Chapter 2.160 of the County Code.

6.15 Gratuities

6.15.1 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 submittal. 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.

6.15.2 A Proposer shall immediately report an attempt by a County officer, employee, or agent to solicit such improper consideration. The report shall be made either to the Public Works' manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the Proposer's submittal being eliminated from consideration.

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

6.16 Consideration of GAIN/GROW Program 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) Program, or shall attest to a willingness to consider GAIN/GROW participants for any future employment opening 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.

6.17 Child Support Compliance Program

Proposer is required to fully comply with all applicable state and federal reporting requirements relating to employment reporting for its employees. Proposer is required to fully comply with all lawfully served wage and earnings assignment orders and notices of assignment. Failure to comply with state and federal reporting requirements regarding employees, or failure to implement lawfully served wage and earnings assignment orders or notices of assignment, constitutes a default under the contract, and failure to cure the default within 90 days of notice by the County, shall subject the contract to termination. Failure to comply with these requirements may be cause for debarment.

6.18 Federal Earned Income Credit

Proposer shall notify its employee and shall require each subconsultant and 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 1015.

6.19 Reduction of Solid Waste

Consistent with the Board of Supervisors' policy to reduce the amount of solid waste deposited at the County landfills, the Proposer agrees to use recycled-content paper to the maximum extent possible on the project.

6.20 Small Businesses

Proposers are encouraged to utilize small businesses when possible to provide supplies, equipment, technical services, and other services under this RFP and resultant contract.

6.21 Indemnification and Insurance

6.21.1 The County's insurance requirements specify that Proposers should obtain coverage from insurance companies acceptable to the County who have a current A.M. Best rating of not less than A:IX. A Best rating of A:IX indicates that the company evidences strong financial strength and ability to meet their ongoing financial obligations to policyholders. Refer to Section 00700, General Conditions, and Section 00800, Supplementary Conditions (Exhibit G), for additional information on indemnification and insurance requirements.

6.21.2 SPARTA (Service Providers and Artisan Tradesman Activities) Program

SPARTA is designed to provide commercial general liability, excess general liability, professional liability, and non-owned automobile liability coverage to tradesmen, artisans, contractors and service providers who would not otherwise be able to provide the insurance limits needed to successfully bid and compete for public entity business opportunities.

Service providers interested in purchasing SPARTA coverage must contact Municipality Insurance Services, Inc., directly to obtain premium quotes, pay premiums, and receive certificates of insurance. Municipality Insurance Services, Inc., may be contacted toll free at (800) 420-0555 or by their website directly at www.2sparta.com.

6.22 Determination of Proposer Responsibility

- 6.22.1 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.
- 6.22.2 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 subconsultants and of which the Proposer had no knowledge shall not be the basis of a determination that the Proposer is not responsible.
- 6.22.3 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; (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.

6.22.4 If there is evidence that the 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.

6.22.5 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.

6.22.6 The terms shall also apply to proposed subconsultants of Proposers on County contracts.

6.23 Proposer Debarment

6.23.1 The Proposer is hereby notified that, in accordance with Chapter 2.202 of the County Code, the County may debar the Proposer from 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 years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of the Proposer's existing contracts with the 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.

6.23.2 If there is evidence that the 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.

- 6.23.3 The Contractor Hearing Board shall conduct a hearing where evidence on the proposed debarment is presented. The Proposer and/or the 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.
- 6.23.4 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.
- 6.23.5 If a Proposer has been debarred for a period longer than five years, that Proposer may, after the debarment has been in effect for at least five 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.
- 6.23.6 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 years; (2) the debarment has been in effect for at least five 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. After 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.

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.

6.23.7 These terms shall also apply to proposed subconsultants of Proposers on County contracts.

6.24 County's Defaulted Property Tax Reduction Program

The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program (Los Angeles County Code, Chapter 2.206). Prospective contractors should carefully read the Defaulted Tax Program Ordinance, Section 00493 which is incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both contractors and their subcontractors.

Bidders/proposers shall be required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and shall maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or shall certify that they are exempt from the Defaulted Tax Program by completing Certification of Compliance with the County's Defaulted Property Tax Reduction Program, Section 00493, - Certified Required Forms. Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract or initiation or debarment proceedings against the non-compliant contractor (Los Angeles County Code, Chapter 2.202).

Bids/proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

6.25 Compliance with Jury Service Program

6.25.1 This CONTRACT is subject to provisions of the COUNTY's ordinance entitled Contractor Employee Jury Service (Jury Service Program) as codified in Sections 2.203.010 through 2.203.090 of the Los Angeles COUNTY Code.

6.25.2 Unless Design-Builder has demonstrated to the COUNTY's satisfaction either that Design-Builder is not a Contractor as defined under the Jury Service Program (Section 2.203.020 of the COUNTY Code) or that Design-Builder qualifies for an exception to the Jury Service Program (Section 2.203.070 of the COUNTY

Code), Design-Builder shall have and adhere to a written policy that provides that its employees shall receive from the Design-Builder, 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 Design-Builder or that the Design-Builder deduct from the employee's regular pay the fees received for jury service.

- 6.25.3 For purposes of this Section, "Design-Builder" or "contractor" means a person, partnership, corporation or other entity which has a contract with the COUNTY or a subcontract with a COUNTY Design-Builder or 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. "Employee" means any California resident who is a full-time employee of Design-Builder. 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) Design-Builder has a long-standing practice that defines the lesser number of hours as full-time. 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. If Design-Builder uses any Subcontractor and/or Subconsultant to perform services for the COUNTY under the CONTRACT, the Subcontractor and/or Subconsultant shall also be subject to the provisions of this Article. The provisions of this Article shall be inserted into any such Subcontract and/or Subconsultant contract and a copy of the Jury Service Program shall be attached to the contract.
- 6.25.4 If a Design-Builder 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 Design-Builder must so indicate in the Certification Form and Application for Exception 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 Design-Builder falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.
- 6.25.5 If Design-Builder is not required to comply with the Jury Service Program when the CONTRACT commences, Design-Builder shall have a continuing obligation to review the applicability of its exception status from the Jury Service Program, and Design-Builder shall immediately notify COUNTY if Design-Builder at any time either comes within the Jury Service Program's definition of

Contractor or if Design-Builder no longer qualifies for an exception to the Program. In either event, Design-Builder shall immediately implement a written policy consistent with the Jury Service Program. The COUNTY may also require, at any time during the CONTRACT and at its sole discretion, that Design-Builder demonstrate to the COUNTY's satisfaction that Design-Builder either continues to remain outside the Jury Service Program's definition of Contractor and/or that Design-Builder continues to qualify for an exception to the Program.

6.25.6 If a Design-Builder uses a subcontractor to perform services for the County under the contract, the subcontractor shall also be subject to the provisions of the Jury Service Program, unless the subcontractor 1) does not fall within the definition of "contractor" or 2) meets one of the exceptions to the Jury Service Program. The provisions of the Jury Service Program must be inserted into any applicable agreement and a copy of the Jury Service Program shall be attached to the agreement.

6.25.7 Design-Builder's violation of this Section of the CONTRACT may constitute a material breach of the CONTRACT. In the event of such material breach, COUNTY may, in its sole discretion, terminate the Design-Builder and/or bar Design-Builder from the award of future COUNTY contracts for a period of time consistent with the seriousness of the breach.

6.26 Vendor Registration with the County of Los Angeles

All potential bidders/proposers with the County of Los Angeles are required to register in WebVen and have a valid vendor number assigned to them. The vendor number is required by the Auditor-Controller and is necessary for any payments to be made to a Design-Builder who is awarded a County project. Vendor registration can be done online at <http://camisvr.co.la.ca.us/webven> or calling the County's Internal Service Department Central Purchasing Vendor Relations Unit at (323) 267-2650. If you are awarded a contract and you do not have a valid vendor number, your payments will be delayed until you are registered.

6.27 No Payment for Services Provided Following Expiration/Termination of Agreement

Design-Builder shall have no claim against County for payment for any money or reimbursement, of any kind whatsoever, for any service provided by Design-Builder after the expiration or other termination of this Agreement. Should Design-Builder receive any such payment it shall immediately notify County and shall immediately repay all such funds to County. Payment by County for services rendered after

expiration/termination of this Agreement shall not constitute a waiver of County's right to recover such payment from Design-Builder. This provision shall survive the expiration or other termination of this Agreement.

6.28 Notice to Employees Regarding the Safely Surrendered Baby Law

The Design-Builder 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 the County of Los Angeles, and how to safely surrender a baby. The fact sheet is also available on the Internet at www.babvsafela.org for printing purposes.

The Design-Builder acknowledges that the County places a high priority on the implementation of the Safely Surrendered Baby Law. The Design-Builder understands that it is the County's policy to encourage all County Design-Builder's to voluntarily post the County's A Safely Surrendered Baby Law poster in a prominent position at the Design-Builder's place of business. The County's Department of Children and Family Services will supply the Design-Builder with the poster to be used.

6.29 Notification to County of Pending Acquisitions/Mergers by Proposing Company

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

6.30 Prevailing Wage Requirements

The subject project is a public work as defined in Section 1720 of the California Labor Code and is subject to prevailing wage requirements.

6.31 Community Business Enterprise (CBE) Participation

The County has adopted a Community Business Enterprise (CBE) Program, available for review at Public Works, which includes business enterprises owned by disabled veterans, disadvantaged business enterprises, and minority and women-owned business enterprises. The County has established an aspirational goal that 25 percent of all County contract dollars shall go to certified CBEs. All Proposers shall document good faith efforts they have taken to assure that CBEs are utilized when possible to provide supplies, equipment, technical services, and other services under

this contract. The County will evaluate the Proposer's good faith efforts to meet the CBE participation goal by reviewing the Proposer's documentation of the following criteria:

- 6.31.1 Proposer attended any pre-proposal meetings scheduled by the County to inform all Proposers of the CBE program requirements for the project.
- 6.31.2 Proposer identified and selected specific items of the project for which a subcontract could be awarded to be performed by CBEs to provide an opportunity for participation by those enterprises.
- 6.31.3 Proposer advertised, not less than ten calendar days before the date the proposals are due, in one or more daily or weekly newspapers, trade association publications, minority or trade oriented publications, trade journals, or other media specified by the County for CBEs that are interested in participating in the project. This paragraph applies only if the County gave public notice of the project not less than 15 calendar days prior to the date the proposals are due.
- 6.31.4 Proposer provided written notice of its interest in proposing on the project to certified CBEs not less than ten calendar days prior to the submittal of proposals.
- 6.31.5 Proposer followed up initial solicitations of interest by contacting the CBEs to determine with certainty whether the CBEs were interested in performing specific items of the project.
- 6.31.6 Proposer provided interested CBEs with information about the project and requirements for selected subconsultants.
- 6.31.7 Proposer requested assistance from minority and women community organizations; minority and women Contractor groups; local, state, or federal minority and women business assistance offices; or other organizations that provide assistance in the recruitment and placement of minority or women business enterprises, if any are available. Proposer used the services and assistance of the Small Business Administration and Minority Business Development Agency of the Department of Commerce, the County Office of Affirmative Action Compliance, and other outreach agencies.

- 6.31.8 Proposer negotiated in good faith with the CBEs, and did not unjustifiably reject as unsatisfactory proposals prepared by any CBE.
- 6.31.9 Where applicable, the Proposer advised and made efforts to assist interested CBEs in obtaining bonds, lines of credit, or insurance required by these contract documents.
- 6.31.10 Proposer's efforts to obtain CBE participation could reasonably be expected by the County to produce a level of participation sufficient to meet the goals and requirements of the County.
- 6.31.11 The Proposer's CBE participation shall be reflected in the CBE participation form. The Proposer's documentation of its good faith efforts shall be submitted with the proposal to:

County of Los Angeles Department of Public
Works Architectural Engineering Division
900 South Fremont Avenue, 8th Floor
Alhambra, California 91803-1331
Attention: David Asato

- 6.31.12 The County has established CBE Program sanctions to ensure the fair and equitable opportunity to participate by certified CBEs. Proposers are required to acknowledge these CBE Program sanctions by completing the sanctions form.
- 6.31.13 Public Works will answer questions from Proposers regarding CBE participation.
- 6.31.14 The County strongly encourages participation by CBEs; however, the final selection will be made without regard to race, color, creed, or gender. The final selection will be based on the Proposer's ability to provide the best service and value to the County.

6.32 BEST MANAGEMENT PRACTICE (BMP) REQUIREMENTS

- 6.32.1 Contractor shall comply with the Los Angeles County Municipal Storm Water National Pollution Discharge Elimination System (NPDES) Permit, and the California Stormwater Quality Association's "Storm Water Best Management Practice Handbook dated January 2003. A copy of the BMP Manual can be downloaded at the following website: www.cabmphandbooks.com. Specific requirements for this Project are listed in Sections 00310, 01010, and 01710.

6.32.2 Contractor shall use Construction and Demolition Debris Recycling Best Management Practices. Specific requirements are listed in Section 01800. Copies of the Best Management Practices handbook are available at the Cashier's Office at the Department of Public Works at no cost to bidders.

6.33 INJURY AND ILLNESS PREVENTION PLAN (IIPP) AND CODE OF SAFE PRACTICES (CSP) AFFIDAVIT

The Proposer shall submit Section 00491, INJURY and ILLNESS PREVENTION PLAN (IIPP) AND CODE OF SAFE PRACTICES (CSP) affidavit at time of proposal submittal. The affidavit requires that the Proposer shall have an IIPP and a CSP which complies with Cal/OSHA Regulations, and that all subcontractors supplying employees to the jobsite will be required to prove to the Contractor that they have an IIPP and a CSP which complies with Cal/OSHA Regulations, and that their jobsite employees have been trained on IIPP and CSP.

Failure to submit this affidavit as required, may result in a determination that the Proposer is nonresponsive.

6.34 LOCAL SMALL BUSINESS ENTERPRISE PREFERENCE PROGRAM

In evaluating bids, the County will give preference to businesses that are certified by the County as a Local Small Business Enterprise (Local SBE), consistent with Chapter 2.204 of the Los Angeles County Code. A Certified Local SBE is a business: 1) certified by the State of California as a small business enterprise, 2) having its principal office currently located in Los Angeles County for a period of at least the past 12 months; and 3) certified by Office of Affirmative Action Compliance as meeting the requirements set forth in 1 and 2 above. 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. County must verify Local SBE certification prior to applying the preference. 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.

The program provides for a 5 percent bid price reduction for certified Local SBEs that are registered County vendors whenever a solicitation for goods or services includes a cost component in the selection process. Application of the preference differs depending on the type of solicitation:

6.34.1 For solicitations that are based on the lowest responsive and responsible bid, the preference to be granted to each Local SBE shall be equal to 5 percent of the lowest bid amount.

6.34.2 For solicitations that are based on factors other than just the lowest cost (Requests for Proposals), the preference to be granted to each Local SBE is to 5 percent of the lowest cost proposal up to a maximum of \$50,000. Typically, in contracts for services, cost is only one of several other factors (e.g., qualifications, implementation approach, references, etc.) that are rated in arriving at a winning bid. In these cases, the cost component of each Local SBE's bid will be scored based on their original bid price less the preference amount.

6.34.3 In all cases, the Local SBE Preference shall not exceed \$50,000 for any one solicitation.

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>.

6.35 REQUIRED CERTIFICATION/DISCLOSURE

Proposals must provide full disclosure on violations and civil/criminal legal actions as provided for on the required forms in Sections 00470, 00471, 00472, 00473, and 00474, of the Project Manual. Failure to complete these forms may result in a determination that the Proposer is nonresponsive and/or not responsible.

6.36 SUBCONTRACTOR LISTING REQUIREMENTS

6.36.1 Design-Builder shall be governed by the provisions of Sections 4100 to 4113, inclusive, and Section 20133 of the Public Contract Code of the State of California.

6.36.2 Subcontractor Listing at Proposal Submittal

At the time of proposal submittal, Proposer is required to list on the form provided at Section 00430, Subcontractor Listing and Subcontracting, of the Project Manual any Subcontractor that meets either of the following criteria:

6.36.2.A Any Subcontractor that, at the time of proposal submittal, the Design-Builder elects to list as a Subcontractor to perform work or labor or render service to the Design-Builder in or about the construction of the work, in an amount in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, or who under subcontract to the Design-Builder specially fabricates and installs a portion of the work of improvement according to detailed drawings contained in the Scoping Documents in an amount in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, or;

6.36.2.B. Any Subcontractor performing a portion of the Work that the Request for Proposals specifies must be performed by a Subcontractor listed at the time of proposal submittal.

For each such listed Subcontractor, the Design-Builder is required to identify the Subcontractor's name, business address, license number, telephone number, e-mail address, and the portion of the work to be performed.

6.36.3 Subcontractor Listing after Contract Award

In addition to the subcontractor-listing information submitted by the Design-Builder on Form 00430 at the time of proposal submittal, the Design-Builder, as specified in Article 7.1, Advertising, Solicitation, and Award of Construction Subcontracts, of Section 00700, General Conditions, of the Project Manual, shall submit to the COUNTY's Project Manager, within thirty (30) days of award of any subcontract with a value in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal, an updated List of Subcontractors on Form 00430. Subcontractors that will perform work with a value in excess of one-half of one percent (0.5%) of the Design-Builder's Base Price Proposal that were not listed by the Design-Builder at the time of proposal submittal shall be awarded by the Design-Builder in accordance with the

advertising requirements and best value selection process outlined in Subsections 7.1.2 and 7.1.3 of the above-referenced Article 7.1. The updated List of Subcontractors shall include for all such Subcontractors: the Subcontractor's name, license number, business address, telephone number, e-mail address, and the portion of the Work to be performed by the Subcontractor.