

REQUEST FOR PROPOSAL

SALES / USE TAX ALLOCATION REVIEW & CONSULTING SERVICES PROGRAM



*City of Los Angeles
Office of Finance*

June 22, 2009

CITY OF LOS ANGELES

CALIFORNIA

ANTOINETTE CHRISTOVALE
DIRECTOR of FINANCE



OFFICE OF FINANCE
200 N. SPRING STREET, RM 220
LOS ANGELES, CA 90012

(213) 978-1774

Antonio R. Villaraigosa
MAYOR

June 22, 2009

Attention: All Prospective Proposers

Attached is a copy of a request for proposal (RFP) for a qualified firm(s) to provide the City of Los Angeles with Sales / Use Tax Allocation Review & Consulting Services. All proposals shall be submitted in accordance with the requirements set forth in this document.

A Proposers' Conference will be conducted at **10:00 a.m. on Tuesday, July 7, 2009** at:

200 N. Spring St. (Use Main St. Entrance)
City Hall, Room 152 A & B
Los Angeles, California 90012

Attendance at this conference is not mandatory but is strongly recommended. Attendance at the Proposers' Conference constitutes 10 of the 100 points required to demonstrate a "Good Faith Effort" under the Minority Business, Women Business and Other Business (MBE / WBE / OBE) Subcontractor Outreach Program requirements contained in this RFP. **Failure to achieve a minimum of 75 of the possible 100 "Good Faith Effort" evaluation points will render your bid non-responsive and will result in its rejection.** Refer to Appendix G for further information regarding this requirement. The purpose of the conference is to provide assistance to prospective proposers in the interpretation of this RFP, its scope, or any other terms and conditions. The City will make a presentation and respond to proposers' questions.

The City requests prospective proposers to submit their questions for the Proposers' Conference in writing to Ed Cabrera, Chief Tax Compliance Officer II, at the address designated below by **Friday, July 3, 2009**. Questions may also be sent to Mr. Cabrera by fax at (213) 978-1780 or by e-mail at ed.cabrera@lacity.org. Written responses to questions will be distributed to all proposers in attendance at the Conference and to other proposers upon request. The City will respond only to questions that are submitted in writing to ensure that all proposers are treated equally during the RFP process.

Proposals and questions shall be delivered to:

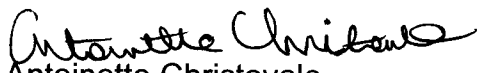
City of Los Angeles, Office of Finance
Attention: Ed Cabrera, Chief Tax Compliance Officer II
200 N. Spring St., City Hall Room 220
Los Angeles, CA 90012

No proposal will be accepted after 5:00 p.m. on Tuesday, August 11, 2009. The City reserves the right to extend the deadline for response to this RFP and to waive any informality in procedure should such action be deemed in the best interest of the City. All written communications should be directed to the address above. Thank you for your interest in this project.

Per Los Angeles City Charter section 371(e) (10), I determine and find that the services described in the Request for Proposal dated June 10, 2009 for Sales/Use Tax Allocation Review and Consulting Services Program ("RFP") are professional, technical, expert, and/or special because they require the services listed below for which the use of competitive bidding would be undesirable, impractical and where the common law otherwise excuses compliance with competitive bidding requirements. The following are some, but not all, of the professional, expert, technical, and special requirements and services the Office of Finance seeks in the RFP:

- Consulting services including assistance and guidance to enhance City departments' abilities to capture Sales and Use Tax from the City's own contracting process;
- Consulting services to create a method of determining where Sales Tax revenues can be increased, including creation of a Sales Tax management program which can also lead to more accurate Sales Tax Revenue forecasting;
- Consulting services to establish clear guidelines to identify and differentiate between the following transactions: Sales and Use Tax; Use Tax point of sale transactions and those covered by specific regulations; and Misallocations of Use Tax and transactions arising from the Use Tax Enhancement Program;
- Consulting services to analyze businesses leaving the City and make recommendations for measures the City can take to retain more Sales Tax generating businesses;
- Consulting services to identify and correct "point-of-sale" reporting errors thereby generating new Sales Tax revenue for the City on an ongoing basis and identifying businesses conducting sales activities within the City of Los Angeles that have not obtained a Sales/Use Tax Permit as required by State Law;
- The proposers/consultants must provide the following for each of its employees anticipated to work on the services described in the RFP; their history of relevant work experience, education level, specific work assignments and time spent working with the State Board of Equalization in each of the last 5 years;
- The effort(s) of the selected contractor(s) will complement, not replace, the work of the City Staff.

Sincerely,


Antoinette Christovale
Director of Finance

Attachment

TABLE OF CONTENTS

I.	Intent and Background	1
II.	Statement of Work	2
III.	Proposer's Conference and Timetable	4
IV.	Conditional Provisions	6
V.	Personnel	6
VI.	Compensation	6
VII.	Qualifications	7
VIII.	Contents of Proposal	8
	- Cover Letter	
	- Statement of the Program	
	- Personnel	
	- Compensation	
	- Bidder Qualifications	
	- Proposal Addendum	
	- Additional Information	
	- Omissions and/or Deviations	
IX.	Proposal Requirements	9
	- Contract Term	
	- Standard Provisions	
	- Termination of Contract	
	- Contractor Responsibility Ordinance	
	- City Affirmative Action Program and Non-Discrimination Requirements	
	- Minority Business Enterprises, Women Business Enterprises, and Other Business Enterprises Outreach Program	
	- Service Worker Retention and Living Wage Ordinance Compliance	
	- Equal Benefits Ordinance	
	- Compliance with Laws	
	- Prior Contracts with the City	
	- Affidavit of Non-Collusion	
	- Disposition of Proposals and Disclosure of Information	
	- Withdrawal of Proposal	
	- Required Copies and Deadline for Submission of Proposal	
	- Child Support Ordinance	
	- Americans with Disabilities Act	
	- Workforce Information	
	- Slavery Disclosure Affidavit	
	- Municipal Lobbying Ordinance and Bidder Certification Form – CEC Form 50	

X.	Selection Criteria	15
XI.	Acceptance of Terms and Conditions	16
XII.	Initiation of Contract	16
XIII.	Rejection of Responses to RFP	16
XIV.	Financial Responsibility	16

APPENDIX A	Standard Provisions for City Personal Services Contracts <u>Exhibit 1</u> – Insurance Requirements
APPENDIX B	Contractor Responsibility Ordinance
APPENDIX C	Nondiscrimination – Equal Employment Practices - Affirmative Action
APPENDIX D	Certification of Compliance With Child Support Obligations
APPENDIX E	Service Contract Worker Retention Ordinance and Living Wage Ordinance -- Declaration of Compliance and Compliance Checklist
APPENDIX F	Certification Regarding Compliance With the Americans With Disabilities Act
APPENDIX G	Minority Business Enterprise (MBE), Women Business Enterprise (WBE) and Other Business Enterprise (OBE) Subcontractor Outreach Program
APPENDIX H	Certification of Compliance With Equal Benefits Ordinance
APPENDIX I	Slavery Disclosure Affidavit
APPENDIX J	Non-Collusion Affidavit
APPENDIX K	Workforce Residence Information Form
APPENDIX L	Prior City Contract History Form
APPENDIX M	Municipal Lobbying Ordinance and Bidder Certification Form (CEC Form 50)

**CITY OF LOS ANGELES
REQUEST FOR PROPOSAL**

SALES / USE TAX ALLOCATION REVIEW & CONSULTING SERVICES PROGRAM

I. Intent and Background

A. Intent

The City is seeking proposals from qualified firms to provide a Sales / Use Tax Allocation Review & Consulting Services to the City. These services will be focused on, but not limited to, identifying and correcting "point-of-sale" reporting errors thereby generating new Sales Tax revenue for the City of Los Angeles on an on-going basis and identifying businesses conducting sales activities within the City of Los Angeles which have not obtained a Sales/Use Tax Permit as required by State law. The City also seeks to place greater emphasis on the Use Tax Enhancement Program of the City of Los Angeles. Unlike most tax reviews, this service produces new revenue without causing any additional tax liability for business. The City also intends to utilize the corollary consulting services to enhance the collection of Use Tax revenue from the City's own contracting agreements by having the selected contractor(s) establish an effective method to capture this revenue. This service would include the contractor providing assistance and guidance to various City departments. The City will consider proposals that address Sales and Use Tax services, as well as proposals that may be limited to either Sales Tax services or Use Tax services.

B. Background

The City of Los Angeles contracts with the State of California to collect those Sales Tax dollars belonging to the City at the same time the State collects the State Sales Tax. The State of California offers this service to all entities within the State. The City received a total of \$446.8 million in Sales and Use Tax revenues for fiscal year 2006/07.

Allocation of the Sales Taxes collected is based on the actual point of sale of items as reported by the business entity. To ensure that the City receives its appropriate share of these taxes, the City has one Senior Tax Auditor permanently assigned to Sacramento. In addition, the City has a two person Sales and Use Tax Unit in Los Angeles that analyzes sales tax data for misallocations and works with City departments and contractors for use tax recovery.

The City currently contracts with two private firms to review Sales and Use Tax records to ensure the City is receiving all appropriate revenue. Both of these contracts are either expiring or in need of revision. The efforts of the selected contractor(s) will be to complement, not replace, the work of the City staff located in Sacramento and Los Angeles, who will continue to perform this special type of review. Furthermore, it should be noted that the City is currently working on major Sales and Use Tax projects related to the Grand Ave and L.A. Live construction projects and will continue to do so.

II. Statement of Work

At a minimum, all proposals must address the following:

- A. Identify the method of determining where Sales Tax revenues can be increased through a system of continuous monitoring, identification and correction of “point of sale” allocation errors.
- B. Set forth a Sales Tax management program and demonstrate how it will improve identification of Sales Tax opportunities as they relate to economic development and provide for more accurate Sales Tax Revenue forecasting.
- C. Identify a method of determining where Use Tax revenue can be increased.
- D. Provide an estimate of the number of reviews (verifications) and total hours to be performed for a 12 (twelve) month period.
- E. State the statutory period(s) that will be reviewed.
- F. Describe how your Sales Tax verification activity for the City of Los Angeles will interface with any Sales Tax verification activity your firm currently performs, or may perform during the term of this program for any other governmental entities in California.
- G. Contractor will be required to:
 - 1. Conduct initial and on-going Sales Tax reviews in order to identify and correct “point-of-sale” distribution errors and thereby generate previously unrealized Sales Tax income for the City.
 - 2. Identify businesses conducting sales activities within the City of Los Angeles which have not obtained a Sales/Use Tax Permit as required by State law.
 - 3. Initiate contacts with the appropriate sales, management, and accounting officials of those companies believed to be misreporting Sales Tax to the State and out-of-state sellers with California Sales / Use Tax Permits selling to in-City purchasers but not reporting Use Tax to the State and/or not allocating the Use Tax to the City of Los Angeles.
 - 4. Initiate contacts with appropriate officials at companies to identify additional Use Tax sources.
 - 5. Conduct a review of Use Tax allocated to the Countywide Pool to identify and correct those that should have been allocated to the City of Los Angeles.
 - 6. Establish clear guidelines to identify and differentiate between the following transactions:

- Sales and Use Tax;
 - Use Tax point of sale transactions and those covered by specific regulations; and
 - Misallocations of Use Tax and transactions arising from the Use Tax Enhancement Program.
7. Identify the steps and extent of work to be performed and documentation to be obtained to clearly demonstrate contractor's efforts to promote the Use Tax Revenue Enhancement Program of the City.
 8. Provide assistance and guidance to City departments to ensure that Sales and Use Tax is properly captured from the City's own contracting process.
 9. Prepare and submit to the State Board of Equalization all information necessary to correct any identified allocation errors.
 10. Identify businesses located in the City that are properly reporting Sales Tax but have the potential for modifying their operation to provide an even greater share to the City.
 11. Describe how your Sales and Use Tax identification program will maintain the confidentiality of the records provided by the State Board of Equalization to the City.
 12. Identify the procedures you will utilize to assure that there will be no conflicts of interest.

H. Deliverables:

1. The Contractor shall install and update quarterly the City's Sales and Use Tax registration and allocation data on computer equipment designated by Office of Finance Sales and Use Tax staff.
2. Contractor shall provide updated quarterly reports. Each quarterly report shall identify changes in sales by category, growth and decline comparisons, utilizing charts, tables, and top producer listings. Quarterly aberrations due to State audits, fund transfers and receivables along with late or double payments shall be identified.
3. Contractor shall provide annual sales / use tax reports identifying historical growth comparisons with State, County, selected City averages and Consumer Price Indices; top producer listings; and, make-up and volatility of the economic base.
4. Contractor shall provide quarterly status presentations with reports, which contain reconciliation worksheets to assist the City with budget projections and receipt monitoring. Such reports should also contain a separate quarterly analysis of all fund adjustments and reporting aberrations impacting said projections. At a minimum, these reports will include:

- a. Status of work in progress, including number of reviews.
 - b. Forecast of quarterly sales and use tax revenue including the factors or assumptions used in preparing the report.
 - c. Comparison of forecast and actual revenue with explanation of any significant variances.
 - d. Quarterly and year-to-date accounting of actual Sales Tax recovered through Contractor's activities.
 - e. Listing and the status of problems encountered quarterly.
5. Contractor shall provide quarterly reports which:
- a. Detail the number of active sales/use permits in the City of Los Angeles identifying by SIC and/or NAICS codes growth as well as declining industries.
 - b. Analyze businesses leaving the City and make recommendations as to measures the City can take to retain more sales tax generating businesses.
6. All deliverables identified in this Request for Proposal shall be submitted to the City's representative according to the following schedule:
- a. Annual: Within 30 days following the close of the City's fiscal year which commences July 1 and ends June 30.
 - b. Quarterly: Within 30 days following the close of the quarter.

III. Proposer's Conference and Timetable

A. Proposer's Conference

A Proposers' Conference will be conducted at **10:00 a.m. on Tuesday, July 7, 2009** at:

200 N. Spring St. (Use Main St. Entrance)
City Hall, Room 152 A & B
Los Angeles, California 90012

Attendance at this conference is not mandatory but is strongly recommended. The purpose of the conference is to provide assistance to prospective proposers in the interpretation of this RFP, its scope, or any other terms and conditions. The City will make a presentation and respond to proposers' questions.

Proposers are requested to submit in writing, any questions for discussion at the conference not later than **Friday, July 3, 2009** to:

City of Los Angeles, Office of Finance
Attention: Ed Cabrera, Chief Tax Compliance Officer II
200 N. Spring St., City Hall Room 220
Los Angeles, CA 90012

Questions may also be sent to Mr. Cabrera by fax at (213) 978-1780 or by e-mail at ed.cabrera@lacity.org. Written responses to questions will be distributed to all proposers in attendance at the Conference and to other proposers upon request. The City will respond only to questions that are submitted in writing to ensure that all proposers are treated equally during the RFP process. **Please note that Attendance at the Proposers' Conference constitutes 10 of the 100 points required to demonstrate a "Good Faith Effort" under the Minority Business, Women Business and Other Business (MBE / WBE / OBE) Subcontractor Outreach Program requirements contained in Appendix G of this RFP. Failure to achieve a minimum of 75 of the possible 100 "Good Faith Effort" evaluation points will render your bid non-responsive and will result in its rejection.**

B. Timetable

The following is provided for information only and is subject to revision as necessary:

- | | | |
|------------------|----|--|
| June 22, 2009 | 1) | RFP published |
| July 3, 2009 | 2) | Deadline for submission in writing of questions for discussion at Proposer's Conference |
| July 7, 2009 | 3) | Proposer's Conference |
| August 11, 2009 | 4) | Last day for proposers to respond to RFP |
| August 24, 2009 | 5) | Review by Committee completed; Director of Finance to notify selected proposer(s) of intention to accept proposal(s) and negotiate a contract(s) subject to City Council approval. |
| October 6, 2009 | 6) | Selected proposer(s) and City execute contract(s) |
| October 14, 2009 | 7) | Program(s) placed into operation |

IV. Conditional Provisions

- A. Upon award of contract(s), all contacts initiated by the Contractor with City staff must be approved in advance by the Chief of the Tax and Permit Division or his designee prior to initiating such contact.
- B. All information received by the Contractor(s) from State or City files shall be regarded as confidential under State Government Code 6254 (f) (1) and Section 21.17 of the Los Angeles Municipal Code and may not be disclosed without written approval of the City's representative. Upon award of the contract, all information received by the Contractor during completion of this contract will be considered property of the City of Los Angeles and may not be disclosed without written approval by the City's representative. All information received by the Contractor from the State as a result of this contract shall not be disclosed or used for the benefit of any other client(s) of the Contractor.

V. Personnel

The contractor must be able to demonstrate that assigned personnel possess the capability and appropriate experience to implement and manage this program. The City shall have the right to conduct background verifications for all personnel assigned to the project and the right to approve any changes in key personnel.

- A. List all personnel to be assigned to this project and indicate those functions that they will perform.
- B. For each individual to be assigned to the project, provide a history of relevant experience including but not limited to:
 - 1. The level and type of professional education attained;
 - 2. A resume of professional experience, including tenure of service with the firm;
 - 3. Specific work assignments and time spent interfacing with the State Board of Equalization in each of the last 5 years.
- C. Upon award and during the contract term, if the Contractor chooses to assign different personnel to the program, their names and qualifications including the information listed above, must be submitted to the City for approval before they begin work. This list must be updated on a quarterly basis for the contract term.

VI. Compensation

- A. The compensation paid for the specified services will be based on a percentage of any Sales and Use Tax recoveries which directly result from the efforts of the Contractor(s). All proposers shall indicate in their proposal the percentage to be

applied against Sales Tax recoveries, recoveries from Use Tax point of sale, from Use Tax subject to specific regulations, or net additional revenue to the City from promoting the City's Use Tax Revenue Enhancement Program (UTREP). The method(s) of compensation for each type of correction or promotion of UTREP must clearly be identified in the proposal. The funds for this effort will come only from, and shall not exceed, the additional Sales / Use Tax revenue discovered and received by the City as a direct result of the contractor's program. The City will not compensate the Contractor(s) in any other manner than that included in the proposal.

The City has more than 95,000 Sales/Use Tax accounts, equal to the number of accounts of 15 to 20 average cities. The City expects this volume to be considered along with the prestige of having the City of Los Angeles as a client when the percentage of the contingency fee is proposed. This would be similar to a quantity or volume discount due to the potential to detect a large number of misallocations each quarter.

- B. Each proposal shall also set forth the total fee that would be paid on a recovery of \$100,000 in Sales or Use Taxes. You must also describe the exact method of tracing the amount of additional Sales Tax against which the percentage will be applied. You must also describe how the total fee for the recovery of additional sales or use tax revenue would be calculated over the term of the contract and include an example applying the compensation method you wish to apply.
- C. Sales/Use Tax returns filed by City departments and associated agencies, such as the Community Redevelopment Agency and the Metropolitan Transportation Authority, will be reviewed by the Contractor on an annual basis, or more often if required, to determine if any changes or corrections can be made to increase the City's Sales/Use Tax recovery. City personnel will be trained by the Contractor to make the changes recommended by the Contractor. These will be considered as corollary services, thus commissions will not be paid on these misallocations.
- D. Detail all additional services to be provided which are covered by this fee that are not already identified in this RFP.

VII. Qualifications

The proposal shall include:

- A. A summary of the proposer's demonstrated capability, particularly including experience with large, diverse government or private corporations.
- B. A list of governmental agencies or private enterprises for whom the proposer has performed similar work, a description of those efforts and the name of an individual to contact.
- C. A statement of financial capability to undertake the pursuit of lengthy Sales and Use Tax reviews on a contingency basis.

- D. The staffing level for the proposer's Southern California office, its location, and identify the local representative(s) available to serve the City.

VIII. Contents of Proposal

Proposals shall be organized generally as described below. You should note the various attachments that must be submitted with your proposal. Failure to follow these guidelines may cause your proposal to be considered non-responsive.

A. Cover Letter

The cover letter of each proposal shall be limited to one page. The letter must include the name, title, address, and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by a company officer authorized to bind the company to all commitments made in this proposal.

B. Statement of the Program

Provide a straight forward, concise statement of your understanding of the project requirements and objectives and demonstrate the ability to provide the required services in each of the areas listed in Section II A through H - Statement of Work.

C. Personnel

Provide information identified in Section V A through C for all personnel assigned to the project.

D. Compensation

State the proposed basis for compensation including all information identified Section VI A through D.

E. Bidder Qualifications

Provide information to demonstrate your capability and experience in providing the requested services including all items identified in Section VII A through D.

F. Proposal Addendum

All requirements listed below must be strictly adhered to and all applicable signed statements pertaining to the following must be submitted:

1. Contractor Responsibility Ordinance (See Appendix B)
2. Nondiscrimination – Equal Employment Practices - Affirmative Action (See Appendix C)
3. Certification of Compliance With Child Support Obligations (See Appendix D)

4. Service Contract Worker Retention and Living Wage Ordinance Compliance (See Appendix E)
5. Certification regarding Compliance with the Americans With Disabilities Act (See Appendix F)
6. Minority Business Enterprise / Women Business Enterprise / Other Business Enterprise Outreach Program (See Appendix G)
7. Certification of Compliance With Equal Benefits Ordinance (See Appendix H)
8. Slavery Disclosure Affidavit (See Appendix I)
9. Non-Collusion Affidavit (See Appendix J)
10. Workforce Residence Information (See Appendix K)
11. Prior City Contract History Form (See Appendix L)
12. Bidder Certification – CEC Form 50 - Compliance with Municipal Lobbying Ordinance (See Appendix M)

G. Additional Information

Any other information that you believe will be essential to a complete evaluation of your proposal should be clearly stated. If you have no additional information, this section of your proposal should consist of the following statement: "There is no additional information we wish to present."

H. Omissions and/or Deviations

Any omissions and/or deviations from this RFP must be listed with complete explanations.

IX. Proposal Requirements

This section sets forth provisions which will be incorporated into any contract(s) awarded pursuant to the RFP and also identifies the forms, certifications, request for information, and affidavit which must be completed and returned with the proposal. Failure to provide the information requested and/or to submit the necessary forms may result in the proposal being deemed non-responsive.

A. Contract Term

The Office of Finance, subject to the approval of the City Council, anticipates negotiating a contract with a duration of three years with an option to extend on a year-to-year basis for up to two additional years, if both parties agree to the extension.

B. Standard Provisions

The selected Proposer(s) will be required to enter into a written contract with the City of Los Angeles in a form approved by the City Attorney. A copy of this RFP with all attachments and the successful proposal(s) will remain on file and will

constitute a part of the contract. However, the City reserves the right to further negotiate the terms and conditions of the contract(s) with the selected contractor(s). The final contract offer of the City may contain additional terms or terms different from those set herein. The Standard Provisions for City Personal Services Contracts (Rev. 3/09) are attached as Appendix A. These provisions will be incorporated into any contract(s) awarded pursuant to this RFP. These provisions include, but are not limited to, the following:

1. Indemnification

The Contractor(s) will be required to indemnify the City in accordance with the provisions set forth in PSC-20 of the Standard Provisions for City Personal Services Contracts.

2. Insurance

The Contractor(s) will be required to provide insurance in accordance with the Insurance Requirements, Appendix A - Exhibit 1, attached to the Standard Provisions for City Personal Services Contracts. In addition, insurance forms which must be completed and approved by the City Attorney Insurance and Bonds Section prior to contract execution are also included. These forms are for information only and do not need to be returned with the response.

3. Business Tax Registration Certificate

The selected Proposer(s) shall be required to demonstrate compliance with the City's business tax laws by acquiring/maintaining one of the following: Business Tax Registration Certificate, Vendor Registration Number, or Certificate of Exemption. The Certificate or Registration Number must remain in force during the entire period of the contract.

C. Termination of Contract

Any contract awarded pursuant to this RFP may be terminated in whole, or in part, by the City for its convenience effective as of any date, upon ten (10) days written notice thereof. The City reserves the right to verify the information in the proposal and to consider unverifiability in its decision making. If it is determined that a contract was awarded as a result of false statements submitted in response to this RFP, the City reserves the right to terminate that contract.

D. Contractor Responsibility Ordinance

Any contract(s) awarded pursuant to this procurement process shall be subject to the provisions of the Los Angeles Administrative Code Section 10.40 et seq., Contractor Responsibility Ordinance (CRO). Refer to Appendix B, Contractor Responsibility Ordinance, for further information regarding the requirements of the Ordinance.

All proposers/bidders shall complete and return, with their proposal, the

Responsibility Questionnaire included in this RFP as Appendix B. Failure to return the completed Questionnaire may result in a proposer/bidder being deemed non-responsive.

The Ordinance also requires that if a contract is awarded pursuant to this procurement, the contractor must update responses to the questionnaire within 30 days, after any changes to the responses previously provided if such change would affect the contractor's fitness and ability to continue performing the contract.

Pursuant to the Ordinance, by executing a contract with the City, the proposer pledges, under penalty of perjury, to comply with all applicable federal, state and local laws in performance of the contract, including but not limited to laws regarding health and safety, labor and employment, wage and hours, and licensing laws which affect employees. Further, the Ordinance requires each contractor to: (1) notify the awarding authority within 30 days after receiving notification that any governmental agency has initiated an investigation which may result in a finding that the contractor is not in compliance with Section 10.40.3 (a) of the Ordinance and (2) notify the awarding authority within 30 calendar days of all findings by a governmental agency or court of competent jurisdiction that the contractor has violated Section 10.40.3. Please refer to Appendix B for further details regarding these requirements.

E. City Affirmative Action Program and Non-Discrimination Requirements

Proposers awarded a contract pursuant to this RFP shall comply with the Non-Discrimination, Equal Employment Opportunity, Affirmative Action Program set forth in Section 10.8, et seq. of the Los Angeles Administrative Code.

Pursuant to this Section, a Non-Discrimination, Equal Employment Opportunity, Affirmative Action Plan shall be submitted with the proposal. A proposer may either adopt the City of Los Angeles Plan, which is attached hereto as Appendix C, or submit its own. Regardless of the type of Plan submitted, it must be reviewed and approved by the Department of Public Works, Bureau of Contract Compliance before the contract is executed by the City. In the case of prior submission of a plan, the proposer may submit documentation that it has a Non-Discrimination, Equal Employment Opportunity, Affirmative Action Plan approved by the Office of Contract Compliance. If the approval is thirty days or less from expiration, the Proposer must submit a new Plan with its proposal. Proposers with questions about Affirmative Action requirements are strongly encouraged to contact the Office of Contract Compliance at (213) 847-1922 prior to submission of their proposal.

F. Minority Business Enterprises, Women Business Enterprises and Other Business Enterprises Sub-Contractor Outreach

The Policy of the City of Los Angeles is to provide Minority Business Enterprises (MBE), Women Business Enterprises (WBE) and all Other Business Enterprises an equal opportunity to participate in the performance of all City contracts. Proposers shall assist the City in implementing this policy by taking all reasonable steps to ensure that all available Enterprises, including local MBEs and WBEs, have an equal opportunity to compete for and participate in City contracts. Equal opportunity will be determined by the proposer's good faith efforts to comply with the City's

outreach program. **All Proposers are to comply with "MBE, WBE and Other Business Enterprises Subcontractor Outreach Program" requirements (Appendix G). Failure to make a good faith effort to comply with the policy by submitting good faith effort documentation with the proposal sufficient to achieve 75 of 100 evaluation points will render the proposal non-responsive and will result in its rejection.** Please note that attendance at the Proposers' Conference comprises 10 points of the possible 100 points used in determining compliance with the "Good Faith Effort" requirements. Information and/or assistance regarding this program may be obtained from the Mayor's Office of Economic Development at (213) 978-0695.

G. Service Worker Retention and Living Wage Ordinance Compliance

Unless otherwise exempt, this RFP is subject to the Service Contract Worker Retention Ordinance (SCWRO), Section 10.36 et seq., and the Living Wage Ordinance (LWO), Section 10.37 et seq., of the Los Angeles Administrative Code. Consult "Service Contract Worker Retention (SCWRO) / Living Wage Ordinance (LWO)" in Appendix E for additional information.

H. Equal Benefits Ordinance

Unless otherwise exempt, this RFP is subject to the Equal Benefits Ordinance, Los Angeles Administrative Code Section 10.8.2.1 et seq., which applies to contracts in excess of \$5,000 and requires that contractors provide the same benefits to domestic partners of employees that are provided to spouses of employees. Proposers shall complete and return with their proposal a Certification of Compliance Form and, if appropriate, the Reasonable Measures Certification or the Substantial Compliance Certification form. Attached hereto as Appendix H is information on the Equal Benefits Ordinance, including the Certification of Compliance with Equal Benefits Ordinance, Reasonable Measures Application for Equal Benefits Ordinance form, Provisional Compliance form and Subcontractor Information form.

I. Compliance with Laws

The selected Proposer(s) shall abide by and conform to all applicable laws of the United States, the State of California, and the ordinances and policies of the City of Los Angeles including, but not limited to, the business tax provisions of the Los Angeles Municipal Code and the nondiscrimination provisions of Los Angeles Administrative Code Section 10.8. The selected proposer(s) shall stipulate that in any action related to the awarded contract, the venue to be in the County of Los Angeles, State of California.

J. Prior Contracts With The City

All proposers **must** include a list of **all** contracts with the City for the past ten (10) years (see Appendix L).

K. Affidavit of Non-Collusion

Proposers shall complete and return with the proposal, an affidavit of non-collusion signed by a person(s) authorized to bind the proposer (see Appendix J), which states that:

1. The proposal is genuine, not a sham or collusive;
2. The proposal is not made in the interest of or on the behalf of any person not named in the proposal;
3. The Proposer has not directly or indirectly induced or solicited any person to submit a false or sham proposal or to refrain from proposing;
4. The Proposer has not in any manner sought by collusion to secure an advantage over any other proposer.

L. Disposition of Proposals and Disclosure of Information

The City reserves the right to retain all proposals submitted and the proposals will become the property of the City of Los Angeles. All proposals received will be considered public records potentially subject to disclosure under the Public Records Act (California Government Code Section 6250 et seq.). Proposers must identify any material they claim is exempt from disclosure under the Public Records Act. Any Proposer claiming such an exemption must identify the specific provisions of the Public Records Act that provide an exemption from disclosure for each item that the proposer claims is not subject to disclosure under said Act. In the event that such exemption is claimed, the proposer must then state in the proposal that he or she will defend, indemnify and hold harmless the City, its officers and employees from any action brought against the City for its refusal to disclose such material to any party making a request therefore. Failure of a Proposer to include such a statement shall constitute a waiver of proposer's right to exemption from disclosure.

Notwithstanding the foregoing, the Contractor Responsibility Questionnaire contained in Appendix B shall remain confidential pursuant to Public Contract Code section 20101(a).

M. Withdrawal of Proposal

Each proposal must contain a statement that the proposal shall remain firm for a period of one hundred twenty (120) calendar days following the deadline date for submission of proposals to the Office of Finance, which date is noted in the cover letter and body of this RFP.

N. Required Copies and Deadline for Submission of Proposal.

Proposers must supply all information requested in the format prescribed by this RFP. One typed original and seven clear copies of the proposal are required. The proposal shall be addressed to:

City of Los Angeles, Office of Finance
Attention: Ed Cabrera, Chief Tax Compliance Officer II
City Hall, Room 220
200 North Spring Street
Los Angeles, California, 90012.

No proposal will be accepted after 5:00 P.M. on Tuesday, August 11, 2009.

The City reserves the right to extend the deadline for response to this RFP and to waive any informality in procedure should such action be deemed in the best interest of the City. In the event this date is changed, those who have been sent the RFP will be notified in writing. The City may require oral presentation of the proposals by the proposers to a review committee. The City reserves the right in its sole discretion to determine the timeliness of all proposals, extend the submission deadline and/or to reject all proposals.

O. Child Support Ordinance

This RFP is subject to the Child Support Ordinance, Los Angeles Administrative Code Section 10.10 et seq. Proposers shall complete and return with their proposal, the Certification of Compliance with Child Support, which is attached hereto as Appendix D.

P. Americans With Disabilities Act

The City is a covered entity under Title II of the Americans with Disabilities Act, 42 U.S.C.A. Section 12131 et seq. Proposers shall complete and return with their proposal, the Certification Regarding Compliance with the Americans with Disabilities Act which is attached hereto as Appendix F.

Q. Workforce Information

The policy of the City of Los Angeles is to encourage businesses to locate or remain in the City. Therefore, the City Council requires all City departments to gather information regarding the headquarters address and other information on the employees of vendors contracting with the City. The following information shall be included with the proposal (see Appendix K):

1. Headquarters address of your company.
2. Total workforce.
3. Percentage of the total workforce residing in Los Angeles.
4. Percentage of total workforce working in Los Angeles.
5. The address of any branch office(s) within the City of Los Angeles.
6. Workforce in each City of Los Angeles branch office.
7. Percentage of workforce in each City of Los Angeles branch office residing in the City of Los Angeles.
8. Percentage of workforce assigned to each branch office in the City of Los Angeles.

R. Slavery Disclosure Ordinance

Unless otherwise exempt, in accordance with the provisions of the Slavery Disclosure Ordinance, any contract(s) awarded pursuant to this RFP will be subject to the Slavery Disclosure Ordinance, Section 10.41 of the Los Angeles Administrative Code. Proposers shall complete and return with their proposal the Slavery Disclosure Affidavit which is attached hereto as Appendix I.

S. Bidder Certification – CEC Form 50

All proposers for this contract must complete the CEC Form 50 certifying their agreement to abide by the provisions of the Municipal Lobbying Ordinance. Copies of the form and Municipal Lobbying Ordinance are attached as Appendix M.

X. Selection Criteria

Each proposal must meet all requirements included in Section IX and will be evaluated according to the criteria set out below:

- | | | |
|----|--|---------------|
| A. | Compensation / Fee for Services | 0 - 45 Points |
| B. | Experience with projects of the type under consideration. | 0 - 30 Points |
| C. | Project staffing and qualifications of personnel assigned, including experience with the California State Board of Equalization, staffing level for the Southern California office(s) and any Additional Services offered. | 0 – 25 Points |

Total Possible 100 Points

Proposals will be evaluated by a review committee composed of representatives of the City. The Committee will evaluate the proposals on the basis of experience and qualifications of the proposer(s), its personnel, its Southern California presence, compensation and other factors previously mentioned. At the discretion of the City, firms submitting the most responsive proposals may be required to make oral presentations to the review committee. The successful Proposer(s) will be named after the proposals and presentations (if any) are evaluated to select the most qualified firm(s). Proposers will be notified of the time and place of any oral presentations not more than five (5) days nor less than two (2) days prior to the event. Any contract(s) awarded pursuant to this RFP is subject to the Contractor Evaluation Ordinance which requires awarding authorities to evaluate contractors' performance and to retain such evaluative information in a data bank for future reference.

XI. Acceptance of Terms and Conditions

Submission of a proposal pursuant to this RFP shall constitute acknowledgement and acceptance of all terms, conditions, and content set forth in this RFP.

XII. Initiation of Contract

After the award of the contract, the successful proposer(s) shall meet with representatives of the Office of Finance to conduct advance planning for the project.

XIII. Rejection of Responses to RFP

The City reserves the right to withdraw this RFP at any time without prior notice and the right to accept or reject any and all responses to it. The City may also reject the proposal of any proposer who has failed to timely and satisfactorily perform any contract with the City. The City makes no representation that any contract will be awarded to any person or firm responding to this RFP.

XIV. Financial Responsibility

All costs incurred in responding to this RFP shall be borne by the proposer. The City shall not, in any event, be liable for any pre-contractual expenses incurred by the proposer in the preparation and/or submission of its proposal.