

**ORDINANCE NO. 184937**

An ordinance authorizing the Department of Airports, also known as Los Angeles World Airports, to use certain requirements for its procurements and contracts related to the Landside Access Modernization Program at Los Angeles International Airport under Ordinance No. 183585.

**WHEREAS**, Ordinance No. 183585 authorizes Los Angeles World Airports (LAWA) to use the competitive sealed proposal process under Section 371(b) of the Los Angeles City Charter, and authorizes LAWA to use alternative project delivery methods such as construction manager at risk, design-build or design-build-operate-maintain for the Landside Access Modernization Program (LAMP) projects;

**WHEREAS**, the Los Angeles City Council desires to authorize LAWA to use the most efficient and effective procurement and contracting tools for the projects LAWA procures under Ordinance No. 183585 and recognizes the need to modify otherwise applicable procurement and contract requirements, including requirements in Los Angeles Administrative Code Sections 10.14 and 10.15, to reflect LAWA's use of alternative project delivery methods;

**WHEREAS**, the Los Angeles City Council desires to authorize LAWA to apply a uniform rate of interest to payments due and owing but not yet made on contracts related to LAMP; and

**WHEREAS**, the Los Angeles City Council clarifies that LAWA may require contractor-provided financing as part of its use of the alternative project delivery methods authorized by Ordinance No. 183585.

**NOW, THEREFORE,**

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

Section 1. Pursuant to Section 10.14(7) of the Los Angeles Administrative Code, the requirements of Subsections 2 and 5 of Section 10.14 shall be waived for any procurement and contract under Ordinance No. 183585, related to the Landside Access Modernization Program (LAMP). The following requirements shall be established in place of the sections waived:

2. **Listing of Subcontractors.** Contracts awarded under Ordinance No. 183585 for the construction of any public work or improvement related to LAMP, shall provide in the bid documents prepared for such work or improvement that every person making a bid or offering to perform the work shall state therein:

(a) To the extent known at the time of submission of the bid or offering to perform the work, the name and address of each subcontractor who will

perform work or labor or render service to the bidder in or about the construction of the work or improvement in an amount in excess of one-half of one percent (1/2%) of the prime contractor's total bid or \$10,000, whichever is greater.

(b) That portion of the work which will be done by each subcontractor identified in the bid or offering.

The prime contractor shall list only the subcontractor for each portion as is defined by the prime contractor in its bid.

5. **Assignment.** No contractor shall permit any subcontractor listed in the original bid to voluntarily assign or transfer its subcontract without the prior consent of the awarding authority or its duly authorized officer.

Sec. 2. Pursuant to Section 10.15(l) of the Los Angeles Administrative Code, the requirements of the first paragraph of Subsection (d) of Section 10.15 shall be waived for any procurement and contract under Ordinance No. 183585, related to LAMP. The following requirements shall be established in place of the first paragraph of the subsection waived:

(d) Except as provided in Subsections (j) and (k), every proposal or bid for any procurement and contract under Ordinance No. 183538 shall be accompanied by a check certified by a responsible bank in the City of Los Angeles or a cashier's check issued by a responsible bank, payable to the order of the City of Los Angeles, for an amount specified by the contracting authority in the applicable procurement documents, or, in lieu thereof, may be accompanied by a satisfactory surety bond or letter of credit, in like amount, guaranteeing that the bidder or proposer will enter into the proposed contract if the same be awarded to it. In lieu of the foregoing an annual bid bond sufficient to cover any one proposal or bid, may be filed

Sec. 3. Pursuant to Section 10.15(l) of the Los Angeles Administrative Code, the requirements of Subsection (g) of Section 10.15 shall be waived for any procurement and contract under Ordinance No. 183585, related to LAMP. The following requirements shall be established in place of the subsection waived:

(g) Except as provided in Subsection (i), by the deadlines and upon the terms and conditions specified by the contracting authority, the successful bidder shall execute the contract and post the faithful payment and performance bonds for construction work in the amounts and in the form specified by the contracting authority. The contracting authority will set the amounts of the bonds based on its determination of what is required to adequately ensure payment of subcontractors and protect the City's interests. The contracting authority may determine which entity or entities may provide the required bonds.

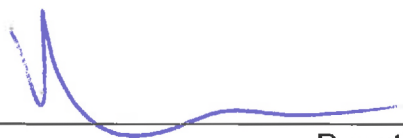
Sec. 4. Notwithstanding any statute, code or ordinance requiring earlier compliance, contractors identified in a bid or proposal for a contract LAWA procures under Ordinance No. 183585 are not required to comply with applicable licensing requirements until contract execution or financial close as determined by LAWA in its sole discretion.

Sec. 5. Notwithstanding any statute, code or ordinance requiring a different rate of interest, interest accrues at the rate of seven percent per annum on payments due and owing but not yet made on contracts related to LAMP.


Sec. 6. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the Main Street entrance to City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of MAY 19 2017.

HOLLY L. WOLCOTT, City Clerk


By  Deputy

Approved 25 MAY 2017

  
Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By  for  
RAYMOND ILGUNAS  
Senior Assistant City Attorney

Date 5/5/2017

File No 17-0204

## DECLARATION OF POSTING ORDINANCE

I, JUAN VERANO, state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

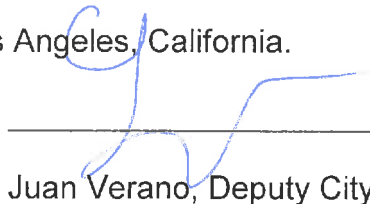
**Ordinance No. 184937 – Authorizing the Department of Airports, also known as Los Angeles World Airports, to use certain requirements for its procurements and contracts related to the Landside Access Modernization Program at Los Angeles International Airport under**

**Ordinance No. 183585** – a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **May 19, 2017**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, on **June 1, 2017** I posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Copies of said ordinance were posted conspicuously beginning on **June 1, 2017** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this **1st** day of **June 2017** at Los Angeles, California.

  
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Juan Verano, Deputy City Clerk