



# City of Santa Monica

## **CITY OF SANTA MONICA REQUEST FOR QUALIFICATIONS (RFQ)**

**SUPPORT SERVICES RELATED TO STRATEGIC PLANNING ACTIVITIES FOR THE POTENTIAL  
CONVERSION OF THE SANTA MONICA AIRPORT**

**ARCHITECTURE SERVICES DIVISION**  
**1685 Main Street, Mail Stop 15**  
**Santa Monica, CA 90401**

**ISSUE DATE: FEBRUARY 13, 2023**

**VIRTUAL SITE VISIT: FEBRUARY 21, 2023**

<https://us06web.zoom.us/j/82623776441?pwd=clhFcDRkNW45ZnVmRWftWVhIRVM1Zz09>

**QUESTIONS DUE: MARCH 1, 2023 @ 4PM PT**

added the deadline time

### **SUBMITTAL INFORMATION**

**DUE DATE/TIME: MARCH 13, 2023 @ 4PM PT**

added Pacific Time  
designation

**APPROVED FOR ADVERTISEMENT:**

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Rick Valte, PE  
Public Works Director

# Proposer RFQ Checklist

## 6 Most Critical Things to Keep in Mind

### When Responding to an RFQ for the City of Santa Monica

- Read the entire document.** Note critical items such as mandatory requirements; supplies/services required; submittal dates; format and number of copies required for submittal; contract requirements (i.e., insurance, performance and or reporting, etc.).
  - Note the City's contact name, address, phone numbers, and email address.** This is the only person you are allowed to communicate with regarding this RFQ and is an excellent source of information for any questions you may have.
  - Follow the format required in the RFQ** when preparing your response. Provide point-by-point response to all sections in a clear and concise manner.
  - Use forms provided**, i.e., cover page, sample budget form, certification forms, etc.
  - Check the City's online vendor portal:** <https://procurement.opengov.com/portal/santa-monica-ca> **for RFQ addenda.** Before submitting your response, check whether any addenda were issued for the RFQ. If so, you must acknowledge each addendum issued along with your response.
  - Submit your response on time.** Note all the dates and times listed on the front page of the RFQ document and be sure to submit all required items on time. Late qualifications are never accepted.
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# REQUEST FOR QUALIFICATIONS (RFQ)

## I. INTRODUCTION — Language clarification

The Public Works Department (Department) of the City of Santa Monica (City) is seeking qualified firms or multi-disciplinary teams to assist the Department in developing the following projects or processes related to the potential conversion of the historic Santa Monica Airport (SMO), which is authorized for possible closure by the Federal Aviation Administration (FAA) after December 31, 2028. The Scope of Work includes:

1. A comprehensive technical report of existing conditions, including but not limited to land use, topography, infrastructure and utilities, environmental and ecological conditions including potential contamination issues, existing buildings and facilities, historical and cultural assets, and mobility conditions.
2. A robust, inclusive and modern outreach process that engages Santa Monica's diverse stakeholders, as well as nearby residents in Los Angeles in providing input on conceptual land use scenarios, economic, environmental and social tradeoffs, and other issues related to potential airport conversion.
3. An exploration of alternative land use scenarios, leveraging triple bottom line sustainability, for the potential conversion of SMO's 227 acres that provide the community and City Council with content for discussion, review, refinement and identification of a preferred scenario that can endure for several generations. Scenarios will be developed around a "Great Park" concept that is supported by a variety of land uses, mobility improvements and infrastructure enhancements. Scenarios will provide rough order of magnitude costs for site preparation, capital design and construction and ongoing operations and maintenance.

The purpose of this Request for Qualification is to identify professional support services for the above-mentioned initial phases of a multi-year planning process that may lead to the subsequent creation of a specific plan. These early studies and engagement activities will help the community to better understand the site's underlying conditions, potential value, and capacity to balance the community's interest in open space, cultural and educational facilities with other land use alternatives that support municipal infrastructure and sustainably support the ongoing operation and management of the land as well as future on-site services and amenities. The consultant team's scope of work will include preparing and executing the required deliverables, including a comprehensive community engagement process in collaboration with City staff. The budget for this initial effort is \$1,000,000.

For more than 25 years, the City of Santa Monica has used the power of community to enhance our resources, prevent harm to the natural environment and human health, and benefit the social and economic well-being of the community for the sake of current and future generations. Santa Monica is a pioneer in integrating sustainable practices in the urban environment and is proud to be a LEED for Cities Platinum level certified community. To this end, all proposals should model best practices and innovations in urban sustainability and be designed to achieve meaningful outcomes that express our commitment to environmental protection, economic vitality, and social equity. The City is investigating using the Living Community Challenge as a roadmap for site exploration and scenario development.

Demonstrated expertise and experience in the following areas is highly desirable:

### Existing Conditions

- Ability to produce comprehensive existing conditions technical reports from data provided by the City and by contracted sub-consultants that provide information for planning purposes; ability to summarize findings in a graphically rich, easy to read format understandable to community members;
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## Outreach

- Proven ability in community outreach using modern, multilingual and accessible engagement strategies that are diverse, inclusive, equitable and creatively designed to solicit innovative input from a wide variety of stakeholders. Democratic engagement approaches that are demographically representative of the community's makeup is strongly preferred. Experience with Using racial equity impact assessments to inform decision making with the ultimate goal of reducing, eliminating and preventing racial discrimination and identifying new options to remedy long-standing inequities is also preferred;

## Scenario Planning and Analysis

- Professional expertise in urban design, architecture, landscape architecture and master planning, including cutting-edge idea analysis, project management and coordination of sub-consultants;
- Experience in park planning, design and implementation strategies, including multi-generational concepts that anticipate future needs;
- Competence in transportation and multi-modal planning, including vehicular, transit, bicycle and pedestrian access. The City will be looking to increase access to and through the site to better integrate the Airport land into the larger connectivity grid;
- Ability to conduct comprehensive analysis related to the availability of, or demand for, infrastructure and utilities, including water and energy resources planning, demand and capacity analysis for land uses, and cost estimating;
- Expertise in coordinating public safety and resiliency planning concepts that are compatible with recreation activities, mixed-use and other land use scenarios ;
- Knowledge of performing carbon capture and environmental remediation analysis, including toxic soils mitigation strategies using natural processes when possible;
- Proficiency in creative and cultural integration and programming, including financial feasibility and subsidization strategies; and,
- Professional expertise in conducting comprehensive historic resource analysis at the district scale;
- Fluency in economic feasibility and market demand analysis, including consideration of revenue and non-revenue generating land uses, sports field management, innovative concepts, small business incubation and development, and community facing services and amenities; appraisal of land value options; implementation, phasing and funding strategies.
- Fluency in infrastructure financing, utilizing various financing tools like Enhanced Infrastructure Financing Districts.

Firms may submit individual qualifications in their core discipline, and may also submit qualifications as part of a multi-disciplinary team or teams. The Department reserves the flexibility to select an integrated team or contract with individual firms to form a team. This RFQ assumes that more than one contract may be awarded over time, depending on needs and available budget. The RFQ provides the context, a description of the scope of work for each category, and specifies the information required to respond to the RFQ. Additional information on the documents, plans and reports mentioned in this RFQ are available on the project website located at: <https://www.santamonica.gov/future-of-santa-monica-airport-project>.

A subsequent RFP for the projects described in this document will be issued in summer 2023 after the evaluation committee has identified a short list of qualified candidates. Following completion of these projects several years from now, the City anticipates that a subsequent Specific Plan will be advertised.

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## Proposal Calendar

The following is a list of key dates:

Corrected date

| Item   | Date                  |
|--|-----------------------|
| Request for Qualifications Issued              | February 13, 2023     |
| Virtual Site Visit                             | February 21, 2023     |
| Submission of Inquiries                        | March 1, 2023         |
| <b>Proposals of Qualifications Due</b>         | <b>March 13, 2023</b> |
| Interviews (If Required)                       | March 27-31, 2023     |
| Shortlist Issued                               | April 10, 2023        |
|  |                       |
| Request for Proposals Issued                   | May 2023              |
| Final Candidate Selection / Interviews         | July 2023             |
| Staff Recommendation to City Council for Award | September 2023        |
| Project Kickoff                                | November 2023         |

## II. BACKGROUND

### *About the City of Santa Monica*

Santa Monica is situated on the Westside of Los Angeles County and is bordered by the City of Los Angeles on three sides and the Pacific Ocean on the west. Incorporated in 1886, the City's 8.3 square miles hosts approximately 93,736 residents, or about 10,800 persons per square mile. Santa Monica is economically successful with about 16,000 businesses and is net positive by approximately 92,000 jobs. In recent years, there has been tremendous growth in entertainment, high-tech and software industries. The city is an international destination, as well as the destination for millions of day-visitors, particularly on weekends, as they visit the beaches, the Santa Monica Pier and special retail destinations such as the Third Street Promenade, Main Street, Montana Avenue, and Santa Monica Place. Santa Monica needs additional parkland, having just 1.39 acres of parkland per 1,000 residents compared to the LA County average of 3.3 acres per 1,000 residents.

### *About the Santa Monica Airport*

The Santa Monica Airport (SMO) is more than just another municipal real estate asset or an efficient functional transportation facility; it is a living piece of the history of Santa Monica. In continuous use since 1917, the Airport has been part of the community for 100 years, during which its aviation functions have changed considerably. Starting out as a grass landing strip in a barley field for WWI pilots, it then became home of the Douglas Aircraft company, an important manufacturing area for the Federal Government's WWII effort. After the war, it emerged as an aviation technology center, and finally a local general aviation airport, which it continues to be to this day. In 2017, after years of advocacy and litigation with the FAA, the City of Santa Monica was granted authority to close the airport permanently after December 31, 2028. The decision to close the airport will require a Council action in the future.

Santa Monica Airport is uniquely situated given its proximity to dense residential neighborhoods in Santa Monica and neighboring Los Angeles. Located two miles east of the Pacific Ocean at the eastern edge of the City, SMO comprises 227 acres of land wholly owned and operated by the City of Santa Monica, including a 17-acre portion of the Airport extending into the City of Los Angeles. The Airport site is shaped by Bundy Drive on the east, Airport Avenue to the south, 23<sup>rd</sup> Street on the west, and Clover Park and Santa Monica Business Park on the north (See Figure 1). The site is connected to the regional roadway network via the 10 and 405 freeways, which are in close proximity. There are multiple bus routes nearby, and the nearest Metro Expo Line Station (Expo/Bundy) is located within one mile of the Airport.

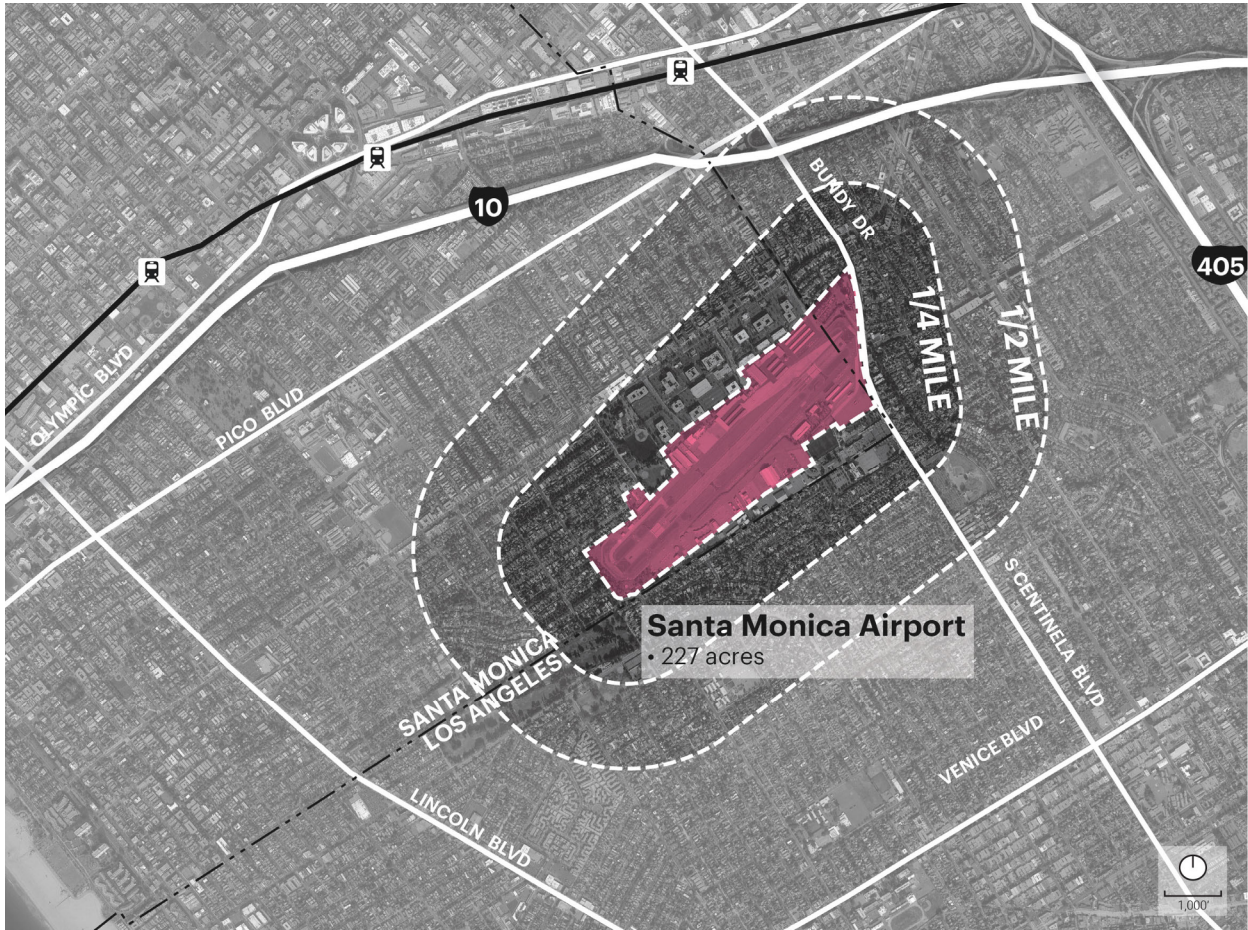


Figure 1: Airport Site

The site is surrounded by a patchwork of residential, open space, cultural, academic and office space; however, much of the adjacent land in both Santa Monica and Los Angeles is zoned for R1, or single-family residential. Denser residential zones, such as low density residential (R2) and medium density residential (R3), can be found closer to the commercial corridor along Ocean Park Boulevard. Between this neighborhood commercial district and the existing airport site are Clover Park and the Santa Monica Business Park, zoned for Open Space and Office Campus, respectively. These areas border the airport and form most of its northern boundary. To the south of the airport is more open space, including the existing 4-acre Santa Monica Airport Park, along with a cultural corridor along Airport Avenue that includes a theater, art studios, a museum, and Santa Monica College art facilities. There is also limited commercial, light industrial, and the Santa Monica College Bundy Campus on the south side of the airport. As is illustrated in the accompanying diagram (see Figure 2), these zones are connected by a series of bus routes and cycling facilities. On the east and west ends of the existing airport site, there is a significant grade change between the runway and both 23rd Street and Bundy Drive.



Figure 2: Airport Adjacent Land Uses

The airport is not zoned, but functions within a complex framework of federal, state, and local laws and regulations. The airport has a single runway and is designated by the FAA as a “General Aviation Reliever Airport” for Los Angeles International Airport and has no scheduled airline service.

In 2017, the City and FAA entered into a Settlement Agreement and Consent Decree (“Consent Decree”) that resolved multiple pending litigation and administrative proceedings between the City and the federal government. The Consent Decree allowed the City to shorten the runway by approximately 1,500 feet in 2019 and paves the way for future planning of the entire 227 acres for the first time ever. In addition, the agreement gives the City local control of the airport land’s future after December 31, 2028. This landmark agreement between the City and the FAA is the culmination of five decades of City outreach and engagement with the airport’s surrounding communities to reduce the impact of aircraft operations and to better integrate the airport into the community landscape.

*Measure LC*

In 2014, Santa Monica voters overwhelmingly supported Measure Local Control (Measure LC) (60.45% vs. 39.55%) to amend the City Charter to restrict new development of Santa Monica Airport land if the Airport is closed or partially closed. Specifically, following the full or partial closure of the airport, new development is prohibited until after the voters have approved limits on the uses and the development that may occur on the land. The measure includes an exception that allows parks, public open spaces and public recreational facilities to be developed on the land without voter approval. The cultural, arts and educational uses that now exist on the Airport can be maintained and replaced without voter approval.

The pathway to redevelopment of the site may require a public vote on Measure LC based on the approach and concept supported by Council through the alternatives process.

Language clarification

*Past Planning Efforts Related to the Airport*

Community Conversations about Non-Aviation Portions of Airport

Several past public engagement efforts that dealt with only non-aviation lands have laid the groundwork to reengage the community on the future of the entire Airport campus. Beginning in 2010, the City of Santa Monica embarked on an ambitious three-phase public outreach process to define the future vision of the airport's non-aviation lands and to better understand the perceptions, needs, and aspirations of the wider community, including current tenants, aviators, and neighbors. At the time, which was prior to the 2017 agreement between the FAA and the City to authorize closure at the end of 2028, these studies and outreach efforts focused exclusively on approximately 40 acres of "non-aviation" and "residual" land that had been identified as potentially available to host other uses which could serve the broader community including additional parks and open spaces, restaurants and cultural activities.



Figure 3: Residual/Non-Aviation Land is outlined in yellow.



Phase I of the Visioning Process included three parts:

1. A general analysis by the RAND Corporation regarding best practices in local general aviation airports and conceptual land uses that could be considered for SMO while operating as an airport;
2. An economic analysis impact study of the Airport activities on the local and the regional economy, performed by HR&A. This study found SMO to be a major revenue generator and employment center; and
3. A series of preliminary community interviews, conducted by Point C.

Phase II, which ran from October 2011 through May 2012, included the core public participation piece of the Visioning Process, where 312 participants from Santa Monica and the surrounding municipalities were engaged in 32 community discussion groups facilitated by Moore Iacofono Goltsman, Inc. (MIG). Opinions voiced by participants centered on whether aviation functions at SMO should continue or not. Positions ranged widely, from closing the airport to maintaining the airport with select mitigations and improvements. The community also gave their opinions on their vision for the non-aviation lands. Participants voiced preference for using these non-aviation areas as a vehicle for integration to the surrounding neighborhoods and increasing the residents' quality of life. Specifically, comments included:

- Increase community open space
- Improve access for pedestrians, cyclists, and mass transit
- Improve accessibility and reduce traffic impacts
- Add new uses for the benefit of the community (arts, culture, education, housing, light retail, etc.)
- Implement sustainable agriculture projects
- Develop an incubator for green startup businesses
- Include green building practices and sustainability initiatives
- Invest in the improvement of infrastructure
- Improve aesthetics of the non-aviation lands

Phase II of the Visioning Process further stressed that the Airport and future activities must be aligned with the City's core environmental values. Insights from the participatory visioning process were presented to City Council on May 8, 2012, when Council then authorized staff to move forward with Phase III.

Phase III began in August 2012 in coordination with a consultant team led by the IBI Group that included a feasibility study of different options to enhance the non-aviation lands of the Santa Monica Airport. The objective of the planning endeavor was to develop enhancement planning strategies for the Santa Monica Airport including access and parking, demographic and economic analysis, uses and design, programming and recreation as well as community engagement in anticipation of future opportunities. In other words, the objective was to create a strategic set of approaches to inform and guide public policy in both areas, not a detailed master plan. The IBI team developed alternative options in the areas mentioned above that could be incorporated into future SMO urban design, capital expenditure, and recreational activity planning. From this short list of recommendations, the City moved on several projects in subsequent years such as runway shortening to prevent large jet traffic, stricter noise controls on propeller craft, enhanced sustainability measures in operations, and explorations of mobility improvements. The City also engaged a design team to explore expansion of the existing Airport Park.

#### Airport Park Planning

Airport Park, a 4-acre park fronting Airport Avenue, was completed in 2007 on non-aviation lands following completion of a non-aviation use feasibility study. The park includes a FIFA regulation size

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lighted synthetic turf soccer field, park building with a small office and restrooms, children's playground, grass picnic and BBQ area, an off-leash dog park, and two parking lots.

In 2015, after the passage of Measure LC, the City began a community input and design process for an expansion of Airport Park to incorporate an additional 12 acres of non-aviation lands. Council approved a design for the park expansion in 2016 which featured two additional multipurpose, synthetic turf fields striped for soccer, lacrosse, and rugby. The park expansion was designed to feature a new pedestrian entrance from Bundy Drive, a continuous walking loop, fitness area, three dedicated pickleball courts, community gardens, ping pong tables, two new restroom buildings, and swings to be used by park users of all ages. Construction drawings for the \$35M project were completed in 2018. Due to funding constraints, Airport Park Expansion was never constructed, but it serves as a reference for the consideration of open space needs in future airport conversion planning. Since 2019, a 6-acre portion of non-aviation land intended for the park expansion has been used for a variety of unique events including a bi-monthly antique market and drive-in movies.

### Airport Conversion Report 2020

In 2018, as part of the Park and Recreation Master Plan update, the City commissioned a study to explore potential pathways to realize the Airport to Park (A2P) concept. The Santa Monica Airport to Park Conversion Report provided a high-level evaluation of the Airport's context and adjacencies (absent any existing condition report or economic evaluation), identified obvious issues and opportunities such as improvements to the circulation network on Airport Avenue and other linkages that could be extended across the tarmac, and briefly discussed the order of magnitude costs for a variety of park development scenarios. These scenarios ranged from minimal intervention, where much of the existing conditions would remain and restoration of softscape would occur selectively, to the possibility of an amenity-rich park, with ample opportunities for programming and activities and neighborhood development.

The Airport to Park Conversion Report was drafted to evaluate models for the transformation of the airport into a great park. The report was not published due to the impacts of the COVID-19 pandemic. The options in the report were framed by an examination of case studies of park development in communities around the world who had employed a variety of approaches to land acquisition, development, and financing.

### *Santa Monica's Policy Framework – Our Community's Values*

The City has a multitude of over-arching adopted policy documents that should be considered by the consultant team to understand the community's priorities, and the values that are represented in the governance of the City. These plans provide a foundation for the City's values in making future budget decisions, as well as decisions regarding town scale, land use, mobility, and operational enhancements. Sustainability, innovation, and resilience are fundamental values woven throughout all plans. A thorough review of the following should be prioritized in the early stages of the work effort.

### Sustainable City Plan

The Sustainable City Plan, adopted in 1994, is a comprehensive framework to guide City decision making to enhance our resources, prevent harm to the natural environment and human health, and benefit the social and economic well-being of the community for the sake of current and future generations. The Sustainable City Plan contains twelve guiding principles and outlines over a hundred indicators in the following nine goal areas:

- Resource Conservation
  - Environmental and Public Health
  - Sustainable Local Economy
  - Transportation
  - Open Space and Land Use
  - Housing
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- Community Education and Civic Participation
- Quality of Life
- Arts and Culture

The City uses the Sustainable City Plan to measure progress across these nine goal areas to inform the efficacy of adopted policies, codes, and programs.

#### Santa Monica's General Plan Land Use and Circulation Element (LUCE)

While SMO itself is currently un-zoned, the goals and future direction of the built environment and transportation policy are enumerated in the award-winning Land Use and Circulation Element (LUCE), which emphasizes enhanced pedestrian and bicycle connections to transit, neighborhood services, housing and jobs, as well as open space and cultural arts. This approach to community livability is reflected in the City's commitment to protecting its distinctive neighborhoods, striving to create a more sustainable environment, and providing the community with amenities within walking distance, including recreation and open space. The City is scheduled to begin drafting a new LUCE around 2030.

#### Climate Action and Adaptation Plan

The Climate Action & Adaptation Plan sets a goal to achieve an 80% reduction (below 1990 levels) in community carbon emissions by 2030. The Climate Action section focuses on eight objectives to reduce carbon emissions into three sectors, including 1) Zero Net Carbon Buildings, 2) Zero Waste, and 3) Sustainable Mobility. Additionally, the Climate Adaptation strategies focus on community resilience to climate change into four sectors:

- Climate Ready Community
- Water Self-Sufficiency
- Coastal Flooding Preparedness
- Low Carbon Food & Ecosystems

#### Parks and Recreation Master Plan

Santa Monica's first Parks and Recreation Master Plan was adopted in 1997, and it guided the improvement of the City's parks and recreational facilities for 20 years. The Master Plan was based upon the Open Space Element, which was prepared simultaneously, and set forth specific actions to help implement Open Space Element objectives and policies.

In 2018, the City began the process of updating the Master Plan to respond to current community needs, values, and opportunities. "Community Voices: A Needs Assessment Report" was released in Spring 2019; it summarized the results of a robust community engagement process and a comparative analysis of six peer cities. Drafting of the Parks and Recreation Master Plan Update was halted at the start of the COVID-19 pandemic. A citywide Park Condition Assessment is currently underway, and the results of the assessment, expected in early 2024, will inform the continued development of the Master Plan Update, a long-term strategic plan that will guide the evolution of the city's park system for the next 20 years. In 2020, a Santa Monica Airport to Park Conversion Report was prepared in anticipation of the Parks and Recreation Master Plan Update process.

#### Bicycle Action Plan & Amendment

The 2011 Bike Action Plan serves as the guide for Santa Monica to implement policies and programs to promote cycling culture and infrastructure to create a complete and connected citywide bike network that is attractive to cyclists of all ages and abilities. In 2020, the City adopted the Bike Action Plan Amendment, which is a technical update to the plan that introduces a 5-year action plan to expand on the Santa Monica's existing bike network by creating a network of protected bike lanes.

#### Pedestrian Action Plan

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The 2016 Pedestrian Action Plan includes goals, policies, and projects to support pedestrian safety, eliminate pedestrian barriers, improve the City's walking environment, and promote health and sustainability through walking. The plan establishes the City's Vision Zero commitment to eliminate all fatal and severe injury collisions by 2026, and the data-driven approach for deploying safety improvement efforts.

#### Sustainable Water Master Plan and Urban Water Management Plan

The 2018 Sustainable Water Master Plan (SWMP) Update refined the pathway for the City to achieve water self-sufficiency and reduce its reliance on imported water. The 2018 SWMP consisted of three key components: 1) Increase water conservation efforts to permanently reduce water demand, 2) leverage alternative water supplies (e.g., stormwater, dry weather urban runoff, and municipal wastewater) to increase local water supply and enhance drought resiliency, and 3) restore impaired groundwater supplies to improve local groundwater basin water quality and increase local groundwater production. The 2020 Urban Water Management Plan analyzed the City's water supply reliability and drought resiliency under current as well as future multi-year drought scenarios.

#### Creative Capital

In 2007, City Council approved Creative Capital, a Cultural Plan to guide the development of Santa Monica's arts and culture sector. Since its adoption, rising costs, the loss of affordable real estate, and a lack of infrastructure continue to threaten the diversity and vibrancy of the creative community. Creative Capital presented three comprehensive strategies that outlined ways Santa Monica could work to ameliorate these challenges and foster even greater cultural opportunity: Celebrating Innovation, Increasing Cultural Participation and Enhancing Sustainability. Of particular relevance to this project, the Enhancing Sustainability strategy outlined the following objectives: 1) Develop small, flexible and affordable performance venues (under 500 seats) and visual arts spaces, 2) Develop policies and ordinances that encourage and even mandate the creation of affordable artist live/work and day studio spaces, and 3) Retain and enhance current concentrations of arts uses at the Pier, Bergamot Station, the Santa Monica Airport and 18th Street Arts Center.

#### Zero Waste Plan

Adopted by Council in 2014, the City's Zero Waste Strategic Operations Plan (Zero Waste Plan) provides an environmental policy framework to guide the City on its path of achieving zero waste. The Zero Waste Plan sets an ambitious goal of achieving 95 percent landfill diversion, or a disposal rate of 1.1 pounds per person per day by 2030.

#### Housing Element 2021-2029

Increasing the supply of housing to serve all income levels has historically been, is currently, and will likely remain a challenge into the future. Santa Monica's Housing Element update focuses on incentivizing housing production, particularly affordable housing; keeping existing residents housed; focusing housing near daily services and in areas that previously have not accommodated housing; and addressing equitable housing access that overcomes historical discriminatory practices and expands housing choice. For context regarding Santa Monica's current housing supply and housing needs, refer to the City's adopted 2021-2029 Housing Element (of the General Plan).

Please note that Measure LC prohibits housing development at the Airport.

#### Four Pillars of Addressing Homelessness

Homelessness is a regional crisis that has deep local impacts in Santa Monica and is consistently identified as a top priority by City Council and the community. The City's strategy for addressing homelessness and mitigating the impacts of unsheltered people experiencing homelessness in public spaces is based on a Four Pillar approach:

- Preventing housed Santa Monicans from becoming homeless and increasing affordable housing opportunities;
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- Addressing the behavioral health needs of vulnerable residents;
- Maintaining equitable access to safe, fun, and healthy open spaces; and,
- Strengthening regional capacity to address homelessness.

Design and resources should be thoughtful and intentional to mitigate anti-social behaviors and illegal overnight use while encouraging active and equal access to safe and healthy open spaces.

#### City of Santa Monica Racial Equity Statement

In 2020, the City Council took a number of steps to advance racial justice in Santa Monica, including the adoption of the following racial equity statement:

The City of Santa Monica acknowledges the effects of generational and institutional racism, and its consequences that continue to impact our residents. These lessons of our history cannot be ignored. The City is committed to advancing racial equity and social diversity to improve the wellbeing of people who live, work, play, and do business in our City, by:

- identifying and rectifying the policies, practices, and behaviors that perpetuate racism, discrimination, and other negative racial-based outcomes.
- cultivating an inclusive and fair environment where all people in Santa Monica, in particular disenfranchised communities of color, thrive in the areas of health, economic vitality, and connectedness.

The City has made an ongoing commitment to its residents to address structural inequities that have negatively impacted its communities of color. The re-imagining of Santa Monica Airport presents an opportunity for the city to proactively embed equity considerations into its policies around land use and development.

### **III. PROJECT DESCRIPTION / SCOPE OF WORK**

To adequately plan for the future of the Santa Monica Airport, policy guidance and the economic basis for change must be clearly defined. The foundational roadmap for the post-closure future of the Airport will be identified through the scenario planning process that is developed in the RFP awarded from this RFQ short-list. The scenario planning process will develop several conceptual land use scenarios for the community and ultimately City Council's consideration, each centered around the idea of the site hosting a "great park." Each alternative will conceptualize the land use, design scale, transportation (including evaluation of regional transit connections to the post-closure Airport Park), innovation, and policy options for the future, as well as the financial impacts/benefits of each alternative. Among many things, the City is seeking a preferred scenario that is economically, environmentally and socially sustainable for several hundred years.

As a critical part of the scenario planning process, a market and economic analysis will be required to evaluate market feasibility of the different concept alternatives and the related financial implications and opportunities. The economic analysis will analyze upfront capital costs, life cycle and ongoing operational costs, and funding options to implement the various concept alternative scenarios. To the extent that any of the alternatives explore land use scenarios outside of the parameters of Measure LC, accompanying recommendations for clarifications or adjustments to LC will be required.

Most large-scale new parks of this size are not undertaken by small cities acting on their own due to the magnitude of the project and the associated capital and operating costs. The conceptual alternatives should investigate the feasibility of a Mello-Roos Community Facilities District, an Assessment District, and/or Enhanced Infrastructure Financing District (EIFD), and potential revenue generation from supporting land uses.

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The Department is soliciting qualified professional individuals, firms, or multi-disciplinary teams with experience in any of the areas described below to assist in the development of its planning efforts. Coordination with City staff and the community is critical for the successful implementation of the project. Additional work tasks may be requested in the future depending on the specific needs of the City and available budget.

### **1. Comprehensive Existing Conditions Report**

An existing conditions report is the first step in the discovery process to understand the baseline environment for future concept development. The City will provide existing environmental reports and documents, GIS-level mapping materials and other data inputs when available, but the consultant team should be prepared to conduct additional analysis and survey work to achieve a comprehensive understanding of the Airport land's existing conditions, as well as its economic profile. The existing conditions report may include, but is not limited to:

- Project Histories
- Land Surveys
- Geotechnical Soils Reports
- Title Report
- Maps
- Utilities
- Infrastructure
- Easements
- Buildings and Building Conditions
- Environmental Conditions
- Transportation/Mobility
- Historical Analysis and Assets
- Ecological History and Ecology
- Cultural Assets
- EIR Review of past Airport projects
- Economic profile

Further, the existing conditions team should also review past visioning and outreach work that has preceded the project described in this Request for Qualifications, and include a concise summary of recommended activities, as well as conceptual ideas from the community about the future potential of the Airport land to serve as a launching point for the scenario planning phase.

### **2. Diverse, Equitable and Inclusive Outreach and Engagement Process**

The City is seeking a modern, multilingual outreach team to provide the opportunity for community members and nearby stakeholders to help vet assumptions, provide local insight and context, and ultimately to play a role in the development and review of alternative scenarios. The outreach should be built on a foundation of equity and seek to gather input from a wide range of participants, including those who are often overlooked in municipal outreach activities. Outreach efforts should seek to minimize barriers to participation and include creative, fun and engaging opportunities to contribute in both online and in-person formats. Democratic or citizen assemblies should be considered in order to achieve demographically representative input. The outreach team will be responsible for coordinating with staff on the creation of the engagement activities, participation and production of outreach events and experiences, as well as providing written summary reports of community comments. Comprehensive outreach activities shall solicit input from:

- Santa Monica Residents and members of the business community
  - Current Airport tenants
  - Adjacent property owners, including neighboring Los Angeles residents and businesses
  - Youth, families, and seniors
  - Local tribal and indigenous communities, and other historically displaced people.
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- Other Stakeholders

While there may be opportunity for outreach to inform the Existing Conditions phase, it is anticipated that the bulk of outreach will be programmed during the scenario planning and visioning phase, which is expected to run for a number of years. Thus, the City is interested in working with an outreach team that has broad experience in multi-year efforts with sustained interaction with stakeholders, and the ability to bring constituents to consensus on challenging tradeoffs.

### **3. Scenario Planning and Identification of Preferred Scenario**

The City is seeking a multi-disciplinary team to utilize existing conditions, municipal goals and priorities, community feedback, and professional expertise to elaborate a series of provisional scenarios for the future of the airport land. This team will work closely with the community, City staff and the outreach team to develop alternative land use scenarios that demonstrate the economic, environmental, and social tradeoffs associated with land use decisions. Scenarios should be developed with the highest level of sustainability in mind and focus on creating a better understanding of the land's potential to address the community's needs and interests for several generations.

Among the many pressures on the airport land, the community has been clear that a large park space for active and passive enjoyment should be a constant in any discussion of the Airport's future. Thus, each alternative should include a large park as a centerpiece of the proposal, and, where feasible, utilize a range of supporting land uses to economically balance the cost of construction, operations and maintenance. Staff is exploring using the [Living Community Challenge](#) (a rating system developed by the International Living Future Institute) as a further basis for promoting triple bottom line sustainability into any plan for the future of the Airport. Staff utilized the Living Building Challenge program to design and develop the City Hall East Facility, which is considered the most sustainable civic building in the world.

The Living Community Challenge is a framework for master planning, design, and construction. It is a tool to create a symbiotic relationship between people and all aspects of the built environment and supports creating regenerative communities to restore the health and resilience of economies, cultures, and people. With the Living Community Challenge framework, it is possible to create communities that are:

- Healthy for all elements of life
- Nurturing and generous places that promote healthy lifestyles for everyone
- Net Positive with respect to water and energy, Living Communities generate their own energy and capture and treat all the water they need
- Designed using multipurpose elements, nothing has only a single purpose, everything has multiple benefits to the community and environment
- Regenerative spaces for people and natural ecosystems
- Places that are walkable, bike-able, and have affordable public transportation

The following professional activities are envisioned to accompany the concept development phase, including but not limited to:

#### **A. Scenario Planning, Urban Design and Project Management**

The City is seeking support in land use scenario planning and urban design, for the purpose of developing conceptual design options that are accompanied by visually compelling diagrams, models, maps and other associated communication tools. This request for services also includes project management and coordination over the other disciplines described in this section of the RFQ. Scope of services may include, but is not limited to:

- Preparation of base maps and diagrams
-

- Concept ideation stemming from outreach and adopted or endorsed goals of the City
- Visual development of preliminary land use/open space and mobility scenarios, site planning and high-level design direction, with an emphasis on concepts that promote sustainable land use patterns
- Preparation of renderings and photo-simulations, conceptual site plans, maps, 3-D models, illustrations, and diagrams
- Participation in community outreach activities including stakeholder interviews, citizen assemblies, public workshops, events and public hearings
- Development of governance, implementation and funding strategies to address phasing of projects and infrastructure, as well as methods to finance infrastructure and open space improvements
- Development of regulatory and policy recommendations needed to implement the preferred alternative, and identification of responsible parties for management and oversight of implementation
- Strategic project direction, project management and coordination of consultant team
- Attend regular meetings with project stakeholders
- Production and publication of plan materials, including layout and design with consideration of printing impacts

## **B. Park Planning and Programming**

Parkland, open space, and recreational facilities are intrinsic to the future of the airport site. Measure LC demonstrates the community's continued commitment to expanding the city's parks and recreation system through the development of park space and public recreational facilities at the site. Support in planning for the development and operation of recreational and open spaces, including a large park with active and passive spaces is desired. Services may include but are not limited to:

- Identification and analysis of recreational opportunities that are unique to the airport site
- Development of models/strategies for funding capital, operational, and maintenance costs, including opportunities for joint development (e.g. public/private partnerships or enterprise fund projects)
- Recommendation of policy alternatives regarding park operation and on-going revenue opportunities from concessions, events, etc.
- Preparation of an economic analysis to evaluate the feasibility of developing park and recreation spaces at varying scales and the related financial implications and opportunities, including a full analysis of up-front capital costs, life cycle and ongoing operational costs and the most appropriate funding mechanisms to implement the various scenarios
- Concepts for park maintenance areas that maximize the ability to service all of Santa Monica's parks from this area

## **C. Transportation, Mobility and Connectivity Planning**

Transportation planning support is needed to ensure that future plans advance the City's circulation policies in a sustainable, innovative and practical manner. Services may include, but are not limited to:

- Identifying and evaluating existing and needed circulation network or infrastructure linkages using a variety of communication tools including conceptual circulation plans, maps, diagrams and other graphics
  - Identifying connections and linkages for pedestrians, bicyclists, motorists and transit to and through the airport site
  - Identifying locations for bike facilities including bike lanes and paths, connections, bicycle transit centers and bicycle parking
  - Developing concepts/templates for achieving complete green streets
  - Recommendations for convenient and attractive network enhancements to accommodate all users
  - Providing illustrated streetscape design concepts
  - Technical transportation planning and traffic engineering services to include but are not limited to:
    - Preparation of plans, specifications, and estimates, and supporting analysis;
    - Conceptual design of streets, pathways, curb extensions, median treatments, traffic signals, and pedestrian crossing enhancements;
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- Traffic and parking data collection;
- Review of available crash data and safety statistics;
- Transit ridership and operations analysis

#### **D. Infrastructure, Engineering and Utilities Planning**

Future demand for utilities, infrastructure and for public services (schools, fire, police, etc.) needs to be determined for a range of land use scenarios that will be contemplated for the Airport land. Services may include, but are not limited to:

- Creating a consolidated inventory of all major infrastructure systems, to include street, water, wastewater, and storm drain systems, encompassed in the project area using City records, other utility records, topographic surveys, and field observation.
- Capacity analysis to understand growth potential. Consideration of utilities and facilities such as water, sewer, electric, gas, telephone, and broadband in regards to location with respect to the major infrastructure systems.
- Analysis of the project area's infrastructure with regards to replacement, relocation, or modification of infrastructure. This analysis should also include consideration of traffic control, accessibility, environmental impact and storm water pollution control during construction.
- Opportunities to achieve the City's carbon capture, energy generation, and water retention to comply with state and federal discharge permits (NPDES/MS4) and reuse goals thru natural infrastructure as well as engineered solutions.
- Identify and quantify stormwater volume capture required for compliance with state and federal discharge permits; propose different alternatives for compliance, complete with permitting matrix and cost estimates.
- Recommendations for how to fund infrastructure improvements (e.g. assessment districts)
- Data should be structured in such a way as to feed into the City's geographic information systems (GIS).
- Water resources planning and engineering, including recycled water storage reservoirs, groundwater treatment facility, desalination facility, and stormwater/runoff harvesting and recycling facility.
- Develop permitting and stakeholder matrix, including, but not limited to, State Water Resources Control Board – Division of Drinking Water, Regional Water Quality Control Board, LA County Public Health, Santa Monica Basin Groundwater Sustainability Agency, Caltrans etc]
- Cost estimates for improvements, as needed

#### **E. Public Safety and Resiliency Planning**

The Santa Monica Airport is a core component of the City's current emergency operations plan, as the central storage location of key emergency caches including response vehicles and supplies for disaster operations. Airport administrative buildings serve as a back-up Emergency Operations Center and Public Works Department Operations Center. Per the City's Multi-Hazard Functional Emergency Plan, the airport's purpose in a disaster event is to handle the arrival and transport of key staff and officials and act as a base for emergency activities such as damage surveyors, law enforcement, firefighting, and other relief, rescue, and recovery operations. Airport hangars may also serve a critical response purpose, potentially serving as a safe location for temporary shelter, supply staging, points of distribution and emergency medical treatment. During the COVID-19 pandemic, the airport's open space frequently served as a point of distribution for emergency food supplies, at one point serving 1,250 people in four hours.

To maintain the City's ability to provide public services and protect the health and safety of Santa Monica residents and visitors during a disaster event, the future of the airport should consider the following:

- The flexibility to support a public or internal emergency function, such as staff and volunteer training, community information center, etc.
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- A portion of open space should have the capacity to support regular emergency response functions, such as a command post, staging area, or point of distribution
- Storage and maintenance of emergency equipment and supplies, including fleet vehicles
- Roadways to emergency storage and open space should be constructed as an emergency access road to allow traffic including vehicles with a heavy load (ex. debris removal) and those that require additional radii for maneuvering.
- Potential to land a plane for emergency services.

#### **F. Environmental Planning and Soils Remediation Services**

As a 100-year-old airport, there is sufficient evidence of contaminated soils in select locations to merit a comprehensive environmental site assessment. Qualified firms or individuals may include environmental scientists, such as biologists, ecologists, chemists, hydrologists, and geologists. Services may include, but are not limited to:

- Identifying potential liability and risk associated with environmental and public health considerations concerning the airport site.
- Addressing potential contamination by hazardous substances and evaluating if readily-available evidence indicates whether hazardous materials may be located on or under the property surface.
- Recommending near-term actions to control or eliminate ongoing sources of contamination along with continued investigation of other potential sources.
- Knowledge of performing carbon capture and environmental remediation analysis, including toxic soils mitigation strategies using natural processes when possible;

#### **G. Creative and Cultural Arts Integration**

Santa Monica is a regional magnet for a broad cross section of the creative industry, from digital post production studios to fine artists. Increasing pressure from redevelopment has resulted in artist populations leaving the City in search of more affordable live/workspace, and exhibition and performance space. The Santa Monica Airport is home to a large arts campus featuring over 60 art studios, currently managed by 18<sup>th</sup> Street Art Center and the City, a museum, theatre and Santa Monica arts facilities. Support services are required to develop strategies to preserve, enhance, and create arts space in Santa Monica, particularly at SMO. Duties may include, but are not limited to:

- Research and analysis of national models applicable to Santa Monica.
- Ability to prioritize underrepresented histories and create spaces that elevate the diversity, equity, inclusion priorities of the City.
- Creative resource mapping and analysis. Data should be structured in such a way as to feed into the City's geographic information systems (GIS).
- Policy alternatives for artist housing, incubator creative businesses and joint-development that supports investments for arts-related projects.
- Implementation strategies.
- Financial feasibility analysis.

#### **H. Historic Preservation Analysis and Integration into Alternative Scenario Plans**

The airport has two identified City Landmarks, the Airport Tower and Compass Rose (under appeal). The airport itself is the site of many historic flights, such as a contest of female pilots in which Amelia Earhart participated. Preserving and illuminating the history of the airport should be included as an important aspect of the project. The effort should include a historic assessment of the entire airport by a qualified preservation professional, and recommendations for how best to illuminate the important history of the site. The assessment should also include research about the property prior to its airport use, to the area's original inhabitants.

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## **I. Economic Analysis**

Economic analysis services are required to provide the planning efforts with accurate information in order to develop scenarios that can realistically and effectively achieve a balance of uses that support the SMO site. The Framework must include implementation strategies that are focused on funding opportunities that can be identified. Services may include, but are not limited to:

- Prepare draft financial feasibility rough order of magnitude for each alternative:
    - Prepare a brief memo to document the research, modeling, and findings from the financial analysis, with the goal of communicating the results in a way that will help participants (consultants, City officials, members of the public) in the plan development process understand the financial implications and trade-offs associated with different features in the alternatives.
    - Appraisal of land value options
  - Estimate the market potential for various types of land uses that enjoy solid market support, including housing and commercial sectors, and identifying market gaps. Market demand studies should concentrate on the types of businesses that have the greatest potential for growth and sustainability.
  - Recommendations for developing housing at various affordability levels either as stand-alone projects or within mixed-use projects.
  - Including the financial benefit of maintaining airport tenancies past 2028 to capitalize on revenues that could be ringfenced for future site development.
  - Providing tools for successful small business development, specifically clean tech incubation and neighborhood serving uses with a focus on diversity, equity, and inclusion
  - Feasibility analysis scenarios for specific projects with community benefits, as needed.
  - Identification of incentives to attract desired uses and means of monitoring implementation.
  - Data analysis to support planning efforts presented in graphic formats like maps and easy-to-understand diagrams and illustrations. Data should be structured in such a way as to feed into the City's geographic information systems (GIS).
  - Opportunities for joint development (e.g. public/private partnerships).
  - Identifying areas where private or public funds will be optimized.
  - Identifying and pursuing new funding opportunities, including infrastructure financing districts, Mello-Roos community financing districts, or other available financing instruments for projects at this scale.
  - Identification of processes and policies to aid in administration of external funding by city staff.
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#### **IV. CITY CONTACT**

The City has designated Peter D. James, as its contact (the “City Contact”) for this request for qualifications (this “RFQ”). The City Contact’s information is listed below:

Peter D. James, Chief Operations Officer – Strategic Initiatives  
Public Works Department  
City of Santa Monica  
1685 Main Street, City Hall East  
Santa Monica, CA 90401  
Phone (310) 458-8341  
E-Mail: [peter.james@smgov.net](mailto:peter.james@smgov.net)

Office Hours:  
Monday through Thursday, 7:30 AM to 5:30 PM  
Alternate Fridays 8:00 AM to 5:00 PM

The City of Santa Monica offices are closed every other Friday. Please call to ensure that offices are open and that staff is available.

Any inquiries or requests regarding this procurement should be submitted via Other City officers, agents, employees or representatives do not have authority to respond on behalf of the City. Contact with unauthorized City personnel during the selection process may result in disqualification.

#### **CITY’S ONLINE VENDOR PORTAL**

The website for this RFQ and related documents is the City’s online vendor portal: OpenGov or <https://procurement.opengov.com/portal/santa-monica-ca>. All project correspondence will be posted on the OpenGov website. It is the responsibility of Proposers to check the website regularly for information updates and RFQ clarifications, as well as any RFQ addenda.

#### **C. CITY DOCUMENTS**

Proposer shall complete and return the following documents:

- Proposal (including all sections noted in OpenGov)
- RFQ Addenda if issued (to be acknowledged via OpenGov)
- Non-Discrimination Policy Acknowledgement
- Non-Collusion Affidavit (this does **not** need to be notarized)
- Certification Regarding Debarment

**Selected** Proposer will be required to return the following documents:

- Business License
- Living Wage Certification
- Prevailing Wage Job Acknowledgement Form

#### **D. BEST QUALIFIED PERSON OR FIRM**

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The award, if any, will be made to the best qualified person or firm(s). In evaluating whether a proposer(s) is (are) the best qualified person or firm(s) pursuant to the Santa Monica Municipal Code, City staff may utilize some or all of the following criteria:

1. The training, credentials and experience of the person or firm;
2. The demonstrated competence, ability, capacity and skill of the person or firm to perform the contract or provide the services;
3. The capacity of the person or firm to perform the contract or provide the service promptly, within the time specified, and without delay;
4. The sufficiency of the person's or firm's financial and other resources;
5. The character, integrity, reputation and judgment of the person or firm;
6. The ability of the person or firm to provide such future service as may be needed;
7. The price which the person or firm proposes to charge, including whether the price is fair, reasonable and competitive; and
8. Any other factor which will further the intent set forth in Section 608 of the City Charter.

The City shall have absolute discretion in determining the applicability and weight or relative weight of some or all of the criteria listed above and is not required to select the lowest monetary proposer.

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## **II. CONDITIONS GOVERNING THE PROCUREMENT**

### **A. GENERAL REQUIREMENTS**

This procurement will be conducted in accordance with the City of Santa Monica procurement codes and procedures.

1. **Receiving Time / Late Proposals**

It is the responsibility of proposer to see that their proposal is submitted with sufficient time to be received by the City prior to the proposal closing time. The City only accepts electronic proposals, submitted via OpenGov.

**Late proposals will not be accepted.**

2. **Acceptance of Conditions Governing this RFQ**

Submission of a proposal constitutes acceptance of the Evaluation Factors contained in this RFQ.

3. **Incurring Cost**

Any cost incurred by the proposer in preparation, transmittal, presentation of any proposal or material submitted in response to this RFQ shall be borne solely by the proposer.

4. **Prime Consultant Responsibility**

Any agreement that may result from the RFQ shall specify that the prime consultant is solely responsible for fulfillment of the agreement with the City. The City will make agreement payments only to the consultant.

5. **Sub-consultants**

Use of sub-consultants must be clearly explained in the qualifications, and major sub-consultants must be identified by name. Prime consultants shall be wholly responsible for the entire performance whether or not sub-consultants are used.

6. **Amended Qualifications**

A proposer may submit an amended qualifications before the deadline for receipt of qualifications. Such amended qualifications must be complete replacements for a previously submitted qualifications and must be clearly identified as such in the transmittal letter. City personnel will not merge, collate, or assemble qualifications materials.

7. **Proposer's Rights to Withdraw Qualifications**

Proposers will be allowed to withdraw their qualifications at any time prior to the deadline for receipt of qualifications. The proposer must submit a written withdrawal request signed by the proposer's duly authorized representative addressed to the City Contact.

8. **Proposal Offer Firm**

Responses to this RFQ, including proposal prices, will be considered firm for ninety (90) days after the due date for receipt of qualifications or sixty (60) days after receipt of a best and final offer, if one is requested.

9. **Best and Final Offer**

The City reserves the right to request Best and Final Offers from any or all proposers. This will be the only opportunity to amend or modify qualifications based on feedback from the City. Information from competing qualifications will not be disclosed to other proposers prior to submission of a Best and Final Offer.

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**10. Living Wage Requirement**

Any agreement issued as a result of this Request for qualifications may be subject to the City's Living Wage Ordinance, Santa Monica Municipal Code Chapter 4.65 (LWO), and its implementing regulations.

**11. Disclosure of Proposal Contents**

All proposals are subject to the provisions of the California Public Records Act, California Government Code section 6250 *et seq.*, and any information submitted with a response is a public record subject to disclosure, unless a specific exemption applies.

**12. No Obligation**

This RFQ in no manner obligates the City to the eventual rental, lease, purchase, etc., of any goods or services offered until a valid written agreement is executed by the City and the selected proposer.

**13. Termination**

This RFQ may be canceled at any time and any and all proposals may be rejected in whole or in part when the City determines such action to be in the best interest of the City of Santa Monica.

**14. Sufficient Appropriation**

Any agreement awarded for multiple years as a result of this RFQ may be terminated if sufficient appropriations or authorizations do not exist. Such termination will be effected by sending written notice to the contractor. The City's decision as to whether sufficient appropriations and authorizations are available will be accepted by the contractor as final.

**15. Errors and Restrictive Specifications**

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFQ, the proposer should immediately notify the City Contact designated in Section I, paragraph B. Without disclosing the source of the request, the City may issue a written addendum to clarify the ambiguity, or to correct the problem, omission, or other error.

If prior to the submission date, a proposer knows of or should have known of an error in the RFQ but fails to notify the City Contact of the error, the proposer shall submit their proposal at his, her or its own risk, and, if awarded an agreement, shall not be entitled to additional compensation or time by reason of error or its later correction.

**16. Legal Review**

The City requires that all proposers agree to be bound by the General Requirements contained in this RFQ.

**17. Governing Law**

This RFQ, and any agreement entered into pursuant to this RFQ, are governed by the laws of the State of California.

**18. Oral Changes and Basis for Proposal**

Proposers may not rely upon oral explanations. All changes and addenda will be issued in writing. Only information supplied by the City in writing through the City's Contact, or in this RFQ should be used as the basis for the preparation of proposals.

**19. Proposer's Terms and Conditions**

The agreement between the City and the selected proposer(s) will follow the format specified by the City and contain the terms and conditions set forth in Exhibit A, Professional Services Agreement. However, **the City reserves the right to negotiate with a successful proposer**

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**the final provisions or provisions in addition to those contained in this RFQ.** The contents of this RFQ, as revised and/or supplemented, and the successful proposal will be incorporated into and become part of the agreement.

Should a proposer object to any of the City's terms and conditions, as contained in this Section, that proposer must propose specific alternative language in his, her, or their proposal. Proposer must provide a brief discussion of the purpose and impact, if any, of each proposed change followed by the specific proposed alternate wording. The City may or may not accept the alternative language. General references to the proposer's terms and conditions or attempts at complete substitutions are not acceptable to the City and may result in disqualification of the proposer.

**20. Proposer's Terms and Conditions**

Proposers must submit with the qualifications a complete set of any additional terms and conditions that they expect to have included in an agreement negotiated with the City.

**21. Proposer Qualifications**

The City may make such investigations as necessary to determine the ability of the proposer to adhere to the requirements specified within this RFQ.

**22. Right to Waive Minor Irregularities**

The City reserves the right to waive minor irregularities and the right to waive mandatory requirements, provided that all of the otherwise responsive proposals fail to meet the same mandatory requirements and/or doing so does not otherwise materially affect the procurement. This right is at the sole discretion of the City.

**23. Change in Agreement or Representatives**

The City reserves the right to require a change in contractor or representatives if the assigned representatives are not, in the opinion of the City, meeting its needs adequately.

**24. City Rights**

As a result of this RFQ, the City reserves the right to award a proposal to separate proposers on any of the services as set forth in the proposer's proposal. It is further understood that if the proposer to whom any recommended award is made fails to enter into an agreement with the City, award may be made to the next best bidder, who shall be bound to perform as if she, he or they received the award in the first instance.

**25. Right to Publish**

Throughout the duration of this procurement process and agreement term, potential proposers, proposers, and contractor must secure from the City written approval prior to the release of any information that pertains to the potential work or activities covered by this procurement or the subsequent agreement. Failure to adhere to this requirement may result in disqualification of the proposer or termination of the agreement.

**26. Ownership of Proposals**

All documents submitted in response to the RFQ shall become the property of the City of Santa Monica and are subject to the provisions of the California Public Records Act, as described in Section II. A.8. herein.

**27. Award Process**

The RFQ responses will be evaluated by a review group selected for this project. Each member will assess and rate each proposal based on the selection criteria listed in Section V. Evaluation and Selection of this RFQ. A short list of best bidder respondents will be selected and invited to

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participate in an RFP process. The best bidder may or may not have received the most points during evaluation.

As part of the RFP process proposals from the short-list will be evaluated by an Evaluation Committee comprised of City staff. Proposals will be rated and ranked according to the criteria set forth in the RFP and a recommendation will be made to the project team.

The agreement(s) following the RFP shall be awarded to the proposer or proposers whose proposal is the best bidder, taking into consideration the evaluation factors set forth in the RFP. The best bidder may or may not have received the most points or be the lowest cost proposal.

## **28. Protest Deadline**

All parties wishing to file a protest shall comply with the procedures set forth below.

Proposer may file a written protest with the Director of Public Works no more than seven calendar days following the posting of award recommendation on the City's online vendor portal website. The protest must include the name address and telephone number of the protestor and or the person representing the protesting party. The written protest must set forth in detail all grounds for the protest including without limitation all facts supporting documentation legal authorities and arguments in support of the grounds for the protest. All factual contentions must be supported by evidence. Any matters not set forth in the written protest shall be deemed waived. Any protest not conforming to the requirements of this Section may be rejected as invalid.

Once a protest has been filed with the Director of Public Works no contract shall be awarded until the Director of Public Works has issued his or her final determination on the protest.

The Director of Public Works shall review the merits and timeliness of the protest and issue a written decision to the protestor within ten calendar days of receipt of the protest. The Director of Public Works shall have final authority to sustain or deny a protest. The Director of Public Works decision shall constitute the City's final determination on the protest.

*Protests received after the deadline will not be accepted.*

## **29. Records and Audits**

The Consultant shall maintain such detailed records as may be necessary to demonstrate its performance of the duties required by this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless expressed in writing and signed by the party alleged to have granted the waiver. A waiver by a party of any of its rights reimburse shall not be effective to waive any other rights.

## **30. Enforcement of Agreement/Waiver**

A party's failure to require strict performance of any provision of this Agreement shall not waive or diminish that party's right thereafter to demand strict compliance with that or any other provision. No waiver by a party of any of its rights under this Agreement shall be effective unless expressed in writing and signed by the party alleged to have granted the waiver. A waiver by a party of any of its rights shall not be effective to waive any other rights.

## **31. Statement of Economic Interest**

Pre-qualified consultants in designated positions must complete and file a Statement of Economic interest ([Form 700](#)) later with RFP in step 2. As the holder of a designated position, you are required to file an annual Statement of Economic Interest with the Office of the City Clerk to disclose any reportable investments, interests in real property, income, loans, gifts, and honoraria

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held or received during the previous calendar year. (If a contract does include a qualified consultant, proof of filing of the Form 700 will be required as part of the contract documents. ([Form 700 Submittal Instructions](#) on eDesk RFQ tab)).

### **III. SUBMISSION FORMAT AND ORGANIZATION**

#### **A. NUMBER OF RESPONSES**

Proposers may submit multiple qualifications, if desired. The City is not recommending or suggesting that proposers submit multiple qualifications. The City is merely stating an available option. If a proposer chooses to submit multiple qualifications, each must be entirely separate from the others. The Evaluation Committee will not collate, merge, or otherwise manipulate the proposer's qualifications.

#### **B. NUMBER OF COPIES**

Proposers shall submit their proposals via the City's online vendor portal, OpenGov.

#### **C. PROPOSAL FORMAT**

The proposal must detail the proposer's experience in work of similar scope and nature to the work submitted for. The City encourages minority participation.

##### **1. Letter of Transmittal**

- a. Identify the submitting organization
- b. Identify the name, title, telephone, and e-mail address to be contacted for clarification
- c. Identify what the proposal is being submitted for
- d. Resume/list of previous clients/jobs from the last five years
- e. Acknowledge receipt of any and all amendments to this RFQ

##### **2. Qualifications**

- a. A description of the team's qualifications with emphasis on previous jobs of this type. Identify teams and individuals and describe their relevant experience on similar types of projects and dates of the relevant work; provide names of individuals who will be working on the project as described in this RFQ, including identification of roles on project (i.e. lead and/or other roles); and current resumes for key personnel.
- b. Provide examples and descriptions of relevant work products on similar projects, including but not limited to: project name, project dates, locations, project description, team or firm's specific role in the project, names and title of lead project staff, funding sources, dollar amounts, timelines, sample project management status updates, services provided and an explanation of the clients reception of the final project. For graphic material, describe how it was produced (programs, production process) and approximate budget.

##### **3. Project Understanding**

Include description of different scope, approaches, and timelines for the phases. Include relevant, similar project examples

##### **4. Staffing Rate Sheet**

For purpose of evaluation, please provide an hourly rate/fee sheet for the interested teams.

##### **5. References**

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Provide a list of at least three recent client references from previous projects of similar scope and magnitude. The list should include key personnel contacts and their position with the agency/company.

**6. Sub-consultant / contractor**

Please provide a list of sub-consultant/contractors

**7. Santa Monica Business License**

A Santa Monica Business License will only be required from vendors selected to work on a project. A Business License is not required to submit the RFQ.

**V. EVALUATION AND SELECTION**

**A. EVALUATION POINT SUMMARY**

All proposals meeting the requirements will be further evaluated using the same criteria and point structure. Evaluations will be based on the weighted criteria listed below, which correspond to information requested in various sections of the proposal:

**B. EVALUATION FACTORS**

All proposals meeting the requirements will be further evaluated using the same criteria and point structure. Evaluations will be based on the weighted criteria listed below, which correspond to information requested in various sections of the proposal:

Removed duplicative language

Note: Only those that achieve a score of 75 points or more will be eligible for consideration and evaluation under this proposal.

| <b>CRITERIA</b>                       | <b>MAXIMUM POINTS</b> |
|---------------------------------------|-----------------------|
| Experience / Technical Competence     | 25                    |
| Ability to Meet Work Plan / Timelines | 20                    |
| Project Understanding                 | 20                    |
| Stability / References                | 15                    |
| Hourly Rates                          | 10                    |
| Quality Control                       | 5                     |
| Value Added- Breadth of Service       | 5                     |
| <b>TOTAL POINTS</b>                   | <b>100</b>            |

**Experience and Technical Competence:** Up to 25 points may be awarded based on the evaluation of the proposer’s knowledge and prior experience. Evaluation will be based on relevant experience of key personnel based on resumes showing technical knowledge and experience on similar projects. Evaluation will also be based on level of the firm’s previous projects of comparable complexity, scale and nature; training and proven expertise in the area of work required; experience in projects completed for public entities; the firm’s proposed work plan; and teams experience working together.

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**Ability to Meet Project Work Plan and Timeliness:** Up to 20 points may be awarded based on the consultant's ability to perform the work within the desired time frame. Evaluation will be based on the ability and past experience in assembling a highly qualified staff. Evaluation will also be based on the ability to provide the City with approval of management and representatives assigned to the project; the ability to provide assurance of resources to accommodate changes or turnover in staff; and efficiency and timeliness in completion of projects.

**Project Understanding:** Up to 20 points may be awarded based upon qualifications of the project team, effective communication and understanding of the project goals, and experience with similar projects.

**Stability/References:** Up to 15 points may be awarded upon an evaluation of proposer's work for similar engagements. Please submit at least three references from public entities of similar size and scope. Additionally, provide evidence of insurance; description of firm size and structure, including number of partners and owners; and confirmation of firm's independence and license to practice in California.

**Hourly Rates:** Up to 10 points may be awarded for the lowest fixed or blended hourly rate. The consultant's proposal for the project should reflect cost effective work and services. Cost control, performance within budget allocations, prudent auditing practices, management and clear and constant communication with City staff are essential to the success of this project. Brief descriptions of previous project experiences should be used as examples of how this was achieved with former clients, along with key examples of the firm's accuracy in cost estimating.

**Quality Control:** Up to 5 points may be awarded based on whether the distinctive goals established for each component are met. Brief descriptions of previous project experiences should be used as examples of how quality control was achieved with former clients.

**Value Add/Breadth of Service:** Up to 5 points may be awarded based on the consultant's ability to provide insight and information, industry best practices and the ability to effectively communicate information to management and provide technical training or resources.

## **C. CONSULTANT SELECTION PROCESS**

The City of Santa Monica has the sole authority to select the consultant(s) and reserves the right to reject any and all proposals. The completion of the selection process does not obligate the City to enter into any agreement with any or all of the short listed and ranked proposer(s).

The City's policy is to screen consultant(s) based upon their qualifications summary and similar project reference checks. Factors to be considered in initial screening and final selection may include but are not limited to section B above.

1. All proposals will be reviewed for compliance with the mandatory minimum requirements as stated within the RFQ. Proposals deemed non-responsive will be eliminated from further consideration.
  2. The City may contact the proposer for clarification of their response.
  3. The City may use other sources of information to perform the evaluation.
  4. Responsive proposals will be evaluated on the factors in Section V that have been assigned a point value. The responsible proposers with the highest scores may be selected as finalist based
-

upon their initial proposals or the City may proceed with the proposer receiving the best score. Finalists who are asked or who choose to submit revised proposals for the purpose of obtaining best and final offers will have their points recalculated accordingly.

5. The proposals will initially be evaluated by a review group selected for this project. Each member will assess and rate each proposal based on the selection criteria listed in the RFQ. A short list of contractor(s) will be selected.
6. The City of Santa Monica has the sole authority to select the contractor and reserves the right to reject any and all proposals.
7. By submitting a response to this RFQ, prospective contractor waive the right to protest or seek any legal remedies whatsoever regarding any aspect of this RFQ. The City reserves the right to select any number of finalists. In addition, the City reserves the right to issue written notice to all participating contractors of any changes in the proposal submission schedule, should the City determine in its sole and absolute discretion that such changes are necessary. The City reserves the right to request additional information from any proposing contractor and to reject any and all proposals. All original work products, including computer files, shall remain the property of the City.
8. The City reserves the right to retain an expert to evaluate the contractor's work or qualifications at all stages in the selection process. Additionally, any contract entered into will be subject to termination at any stage if in the judgment of the City, such termination is in the best interest of the City. In the event such decision is made, appropriate written notice would be given before any termination and the consultant would be compensated on a pro-rata basis for work performed.

#### **D. SUPPLEMENTAL FORMS AND DOCUMENTS**

- Non-Discrimination Policy Acknowledgement
  - Non-Collusion Affidavit (this does **not** need to be notarized)
  - Certification Regarding Debarment
  - Oaks Initiative Disclosure Form
  - City of Santa Monica Business License Form
  - Living Wage Ordinance Certification
  - Check List of Labor Law Requirements
  - Statement of Non-Performance
  - Prevailing Wage Job Acknowledgement Form
-



## City of Santa Monica Non-Discrimination Policy Acknowledgment

### A. Discrimination.

Discrimination in the provision of services may include, but not be limited to the following:

- (a) Denying any person any service, or benefit or the availability of a facility.
  - (b) Providing any service, or benefit to any person which is not equivalent, or in a non-equivalent manner or at a non-equivalent time, from that provided to others.
  - (c) Subjecting any persons to segregation or separate treatment in any manner related to the receipt of any service.
  - (d) Restricting any person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit.
  - (e) Treating any person differently from others in determining admission, enrollment, quota, eligibility, membership, or any other requirement or condition which persons must meet in order to be provided any service or benefit.
- (1) Contractor shall take affirmative action to ensure that intended beneficiaries of this Agreement are provided services without regard to race, color, religion, national origin, ancestry, sex, age, gender, gender identification, gender expression, sexual orientation, marital status, AIDS or disability.
- (2) Contractor shall further establish and maintain written procedures under which any person applying for or receiving services hereunder, may seek resolution from Contractor of a complaint with respect to any alleged discrimination in the provision of services by Contractor's personnel.

At any time any person applies for services under this Agreement, he or she shall be advised by Contractor of these procedures. A copy of these procedures shall be posted by Contractor in a conspicuous place, available and open to the public, in each of Contractor's facilities where services are provided hereunder.

### B. Non-discrimination in Employment

- (1) Contractor certifies and agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, sex, age, sexual orientation, gender, gender identification, gender expression, marital status, AIDS or disability in accordance with the requirements of City, State or Federal law. Contractor shall take affirmative action to ensure that qualified applicants are employed, and that employees are treated during employment, without regard to race, color, religion, national origin, ancestry, sex, age, sexual orientation, gender, gender identification, gender expression, marital status, AIDS or disability, in accordance with the requirements of City, State and Federal law. Such shall include, but not be limited to, the following:
- (a) Employment, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation.
  - (b) Selection for training, including apprenticeship.
-

- (2) Contractor agrees to post in conspicuous places in each of Contractor's facilities providing services hereunder, available and open to employees and applicants for employment, notices setting forth the provisions of this non-discrimination policy.
- (3) Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, sex, age, sexual orientation, gender, gender identification, gender expression, marital status, AIDS or disability, in accordance with the requirements of City, State or Federal law.
- (4) Contractor shall send to each labor union or representative coworkers with which it has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of Contractor's commitments under this non-discrimination policy.
- (5) Contractor certifies and agrees that it will deal with its sub-Contractors, bidders, or vendors without regard to race, color, religion, national origin, ancestry, sex, age, sexual orientation, gender, gender identification, gender expression, marital status, AIDS or disability, in accordance with the requirements of City, State and Federal law.
- (6) In accordance with applicable State and Federal law, Contractor shall allow duly authorized representatives of the County, State, and Federal government access to its employment records during regular business hours in order to verify compliance with this non-discrimination policy. Contractor shall provide other information and records as the representatives may require in order to verify compliance with this non-discrimination policy.
- (7) If City finds that any of the provisions of this non-discrimination policy have been violated, the same shall constitute a material breach of agreement upon which City may determine to cancel, terminate, or suspend this Agreement. While City reserves the right to determine independently that this nondiscrimination policy has been violated, in addition, a determination by the California Fair Employment and Housing Commission or the Federal Equal Employment Opportunity Commission that Contractor has violated State or Federal non-discrimination laws shall constitute a finding by City that Contractor has violated the provisions of this non-discrimination policy.
- (8) The parties agree that in the event Contractor violates any of the non-discrimination policies set forth herein, City shall be entitled, at its option, to the sum of five hundred dollars (\$500) pursuant to Civil Code Section 1671 as liquidated damages in lieu of canceling, terminating or suspending this Agreement.
- (9) Contractor hereby agrees that it will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by applicable Federal Regulations, and all guidelines and interpretations issued pursuant thereto, to the end that no qualified disabled person shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of the Contractor receiving Federal Financial Assistance.

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Signature/Date

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Name of Proposer

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**NON COLLUSION DECLARATION TO ACCOMPANY PROPOSALS OR BIDS**

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES }

\_\_\_\_\_, being first duly sworn, deposes, and says: that She/He is:

\_\_\_\_\_  
(Insert "Sole Owner," "A Partner", "President," "Secretary," or other proper title)

of \_\_\_\_\_  
(Insert name of bidder)

Who submits herewith to the City of Santa Monica the attached proposal; that He, She, It, or They is (are) the person(s) whose name(s) is (are) (strike out words not appropriate) signed to the hereto attached proposal; that said proposal is genuine; that the same is not sham or collusive; that all statements of fact therein are true; that such proposal was not made in the interest or on behalf of any person, partnership, company, association, organization or corporation not therein named or disclosed.

Declarant further deposes and says: that the bidder has not directly or indirectly by agreement, communication or conference with anyone attempted to induce action prejudicial to the interests of the public body which is to award the contract or of any other bidder, or anyone else interested in the proposed contract; that the bidder has not in any manner sought by collusion to secure for himself, herself, itself, or themselves, an advantage over any other bidder. (strike out words not appropriate)

Declarant further deposes and says that prior to the public opening and reading of bids the said bidder:

- (a) Did not, directly or indirectly, induce or solicit anyone else to submit a false or sham bid;
- (b) Did not, directly or indirectly, collude, conspire, connive or agree with anyone else that said bidder or anyone else would submit a false or sham bid, or that anyone should refrain from bidding or withdraw his / her bid;
- (c) Did not, in any manner, directly or indirectly, seek by agreement, communication or conference with anyone to raise or fix any overhead, profit or cost element of his, her, its, their price, or of that of anyone else; and
- (d) Did not, directly or indirectly, submit his, her, its, or their bid price or any breakdown thereof, or the contents thereof, or divulge information or data relative thereto, to any corporation, partnership, company, association, organization, bid, depository, or to any member or agent thereof, or to any individual or group of individuals, except to the awarding authority or to any person or persons who have a partnership or other financial interest with said bidder in his, her, its, or their business. (strike out words not appropriate)

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name of Proposer

\_\_\_\_\_





City of  
**Santa  
Monica**

**CITY OF SANTA MONICA  
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED  
DEBARMENT, AND OTHER RESPONSIBILITY MATTERS**

**This certification must be completed for your proposal to be considered.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- 1) The Bidder and/or any of its Principals, contractors, subcontractors and sub recipients are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of or voluntarily excluded from participating in contracts by any Federal agency and are not presently on the Excluded Parties List System (EPLS) or being considered for the EPLS OR ineligible to work on contracts for violations of California Labor Code Sections 1777.1 or 1777.7;
- 2.) "Principals," for the purpose of this certification, means officer; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar position).;
- 3.) The Bidder also certifies that if awarded a contract it shall provide immediate written notice to the City of Santa Monica if, at any time, the Bidder learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances;
- 4.) A certification that any of the items in this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Bidder's responsibility. Failure of the Bidder to furnish a certification or provide such additional information as requested by City of Santa Monica may render the Bidder non-responsive;
- 5.) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a Bidder is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings; and
- 6.) The certification of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Bidder knowingly rendered an erroneous certification, in addition to other remedies available to the City, the City of Santa Monica may terminate the contract resulting from this solicitation for default and pursue any other available legal remedies.

By signing below, I declare under penalties of perjury that the foregoing certifications and assurances, any other statements made by me are true and correct.

Name (printed): \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name of Company: \_\_\_\_\_ RFQ: \_\_\_\_\_

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## OAKS INITIATIVE NOTICE

### NOTICE TO APPLICANTS, BIDDERS, PROPOSERS AND OTHERS SEEKING DISCRETIONARY PERMITS, CONTRACTS, OR OTHER BENEFITS FROM THE CITY OF SANTA MONICA

Santa Monica's voters adopted a City Charter amendment commonly known as the Oaks Initiative. The Oaks Initiative requires the City to provide this notice and information about the Initiative's requirements. You may obtain a full copy of the Initiative's text from the City Clerk.

This information is required by City Charter Article XXII—Taxpayer Protection. It prohibits a public official from receiving, and a person or entity from conferring, specified personal benefits or campaign advantages from a person or entity after the official votes, or otherwise takes official action, to award a "public benefit" to that person or entity. The prohibition applies within and outside of the geographical boundaries of Santa Monica.

All persons or entities applying or receiving public benefits from the City of Santa Monica shall provide the names of trustees, directors, partners, and officers, and names of persons with more than a 10% equity, participation or revenue interest. An exception exists for persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c)(3), (4), or (6), of the Internal Revenue Code. However, this exception does not apply if the organization is a political committee or controls political committees. Examples of a "public benefit" include public contracts to provide goods or services worth more than \$25,000 or a land use approval worth more than \$25,000 over a 12-month period.

In order to facilitate compliance with the requirements of the Oaks Initiative, the City compiles and maintains certain information. That information includes the name of any person or persons who is seeking a "public benefit." If the "public benefit" is sought by an entity, rather than an individual person, the information includes the name of every person who is: (a) trustee, (b) director, (c) partner, (d) officer, or has (e) more than a ten percent interest in the entity. Therefore, if you are seeking a "public benefit" covered by the Oaks Initiative, you must supply that information on the Oaks Initiative Disclosure Form. This information must be updated and supplied every 12 months.

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# CITY OF SANTA MONICA OAKS INITIATIVE DISCLOSURE FORM

In order to facilitate compliance with the requirements of the Oaks Initiative, the City compiles and maintains certain information. That information includes the name of any person or persons who is seeking a "public benefit." If the "public benefit" is sought by an entity, rather than an individual person, the information includes the name of every person who is: (a) trustee, (b) director, (c) partner, (d) officer, or has (e) more than a ten percent interest in the entity.

Public benefits include:

1. Personal services contracts in excess of \$25,000 over any 12-month period;
2. Sale of material, equipment or supplies to the City in excess of \$25,000 over a 12-month period;
3. Purchase, sale or lease of real property to or from the City in excess of \$25,000 over a 12-month period;
4. Non-competitive franchise awards with gross revenue of \$50,000 or more in any 12-month period;
5. Land use variance, special use permit, or other exception to an established land use plan, where the decision has a value in excess of \$25,000;
6. Tax "abatement, exception, or benefit" of a value in excess of \$5,000 in any 12-month period; or
7. Payment of "cash or specie" of a net value to the recipient of \$10,000 in any 12-month period.

Name(s) of persons or entities receiving public benefit:

Name(s) of trustees, directors, partners, and officers:

Name(s) of persons with more than a 10% equity, participation, or revenue interest:

Prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Email: \_\_\_\_\_ Phone: \_\_\_\_\_

|                           |                |
|---------------------------|----------------|
| <b>FOR CITY USE ONLY:</b> |                |
| Bid/PO/Contract # _____   | Permit # _____ |

# CITY OF SANTA MONICA BUSINESS LICENSE

## WHO NEEDS A BUSINESS LICENSE?

1. Is this vendor physically located in the City of Santa Monica?

**0Yes** (*Vendor must have a City of Santa Monica business license - contact the Business License unit for the appropriate forms. Skip question 2 & continue to “**ADDITIONAL REQUIREMENTS**” section below*)

**0No** (*Continue to the next question*)

2. Does this vendor physically come into the City of Santa Monica to conduct business and/or make deliveries?

**0Yes** (*Vendor must have a City of Santa Monica Out-of City Business License - contact the Business License unit for the appropriate forms. Continue to “**ADDITIONAL REQUIREMENTS**” section below*)

**0No** (*STOP, no license needed*)

## ADDITIONAL REQUIREMENTS:

If this vendor is located in or comes into the City of Santa Monica to conduct business, in addition to having a [CITY OF SANTA MONICA BUSINESS LICENSE](#), they will be required to have insurance (see agreement for descriptions).

**The business license documentation is only required from the successful Proposer**

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**CITY OF SANTA MONICA  
LIVING WAGE ORDINANCE**

**Certification for Providers of Services to the City of Santa Monica  
(Fiscal Year 22/23 - July 1, 2022 through June 30, 2023)**

***TO BE COMPLETED BY ALL CONTRACTORS PROVIDING SERVICES TO  
THE CITY OF SANTA MONICA IN EXCESS OF \$54,200***

The City of Santa Monica Municipal Code Chapter 4.65, Living Wage Ordinance (LWO), establishes a Minimum Wage of **\$18.17 per hour** for certain employees of contractors providing services to the City where services exceed \$54,200 or more and requires that contractors also provide the same health care and other benefits to employees' same sex spouses and domestic partners as are provided to other employees' spouses.

An employee covered by the LWO is any person who does not actually work as a manager, supervisor, or confidential employee, and who is not required to possess an occupational license.

The Living Wage Ordinance applies the services sought pursuant to this bid and **bid**ders are required to prepare and return the **Living Wage Certification Form**. If the bidder is selected, the bidder must maintain payroll records that include, at minimum, the full name of each employee providing services under the contract, job classification and rate of pay. Bids that fail to include Certification Forms may be considered non-responsive and excluded from further consideration.

Please prepare the following certification if you are a contractor engaging in a contract for services with the City of Santa Monica in excess of \$54,200.

Your signature on this certification grants the City permission to review any and all payroll books and records and any company documents pertaining to the benefits offered to employees to assure your compliance with the LWO during the term of the contract.

Please direct any questions to:

City of Santa Monica Finance Department  
Attention: Living Wage Compliance Section  
1685 Main Street, Mail Stop 09  
Santa Monica, CA 90401

You can also contact staff regarding living wage ordinance questions by e-mail at [finance.mailbox@santamonica.gov](mailto:finance.mailbox@santamonica.gov) or by phone 310-458-8281.

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**CITY OF SANTA MONICA  
LIVING WAGE ORDINANCE CERTIFICATION  
July 1, 2022 through June 30, 2023**

**TO BE COMPLETED BY ALL CONTRACTORS PROVIDING SERVICES TO THE  
CITY OF SANTA MONICA IN EXCESS OF \$54,200**

**MINIMUM WAGE - \$18.17 per hour**

Please read, complete, and sign the following:

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE

If this contract is not subject to the Living Wage Ordinance requirements, please note the reason below and attach supporting documentation for exemption. For example, in order to be exempt pursuant to a collective bargaining agreement, a signed collective bargaining agreement must be attached.

- (a) \_\_\_\_\_ contractor is a government agency and is exempt
- (b) \_\_\_\_\_ contractor is a City grantee and is exempt
- (c) \_\_\_\_\_ contractor is a non-profit corporation and is exempt
- (d) \_\_\_\_\_ contractor is an employer whose employees are covered by a bona fide collective bargaining agreement where the waiver is explicitly set forth in an agreement in clear and unambiguous terms
- (e) \_\_\_\_\_ contractor is a corporation providing banking services

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Santa Monica's Living Wage Ordinance (LWO), and the applicability of the LWO, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all terms of the LWO, as mandated in all sections of Santa Monica Municipal Code, Chapter 4.65. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the Director of Finance in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract, which shall be grounds for termination. City shall have the right to examine all books and records of the Contractor as they relate to compliance with the LWO. Payroll records shall at a minimum include the full name of each employee performing labor or providing services under the contract, job classification, and rate of pay.

These statements are made under penalty of perjury under the laws of the State of California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: \_\_\_\_\_ Bid Number (if applicable): \_\_\_\_\_

Service Description:

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## PREVAILING WAGE REQUIREMENTS

**WHAT IS PREVAILING WAGE?**

All workers employed on public works projects must be paid the prevailing wage determined by the Director of the Department of Industrial Relations (DIR), according to the type of work and location of the project. California's prevailing wage laws ensure that the ability to get a public works contract is not based on paying lower wage rates than a competitor. All bidders are required to use the same wage rates when bidding on a public works project. Contractors/Consultants must comply with the prevailing wage requirements. A project must meet prevailing wage requirements when it is twenty-five thousand dollars **(\$25,000) or more when the project is for NEW construction work**, or fifteen thousand dollars **(\$15,000) or more when the project is for alteration, demolition, repair, or maintenance work**.

**WHAT MUST CONTRACTORS/CONSULTANTS DO TO FOLLOW THE LAW?**

Contractors/Consultants and subcontractors/subconsultants which bid on and are awarded City of Santa Monica prevailing wage project must comply with **four** general labor compliance obligations:

- 1. Register as a Public Works Contractor with the Division of Labor Standards Enforcement (DIR)**
- 2. Pay Prevailing Pages**
- 3. Comply with Apprenticeship Standards**
- 4. Mail Hard Copies of Certified Payroll Records and ancillary documents to the City of Santa Monica and upload payrolls electronically to DIR on a Weekly Basis**

**CONTRACTOR REGISTRATION**

To submit a bid or work on a Prevailing Wage project, contractors and subcontractors are required to register with the Division of Labor Standards Enforcement *even if you don't have a contractor license*. Registration cost is \$400 and covers fiscal year July 1<sup>st</sup> through June 30<sup>th</sup>. Failure to register will result in a \$2,000 penalty if the unregistered contractor:

- Bid on a public works project on or after March 1, 2015
- Was awarded a public works contract on or after April 1, 2015 or
- Intentionally allowed registration to lapse while bidding or working on a public works project

Contractors must meet the following requirements to register:

- Have workers compensation coverage for any employees and only use subcontractors who are registered public works contractors.
- Have a Contractors State License Board license if applicable to trade.



- Have no delinquent unpaid wage or penalty assessments owed to any employee or enforcement agency.
- Not be under federal or state debarment.
- Not be in prior violation of this registration requirement once it became effective. However, for the first violation in a 12-month period, a contractor may still qualify for registration by paying an additional penalty.

## PAY PREVAILING WAGES

California law requires that not less than the general prevailing rate of per diem wages be paid to all workers employed on a public works project. The prevailing wage rate is issued by the Office of Policy, Research and Legislation twice a year, February 22<sup>nd</sup> and August 22<sup>nd</sup>. In determining what wage determination for the life of the project, the contractor shall refer to the advertised bid date the Awarding Body published the first “Notice Inviting Bids” or RFP Advertise Date which resulted in a contract being awarded. If the City did not advertise the public works project for bid, other benchmark events, including the first written memorialization of the agreement concerning public works elements of the project or contract governing the award of public funds will be utilized instead. Current and Superseded prevailing wage determinations can be found at the following website: <http://www.dir.ca.gov/DLSR/PWD>

- ✓ Contractors/Consultants must have required labor posters posted on the job site (or break area), where signs are made clearly available for employees to review.
- ✓ Drivers performing both on-site and off-site hauling of materials either to or from a public works construction project must be paid the prevailing wage. Bona fide material suppliers *are exempt* from prevailing wage requirements.
- ✓ Workers who are required to report to the contractor’s office, yard, or other designated areas at the beginning and/or end of their shift shall be paid at the worker’s prevailing wage rate of pay for any travel time to and from the job site. This drive time shall be included when calculating any overtime due to the worker.
- ✓ Workers hauling and delivering ready-mixed concrete for a public works contract shall be paid the current prevailing wage rate from the time they set out from the batch plant until they return to the batch plant. (California Labor Code § 1720.9)
- ✓ Fringe Benefits (Health & Welfare, Pension, & Vacation) must either be paid to the worker, or to the appropriate third-party trust fund as part of a non-union employee’s hourly wage rate. A completed Fringe Benefit Statement must be provided for each contractor/consultant & subcontractor/subconsultant employed on the project.
- ✓ Pay the corresponding “training” rate that appears on the Director’s Wage Determination for each craft or trade to the California Apprenticeship Council (CAC) or an approved DAS program.

- ✓ Prime Contractors/Consultants are responsible for the proper insurance and compliance of ALL subcontractors, owner operators, vendors and suppliers who provide personnel to work at the job site.
- ✓ Representatives from the City of Santa Monica will monitor the job site and perform on-site interviews with employees performing labor at any time during construction except during rest periods or meal breaks

## APPRENTICESHIP STANDARDS

Apprentices are required on Public Works projects greater than \$30,000 for any “apprenticeable craft”. This is required under State Labor Code, California Labor Code §§ 1777.5.

### Contractor’s/Consultant’s Responsibilities:

- ✓ **Submit contract award information for each apprenticeable craft required on the project using the DAS 140 form prior to performing work.** If you are approved to train apprentices, you must send the contract award information to your apprenticeship committee.
- ✓ All apprentices working on City projects must be registered in either a State and/or Federally Approved Apprenticeship Program. See: <https://www.dir.ca.gov/das/publicworks.html>
- ✓ If your company is not approved to train apprentices, you must send the DAS 140 to all of the applicable apprenticeship committees whose geographical area (County) of operation includes the area of the public works projects. DAS approved Apprenticeship programs can be found by using the search engine on the DAS website. Those programs that are the result of that search may or *may not be in the County in which the job is located* but they have been approved by the DAS to receive the DAS140. In some cases, a program will have statewide approval or approval of a certain number of counties i.e. 12 Southern California Counties and DAS approval is based on County not a City.
- ✓ Contractors/consultants who employ journeyman or apprentices in any “apprenticeable craft” must contribute to the California Apprenticeship Council (CAC) the amount reflected as the hourly “training” rate that appears on the Director’s wage determination, for each hour worked. A contractor is also entitled to take credit for such contributions made to a DAS approved apprenticeship program that can supply apprentices to the site of the public work. The training contribution is a distinct obligation of the contractor under the Labor Code and cannot be satisfied by paying the required hourly contribution directly to the employee.
- ✓ **Contact the applicable apprenticeship committee to request apprentices for each apprenticeable craft or trade on your project using the DAS 142 form.** The form must be submitted at least three business days before the apprentice is to report to the jobsite and it must be sent to the apprenticeship committees providing training in the applicable

craft or trade whose geographical area of operation includes the site of the public work. If the apprenticeship committee does not dispatch apprentices, the contractor must request apprentice dispatch from another committee in the geographical area of the site of the public work and must request dispatch from each committee either consecutively or simultaneously until the contractor has requested dispatches from each such committee in the geographical area. (www.dir.ca.gov/das/publicworks.html)

- ✓ Employ apprentices in the correct ratio to journeyman of no less than one hour of apprentices work for every five hours of labor performed by a journeyman. If the contractor agrees to be bound by the standards of an apprenticeship program, the ratio may be no higher than the ratio stipulated by the apprenticeship program. (California Labor Code §§ 1777.5 (d) and (g))
- ✓ Provide worker's compensation benefits to apprentices.
- ✓ Proof of registration from California's State Division of Apprenticeship Standards (DAS) for each apprentice must be maintained.
- ✓ In the event Contractors/Consultants or Subcontractor/Subconsultant fails to comply with the obligation to hire apprentices or employ apprentices in the correct ratio, **the City of Santa Monica will prepare an Apprenticeship complaint that will be filed with the DIR.** The City will apply a withhold that is to be applied until the DIR's ruling is received.

#### CERTIFIED PAYROLL REQUIREMENTS

- ✓ Certified Payroll Records shall be submitted electronically through the DIR's Online Certified Payroll System AND mail original HARD copies of the A-1-131 form or provide a form that includes ALL required information from the A-1-131 form weekly to: Gafcon, Inc, Attn: Lizette Santillan, 660 South Figueroa Street, Suite 1790 Los Angeles, CA 90017. Contractor payroll records are subject to review by the City of Santa Monica as outlined in California Labor Code §§ 1776 and 1812.
- ✓ Public Works Small Project Exemption is for contractors who work exclusively on small projects and are not required to be registered as public works contractors or file electronic certified payroll reports through the DIR's online system. However, prevailing wages must still be paid on projects and contractors are still required to MAIL original HARD copies of the payroll weekly to Gafcon. Small project exemption is based on the contract amount of the entire project, not a contractor's subcontracted amount of the project. Small project exemption applies for all public works projects that do not exceed:
  - \$25,000 for new construction, alteration, installation, demolition or repair
  - \$15,000 for maintenance
- ✓ Payrolls shall be due weekly from the Prime Contractor/Consultants and ALL subcontractors/subconsultants, owner-operators, vendors and suppliers who provide personnel to work at the job site.

- ✓ The payroll must be completed in its entirety, including the employee’s home address and social security number. Incomplete payrolls will not be accepted, and a progress payment withheld will be applied until acceptable payrolls are submitted.
- ✓ Statement of Non-Performance is submitted in lieu of a certified payroll any/all weeks a contractor remains on the job but no work is performed, including on-call/as-needed contracts – see example **Attachment 4**.
- ✓ A Statement of Compliance must be completed and signed with each certified payroll record.
- ✓ Authorized Signatory is to be completed and signed by an Owner, Officer or other person(s) with authority under penalty of perjury to so affirm, that the records for certified payroll are originals which truly depict fully and correctly the craft of type of work performed, hours and days worked and the amounts disbursed by way of check
- ✓ Fringe Benefit Statement for each trade utilized on the project must be updated prior to completing the first payroll by each contractor/consultant and each time fringe benefit rates change.
- ✓ “OTHER” deductions, if any, including deductions for 401K, must be fully explained in writing and an authorization for the deductions must be signed by the employee and submitted with the first payroll on which the deduction is shown.
- ✓ Daily Reports are to be submitted for all days worked on site. The reports should contain names of employees, total hours worked and description of work performed on that given day.
- ✓ Employee Itemized Check Stubs will be requested at random but no more than one employee per each month worked if no issues are discovered.
- ✓ The City conducts on-going audits of certified payrolls and ancillary documents by requesting payroll records and ancillary documents during the course of the project. If these documents are not submitted to the City with the requested time frames, a withhold will be applied to your contract.
- ✓ The City will email a monthly request for information via a “Issues List” (**Attachment 1**) to Prime Contractor/Consultants. The Prime Consultant has 10 days to submit requested information.
- ✓ Owner/operators, sole proprietors, or business owners, *must also submit certified payroll reports.*

**REQUIRED PRE-CONSTRUCTION CONFERENCE**

**The City of Santa Monica requires a mandatory pre-construction conference with the Prime AND Sub-Contractors (Prime Consultants/Subconsultants) prior to the job start.** This meeting can be conducted telephonically or in person. At this meeting the City’s Labor Compliance consultant will discuss federal and/or state labor law requirements applicable to the contract and will provide a packet of information containing templates for contractors use. The Prime

Contractor/Consultant will be required to sign the ***Check List of Labor Law Requirements*** at the end of the conference, acknowledging that the City has provided the contractor with information regarding each federal and state requirement per **Attachment 2**.

## SANCTIONS

- I. The City may withhold funds on progress payments due to the Prime for the failure to submit required reports and/or documents by the Prime or ANY of the subs on the job. The City's Withhold Policy is **Attachment 3**.
- II. Contractors/Consultants violating the prevailing wage requirements are subject to a penalty of up to \$200 per day for each worker paid less than the prevailing wage rate, in addition to having to restore the differences in wages paid. (California Labor Code § 1775)
- III. Contractors/Consultants are also subject to a penalty of an additional \$25 per day for each worker paid less than the prevailing wage rate for overtime work -- over 8 hours per day or more than 40 hours per week. (California Labor Code § 1813)
- IV. In the event of an underpayment of wages, the Contractor/Consultant has 60 days to retribute those wages to the worker(s). If the Contractor/Consultant fails to pay the restitution within 60 days, liquidated damages in an amount equal to the unpaid wages will be assessed. Liquidated damages will be due the worker. (California Labor Code § 1742.1)
- V. Failure to utilize apprentices as specified, or to provide proof that apprentices were requested and denied, may subject the contractor to a penalty of up to \$100 for each calendar day that the contractor worked on the project. A contractor/consultant that commits a second or subsequent violation within a three-year period may be subject to a penalty of up to \$300 for each calendar day that the contractor/consultant worked on the project. (California Labor Code §1777.7)
- VI. Failure to submit Certified Payroll Records within requested time receipt of a written request will be subject to a penalty of \$100 per calendar day per employee until strict compliance is effectuated. (California Labor Code §§ 1776 and 1777.1).

## PREVAILING WAGE JOB NOTICE ACKNOWLEDGMENT FORM

- VII. A Prevailing Wage Job Notice and Acknowledgment Form (**Exhibit 5**) must be submitted with each bid/proposal for work with the City of Santa Monica. **The Prime and all subcontractors/consultants who will work on the job are required to submit the form.**
- VIII. If any adjustments are made to the project including, but not limited to, the addition, substitution, or removal of Subcontractor(s) the City requires the submission of an updated Prevailing Wage Job Notice and Acknowledgement Form. Addition of any New Subcontractor(s) will be subject to approval by the City's Labor Compliance Consultant. New subcontractors/subconsultants cannot come onto City jobs unless a Prevailing Wage Job Notice and Acknowledgment Form has been submitted and approved. For the

addition, substitution, or removal of any Subcontractor(s), the City may require a written request by the Prime Contractor, which will be subject to written approval by the Project Manager.

## PREVAILING WAGE RESOURCES

### **Division of Labor Standards Enforcement (DLSE)- Laws and Regulations**

<https://www.dir.ca.gov/dlse/dlseLaws.html>

### **Certified Payroll Reporting**

<https://www.dir.ca.gov/Public-Works/Certified-Payroll-Reporting.html>

### **Contractor Registration**

<https://www.dir.ca.gov/Public-Works/PublicWorksSB854FAQ.html>

### **DIR Contact Information**

<https://www.dir.ca.gov/Public-Works/ContactUs.htm>

### **Division of Apprenticeship Standards - Public Works Information**

<https://www.dir.ca.gov/DAS/PublicWorksForms.htm>

### **State of California, Division of Labor Standards Enforcement, Public Works Manual**

<http://www.dir.ca.gov/dlse/PWManualCombined.pdf>

### **Prevailing Wage Determinations**

<https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

## CITY OF SANTA MONICA PREVAILING WAGE STAFF

For questions on Prevailing Wage in the City of Santa Monica, please contact Lizette Santillan at (310) 458-8721, ext. 2341, [lizette.santillan@smsgov.net](mailto:lizette.santillan@smsgov.net)

### **ATTACHMENTS**

Attachment 1: Issues List

Attachment 2: Check List of Labor Law Requirements

Attachment 3: City of Santa Monica's Labor Compliance Withhold Policy- Construction Contracts

Attachment 4: City of Santa Monica's Labor Compliance Withhold Policy- Professional Services

Attachment 5: Statement of Non-Performance

Attachment 6: City of Santa Monica Prevailing Wage Job Acknowledgment Form

**“Issues  
List”**

**Attachment 1**

| <p><b>City of Santa Monica Civil Engineering - PROJECT NAME SPXXXX</b></p> <p>LIST OF LCP ISSUES TO BE RESOLVED</p> <p>Last Chart Update: 1/15/2019</p> <p>Wage Determination: LA 2017-2</p> <p>GC: COMPANY NAME</p> <p>DIR #: XXXXXX</p> <p>COSM PM: PROJECT MANAGER NAME</p> |   |
|--|---|
| SUB NAME<br>(Sub to PRIME NAME)  | Comments  |
| Withhold   | <p>Last Payroll Received w/e: 12/22/2018</p> <p>1st Payroll Received w/e: 12/15/2018</p> <p>Deficiencies/Issues</p> <p>Forms: Submit or Resubmit with the following information</p> <p>ECPR Submission: Submit through eCPR</p> <p>DAS 140 - Public Works Contract Award Information - <b>Submit form with proof of submission.</b></p> <p>DAS 142 - Request for Dispatch of Apprentices - <b>Submit form with proof of submission.</b></p> <p>CCR "A" - Labor Compliance Checklist (Attachment "A") - <b>Submit signed form. Will need to call in for LCP Pre-Con.</b></p> <p><b>Training and Fringe Benefit Contributions</b> - Proof of contribution payments - <i>Submit CAC-2 form with canceled check copy and/or other itemized training fund or fringe contribution statements showing employees names, hours &amp; contribution rates with canceled check copy for: <b>Submit report and canceled check copy for December 2018.</b></i></p> <p><b>Fringe Benefit Statement - Submit form.</b></p> <p><b>Daily Reports</b> - All contractor daily reports are required to be submitted before payroll reports can be reviewed. Submit for all days worked on site.</p> <p><b>Itemized Check Stubs and Canceled Check Copies</b> - Please submit both forms of proof of payment for the following check #'s.</p> <p><b>Travel and Subsistence</b> - Please submit your travel and subsistence policy per the collective bargaining, union or contractor agreement and proof of payment to employees TBD</p> <p><b>Authorized Signatory</b> - <b>Submit for person certifying payroll on behalf of the company.</b></p> <p><b>Authorization for Payroll Deduction Forms</b> - <b>Submit for any employees with deductions such as wage garnishments, child support orders, etc.</b></p> <p><b>Certified Payroll:</b> Resubmit with the following information</p> <p><b>Submit payroll version generated by your payroll program or in the A-1-131 format.</b></p> |



## Attachment 2 “Check List of Labor Law Requirements”

### CHECKLIST OF LABOR LAW REQUIREMENTS

#### Appendix A

City of Santa Monica **(Enter Department Name)**

**(Project Name)**

**Project# (Enter Number)**

The federal and state labor law requirements applicable to the contract are composed of, but not limited to, the following:

#### **1. Payment of Prevailing Wage Rates**

The award of a public works contract requires that all workers employed on the project be paid not less than the specified general prevailing wage rates by the contractor and its subcontractors pursuant to Labor Code section 1770 et seq.

The contractor is responsible for obtaining and complying with all applicable general prevailing wage rates for trades workers and any rate changes, which may occur during the term of the contract. Prevailing wage rates and rate changes are to be posted at the job site for workers to view.

#### **2. Apprentices**

It is the duty of the contractor and subcontractors to employ registered apprentices on public works projects pursuant to Labor Code section 1777.5.

#### **3. Penalties**

Penalties, including forfeitures and debarment, shall be imposed for contractor/subcontractor failure to pay prevailing wages, failure to maintain and submit accurate certified payroll records upon request, failure to employ apprentices, and for failure to pay employees for all hours worked at the correct prevailing wage rate, in accordance with Labor Code sections 1775, 1776, 1777.7, and 1813.

#### **4. Certified Payroll Records**

Pursuant to Labor Code section 1776, contractors and subcontractors are required to keep accurate payroll records which reflect the name, address, social security number, and work classification of each employee; the straight time and overtime hours worked each day and each week; the fringe benefits; and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee hired in connection with a public works



Employee payroll records shall be certified and shall be made available for inspection at all reasonable hours at the principal office of the contractor/subcontractor, or shall be furnished to any employee, or to his or her authorized representative on request.

Contractors and subcontractors shall maintain their certified payrolls on a weekly basis and shall submit said payrolls weekly to the LCO. In the event that there has been no work performed during a given week, the certified payroll record shall be annotated "No Work" for that week. All non-redacted certified payrolls should be sent to:

Gafcon, Labor Compliance (City of Santa Monica)  
660 South Figueroa Street, Suite 1790  
Los Angeles, CA 90017

**5. Nondiscrimination in Employment**

Prohibitions against employment discrimination are contained in Labor Code sections 1735 and 1777.6; the Government Code; the Public Contracts Code; and Title VII of the Civil Rights Act of 1964, as amended.

**6. Kickback Prohibited**

Pursuant to Labor Code section 1778, contractors and subcontractors are prohibited from accepting, taking wages illegally, or extracting "kickback" from employee wages.

**7. Acceptance of Fees Prohibited**

Contractors and subcontractors are prohibited from exacting any type of fee for registering individuals for public work (Labor Code section 1779); or for filling work orders on public works contracts (Labor Code section 1780).

**8. Listing of Subcontractors**

Contractors are required to list all subcontractors hired to perform work on a public works project when that work is equivalent to more than one-half of one percent of the total effort (Public Contract Code section 4104.).

**9. Proper Licensing**

Contractors and subcontractors are required to be properly licensed. Penalties will be imposed for employing workers while unlicensed (Labor Code section 1021 and Business and Professions Code section 7000, et seq. under California Contractors License Law).

**10. Unfair Competition Prohibited**

Contractors and subcontractors are prohibited from engaging in unfair competition (Business and Professions Code sections 17200-17208).

**11. Workers' Compensation Insurance**

All contractors and subcontractors are required to be insured against liability for workers' compensation, or to undertake self-insurance in accordance with the provisions of Labor Code sections 3700 and 1861.

**12. OSHA**

Contractors and subcontractors are required to comply with the Occupational Safety and Health laws and regulations applicable to the particular public works project.

**13. Prohibition against hiring undocumented workers**

Federal law prohibits contractors and subcontractors from hiring undocumented workers and requires all contractors and subcontractors to secure proof of eligibility/citizenship from all workers.

**14. Itemized wage statements**

Contractors and subcontractors are required to provide itemized wage statements to employees pursuant to Labor Code section 226.

The undersigned contractor hereby acknowledges that the City has provided the contractor with information regarding each item listed above. In accordance with federal and state laws, and with City's policy and contract documents, the undersigned contractor herein certifies that it will comply with the foregoing labor law requirements; and fully understands that failure to comply with these requirements will subject it to the penalties cited herein.

**For the Contractor:**

**For the City of Santa Monica:**

\_\_\_\_\_

\_\_\_\_\_

Signature                      Date

Signature                      Date

\_\_\_\_\_

Title

\_\_\_\_\_

Organization

\_\_\_\_\_

Project

\_\_\_\_\_ E-Mail



## Attachment 3

# City of Santa Monica's Labor Compliance Withhold Policy Construction Contracts (Page 1 of 2)



### **City of Santa Monica, Department of Public Works Labor Compliance Withhold Procedures for Public Works Contracts**

Withhold Amount for All Prevailing Wage Contracts: \$2,500 monthly (multiple months equal additional \$2,500 withhold) not to surpass contract amount.

Reason for Withhold Applied: Payroll 30+ Days Delinquent Payroll or missing Ancillary Payroll Documentation: Failure to Submit DAS 140/DAS142(Apprentice documents)/ Fringe Backup/Underpayment of Prevailing Wage/Missing Proof of Payment to Training Fund. There is not a separate withhold for ancillary and payroll docs, each withhold is a single withhold (of \$2,500).

**Ancillary Payroll Documentation=** DAS 140/DAS142(Apprentice documents)/ Fringe Backup/Underpayment of Prevailing Wage/Missing Proof of Payment to Training Fund  
**Certified Payrolls=** Certified Payrolls with a Statement of Compliance signed by the Company's President, Payroll Administrator, or other Authorized staff person.

| Days After NTP                            | Process   | Document   | Deadline   |
|---|---|--|--|
| 30 Days<br><b>[1<sup>st</sup> Notice]</b> | The "Issues List" identifies the outstanding/and or incorrect items, missing Ancillary Payroll Documents or missing Certified Payrolls. Issues list will request documents for Prime + Subs. The Prime is responsible to collect and submit all requested documents (including all docs for subs)<br>a. If delinquent on repeat request pertaining to missing <i>Ancillary Payroll Documents</i> , the City will recommend a withhold amount and will attach back up to the progress payment summarizing withhold.<br>b. If delinquent on repeat request pertaining to <i>missing Certified Payrolls</i> , the City will recommend a withheld amount and will attach back up to the progress payment summarizing withhold.<br>c. If an underpayment is noted, an underpayment audit will be drafted and the amount indicated in the Issues list is identified as the Underpayment Recommended Withhold. Back up calculations will be presented to the Contractor. | A "Issues List" summarizing missing items is emailed from the City to the Contractor.<br><br>"Issues List" submitted Via Email & Certified Mail by the City to the Prime Contractor. | Contractor has <u>10 days</u> to provide requested documents.<br><br>Contractor has <u>10 days</u> to provide requested documents. |

## Attachment 3

# City of Santa Monica's Labor Compliance Withhold Policy

## Construction Contracts (Page 2 of 2)

| Days After NTP   | Process   | Document  | Deadline  |
|--|---|---|---|
| 90 days<br><br><b>[Withhold Applied]</b>                         | <p>If 2nd Notice of Withhold— Withhold funds from current progress payment to the Contractor:</p> <ul style="list-style-type: none"> <li>a. If delinquent on repeat requests pertaining to <i>Ancillary Payroll Documentation</i>, an additional withhold will be recommended by the City <b>(\$2,500)</b>.</li> <li>b. If delinquent on repeat requests pertaining to <i>Certified Payrolls</i>, the City will recommend an additional withhold <b>(\$2,500)</b>.</li> <li>c. If underpayment not paid to workers: Underpayment Withhold. A copy of the underpayment audit and back up calculations will be presented to the Contractor &amp; withheld in current Progress Payment.</li> <li>d. During this review and upon issuance of the Issues List, if the Contractor has ongoing Payroll issues that have not been resolved for over two (2) months, the City will note this on the Issues Lists. Contractor will be notified with the intent of complaint to the DIR/DISE if there is that failure to comply within 30 days. The City will complete draft complaint form and attach with the email and mailed correspondence.</li> <li>e. Release of Labor Withhold: If requested documents were returned &amp; approved to the City, the withhold will be released on the following month's progress payment.</li> </ul> | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Contractor. | Withhold Applied if requested documents not received. |
| 120 Days<br><br><b>[Public Works Complaint Submitted to DIR]</b> | <ul style="list-style-type: none"> <li>a. If requested information is not received for the 4 months after NTP or 3 months after original request, the City will submit a Public Works Complaint to the DIR under LC 1742.</li> <li>b. Release of Labor Withhold: If requested documents were returned to the City and approved, withhold to be released on the following month's progress payment.</li> </ul>   | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Contractor. | Withhold Applied if requested documents not received  |
| 150 Days to NOC<br><br><b>[Monthly Basis]</b>                    | <ul style="list-style-type: none"> <li>▪ If delinquent on repeat requests pertaining to <i>Ancillary Payroll Documentation</i>, the City will recommend an additional withhold monthly of <b>\$2,500</b>.</li> <li>▪ If delinquent on repeat requests pertaining to <i>Certified Payrolls</i>, the City will apply an additional monthly withhold <b>(\$2,500)</b>.</li> </ul>  | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Contractor. | Withhold Applied if requested documents not received  |
| 35 Days after NOC Filed  | <ul style="list-style-type: none"> <li>▪ Prior to releasing retention and making final payment, the City will confirm that all labor compliance documents are submitted. If they are still missing, City will withhold funds from final progress payment or retention release to the contractor.</li> <li>▪ If delinquent on each requests pertaining to <i>Ancillary Payroll Documentation</i>, the City will recommend an additional monthly withhold <b>(\$2,500)</b>.</li> <li>▪ If delinquent on repeat requests pertaining to <i>Certified Payrolls</i>, the City will recommend an additional monthly withhold <b>(\$2,500)</b>.</li> </ul>  | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Contractor. | Withhold Applied if requested documents not received  |

## Attachment 3

# City of Santa Monica's Labor Compliance Withhold Policy Professional Services /Construction Management Agreements (Consultants)(Page 1 of 2)



**City of Santa Monica, Labor Compliance Withhold Procedures for:**

**Professional Services Agreements and Construction Management Agreements**

Withhold Amount for All Prevailing Wage Contracts: \$2,500 monthly (multiple months equal additional \$2,500 withhold) not to surpass contract amount.

Reason for Withhold Applied: Payroll 30+ Days Delinquent Payrolls or missing Ancillary Payroll Documentation: Failure to Submit Division of Apprentices Standards: DAS140/DAS142 (Apprentice documents)/ Fringe Backup/Underpayment of Prevailing Wage/Missing Proof of Payment to Training Fund. There is not a separate withhold for ancillary and payroll docs, each withhold is a single withhold (of \$2,500).

**Ancillary Payroll Documentation= DAS 140/DAS142(Apprentice documents)/ Fringe Backup/Underpayment of Prevailing Wage/Missing Proof of Payment to Training Fund  
Certified Payrolls= Certified Payrolls with a Statement of Compliance signed by the Company's President, Payroll Administrator, or other Authorized staff person.**

| Number of Days After Prevailing Wage Covered Work Commences   | Process  | Document  | Deadline  |
|---|--|---|---|
| 30 Days<br><b>[1<sup>st</sup> Notice]</b>                     | The "Issues List" identifies the outstanding/and or incorrect items, missing Ancillary Payroll. Documents or missing Certified Payrolls. Issues list will request documents for the Consultant + Sub Consultant. The Prime Consultant is responsible to collect and submit all requested documents (including all docs for subs).  | A "Issues List" summarizing missing items is emailed from the City to the Consultant.   | Consultant has <u>10</u> days to provide requested documents. |
| 60 Days<br><b>[2<sup>nd</sup> Notice- Notice of Withhold]</b> | <ul style="list-style-type: none"> <li>a. if delinquent on repeat request pertaining to missing <i>Ancillary Payroll Documents</i>, the City will recommend a withhold \$2,500 and will attach back up to the invoice summarizing the withhold reason.</li> <li>b. if delinquent on repeat request pertaining to <i>missing Certified Payrolls</i>, the City will recommend a withhold amount and will attach back up to the invoice summarizing withhold.</li> <li>c. if an underpayment is noted, an underpayment audit will be drafted and the amount indicated in the issues list is identified as the Underpayment Recommended Withhold. Back up calculations will be presented to the Consultant.</li> </ul> | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Consultant. | Consultant has <u>10</u> days to provide requested documents. |

## Attachment 3

# Santa Monica's Labor Compliance Withhold Policy Professional Services /Construction Management Agreements (Consultants) (Page 2 of 2)

| Number of Days After Prevailing Wage Covered Work Commences  | Process  | Document   | Deadline   |
|--|--|--|--|
| 90 days<br><br><span style="color: red;">[Withhold Applied]</span>   | If 2nd Notice of Withhold— Withhold funds from current payment to the Consultant:<br>a. If delinquent on repeat requests pertaining to <i>Ancillary Payroll Documentation</i> , an additional withhold will be recommended by the City (\$2,500).<br>b. If delinquent on repeat requests pertaining to <i>Certified Payrolls</i> , the City will recommend an additional withhold (\$2,500).<br>c. If underpayment not paid to workers: Underpayment Withhold. A copy of the underpayment audit and back up calculations will be presented to the Consultant & withheld in current payment.<br>d. During this review and upon issuance of the issues list, if the Consultant has ongoing Payroll issues that have not been resolved for over two (2) months, the City will note this on the Issues Lists. Consultant will be notified with the intent of complaint to the DIR/DISE if there is that failure to comply within 30 days. The City will complete draft complaint form and attach with the email and mailed correspondence.<br>e. Release of Labor Withhold: If requested documents were returned & approved to the City, the withhold will be released on the following payment to the Consultant.<br>a. If requested information is not received for 3 months after original request, the City will submit a Public Works Complaint to the DIR under LC 1742.<br>b. Release of Labor Withhold: If requested documents were returned to the City and approved, withhold to be released on the following month's payment. | "Issues List" submitted Via Email & Certified Mail by the City to the Consultant.  | Withhold Applied if requested documents not received.  |
| 120 Days<br><br><span style="color: red;">[Public Works Complaint Submitted to DIR]</span>                                 | Release of Labor Withhold: If requested documents were returned & approved to the City, the withhold will be released on the following payment to the Consultant.<br>a. If requested information is not received for 3 months after original request, the City will submit a Public Works Complaint to the DIR under LC 1742.<br>b. Release of Labor Withhold: If requested documents were returned to the City and approved, withhold to be released on the following month's payment.  | "Issues List" submitted Via Email & Certified Mail by the City to the Consultant.  | Withhold Applied if requested documents not received.  |
| 150 Days to Project Acceptance<br><br><span style="color: red;">[Monthly Basis]</span><br>35 Days after Project Acceptance | If delinquent on repeat requests pertaining to <i>Ancillary Payroll Documentation</i> , the City will recommend an additional withhold monthly of \$2,500.<br>If delinquent on repeat requests pertaining to <i>Certified Payrolls</i> , the City will apply an additional monthly withhold (\$2,500).<br>Prior to making final payment, the City will confirm that all labor compliance documents are submitted. If they are still missing, City will withhold funds from final progress payment to the Consultant.<br>If delinquent on each requests pertaining to <i>Ancillary Payroll Documentation</i> , the City will recommend an additional monthly withhold (\$2,500).<br>If delinquent on repeat requests pertaining to <i>Certified Payrolls</i> , the City will recommend an additional monthly withhold (\$2,500).  | "Issues List" submitted Via Email & Certified Mail by the City to the Prime Consultant.<br>"Issues List" submitted Via Email & Certified Mail by the City to the Consultant. | Withhold Applied if requested documents not received<br>Withhold Applied if requested documents not received |

## Attachment 4

### Statement of Non-Performance

#### STATEMENT OF NON-PERFORMANCE

I do hereby certify that no persons employed with the above-mentioned contractor/subcontractor worked on the project:

Contract of subcontract number \_\_\_\_\_ during the payroll period commencing on the \_\_\_\_\_ day of \_\_\_\_\_ and ending on the \_\_\_\_\_ day of \_\_\_\_\_.

I, \_\_\_\_\_, the undersigned, am the \_\_\_\_\_

(Name - print)

(Position in business)

with the authority to act for and on the behalf of \_\_\_\_\_, certify under

(Name of Contractor/Business)

penalty of perjury that the records of copies thereof submitted and consisting of Non-Performance Payroll, 1 Page are the originals or true, full and correct copies of the originals

(Description, Number of Pages)

which depict the payroll record(s) of the actual disbursements by way of cash, check or whatever form to the individual named.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Attachment 5**  
**Prevailing Wage Job Acknowledgment Form**

**First Page for Prime Contractors/Consultants/Vendors**

**Second page for Subcontractors/Subconsultants**





**City of Santa Monica**  
**Prevailing Wage Job Acknowledgment Form**  
**Prime Contractor/ Consultant/ Vendor**

A Prevailing Wage Job Notice and Acknowledgment Form must be submitted with each bid/proposal for work with the City of Santa Monica. **The Prime and all subcontractors/consultants who will work on the job are required to submit the form.** Prime Contractors/Consultants must list all subs they intend to use for the Project (Attach additional sheet for each subcontractor).

|                             |  |
|-----------------------------|--|
| <b>Project Name:</b>        |  |
| <b>SP Number or Bid No:</b> |  |
| <b>Location(s) of Work:</b> |  |

The City will assist your firm in determining the most relevant classification given the information provided to the City's Prevailing Wage Consultant, but it is the **sole responsibility of the Prime Contractor/Vendor** to ensure that they are utilizing the correct classifications at all times on the project. At bid submittal, contractors must complete the Prevailing Wage Job Acknowledgment form, with classifications they *anticipate* will be working on the job. Should additional classifications be needed and/or utilized not indicated on the form, prior to the new classification working onsite contractor must submit revised Prevailing Wage Job Acknowledgment form with updated classifications.

Please indicate **all classifications** your company plan to use:

| # | Craft | Group Number/<br>Trade Classification | Determination<br>Number | Issue Date | Number of<br>Staff | Apprenticeable?<br>Y/N |
|---|-------|---------------------------------------|-------------------------|------------|--------------------|------------------------|
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |

By signing below the contractor attests that he/she has read and understands this document, that he/she is aware of the public work and prevailing wage requirements as set forth in the California Labor Code Sections 1720 et seq.; that he/she is an owner, officer, or other duly authorized representative of the firm; that he/she and each of his/her subcontractors is registered with the California DIR; and that he/she is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of the work of this contract. Corrections or alterations to this form may trigger the escalation/de-escalation clause of your bid documents.

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Contractor State License Board Number (CSLB): \_\_\_\_\_ PWC Registration Number: \_\_\_\_\_

Name of Apprenticeship Program affiliated with (if any): \_\_\_\_\_

Contractor/Consultant Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

|   |                    |             |
|---|--------------------|-------------|
| <i>For City of Santa Monica Internal Use Only</i> | Approved By: _____ | Date: _____ |
|---|--------------------|-------------|



City of Santa Monica

**City of Santa Monica  
Prevailing Wage Job Acknowledgment Form**

**Sub-Contractor/ Sub-Consultant/ Vendor**

A Prevailing Wage Job Notice and Acknowledgment Form must be submitted with each bid/proposal for work with the City of Santa Monica. **The Prime and all subcontractors/consultants who will work on the job are required to submit the form.** Prime Contractors/Consultants must list all subs they intend to use for the Project (Attach additional sheet for each subcontractor).

|  |  |
|--|--|
| <b>Project Name:</b>                         |  |
| <b>SP Number or Bid No:</b>                  |  |
| <b>Name of Prime Consultant Working For:</b> |  |
| <b>Location(s) of Work:</b>                  |  |

The City will assist your firm in determining the most relevant classification given the information provided to the City's Prevailing Wage Consultant, but it is the sole responsibility of the Prime Contractor/Vendor to ensure that they are utilizing the correct classifications at all times on the project. At bid submittal, contractors must complete the Prevailing Wage Job Acknowledgment form, with classifications they anticipate will be working on the job. Should additional classifications be needed and/or utilized not indicated on the form, prior to the new classification working onsite contractor must submit revised Prevailing Wage Job Acknowledgment form with updated classifications.

Please indicate **all classifications** your company plan to use:

| # | Craft | Group Number/<br>Trade Classification | Determination<br>Number | Issue Date | Number of<br>Staff | Apprenticeable?<br>Y/N |
|---|-------|---------------------------------------|-------------------------|------------|--------------------|------------------------|
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |
|   |       |                                       |                         |            |                    |                        |

By signing below the contractor attests that he/she has read and understands this document, that he/she is aware of the public work and prevailing wage requirements as set forth in the California Labor Code Sections 1720 et seq.; that he/she is an owner, officer, or other duly authorized representative of the firm; that he/she and each of his/her subcontractors is registered with the California DIR; and that he/she is aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and will comply with such provisions before commencing the performance of the work of this contract. Corrections or alterations to this form may trigger the escalation/de-escalation clause of your bid documents.

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Contractor State License Board Number (CSLB): \_\_\_\_\_ PWC Registration Number: \_\_\_\_\_

Name of Apprenticeship Program affiliated with (if any): \_\_\_\_\_

Contractor/Consultant Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_

|   |                    |
|---|--------------------|
| <b>For City of Santa Monica Internal Use Only</b> | Approved By: _____ |
| Date: _____                                       |                    |

