

ORDINANCE NO. 173018

An ordinance amending Chapter 1 of Division 10 of the Los Angeles Administrative Code to add Article 13 in order to implement a contractor evaluation program and to establish data bases on contractor performance.

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

Section 1. A new Article 13 is hereby added to Chapter 1 of Division 10 of the Los Angeles Administrative Code to read:

ARTICLE 13

CITY CONTRACTOR EVALUATIONS

Sec. 10.39. Purpose.

Each year the City spends millions of dollars contracting for the delivery of products and services from private sector contractors. The prudent expenditure of public dollars requires that the City's procurement process result in the selection of qualified and responsible contractors. While most products and services are delivered in accordance with the terms of the contract, there are exceptions. Accordingly, the contractor's prior performance on City contracts would be particularly important to know. Therefore, the purpose of this Article is to implement a contractor evaluation program and establish data bases on contractor performance. The contractor evaluation program will assure that contractors are routinely evaluated in accordance with approved criteria and that this evaluative data is catalogued and readily accessible to and considered by contract awarding authorities prior to entering into contracts.

Sec. 10.39.1 Definitions.

(a) "Awarding Authority" means the City Council or any agency or official of the City that is authorized to award or enter into any contract for the provision of any goods or services of any kind or nature whatsoever for or on behalf of the City of Los Angeles, and shall include departments which have control of their own funds and which adopt policies consonant with the provisions of this Article.

(b) "Contract" means any agreement, including agreements for any occasional professional or technical personal services, for the performance of any work or service, the provision of any goods, equipment, materials or supplies, or the rendition of any service to the City or to the public, which is let, awarded or entered into with, or on behalf of, the City of Los Angeles.

(c) "Contractor" means any person, firm, corporation, partnership, association or any combination thereof, who enters into a contract with any awarding authority of the City of Los Angeles.

Sec. 10.39.2 Evaluation of City Personal Services Contractors.

(a) The Office of the City Administrative Officer, and after July 1, 2000, the Office of Administrative and Research Services, shall develop proposed rules and regulations for contract awarding authorities to follow in evaluating, documenting and reporting performance of contractors under personal services contracts. The proposed rules and regulations shall be submitted to the City Council for consideration and shall become final upon their approval by the Council.

(b) The Office of the City Administrative Officer, and after July 1, 2000, the Office of Administrative and Research Services, shall collect and maintain evaluative data on contractor performance under personal services contracts and establish a data base containing that evaluative data. Evaluative data shall include, but not be limited to: quality of work product or service performed; timeliness of performance; compliance with budget; and expertise of personnel assigned to the contract.

(c) Each contract awarding authority shall evaluate, document and report contractor performance under personal services contracts in accordance with the rules and regulations adopted pursuant to subsection (a).

(d) Each contract awarding authority shall consider information contained in the data base maintained by the Office of the City Administrative Officer, and after July 1, 2000, by the Office of Administrative and Research Services, in evaluating proposals and/or conducting reference checks on prospective contractors prior to awarding personal services contracts.

Sec. 10.39.3. Evaluation of City Purchasing Contractors

(a) The Department of General Services shall develop proposed rules and regulations for contract awarding authorities to follow in evaluating, documenting and reporting performance of contractors under purchasing contracts. The proposed rules and regulations shall be submitted to the City Council for consideration and shall become final upon their approval by the Council.

(b) The Department of General Services shall collect and maintain evaluative data on contractor performance under purchasing contracts and establish a data base containing that evaluative data. Evaluative data shall include, but not be limited to: quality of goods supplied or services performed; timeliness of delivery; accuracy of quantity delivered; and accuracy of billing.

(c) Each contract awarding authority shall evaluate, document and report contractor performance under purchasing contracts in accordance with the rules and regulations adopted pursuant to subsection (a).

(d) Each contract awarding authority shall consider information contained in the data base maintained by the Department of General Services in determining bidder responsibility prior to awarding purchasing contracts. Bidder responsibility shall be determined in accordance with applicable law.

Sec. 10.39.4. Evaluation of City Construction Contractors.

(a) The Board of Public Works shall develop proposed rules and regulations for contract awarding authorities to follow in evaluating, documenting and reporting performance of contractors under construction contracts. The proposed rules and regulations shall be submitted to the City Council for consideration and shall become final upon their approval by the Council.

(b) The Board of Public Works shall collect and maintain evaluative data on contractor performance under construction contracts and establish a data base containing that evaluative data. Evaluative data shall include, but not be limited to: quality of work product; timeliness of performance; compliance with budget; and expertise of personnel assigned to the contract.

(c) Each contract awarding authority shall evaluate, document and report contractor performance under construction contracts in accordance with the rules and regulations adopted pursuant to subsection (a).

(d) Each contract awarding authority shall consider information contained in the data base maintained by the Board of Public Works in determining bidder responsibility prior to awarding construction contracts. Bidder responsibility shall be determined in accordance with applicable law.

Sec. 10.39.5. When the City Council is the contract awarding authority, the City agency or official that will administer the contract shall consider information contained in the appropriate data base before recommending the award of a contract to the City Council and shall be responsible for evaluating, documenting and reporting the contractor's performance.

Sec. 10.39.6. Application of Article.

(a) Proposed rules and regulations for evaluating, documenting and reporting contractor performance shall be submitted to the City Council for consideration within sixty days after the effective date of this Article.

(b) This Article shall be applicable to all contracts in existence at the time of or entered into after the rules and regulations for evaluating, documenting and reporting contractor performance for that type of contract have been approved by the City Council.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and cause the same to be published in some daily newspaper printed and published in the City of Los Angeles.

I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, at its meeting of DEC 17 1999.

J. MICHAEL CAREY, City Clerk

By *[Signature]*
Deputy

[Handwritten Signature]
MAYOR

Approved DEC 22 1999

Approved as to Form and Legality

JAMES K. HAHN, City Attorney

By *[Signature]*
NOREEN VINCENT
Assistant City Attorney

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