CITY OF LOS ANGELES

RULES AND REGULATIONS

IMPLEMENTING

THE DISCLOSURE OF CONTRACTS AND SPONSORSHIP OF THE NATIONAL RIFLE ASSOCIATION ORDINANCE

EFFECTIVE APRIL 1, 2019

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These Rules and Regulations are promulgated pursuant to Section 10.52 et seq. of the Los Angeles Administrative Code (LAAC), hereinafter referred to as the Disclosure of Contracts and Sponsorship of the National Rifle Association Ordinance (NRA Disclosure Ordinance). Each Awarding Authority shall cooperate to the fullest extent with the Designated Administrative Agency (DAA) in the administration of the NRA Disclosure Ordinance. The DAA may amend these Rules and Regulations from time to time, consistent with applicable law, as required for the implementation of the Ordinance.

**DEFINITIONS**

For purposes of these Rules and Regulations, the following definitions shall apply, including the definitions set forth in LAAC Section 10.52, which are incorporated herein.

a. **Affidavit** is the form the company must sign under penalty of perjury requiring disclosure of any agreements between a Person and the National Rifle Association (NRA) to provide a discount to the NRA or NRA member of the customary costs, fees, or service charges for goods or services provided by the Person to the NRA or an NRA member. The Company is required to provide details to the DAA if there are records found.

b. **Company** means any person, firm, corporation, partnership or combination of these.

c. **Invitation For Bid (IFB)** incorporates all types of requests which may include an advertisement for bid, including but not limited to: Requests for Bids, Requests for Proposals, Requests for Qualifications, Requests for Design-Builds, Sole Source, and Request for Quotes.

d. The term “contract” as found in Section 10.52 and in these rules and regulations does not include a membership agreement with the NRA.
REGULATION #1: TIMING AND APPLICABILITY

a. Invitation For Bids (IFB), Contracts, and Contract Amendments

1. Unless otherwise exempt, IFBs that were released prior to April 1, 2019 with resulting Contracts after April 1, 2019, are still subject to the NRA Disclosure Ordinance.

2. Unless otherwise exempt, IFBs released on or after April 1, 2019 are subject to the NRA Disclosure Ordinance.

3. Unless otherwise exempt, amendments to Contracts previously not subject to the NRA Disclosure Ordinance become subject to the Ordinance if the Contracts are amended on or after April 1, 2019.

REGULATION #2: AFFIDAVIT REQUIRED IN PROCUREMENT OF CONTRACTS

a. Awarding Authority Issuance of Contracts: Unless the Contract is otherwise exempt, Awarding Authorities shall include in their IFBs language informing Companies that the bidder selected for award of the Contract will be required to submit a Disclosure Ordinance Affidavit on the Los Angeles Business Assistance Virtual Network (BAVN) at www.labavn.org. This Affidavit must be verified by the DAA before the Contract can be awarded. If no IFB procedure is used to procure a proposed Contract, the Awarding Authority must inform the selected Company that an Affidavit must be submitted on BAVN (and verified by the DAA) before a Contract can be executed.

b. The Disclosure Ordinance Affidavit must only be submitted on BAVN one time, unless there are subsequent changes that would affect a Company’s response to any of the questions. Companies are responsible for promptly updating the Affidavit if any such changes occur, including changes in contact information, mergers and acquisitions, etc.
REGULATION #3: REVIEW OF SUBMITTED AFFIDAVITS

a. Departmental Responsibilities: Prior to executing any Contract, Awarding Authorities must ensure that the Company selected for the award of the Contract has completed and signed the Disclosure Ordinances Affidavit on BAVN. The Awarding Authority must notify the DAA that the form (and any other applicable EEO compliance forms) is ready to be verified. If the DAA is notified and finds an incomplete or inaccurate submission, it will inform the Awarding Authority, who will be responsible for following up with the Company to correct the problem.

b. DAA Responsibilities: The DAA will verify that the Affidavit is complete, signed, and complies with City requirements. The DAA will update the Company's Affidavit status on BAVN to indicate that the Affidavit was verified.

c. Public Record: Consistent with applicable law, an Affidavit submitted to the City (including any attachments) becomes part of the public record.

REGULATION #4: EXECUTION OF CONTRACTS AND AMENDMENTS

a. Contracts: Contracts subject to the NRA Disclosure Ordinance after the effective date may not be executed until:

1. Language obligating the Company to comply with the Ordinance has been incorporated into the Contract;

2. The Company has submitted an Affidavit on BAVN;

3. The DAA has verified the Affidavit; and

4. The Company has satisfactorily complied with all other applicable City requirements.

b. Amendments: Contracts executed prior to April 1, 2019, are not subject to the NRA Disclosure Ordinance. However, if these Contracts are amended on or after April 1, 2019, the amendments may not be executed until the Company has complied with NRA Disclosure Ordinance requirements.

REGULATION #5: VIOLATIONS OF THE ORDINANCE OR THESE REGULATIONS

a. A Company's alleged violation of the Ordinance or these Rules and Regulations may be reported to the DAA, which shall investigate the matter and make a determination as to whether a violation has taken place. For example, the DAA may investigate if a company failed to fully or accurately disclose all of its and its subsidiaries contracts with or sponsorship of the NRA.
b. Upon finding that a Company has violated the Ordinance or these Rules and Regulations, such violation may be considered a material breach of the Contract. Such breach entitles the City to terminate the Contract.

c. A Company’s violation of the Ordinance or these Rules and Regulations may be considered evidence against the Company in an action taken pursuant to the provisions of Los Angeles Administrative Code Section 10.40 et seq., Contractor Responsibility Ordinance.

REGULATION #6: EXEMPTIONS

Statutory Exemptions Not Requiring DAA Approval: The exemptions in the Los Angeles Administrative Code Section 10.52.2 do not require DAA approval before contract execution.

REGULATION #7: EFFECTIVE DATE OF RULES AND REGULATIONS

These Rules and Regulations take effect April, 2019.