SUBJECT: APPROVAL OF STAFF REPORT AND RESOLUTION 23-02 APPROVING CONTRACT POLICIES AND PROCEDURES FOR THE INGLEWOOD TRANSIT CONNECTOR JOINT POWERS AUTHORITY

ACTION: APPROVE RECOMMENDATIONS

RECOMMENDATION


BACKGROUND

The City and the Los Angeles County Metropolitan Transportation Authority (collectively, Member Agencies) entered into a Joint Exercise of Powers Agreement with the objective of establishing a separate public entity solely dedicated to undertaking, and/or contracting with third parties for the planning, design, construction, financing, operations and maintenance of the ITC.

The JPA Agreement specifically authorizes the JPA to make and enter into contracts, and to adopt reasonable rules and regulations for the conduct of the day-to-day operations of the JPA. The JPA Contract Policies and Procedures (Contract Policies), included herewith as Attachment 2, outline best management practices and procedures to establish fair, open and flexible contract policies and procedures that will enable the JPA to efficiently and effectively conduct activities related to contracting in a responsible manner, consistent with all applicable laws and regulations. The Contract Policies address the methods in which the JPA will advertise contracts, procedures for evaluation and award, and the process to be followed for modification or amendment of contracts.

The Contract Policies generally provide for procurement of construction services using a traditional sealed bidding process, and a competitive process for contracts for other goods and services not subject to sealed bidding requirements. The Contract Policies also authorize
alternative methods for contract procurement, such as progressive or fixed-price design-build contracts, public private partnerships or design-build/operate/maintain contracts.

Except as otherwise provided in the Contract Policies, all procurements and contracts are subject to approval by the JPA Board. The Contract Policies set forth the procedures and number of quotations required for approval of large contracts as well as micro-purchases equal to or less than $10,000, and small purchases equal to or less than $250,000.

The Contract Policies authorize the use of non-competitive procedures under certain limited circumstances, such as in the case of emergencies; where there is only one bidder despite the JPA’s reasonable efforts to solicit competition; where another public agency procured its contract under substantially similar competitive procurement procedures; or where equipment to be purchased is of a technical nature and the procurement without advertising is necessary in order to assure standardization of equipment and interchangeability of parts.

Procurement on a sole-source basis is permitted if, in advance of a contract award, the Chief Executive Officer certifies in writing the sole source status of the provider based on the need to utilize a specified material, provider or methodology in the best interest of the JPA, which could only be supplied, constructed, or installed by only one contractor or supplier or as otherwise allowed by law.

The Contract Policies outline best practices and procedures for contract administration by requiring the JPA to follow sound business and public policy principles in the procurement of goods and services so that these actions are performed efficiently, consistent with applicable law, and in a manner that serves the best interest of the JPA and the public.

If approved, all contracts entered pursuant to this Contract Policy shall be consistent with the Disadvantaged Business Enterprise Program for the ITC Project which sets a 16% overall goal for DBE participation on the ITC Project.

**ATTACHMENTS**

Attachment 1: Resolution of the Board of Directors of the ITC JPA Approving Contract Policies and Procedures

Attachment 2: Contract Policies and Procedures