ORDINANCE NO. ___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, AMENDING SECTION 2-196.1, INGLEWOOD TRANSIT CONNECTOR PROCUREMENTS, OF ARTICLE 5 OF CHAPTER 2 (PURCHASING) OF THE INGLEWOOD MUNICIPAL CODE.

WHEREAS, the Inglewood Transit Connector ("ITC") Project is a 1.6 mile, fully elevated and automated dual-lane transit system that will connect the LA Metro K line with three new transit stations in the City of Inglewood ("City"); and

WHEREAS, the ITC Project will significantly increase transit connectivity, reduce traffic congestion, and increase economic prosperity for the City; and

WHEREAS, the City and the preferred proposer to be selected through the ongoing procurement process will enter into a design-build-finance-operate-maintain agreement ("DBFOM Agreement") in connection with the ITC Project; and

WHEREAS, the DBFOM Agreement will contain the City’s and developer’s rights, interest and obligations in connection with the ITC Project, and some of such terms and conditions may potentially conflict with California state laws in the Public Contract Code; and

WHEREAS, this proposed amendment to Section 2-196.1 of Article 5 of Chapter 2 (Purchasing) of the Inglewood Municipal Code will resolve these potential conflicts; and

WHEREAS, on April 13, 2021, the Inglewood City Council adopted ordinance No. 21-07 which added Section 2-196.1, Inglewood Transit Connector Procurements, to Chapter 2 (Administration), Article 5 (Purchasing) which authorize the use of alternative project delivery methods and establish certain requirements for procurements and contracts related to the proposed Inglewood Transit Connector Project; and

WHEREAS, on March 21, 2023, the City Council scheduled a public hearing for amending Section 2-196.1, Article 5 of Chapter 2 of the Inglewood Municipal Code; and

WHEREAS, notice of the time and place of the hearing was given as required by law; and
WHEREAS, on April 25, 2023, the ordinance was introduced and a public hearing held where the City Council afforded all persons interested in the matter of the proposed amendment to the Inglewood Municipal Code, or in any matter or subject related thereto, an opportunity to address the City Council and be heard and to submit any testimony or evidence in favor or against the proposed Code amendment; and

WHEREAS, after taking public testimony and considering the issues, the City Council determined that certain changes specified herein, should be made to the text of Section 2-196.1, Article 5 of Chapter 2 of the Inglewood Municipal Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1.

Section 2-196.1(b)(12) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(12) The City may allow the proposers to submit subcontractor information and details of work to be subcontracted after contract execution.

SECTION 2.

Section 2-196.1(b)(13) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(13) The City may allow the proposers to propose and arrange more than one subcontractor for each portion of subcontracted work.

SECTION 3.

Section 2-196.1(c)(13) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(13) Provisions specifying no withholdings and retainages or specifying withholding and retainages in amounts, percentages and frequency the City deems appropriate, and the terms and timing of release.

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SECTION 4.

Section 2-196.1(c)(14) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(14) Provisions specifying the terms and timing for making payments to the contractor.

SECTION 5.

Section 2-196.1(c)(15) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(15) Provisions specifying the rate of interest on late payment to the contractor.

SECTION 6.

Section 2-196.1(c)(16) is hereby added to Article 5 of Chapter 2 of the Inglewood Municipal Code to read as follows:

(16) Provisions allowing or precluding securities as substitution for retention or payment of retention into an escrow.

SECTION 7.

The City Clerk shall certify to the passage and adoption of this ordinance and to its approval by the City Council and shall cause the same to be published in accordance with the City Charter and thirty days from the final passage and adoption, this ordinance shall be in full force and effect.
Introduced at a regular meeting of the Inglewood City Council, this 25th day of April, 2023.

Passed and Adopted at a regular meeting of the Inglewood City Council, this 2nd day of May, 2023.

APPROVED:

James T. Butts, Jr.,
Mayor

ATTEST:

Aisha L. Thompson,
City Clerk
STATE OF CALIFORNIA  )
COUNTY OF LOS ANGELES)  SS.
CITY OF INGLEWOOD )

I, AISHA L. THOMPSON, City Clerk of the City of Inglewood, California do hereby certify that the whole number of members of the CITY COUNCIL of said city is five; that the foregoing ordinance being Ordinance No. 23-11 is the full, true and correct original of Ordinance No. 23-11 of the said City of Inglewood, California entitled;

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INGLEWOOD, CALIFORNIA AMENDING SECTION 2-196.1, INGLEWOOD TRANSIT CONNECTOR PROCUREMENTS, OF ARTICLE 5 OF CHAPTER 2 (PURCHASING) OF THE INGLEWOOD MUNICIPAL CODE.

Which was duly passed and adopted by the said City Council, approved and signed by the Mayor of said city, and attested by the City Clerk of said City, all at a meeting of said Council held on the 2nd of May, 2023 and that the same was so passed and adopted by the following vote:

Ayes: Council Members Gray, Padilla, Morales, Faulk, Mayor Butts, Jr;

Noes: None;

Absent: None.

WITNESS my hand and the seal of said City the 9th day of May, 2023.

(SEAL)

City Clerk of the City of Inglewood