

CITY OF LOS ANGELES
DEPARTMENT OF CULTURAL AFFAIRS



REVISED REQUEST FOR PROPOSALS
December 17, 2021

FOR

**THE MANAGEMENT, OPERATIONS,
PROGRAMMING, AND ENGAGEMENT OF THE
VISION THEATRE
PERFORMING ARTS CENTER**

**CITY OF LOS ANGELES
DEPARTMENT OF CULTURAL AFFAIRS
REQUEST FOR PROPOSALS**

Date RFP Re-Issued:	<u>Friday, December 17, 2021</u>
Title:	The Management, Operations, Programming, and Engagement of the Vision Theatre Performing Arts Center
Description:	The City of Los Angeles Department of Cultural Affairs is seeking proposals from well-qualified business/non-profit entities to provide facility management, programming, fundraising, and operation services of the renovated Vision Theatre Performing Arts Center.
RFP Website Address:	https://labavn.force.com Potential proposers must register on the City of Los Angeles Business Assistance Virtual Network (LABAVN) to obtain the RFP document and any updates.
Business Inclusion Program (BIP) Outreach:	This RFP is subject to the City of Los Angeles, BIP Outreach requirements. Performance of a BIP Outreach must be completed utilizing the Business Assistance Virtual Network (BAVN) system at https://labavn.force.com The BIP outreach must be completed not less than <u>15 days prior to the RFP due date.</u>
BIP Outreach Due Date:	<u>Thursday, January 20, 2022, 11:00 p.m. PST</u>
Mandatory Pre-proposal Conference/Site Visit:	One (1) optional RFP Proposer Update will be held via Zoom, <u>Thursday January 6, 2022 12:00 p.m.</u> and is open to all bidders. You must request and return the RSVP form by COB Tuesday January 4 th in order to receive the Zoom link. One (1) socially-distanced, in-person mandatory Pre-Proposal Conference/Site Walk will be held <u>Friday January 7, 2022, 12:00 p.m.</u> at the Vision Theatre, 3341 West 43rd Place, Los Angeles, CA 90008. This event is only open to those who have not previously participated in the mandatory conference/ site visits. You must request and return the RSVP form by COB Wednesday January 5 th , in order to receive site visit specifics and protocols; limit two (2) company representatives per organization. Proof of vaccination is required for in-person site walk. RSVP: yvonne.farrow@lacity.org
<u>Proposal Due Date and Time:</u>	<u>Friday, February 4, 2022, at 11:45 p.m. PST</u>
Proposal Delivery Method:	Email: dca.contractsunit@lacity.org
DCA RFP Coordinator:	Daniel Tarica

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- Attachment B: Local Business Preference Program Ordinance
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1. THE OPPORTUNITY

1.1 Introduction

The Department of Cultural Affairs (hereinafter referred to as “DCA” or “Department”) generates and supports high quality arts and cultural experiences for the City’s four million residents and 40 million annual visitors. DCA advances the social and economic impact of the arts and ensures access to diverse and enriching cultural activities through: grantmaking, marketing, development, public art, community, festivals, performing arts programming, theater management, arts education, and building partnerships with artists and arts/cultural/service organizations in neighborhoods throughout the City of Los Angeles with impact nationally and internationally.

DCA is pleased to offer an exciting opportunity for a well-qualified business/non-profit entity, with proven experience in venue management, festival production and performing arts producing and curation, with emphasis on technical stagecraft, concert booking/contracting/presenting, arts/venue management, community engagement/youth development, arts education, and facilities maintenance, and stewardship (hereinafter “Proposer”), to co-manage and co-operate the Vision Theatre Performing Arts Center (hereinafter “Vision Theatre”) in the vibrant and historic Leimert Park Village neighborhood in South Los Angeles, Council District 10. Proposers must also have proven experience in strong financial management, events marketing, ticketing, artist services, audience services, security, scheduling, parking, technical direction, and customer service. Proposers must have proven experience in the creation of a wide range of public programs that support community and youth performance opportunities, job training and creation, and creative entrepreneurship with an emphasis on the performing arts, stagecraft and production.

DCA’s goals are:

1. To maximize the Vision Theatre as a community engagement resource and symbol of community pride, through the programming of diverse world-class theater, music, dance, film productions and educational events, along with offering a variety of cultural forums;
2. To promote the brand of the Vision Theatre as a global center for world-class artistic expression and performing arts opportunities, reaffirming its place as a hub of cultural activity that specializes in presenting the African American experience and cultural traditions of the diaspora;

3. To use the Vision Theatre as an anchor and catalyst for economic development and revitalization of Leimert Park Village and South Los Angeles;
4. To serve as a center for community celebration and ingathering, belonging, and cultural connection, and to ensure that fair and equitable access is provided to artists and community-based organizations that focus on engagement, partnership, equity, racial justice and delivering high-quality, culturally-sensitive programming at affordable rates and ticket fees;
5. To become a home for leading, world-class performing artists, while anchoring and nurturing established and emerging Los Angeles-based arts and service organizations with a primary focus on the communities in Leimert Park and South Los Angeles;
6. To become a creative center for diverse cultural talent reflective of the surrounding Leimert Park Village and South LA community, through presentations and youth training programs;
7. To safeguard the City's significant level of capital investment by ensuring the Vision Theatre's building, advanced technology and equipment are safe, clean, consistently maintained and regularly updated so that the facility will continue to be a cultural asset for the City.

The purpose of this RFP is to identify the most experienced and qualified venue partner operator/programmer to successfully manage and maintain the Vision Theatre, with a proven track record and demonstrable evidence of administrating a performing arts center. Each Proposer must have a minimum of at least five (5) years of qualifying experience providing professional venue management services, organizing festivals or presenting performances, as well as a demonstrated commitment to youth development programs. The qualifications each Proposer should possess include the following:

- A successful history of facility management and oversight experience for concert/theater venues with a minimum seating capacity of one-thousand (1,000) per venue, and experience booking more than 100 events per year;
- The ability to exhibit that the organization is in excellent financial standing, with a track-record of fiscal responsibility and transparency;
- A history of high-level contributed income including sponsorships, major gifts, national foundational support, and multiple forms of philanthropy;

- A demonstrable knowledge about the regional, national and international touring and performing arts market and service organizations, as well as an excellent reputation amongst local, regional and national peers.
- A proven success in managing ticketing systems and launching marketing and PR campaigns through various forms of social media, especially to diverse communities, including illustrating the ability to provide data, metrics, and survey information;
- The established relationships with high-level and culturally relevant artists who expect to be presented, and the ability to evaluate and identify artistic choices that bring added value to the reputation of the venue;
- A track record as a seasoned presenter of professionally staged events of all forms, with the knowledge of how to book, negotiate, contract and produce cultural events that elevate the quality of life in Los Angeles;
- The ability to program for families and youth;
- The skills to illustrate an understanding of the Los Angeles performing arts ecosystem and its artists/arts organization in South LA, and how to best position the Vision Theatre -- and this community -- to be at the forefront of artistic expression that leverages unique partnerships and collaboration with other leading institutions;
- The depth of understanding of the Leimert Park and South LA cultural ecosystems, and attestable experience in programming for maximum impact within this context;
- The sufficient staffing capacity to produce a high-level of artistic and educational activity by submitting with this proposal a list of staff, an organizational chart, bios and descriptions for all staff members' roles. The proposal must include examples of successful creative youth development strategies and community development;
- An irrefutable cultural competency and commitment to Diversity, Equity and Inclusion (known as "DEI").

1.2 Vision Theatre Renovation and Adaptive Reuse Project Background

The Vision Theatre, a Spanish-style Art Deco movie palace built in 1931, stands at the heart of Leimert Park Village. In 1997, the City of Los Angeles took control of the property with the goal of providing a performance and community arts center,

under the Department of Cultural Affairs (“DCA”). Through Prop K funding, Phase 1 of the renovation of the theatre was completed in 2011. The focus of Phase 1 was to renovate and restore the front portico, lobbies, and upstairs offices and event spaces in the name of the Manchester Junior Arts Center. The City is currently in the process of finishing Phases 2, 3, and 4 of the renovations. These phases include a complete restoration of the historic ceiling mural, a complete renovation of the audience chamber with 750 seats, building a new stage and fly loft with state-of-the-art production and Audio/Visual equipment, creating a new lounge/event space, and providing new offices, backstage dressing rooms, orchestra pit, artist amenities and green room, piano storage room, stage door/loading dock, and other production enhancements. To date, the City has invested \$36.5 million for infrastructure upgrades, preservation and interior improvements. Once the renovation is complete, the remainder of the facility will be positioned to be outfitted with the operator's own equipment and assets.

Vision Theatre Historical Overview

This highly revered architectural treasure has been an essential part of the Leimert Park community for nearly 90 years. First operated by Fox Theatres, in later years the venue served as a church and an important community gathering place. Designed in the classic southern California streamlined Spanish Art Deco style, the tall steel frame on top of the lower stucco clad tower originally featured the theater’s name, and continues to be a landmark for the area. The theater is not currently registered as a Historic-Cultural Monument, but there are elements of the building that have been deemed to be "historic." Once complete, the Vision Theatre Performing Arts Center will again be a significant cultural anchor and artistic hub of the local community, and a major destination for the arts and other cultural events.

Actress Marla Gibbs purchased the theater in 1990, and renamed it the Vision Theatre. After the 1992 uprising and the economic recession which heavily impacted this area of Los Angeles, the City took over the venue in 1997. The theater was later converted into a performing arts center and for more than ten (10) years, the City of Los Angeles Department of Cultural Affairs (“DCA”) booked programming and rentals in the restored lobbies and public spaces.

DCA’s primary goals for the Vision Theatre are to maximize the Vision Theatre as a community resource and symbol of community pride, through the programming of diverse world-class theater, music, dance, film productions and educational events, along with offering a variety of cultural forums; to promote the brand of the Vision Theatre as a global center for world-class artistic expression and performing arts opportunities, reaffirming its place as a hub of cultural activity that specializes in presenting the African American experience and cultural traditions of the diaspora; to use the Vision Theatre as an anchor and catalyst for economic

development and revitalization of Leimert Park Village and South Los Angeles; to serve as a center for community celebration and ingathering, belonging, and cultural connection, and to ensure that fair and equitable access is provided to artists and community-based organizations that focus on engagement, partnership, equity, racial justice and delivering high-quality, culturally-sensitive programming at affordable rates and ticket fees; to become a home for leading, world-class performing artists, while anchoring and nurturing established and emerging Los Angeles-based arts and service organizations with a primary focus on the communities in Leimert Park and South Los Angeles; to become a creative center for diverse cultural talent reflective of the surrounding Leimert Park Village and South LA community, through presentations and youth programs; and to safeguard the City's significant level of capital investment by ensuring the Vision Theatre's building, advanced technology and equipment are safe, clean, consistently maintained and regularly updated so that the facility will continue to be a cultural asset for the City.

DCA has a wide variety of cultural programs providing services in Leimert Park Village and throughout the City of Los Angeles:

- **Performing Arts Program:** The Performing Arts Program manages six venues, the Warner Grand Theatre in San Pedro, the Madrid Theatre and the Taxco Theatre (not yet open) in Canoga Park, the Barnsdall Gallery Theatre in East Hollywood, the Lankershim Performing Arts Center and Lankershim Theatre in North Hollywood (coming soon), and the Vision Theatre Performing Arts Center in Leimert Park. In addition to managing the six city theaters, through public and private support for performing arts programs, DCA implements initiatives to create festivals and platforms to select artists to create and/or present site-specific public art projects and/or programming. The Performing Arts Program champions Los Angeles artists through advocacy on a local, national, and international level by enhancing relationships with national touring circuits, for-profit promoters, national service organizations, other government agencies, foreign consulates, and important festivals and cultural centers across the globe. The Performing Arts Program also oversees two partner-venues, the Nate Holden Performing Arts Center in Mid-City and the Los Angeles Theatre Center, Downtown.
- **Community Arts Division:** DCA's Community Arts Division offers high-quality instruction in the arts; produces solo and group art exhibitions; creates outreach programs for underserved populations; develops special initiatives for young people; and promotes numerous events during the year that celebrate the cultural diversity of the community. The Division also engages in historic conservation efforts and conducts educational tours at its historical sites. DCA's

galleries present high-quality arts exhibitions reflective of the diversity of Los Angeles.

- **Marketing, Development, Design, and Digital Research Division:** The Department markets the City's arts and cultural events through development and collaboration with strategic partners, design and production of creative catalogs, publications, and promotional materials, and management of the culturela.org website visited by more than three million people annually. The Department significantly supports artists and cultural projects through its Public Art Division by administering a portfolio that totaled \$23.6 million in "PWIAP" and Arts Development Fee funds in 2015-16. Of this amount, typically 15 to 20 percent, or between \$3.5 and \$4.7 million, was attributable to artists' fees.
- **Public Art Division:** DCA also provides support to artists and cultural projects through four distinct types of arts programs within its Public Art Division, each committed to the creation and/or maintenance of art within the public realm: the Public Works Improvements Arts Program ("PWIAP," more commonly known as Percent-for-Public-Art or Public % for Art), the Private Arts Development Fee Program ("ADF"), the Murals Program, and the City's Art Collection. As part of the Division's PWIAP and ADF Programs, DCA implements an independent peer panel and public review process to commission public artists and to approve the creation and/or presentation of site-specific public art projects throughout the City of LA.
- **Grants Administration Division:** The Grants Administration Division awards approximately \$4.2 million annually to nurture and support community service providers and community artists in Los Angeles. Awards are given to large, mid-size, small, and emerging organizations. Grants are available in a variety of disciplines and categories including dance, music, theater, media, and visual arts, as well as literature, educational programs, residencies, and professional fellowships.
- **Administration Division:** The Administration Division encompasses personnel, payroll, and accounting, the General Administrative and Support team is responsible for processing over 500 contracts annually, positioning DCA as the second ranking City agency, below Public Works, in terms of the number of City contracts awarded and administered.

1.3 Anticipated Term of Contract and Funding Source

The selected Proposer to this RFP will be invited to enter into an Operational Management Agreement (hereinafter "Agreement") and be identified as the "venue partner operator/programmer." The Agreement will govern the terms of the

operation of the theater as an open venue for rentals, music concerts, films, dance, theatrical performances, residencies, and community and life events on a year-round basis. The venue partner operator/programmer will provide facility oversight, financial management, programmatic responsibility, and stewardship of the theater on a year-round basis.

The terms of the Agreement are subject to negotiation. As currently envisioned, the Agreement will include the following:

- A term of five (5) years with the option to renew for two five (5) year extensions subject to review and to successfully meeting the terms of the Agreement).
- Within six (6) months of executing the Agreement, the selected proposer, as the operator, will be required to deliver to DCA:
- A communication strategy and/or engagement plan to work with artists, arts organizations, property owners, merchants, stakeholders, vendors, elders, service organizations and business owners in Leimert Park Village and the surrounding neighborhood, City of Los Angeles Department of Recreation and Parks, and other schools, wellness providers, festivals, merchants, service, residential and neighborhood organizations, restaurants in the Village and surrounding areas.

This roadmap will communicate major initiatives and scheduled events that both maximizes the use of the venue and reduces congestion, addressing systemic issues in the surrounding community which include Americans with Disabilities Act (ADA) compliance, Diversity, Equity and Inclusion (DEI), wayfinding, safety/security, sanitation and transiency. This plan must also address misuse or misrepresentation of the Vision Theatre brand and imagery.

- A plan for proposed community-supported performing arts programming and youth development that includes an emphasis on supporting performing artists, economic advancement, technical training, creative cultural production, job creation, youth and families, community health, wellness and engagement, and equity and social justice. The plan should include a strategy for addressing all disability services and ADA requirements within the venue.
- A comprehensive framework for addressing personnel and venue conditions at the Vision Theatre Performing Arts Center, including sequencing recruitment and hiring of local labor, and a budget and timeline for acquiring the necessary equipment and artists' amenities to maintain a world class performing arts center. This report must itemize projected budget shortfalls, and provide potential solutions to closing those gaps.
- A proposed maintenance calendar and aging report for all capital improvements and purchases, and recommendations for addressing major

repairs and upkeep of the physical plant, by both the venue partner/ operator programmer and the City.

- An updated Historic Structures Report.
- The selected proposer, as the venue partner operator/programmer, must be prepared to enter into an Agreement that satisfies the requirements of the IRS's Revenue Procedure 2017-13 relating to safe harbors for management contracts of tax-exempt financed facilities. Some important limitations set forth in Revenue Procedure 2017-13 include, but are not limited to, the following:
 - Payments to the operator/service provider cannot be based on a share of the net profits from the operation of the facility.
 - There will be no passing on the burden of bearing any share of net losses from the operation of the facility to the operator.
 - The City must maintain a significant degree of control over use of the facility, which could include the requirement that the City approves the budget for the operation and management of the facility, capital expenditures with respect to the facility and rates charged for the services provided at the facility.
 - The City must bear the risk of loss upon damage or destruction of the facility.
 - The venue partner operator/programmer must agree that it is not entitled to and will not take any tax position that is inconsistent with being a service provider to the City with respect to the facility.
 - The venue partner operator/programmer must not have any role or relationship with the City which substantially limits the ability of the City to exercise its rights under the Agreement.
- Requirements for the protection and enhancement of the historic elements of the theater, and regular inspections by the Department of Cultural Affairs, or other appropriate City departments, to review the maintenance of those elements.
- A procedure for principal users/community anchor organizations and stakeholders to schedule use of the theater and lobby spaces on a guaranteed annual basis. Provide a proposed plan to ensure equity of access for use of all areas of the theatre that fairly weighs the needs of local performing arts organizations, youth development programs, and for-profit/commercial rentals.
- The venue partner operator/programmer must demonstrate commitment to youth programming opportunities.

- The venue partner operator/programmer must provide up to thirty (30) “City Days” to be used by City agencies, or local non-profit cultural organizations and/or community groups on an annual basis. DCA will have final authority setting rates for the community use and rentals, subject to City Council approval, as necessary.
- An understanding of the parking and transportation needs for the theater, demonstrating the accommodation of larger audiences and artists, crew, staff, ADA use, to be submitted within six (6) months from the date of the Agreement. This plan may address the exclusive use of one or more City lots by the theater on event days. It may also include the implementation of a shuttle program from local parking lots or designated street parking to the theater, in conjunction with the local Business Improvement District. It must also include support of the entities surrounding Leimert Park Village and CD 10.
- An understanding of how to work with City services including but not limited to Council Offices, Department of Cultural Affairs (“DCA”), Los Angeles Police Department (“LAPD”), Los Angeles Fire Department (“LAFD”), Los Angeles Homeless Services Authority (“LAHSA”), Bureau of Street Services (“StreetsLA”), Department on Disability, Los Angeles Department of Water and Power (“DWP”), Los Angeles Department of Sanitation (“LASAN”), Los Angeles Department of Transportation (“LADOT”), and General Services Department (“GSD”), as well as Historic Landmark Programs, Los Angeles City Planning, Leimert Park Taskforce and other departments/offices as applicable.
- Performance metrics to be addressed in the Agreement include an on-going schedule and report that details:
 - Number of events/performances;
 - Number of participants (audience);
 - Number of artists, youth and staff; and
 - Milestones related to the Capital Improvement Plan.

Community Use

Community Use of the facility will be made available at a reduced fee pursuant to the City’s booking/rental fees policy and with the approval of City Council, as required. There are two use rates: 1) the Non-Profit rate, and 2) the Commercial / For-Profit rate. The rates are designed to be affordable and the fees have been approved by LA City Council. Exceptions to approved fees will be subject to negotiation, and will be formalized via an official City of Los Angeles rental agreement.

Community Use includes Leimert Park, South L.A. and LA.-based independent performing artists and arts organizations, non-profits, commercial/for-profit agencies, producers, community leaders, stakeholders, cultural/education

organizations, K-12 schools and educators, churches, colleges and universities and service organizations.

Community Use also encompasses meetings and gatherings, and may include live performances for commercial/for-Profit agencies, film productions, recordings, conferences, film premieres, promoters, and major concerts.

City Use

The dates used by the City are referred to as City Days, and allow the City to book the venue without a rental fee; labor and other fees may be required. City Days are subject to availability. City use of the facility shall be done pursuant to the City's rental policies. Council Office or City Department-sponsored events qualify for City use and may be counted towards public use of the facility, in accordance with public finance such as MICLA. 1.4.

1.4 Minimum Qualifications

Submittals, Evaluation and Award

Proposer shall demonstrate the ability to perform professional and financial oversight of this type of business, clearly articulate achievable facility maintenance, community engagement and programming plans for theater operations, rentals programs, capital improvement program, and document compliance with appropriate laws and regulations. Under this Agreement, no promoter or entity shall have exclusive rights to the theater.

The Department is looking for a venue partner operator/programmer to bring a variety of performances and attractions of all genres that also include local community-based groups and principal users to provide annual performances.

As outlined in Section 3, the Proposer shall include in the proposal:

1. A cover letter introducing the proposer(s);
2. An artistic statement describing why Proposer is the ideal candidate for this opportunity, and an artistic proposal for the Vision Theatre Performing Arts Center;
3. A five (5) year report demonstrating success managing and programming a similarly sized venue and operation, including evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting;
4. A transparent financial reporting model, plus five (5) years of completed audits by an independent, certified auditor;
5. A sample event calendar and programming outline with performance milestones, a timeline for implementation, and a recommended roster of LA-based principal users/arts organizations to maximize the use of the venue;
6. A comprehensive management and operation plan including organizational chart and staff positions, with bios, resumes, and job responsibilities;

7. A beverage/concessions/merchandise/alcohol operating plan;
8. A proposed facilities upgrades plan that identifies major/minor capital and equipment improvements and/or challenges with the venue and how they will be financed or addressed;
9. A community engagement, programming and communication strategy that clearly identifies support of youth, families and the residents of Leimert Park Village and South Los Angeles;
10. A plan that illustrates Proposer's understanding of the important cultural history and legacy of the Leimert Park Village neighborhood and supports the goals of serving artists, youth, families, and addressing the issues of health, wellness, social and economic justice;
11. A creative youth development plan (additional examples of successful youth programs, performing arts curriculum, and training programs are welcome);
12. A description of how Proposer will address issues of diversity, equity, inclusion, and social justice with examples of successful past programming and job opportunities (no more than two pages);
13. A description of how Proposer will serve artists and residents of South LA, area stakeholders and arts organizations, and programs for youth and families with a focus on African American cultural traditions, (no more than two pages);
14. A comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff - the venue is provided "as is." Currently, the venue does not come with trained technical or operations staff or training manuals. Venue is provided "as is". The venue does not have a ticketing and reservation system, point of sale systems, wireless ticketing equipment, electronic posters, computer software, food and beverage stations, functioning bar, registration tables, lobby furniture and decoration, film screens, office equipment, printers and computers, a backline, a concert grand piano, marley dance floor, acoustic shell, orchestra chairs and stands, stage genies, signage, keys charts, technical riders, light plots, choral risers, music stands, baseline kits, green room furnishings, artist amenities, washer/dryer, audience amenities, storage lockers, meeting room / event furnishings, cleaning supplies, trash cans and equipment, podium, kitchen equipment/break table, and supporting production tools and various stage materials, usher uniforms, meeting tables, baby-changing stations, marquee computer equipment, parking signs, stanchions, and lobby decorations, etc.;
15. A proposed plan for a Grand Reopening Celebration of the Vision Theatre Performing Arts Center, including a roster of artists to be featured (both local and national), a proposed budget, a proposed timeline, and a roster of activities and PR events;
16. Five (5) letters of recommendation.

The Department will set and define policy and have authority over all contracts and agreements allowed under the City Charter. The selected Proposer will implement the Department's objectives, policies and guidelines.

Scoring

The evaluation of proposals will consist of two levels. Each Proposer must pass Level I in order to advance to Level II.

Level I – Compliance with RFP Submission Requirements. DCA will conduct a preliminary evaluation of all proposals submitted by the deadline to determine compliance with proposal requirements and mandatory document submissions.

Level II – Evaluation and Scoring Criteria of Proposal Items. Maximum points will be given to proposals that submit the best model to generate optimum artistic and economic benefit to the City and the community, while providing the best customer experience in a safe and well-managed venue.

At Level II, proposals will be evaluated, ranked and scored based on the criteria below:

Criteria	Maximum Points
Artistic Programming / Local Artist Engagement / Community Stakeholder engagement	20 points
Financial Capacity	20 points
Facility Needs Assessment / Management and Operation Plan	15 points
Creative Youth Development Plan	10 points
Marketing and Development Plan	10 points
Concession/Merchandise/Beverage/Ticketing Operation	10 points
Community Accessibility and Job Training	15 points
TOTAL	100 points

Evaluation and Recommendation

Proposals will be scored in each of the criteria above and ranked according to scores. A comprehensive evaluation of the proposals by a panel of City and/or non-City stakeholders will be conducted.

The City reserves the right to request additional information to clarify a proposal. Furthermore, the City reserves the right to conduct such investigations as the City

considers appropriate with respect to the qualifications of each proposer and any information contained in their materials. All proposals will be evaluated solely on the basis of the criteria listed above.

The evaluation panel may elect to interview proposers at a later date for the purpose of clarifying matters in the proposals or responding to the evaluation panel's questions.

Award

The General Manager of the Department of Cultural Affairs will recommend the contract award. DCA shall notify all proposers in writing of the General Manager's recommendation.

Section 10.5 of the Los Angeles Administrative Code requires approval by the City Council of contracts for periods of longer than three (3) years. Agreements are deemed to be executed upon the date of signature, or as otherwise stipulated under the Terms section of the Agreement.

Once the award is approved, the selected Proposer will complete and submit the additional documents as required by this RFP, City Attorney, City Ordinance, State and/or Federal laws within forty-five (45) calendar days from the date the contract is awarded.

Protest

The City will adhere to its Protest and Appeal Policy administered by the City Administrative Officer ("CAO"), outlined below. Should a proposer object on any ground to any provision or legal requirement set forth in the RFP, or any addendum to the RFP, the Proposer must follow the procedure set forth below.

Appeal Rights

The City will notify all proposers of the results of the submission evaluations and of their right to file an appeal. Proposers may appeal procedural issues only.

Letter of Appeals

Appeals shall be emailed to the City no later than five (5) business days after receiving notification of the results of the RFP. Appeals must be submitted in writing and must identify the specific reason for the appeal. Appeals must be emailed to:

dca.contractsunit@lacity.org
Attention to: Daniel Tarica, Acting General Manager
Department of Cultural Affairs Vision Theatre RFP Appeals

The request for an appeal may not be more than three (3) typed pages. Written appeals must include the following information:

1. The name, address, telephone number and email address of the Proposer.

2. The name and title of the RFP to which the organization responded, plus supporting incorporation documents.
3. A detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original submission. Only one appeal per submission will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs. The failure of a Proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

Review Panel

A panel composed of selected staff will review appeals of this RFP. The decision of the panel will be the City's final recommendation. Final decision of an appeal rests with City Council authority.

Disclaimer

The City is not responsible for representations made by any of its officers or employees prior to the approval of an agreement by the Los Angeles City Council unless such understanding or representation is included in this RFP or in subsequent written addenda. The City is responsible only for that which is expressly stated in this solicitation document and any authorized written addenda.

IMPORTANT:

In approving this RFP DCA, finds, pursuant to Charter Section 371(e)(10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by the common law and the Charter section 371 because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department for the improvement, operation and maintenance of the Department's venue. To select the best proposer, the Department finds it is necessary to utilize the competitive process as outlined by Charter section 372 and to evaluate proposals received based upon the criteria included in this RFP. The Department specifically finds that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs.

City's Right to Reject Proposals and to Waive Informalities

Notwithstanding any other provisions of this RFP, the City reserves the right to withdraw this RFP at any time without prior notice. The City also reserves the right to reject any and all proposals submitted or to waive any minor administrative irregularities contained in any proposals, when to do so would be in the best interest of the City and pursuant to Los Angeles City Charter Section 371 (c): "The City shall reserve the right to reject any and all bids or proposal and to waive any

informality in the bid or proposal when to do so would be to the advantage of the City.”

2. SCOPE OF WORK

The purpose of this RFP is to identify the most experienced and qualified venue partner operator/programmer to successfully manage and maintain the Vision Theatre. Each Proposer must have a minimum qualifying experience of providing managing a multi-disciplinary performing arts center, facility management service, venue rental program, organizing festivals or presenting a season of performances, and a demonstrated commitment to artist and community engagement for at least five (5) years.

Among other requirements discussed later in this document, it is preferred that each Proposer have venue management experience for year-round concert/theater venues, arts and applied creative education programs with a minimum seating capacity of one-thousand (1,000) per venue.

2.1 Description of Services to Be Provided

As outlined above, Proposer shall demonstrate the ability to perform professional, programmatic, rental and financial management of this performing arts center. The Proposer must clearly articulate achievable plans for professional theater operations and venue stewardship, rental and contracting policies, artistic programming/presenting programs, youth development initiatives, a community engagement strategy, a complete communication/marketing plan, and document compliance with appropriate laws and regulations. Proposer must also include a strategy to provide fair and equitable access and use of the venue for community-based arts organizations for programming and community gathering. Further, services must achieve the goal of centering youth, families, L.A.-based artists and demonstrate strategies that address issues of Diversity, Equity and Inclusion (“DEI”), community health and wellness, and social justice.

Primary Services

- 1) Facility Management and Oversight: Maintain all elements of the physical infrastructure of the building, including the upkeep, repair and replacement of all production and performance equipment; maintain and restore all historic elements related to the theater, and audience, artist and staff equipment including offices, computers, storage, ticketing and other amenities. Provide an up-to-date inventory/log of equipment purchases and venue repairs and upgrades.
- 2) Operations Plan and Staffing: Hire, pay and train all staff including venue management, artistic staff, ushers, production crew, merchandise/beverage/event staff, and volunteers, and make a good faith

effort to support local hiring. Provide oversight for all operations that include security, custodial, safety, ADA compliance and accommodation, scheduling/booking, contracting, fundraising, parking services, and marketing/public relations/social media/email.

- 3) Fiscal Management: Follow best practices that are fiscally responsible and transparent. Provide an annual audit of revenue and expenses, and alert DCA as to any potential financial shortfalls that would prevent proper or continued operation of the venue and programs.
- 4) Fundraising/Development: Demonstrate the ability to acquire high level sponsorship, foundational support, membership and major gifts, or other forms of philanthropic support and innovative fundraising models. Adhere to proper City policies as they relate to fundraising, sponsorship and naming rights for the venue.
- 5) Ticketing and Marketing: Ensure that the venue maintains a professional ticketing operation and event marketing program, deploying all forms of social media and positively promoting the brand of the Vision Theatre through socially responsible means.
- 6) Booking and Programming/Event Management: Promote the theater for use and leverage these resources to bring major events, institutions, commercial promoters, and concert artists to the venue. Ensure a high level of Diversity, Equity and Inclusion (“DEI”) when booking, staffing and programming the venue. Implement best business practices that follow industry standards in event contracting and rental agreements. Maintain a yearly report reflecting the number of contracts successfully deployed and a database of all venue users, to be provided to DCA in an annual report. The expectation is that the venue will be used seven days a week.
- 7) Demonstrate a commitment to community, youth and family programming; and to performing arts training and employment opportunities.
- 8) Community Engagement/Communications Planning: Generate annual and on-going open forums to discuss concerns with the community, plans and updates for the program, and solicit feedback for the venue can be actively involved in addressing issues of equity and social justice, and provide a safe place for the artists and community to gather. Allow for the venue to be available for emergency community gatherings, health and wellness, memorials for important leaders, and platforms for celebrating the community.
- 9) Management of Principal Users/ Anchor Organizations: In a fair, equitable, and informed manner, identify Los Angeles-based and local principal users and anchor organizations that can best utilize the venue for regular and annual presentations, technical residences, incubation of new projects, and that offer

educational programming for the community. Design a process that is mutually beneficial, and allows for new users/anchors to receive access and support on a yearly and on-going basis.

- 10) MOU Compliance and Metrics: Regularize communication with DCA on a seasonal and yearly basis. Provide DCA with performance metrics reporting the number of events, number of participants (audience), number of staff, and number of artists engaged. Provide a narrative describing the types of presentations, target audiences and racial profile of audience and artists served, and feedback from community and artists about the programs and services.

A. Deliverables and Service Level Requirements

Proposer shall provide the following for operating the Vision Theatre Performing Arts Center:

1. Exhibit a successful history of facility management and oversight experience for concert/theater venues with a minimum seating capacity of one-thousand (1,000) per venue, and experience booking more than 100 events per year;
2. Present and produce as an annual and ongoing world-class series of important and culturally-relevant performances and arts education programs that speak to the local community surrounding Leimert Park Village and South L.A.;
3. Demonstrate national arts leadership that centers the Vision Theatre Performing Arts Center as an important symbol of artistic excellence and community celebration;
4. Address and support the hiring and staffing of all areas of the operation that creates a pipeline for job creation, mentorship, and professional development, with an emphasis on local hiring;
5. Bring professional management of concession/merchandise/beverage services, including a plan for providing alcohol, with an eye to supporting local vendors;
6. Implement financial reporting models that adheres the best practices of fiscal responsibility and Generally Accepted Accounting Practices (“GAAP”);
7. Support all efforts related to ticketing, public relations, development and fundraising;
8. Construct a Front of House plan that addresses Ticketing, Audience Amenities Ushering, Emergency Plan, Parking, Volunteers, Custodial, Security, City Services;

9. Draft a Back of House plan that coordinates technical and production maintenance - stewarding the City assets and backline. Plan for augmenting equipment, if needed;
10. Delineate artist amenities to ensure that artists are supported and can achieve their best possible performances;
11. Schedule a facility maintenance improvement and management plan that identifies ongoing repairs and major capital improvements and how they will be financed. Also, support the ongoing stewardship of all facility, production, and theatrical assets;
12. Propose a programming plan and process for generating an event calendar that allows for community use, local arts presentation, and commercial activity, in conjunction with the presented series provided by the selected venue partner operator/programmer;
13. Catalogue an engagement timeline that reflects performance milestones, including a demonstration of knowledge of how to best serve the artists and communities of Leimert Park Village and South Los Angeles;
14. Report metrics and data to DCA;
15. Practice and sustain the values of Equity, Diversity and Inclusion (“DEI”);
16. Be an active presence in the Leimert Park Village community and the broader Los Angeles performing arts ecosystem.

B. Assigned Personnel

Proposer shall submit a staffing model and organizational chart that serves the Vision Theatre Performing Arts Center. Proposer must include roles and expertise needed to address and draw the following types of roles in the organization:

Vision Theatre Performing Arts Center (suggested):

- Performing Arts Center Director
- Technical Director
- Financial Director
- Marketing Director
- Public Relations /Social Media Staff
- Development Director
- Development Event Staff
- Community, Youth and Families Engagement Director
- Contracts and Scheduling Manager

- Artistic Director(s)
- Program Administrator(s)
- Production Director: Production Crew including Stage Manager, sound, lighting, rigging, film, crew, artist services.
- Front of House – House managers, ushers, event staff.
- Security
- Parking Attendants
- Custodians
- Admin Assistants
- Ticketing/Ticketing Staff
- Other

2.2 Technical Specifications

DCA must determine and direct all technical aspects of the Front of House, Back of House, and Auditorium including stage and seating dimensions, equipment inventory, rigging, dressing rooms, stage power, lights, IT, wireless, computer technologies, ticketing equipment, AV, etc. The construction scope of work is available.

Currently, the venue does not come with trained technical or operations staff or training manuals. Venue is provided “as is”. The venue does not have a ticketing and reservation system, point of sale systems, wireless ticketing equipment, electronic posters, computer software, food and beverage stations, functioning bar, registration tables, lobby furniture and decoration, film screens, office equipment, printers and computers, a backline, a concert grand piano, marley dance floor, acoustic shell, orchestra chairs and stands, stage genies, signage, keys charts, technical riders, light plots, choral risers, green room furnishings, artist amenities, washer/dryer, audience amenities, storage lockers, meeting room / event furnishings, cleaning supplies, trash cans and equipment, podium, kitchen equipment/break table, and supporting production tools and various stage materials, usher uniforms, meeting tables, baby-changing stations, marquee computer equipment, parking signs, stanchions, and lobby decorations, etc.

2.3 Vendor Performance Management

Proposers must include five (5) references for the applicable capabilities, qualifications and relevant experience cited. For each reference, please list the name, position/title, organization name, jurisdiction, address, phone number and email address. For each reference, describe the nature of the project(s) and the length of the engagement.

A. Performance Metrics

Performance metrics will include the following:

- 1) A schedule of major, high profile performances and community-based events that increases in number over the term

- 2) A date certain to begin operations.
- 3) Milestones related to demonstrating fiscal performance and transparency.
- 4) Milestones related to the Capital Improvement Plan.
- 5) Fulfilment of youth programming and performing arts employment and training opportunities.
- 6) Ongoing tracking of how many events, staff, artists and participants (audience) are served.
- 7) Fulfilment of MICLA funding requiring DCA presence at the venue.

B. Communication and Monitoring

The Department of Cultural Affairs will actively and regularly collaborate with the venue partner operator/programmer. Standing meetings and regularly scheduled reports will be required.

Quantitative: Reporting will be required on a bi-annual and year end basis to track the number of events, the number of participants/ticket buyers, the number of artists served, and percentages of the racial make-up of staff, audiences, and artists.

Qualitative: Reporting will be all in assessment and narrative form. This will include a list of the artist events, impact on community, listing of community meetings attended, listing of education events, feedback from audiences and youth, and a self-assessment as to on-going successes and challenges for maintaining the Vision Theatre Performing Arts Center. Reports will be directly related to Scope of Work 2.1.

C. Determining Satisfactory Completion

Two semi-annual meetings will be scheduled to discuss performance and garner information to ensure successful maintenance of the venue. Ongoing communication and skills training will be provided as-needed.

2.4 Optional Services and Transfer of Skills

Proposers are encouraged to offer materials and services directly related to the specifications within this RFP, but not included in it, which will enhance the performance of the venue partner operator/programmer in the fulfillment of the goal(s) of this RFP:

- Provide a list of potential partners or collaborators who can help fill gaps in work experience, or provide additional staffing/operations or programming support.
- Provide a narrative that demonstrates knowledge and understanding of how to provide cultural services that meet the needs of the community in Leimert Park Village and South LA.
- Provide a report of technical expertise needed to assume the safe and professional implementation of stage events for artists in the cultural ecosystem.

3. Proposal Content and Submission

3.1 Proposal Format

Proposals shall be based only on the material contained in the RFP, pre-proposal conference, amendments, addenda, and other material published by the City relating to the RFP. The Proposer must disregard any previous RFP draft material. Proposals must meet the requirements outlined in this RFP. It is requested that proposals be prepared economically and avoid the use of unnecessary promotional material.

Proposals should include detailed responses to each Proposal Item. If selected, Proposer must be willing and able to commit to the Proposal Items and all provisions in the Standard Provisions for City Contracts, posted as Attachment A. The contents of the winning proposal will be deemed as a binding commitment and included as an attachment to the Agreement.

Proposers must respond to each of the following items in their written proposal. Each response in the proposal must be numbered to correspond with each of the numbered items below.

1. **Cover Letter:** Each proposal must include a cover letter limited to one (1) page that references the title of this RFP and the RFP Number, contains a general statement of the purpose for submission, and includes the following detailed company information:
 - a. Proposer's full legal name;
 - b. Proposer's legal business status (individual, partnership, corporation, etc.), address, website (if applicable), email, and telephone number;
 - c. If Proposer is a corporation, partnership, LLP, LLC, etc., and identify the state under whose laws the Proposer is organized. If Proposer is an individual, identify the state where Proposer is domiciled.
 - d. Name, title, address, email, and telephone number of the person(s) authorized to represent the Proposer to enter into negotiations with the City for the RFP and any subsequently awarded contract.
 - e. If the Proposer is a 501c3, include Founding and Current Board Listing, articles of incorporation, background info and mission, staff listing, brief staff bio/job descriptions and five years of programming narratives.
 - f. Indicate if Proposer's staff has or is currently employing any City of LA employees, or if City of LA employees are serving as consultants,

volunteers, board members, or board members at large providing pro-bono services.

The cover letter must also indicate any limitation of authority for any person named.

2. **Artistic Statement:** Proposer should provide a narrative, which addresses the Scope of Work and shows Proposer's understanding of City's needs and requirements. The proposer should describe why Proposer is the ideal candidate for this opportunity (no more than three (3) pages);
3. **Financial Reports:** This section of the proposal should establish Proposer's fiscal strength and stability. The proposer will submit a five (5) year report demonstrating success managing and programming a similarly sized venue and operation, including evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting, plus five (5) years of completed audits by an independent, certified auditor (up to five (5) pages, plus audits);
4. **Projected Programming Overview and Narrative:** The proposer will submit an ideal performance season that Proposer would program, and clearly articulate how Proposer would work with arts organizations in South LA, maximizing venue use. The proposer should also articulate how Proposer would engage with rentals, commercial events, major artists, and important community events. Detail how Proposer would develop programming models that support African American artists, cultural traditions, and values (one (1) page);
5. **Community Engagement Plan:** A plan that illustrates Proposer's understanding of the important cultural history and legacy of the Leimert Park Village neighborhood and supports the goals of serving artists, youth, families, and addressing the issues of health, wellness, social and economic justice; A plan to recruit, hire, train and properly compensate staff reflective of the local Leimert Park Village and South L.A. communities.
6. **Community Strategy:** The proposer should provide a narrative and list of community strategies and engagement plans demonstrating proper engagement will transpire under their management (two (2) pages maximum);
7. **Business Plan:** Proposer should include a one-year comprehensive management and operations plan taking into account all expenses and income during a start-up year for managing the venue, which includes a beverage/concessions/merchandise/alcohol operating plan, as well as identify primary personnel, including an organizational chart and staff positions, and job responsibilities (no more than two (2) pages);

8. **Performing Arts Center:** The proposer will present a plan for the successful implementation of a multi-use performance space that is intended for use by various types of the performing arts including dance, music, theater (drama), and film; which includes a youth development initiative, including staffing, programming, and project outcomes (additional examples of successful youth programming, community performing arts performance opportunities, and technical training programs are welcome, up to two (2) pages);
9. **Fundraising/Development Plan:** Proposer should detail out the fundraising opportunities that could become available based on proven past experience of raising funds, sponsors, foundational support, major gifts, and memberships (three (3) pages);
10. **Technical Proposal:** A comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff. This should include a proposed facilities upgrades identifying major/minor capital and equipment improvements and/or challenges with the venue and how they will be financed or addressed (no more than three (3) pages).
11. **Grand Reopening Celebration:** A recommended plan for the gala reopening of the Vision Theatre, including a roster of artists to be featured (both local and national), a proposed budget, a proposed timeline, and a roster of activities and PR events (two (2) pages);
12. **Diversity, Equity, and Inclusivity:** Articulate how Proposer would center DEI as an important part of the staffing, programming, job training and leadership of the Vision Theatre Performing Arts Center (one (1) page);
13. **Revenue and Expenses Projections:** cost and price proposal Proposer shall submit a draft of a Profit & Loss statement for the first complete fiscal year of operation with anticipated income and operating cost assumptions, including reflecting gaps that may require additional resources, funding and/or operating partners (up to three (3) pages);
14. **References:** Proposer must include five (5) one-page letters of recommendation. Each reference should list the contact's name and position, organization, address, phone number, and email address. Each reference should describe the nature of the project worked on with the proposer and the timeline to complete the project (five (5) letters);
15. **Authorized Signatures:** Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive

unless all contractual responsibility rests solely with one (1) Proposer or one (1) legal entity. The proposal must identify the responsible entity;

16. **Compliance Documents:** Proposer must provide signed copies of all compliance documents. See pages 49-50 for the full list of required compliance documents and submittal instructions.

3.2 Tips for a Successful Proposal

Proposers shall consider the following guidelines in preparing their proposals:

- Ensure the proposal is well-organized in its response to the defined objectives.
- Verify that the proposal is complete and thoroughly responds to all Proposal Items and Compliance Documents described in the RFP and Checklist on page 49.
- Formulate responses precisely and with detail; avoid vague, general, or open-ended responses. Explain how answers further the stated objectives and how Proposer will be able to quantitatively demonstrate success during the contract term if selected.
- Make sure the Proposal demonstrates that cost estimates are realistic and sustainable.
- If there are significant risks in the strategy, flag these and include plans to mitigate those risks, addressing any contingencies that may arise.
- If there are supports or resources the City could provide that would maximize Proposer's success or lower the cost of the proposal, please estimate the cost of these supports, which could include introductions, coordination, resources or services.

The written submission to this RFP process will be the primary basis by which the City considers its award. Proposers should be as thorough and as detailed as possible when responding to each requirement. Proposers will not be able to add to or change their submissions after the deadline. The City may deem a Proposer non-responsive if the Proposer fails to provide all required documentation and copies.

3.3 Preliminary Schedule

This schedule indicates estimated dates for the RFP process. The City may adjust this schedule as needed. Adjustments to dates below will be posted to the RFP listing on <https://labavn.force.com>.

Date	Event
09/20/2021	Initial Release of RFP
12/17/2021	Release of the addendum and revised RFP
01/06/2022	RFP Proposer Update via Zoom, RSVP to yvonne.farrow@lacity.org
01/07/2022	Mandatory pre-proposal conference/ site visit RSVP to yvonne.farrow@lacity.org
01/14/2022	Deadline for submitting written questions to dca.contractsunit@lacity.org
01/20/2022	BIP Outreach Deadline
02/04/2022	DEADLINE FOR RFP RESPONSES
02/11/2022	Begin RFP evaluations
03/21/2022	"Short list" of Proposers developed
04/11/2022	Negotiations with apparent successful Proposer begin
05/01/2022	Execute contract pending Mayor and Council approval
06/01/2022	Post award information
07/01/2022	Onboarding of Operator to initiate work required to operate the theater

3.4 Pre-Proposal Conference/ Site Visit

One (1) optional RFP Proposer Update will be held via Zoom on Thursday January 6, 2022. This briefing is open to all who have requested a RSVP form and returned it by close of business Tuesday January 4, 2022, in order to receive the Zoom link. Those who have already submitted RSVP forms for prior site visits need only make a request.

One (1) safely-distanced, mandatory pre-proposal conference/ site visit will be held on Friday January 7, 2022 to respond to questions regarding the requirements of the RFP, share City needs and see the site. This conference/ site visit is only open to those who have not attended either of the previous site visits. The conference/ site visit is limited to two (2) company representatives per organization. Per BIP requirements, only employees of the Proposer (company) attending will meet the BIP pre-proposal meeting attendance requirement.

The RSVP form must be returned by close of business Wednesday January 5, 2022 and must include the Company's LABAVN, EIN and BTRC numbers, as well as the name, cell number and email address for each company

representative. Upon receipt, you will receive a Waiver of Liability which allows you to walk the construction site. Once your signed waiver is returned, you will receive confirmation outlining mandatory protocols for entering the lot. The mandatory pre-conference/ site visit will be held at the Vision Theatre 3341 West 43rd Place Los Angeles, CA 90008. Proof of vaccination is required. Please contact yvonne.farrow@lacity.org to receive an RSVP form.

Attendance is mandatory for anyone interested in submitting a proposal in response to this RFP. If Proposers are not able to attend at least one of the conferences, representative may be sent as a proxy. Proposer or the representative must arrive on time as credit may not be given to latecomers.

DCA requests that, to the extent possible, Proposers provide questions in writing before the conference, which will enable staff to prepare responses in advance. City staff will not assist in a Proposer's individual program design. Proposers must bring a copy of the RFP. No copies will be provided at the conference.

As covered under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and, upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. If an individual with a disability requires accommodations to attend the pre-proposal conference, please contact Yvonne Farrow at yvonne.farrow@lacity.org at least five (5) working days prior to the scheduled event.

3.5 Questions and Technical Assistance

All questions must be submitted by email to dca.contractsunit@lacity.org. Please identify the RFP title on the email subject line. To ensure a fair and consistent distribution of information, all questions will be answered in a Q&A document available on the RFP listing on <https://labavn.force.com>. No individual answers will be given.

3.6 Deadline for Submission of Proposals

Proposals must be emailed by Friday February 4, 2022 at 11:45PM
To: dca.contractsunit@lacity.org
Attention: Daniel Tarica, Acting General Manager
City of Los Angeles Department of Cultural Affairs

Proposers shall complete and return all applicable documents, including forms, attachments, appendices, and exhibits to this RFP. The City may deem a Proposer non-responsive if the Proposer fails to provide all required documentation and copies. Submission of a proposal shall constitute

acknowledgment and acceptance of all terms and conditions contained in the RFP.

Proposals submitted after the Submission Deadline shall be considered late and will not be reviewed. Timely submission of proposals is the sole responsibility of the Proposer. Proposers are encouraged to submit proposals well in advance of the proposal submission deadline.

4. Evaluation and Selection Process

4.1 Evaluation Criteria

DCA will review and score each complete and fully responsive proposal. Proposals shall be determined eligible for review and scoring based on the responsiveness and factuality or verifiability of the proposal documentation and information.

Proposals shall be evaluated based on the following categories and may include consideration of any or all of the listed factors at the City's sole discretion. These same criteria will be applied to evaluating Proposer's performance during and after the contract period. The lowest cost Proposer may not be determined to be the best Proposer when all evaluation factors have been considered.

Evaluation criteria includes:

- **Artistic Programming / Local Artist Engagement / Community Stakeholder Engagement:** The Proposer clearly articulates how they would work with arts organizations in South LA, maximizing venue use. Additionally, the proposer details how Proposer would engage with rentals, commercial events, major artists, and important community events and demonstrates how Proposer would develop programming models that support African American artists/ cultural traditions.
- **Financial Capacity:** The proposer established Proposer's fiscal strength and stability and demonstrated a history of success managing and programming similarly sized venues, through evidence of fundraising, ticketing systems management and marketing strategies, production scheduling and contracting, and enclosed five (5) years of completed audits by an independent, certified auditor.
- **Facility Needs Assessment / Management and Operation Plan:** The proposal includes a comprehensive plan for addressing staff and venue conditions, because the venue does not come with trained technical or operations staff, and reflects a realistic and workable business plan to move forward. Included assumptions and recommendations for facilities upgrades

identifying major/minor capital and equipment improvements and/or challenges and how they will be financed or addressed;

- **Creative Youth Development Plan:** The proposer outlined a youth development initiative for the performing arts center, including staffing, programming, and project outcomes (and provided additional examples of successful youth programming, performing arts performance opportunities in dance, music, theater (drama), and film, as well as job training).
- **Marketing and Development Plan:** Proposer presented reasonable and rigorous fundraising marketing strategies to identify and capture opportunities that become available and exhibited a proven past experience of raising funds, sponsors, foundational support, major gifts, and memberships.
- **Concession/ Merchandise/ Beverage/ Ticketing Operation:** Proposer enclosed a one- year comprehensive management plan that addressed the necessary steps for operating patron services such as the sale of food, alcoholic and non-alcoholic beverages and merchandise.
- **Community Accessibility and Job Training:** Proposer illustrated how they would center DEI as an important part of the staffing, programming, and leadership and how they will serve artists and residents of South LA, and develop job training programming.

Criteria	Maximum Points
Artistic Programming / Local Artist Engagement / Community Stakeholder engagement	20 points
Financial Capacity	20 points
Facility Needs Assessment / Management and Operation Plan	15 points
Creative Youth Development Plan	10 points
Marketing and Development Plan	10 points
Concession/Merchandise/Beverage/Ticketing Operation	10 points
Community Accessibility and Job Training	15 points
TOTAL	100 points

4.2 Proposal Review Process

Proposals received by the Proposal Submission Deadline as specified in this RFP will be evaluated as outlined below.

Preliminary Review – Level I

Proposals will be reviewed to determine the completeness of required documentation (including compliance documents), whether minimum eligibility requirements have been met, and compliance with the City’s Administrative and General Contracting Requirements.

Proposers who fail to submit or complete the required documentation and satisfactorily comply with the City’s requirements will be deemed as non-responsive, eliminated from further consideration and will not proceed to the proposal evaluation process.

Proposers will be notified in writing or email regarding the results of the Level One review.

Proposal Evaluation - Level II

A Review Committee will be designated to evaluate/score the proposals. All eligible proposals shall be reviewed, scored, and ranked on the criteria outlined above.

The City reserves the right to verify information contained in the proposal. If the information cannot be verified, and if the errors are not willful, the City reserves the right to reduce the rating points. Additionally, DCA reserves the right to consult with other City departments during the evaluation process.

Based upon these evaluations, the selection committee shall develop a short-list of Proposers, which, in its judgment, are the most qualified. The short-list of Proposers may be interviewed by the Review Committee and public forums (should presentations be necessary). Once the successful Proposer is selected, a contract will be awarded pending Mayor and Council approval.

Proposers shall be notified in writing about funding recommendations and evaluation results.

4.3 Proposal Appeal Process

The City will notify all proposers of the results of the preliminary review, proposal evaluations, and of their right to file an appeal. Proposers may make an appeal of procedural issues regarding non - responsiveness or regarding final award of contract. A protest based on non-selection alone or disagreement with the award of the contract is not sufficient grounds for a protest.

Appeals shall be e-mailed to DCA no later than five (5) business days from the date that the notification was emailed. Applicants may file an appeal by submitting a written request and identifying the specific reason for the appeal to:

dca.contractsunit@lacity.org
Attention: Daniel Tarica, Acting General Manager
City of Los Angeles Department of Cultural Affairs

Written appeals may not be more than three (3) type-written pages and shall request an appeals review be granted. Written appeals must include the following information: a) The name, address and telephone number of the proposer; b) The name/title of RFP to which the organization responded; c) Detailed statement of the grounds for appeal.

Written appeals may not include any new or additional information that was not submitted with the original proposal. Only one appeal per proposal will be permitted. All appeals and protests must be submitted within the time limits set forth in the above paragraphs.

A panel composed of selected staff will review appeals of this RFP. The decision of the panel will be the City's final recommendation. Final decision of an appeal rests with City Council authority.

5. Submission Terms

1. Addendum(a)

The City reserves the right to issue addendum(a) to this RFP, which may add additional requirements which a proposal must meet to be considered responsive. All addenda will be posted on the RFP listing on the LABAVN website at <https://labavn.force.com>. All Proposers must acknowledge any addendum(a) issued as a result of any change in this RFP on the Proposer Signature Declaration Page. Failure to indicate receipt of addendum(a) may result in a proposal being rejected as non-responsive.

2. In Writing

All proposals must be submitted in writing via email with the subject line, VIS RFP Proposal: Company Name; and proposers shall complete and return all applicable documents including, but not limited to, written responses, questionnaires, forms, appendices, spreadsheets, and any electronic files. The City may deem a proposer non-responsive if the proposer fails to provide all required documentation, copies, or electronic files and is eliminated from further consideration in the evaluation process.

3. Best Offer

The proposal shall include the proposer's best terms and conditions. Submission of the proposal shall constitute a firm and fixed offer to the City that will remain open and valid for a minimum of ninety (90) days from the submission deadline.

4. Authorized Signatures

Proposals must be signed by a duly authorized officer eligible to sign contract documents and authorized to bind the company to all commitments made in the proposal. A non-officer individual, with authority to bind the proposer to a contract, is sufficient to sign all applicable documents for this RFP. Consortiums, joint ventures, or teams submitting proposals will not be considered responsive unless it is established that all contractual responsibility rests solely with one Proposer or one legal entity. The proposal must identify the responsible entity.

5. Information Requested and Not Furnished

The information requested and the manner of submission are essential to permit prompt evaluation of all proposals. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided.

6. Alternatives

Proposers shall not change any wording in the RFP or associated documents. Any explanation or alternatives offered shall be submitted in a letter attached to the front of the proposal documents. Alternatives that do not substantially meet the City's requirements cannot be considered. Proposals offered subject to conditions and/or limitations may be rejected as non - responsive.

7. Proposal Errors

Proposers are responsible for all errors or omissions incurred by proposers in preparing the proposal. Proposers will not be allowed to alter proposal documents after the Proposal Submission Deadline, except as permitted by the City. The City reserves the right to make corrections or amendments due to errors identified in the proposal by the City or the proposer. This type of correction or amendment will only be allowed for typographical errors, transposition, or other obvious errors. Any changes will be date and time stamped and attached to the proposal. All changes must be coordinated in writing with, authorized by and made by the Contract Administrator.

8. Proposal Clarification

The City reserves the right to request at any phase of the evaluation process that Proposers clarify information provided in RFP responses, including assumptions used in the RFP response. All clarifications must be coordinated in writing with, authorized by, and made by the Contract Administrator. Clarifications must be

submitted in writing by the requested deadline. Otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

If the City determines that all proposers failed to submit requested information or adequately responded to the same RFP question or request for data, the City may, at its discretion, issue an RFP Addendum and provide all Proposers with an opportunity to respond to the RFP question. Responses to RFP Addendum questions must be submitted in writing by the stated deadline; otherwise, the RFP response will be deemed non-responsive or evaluated without the benefit of the clarification requested.

9. Waiver of Minor Administrative Irregularities

The City reserves the right, at its sole discretion, to waive minor administrative irregularities contained in any proposal.

10. Interpretation and Clarifications of RFP Requirements

The City will consider prospective recommendations or suggestions regarding any requirements before the pre-proposal conference. All recommendations or suggestions must be in writing and submitted to the Contract Administrator. The City reserves the right to change or amend any and all requirements of the RFP.

11. Proposal Submission Deadline

Timely submission of proposals is the sole responsibility of the proposers. The City reserves the right to determine the timeliness of all submissions. The proposals and proposal questionnaire must be received by the Contract Administrator at the published email (dca.contractunit@lacity.org) and by the published submission deadline included with this RFP. Proposers should allow ample time to clear safety and/or security to meet the deadline listed above. All proposals will be date and time stamped upon receipt.

12. Cost of RFP

All costs of proposal preparation shall be borne by the Proposers. The City shall not, in any event, be liable for any pre-contractual expenses incurred by proposers in the preparation and/or submission of the proposals. Proposals shall not include any such expenses as part of the proposed budget.

13. Withdrawal of Proposals

Proposers may withdraw a submitted proposal in writing at any time before the specified due date and time. A written request, signed by an authorized representative of the company, must be submitted to the Contract Administrator.

After withdrawing a previously submitted proposal, proposers may submit another proposal at any time up to the Proposal Submission Deadline.

14. Selection of Vendor

The Proposer with the highest score based on the RFP criteria and that also satisfies all City contracting requirements will be recommended for selection. Selection is not restricted to the lowest offer or bid. Should contract negotiations not be successful with the selected proposer, the City may, based on its exclusive discretion, negotiate with the next most qualified proposer.

15. Rejection of Proposals

The City reserves the right to reject any or all proposals; to waive any minor informality in proposals received; to reject any unapproved alternate proposal(s); and reserves the right to reject the proposal of any proposer who has previously failed to perform competently in any prior business relationship with the City. The rejection of any or all proposals shall not render the City liable for costs or damages.

The City reserves the right to select Proposers whose proposals, in the sole judgment of the City, best meet the needs of the City. The City shall have the right to request that proposers provide additional information regarding any particular services or group(s) of services contained in their proposals, and to enter into negotiations with Proposers for said service(s). The City reserves the right to reject any or all proposals; to waive any non-material irregularities or informalities in proposals received; to reject any unapproved alternate or incomplete proposal(s), and reserves the right to reject the proposal of any Proposer who has previously failed to perform competently in any prior business relationship with the City. The rejection of any or all proposals will not render the City liable for costs or damages.

16. RFP Withdrawal, Cancellation, Other Options

The City reserves the right to withdraw or cancel the RFP at any time if it deems such action necessary. If such action is taken, the City may re-issue the RFP. The City also reserves the right to contract with more than one respondent to this RFP. Furthermore, the City may exercise its right not to select any proposer from this RFP, if it determines that there was no responsive proposer.

If an inadequate number of proposals is received or the proposals received are deemed non-responsive, not qualified, or not cost-effective, the City may, at its sole discretion, reissue the RFP or award a sole-source contract with a vendor. The award of the contract is subject to the successful negotiation of the terms and conditions of an agreement.

The City reserves the right to verify all information in the proposal. If the information cannot be confirmed, the City reserves the right to reduce the rating points awarded. The City reserves the right to require a pre-award interview and site inspection.

17. Operator Evaluation Program

At the end of this contract, the City will conduct an evaluation of the Contractor's performance. The City may also conduct evaluations of the Contractor's performance during the term of the contract. As required by Section 10.39.2 of the Los Angeles Administrative Code, evaluations will be based on a number of criteria, including the quality of the work product or service performed, the timeliness of performance, financial issues, and the expertise of personnel that the Contractor assigns to the contract. A Contractor who receives a "Marginal" or "Unsatisfactory" rating will be provided with a copy of the final City evaluation and allowed 14 calendar days to respond. The City will use the final City evaluation, and any response from the Contractor, to evaluate proposals and to conduct reference checks when awarding other personal services contracts.

18. Mandatory City Contract Requirements and Compliance Documents

The City of Los Angeles has certain policies and requirements that may affect the contract awarded from this RFP. Therefore, proposers are advised of the following:

1. Standard Provisions for City Contracts (Attachment A)

All contracts entered into as a result of this RFP are subject to the Standard Provisions for City Contracts. See Attachment A herein.

2. Local Business Preference Program (Attachment B)

This program is based on City of Los Angeles Ordinance No. 181910 - Local Business Preference Program that became effective November 28, 2011. It encourages businesses to compete for City contracting opportunities, to locate operations in the City of Los Angeles, and to encourage existing local businesses to refrain from relocating to different, less expensive area.

Qualifications for Local Business Enterprise (LBE)

- Applicant must have a workspace within LA County
- Applicant is in compliance with all applicable laws relating to licensing and is not delinquent on any Los Angeles City or Los Angeles County taxes
- Can demonstrate:
 - at least 50 of its full-time employees perform work within the boundaries of the County at least 60 percent of their total hours worked on annual basis; or

- at least half of its full-time employees work within the boundaries of the County at a minimum of 60 percent of their total regular hours worked on annual basis; or
- it is headquartered in the County of Los Angeles. Headquartered means that the business physically conducts and manages all of its operations from a location in the County.

Register your firm at <https://www.labavn.org> and upload a completed Affidavit of Eligibility.

3. Contractor Responsibility Ordinance (Attachment C)

Bidders/Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the provisions of Los Angeles Administrative Code Section 10.40 et seq., Contractor Responsibility Ordinance (CRO). Bidders/Proposers shall refer to Appendix/Attachment C, "Contractor Responsibility Ordinance," for further information regarding the requirements of the Ordinance.

All Bidders/Proposers shall complete and return, with their proposal, the Responsibility Questionnaire included in the Appendix/Attachment. Failure to return the completed Questionnaire may result in a Bidder/Proposer being deemed non-responsive.

4. Business Tax Registration Certificate (BTRC) (Attachment D)

The City of Los Angeles requires that all firms doing business within the City of Los Angeles pay City business taxes. Each firm or individual paying the business tax receives a BTRC number.

The proposer must represent that they have, or will obtain upon award, a BTRC required per the Los Angeles City's Business Tax Ordinance (Article 1, Chapter 2, Section 21.00 and following, of the Los Angeles Municipal Code). The consultant shall maintain, or obtain as necessary, all such certificates required of it under the Ordinance for the duration of the contract and shall not allow any such certificate to lapse or be revoked or suspended. To find out more about the BTRC, please refer to Attachment D herein, visit the Office of Finance website at finance.lacity.org, or contact the Office of Finance, Tax and Permit Division, Main Office at (213) 473-5901.

5. Nondiscrimination, Equal Employment Practices and Affirmative Action Program

Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2., Non-discrimination Clause.

All contracts (both construction and non-construction) for which the consideration is \$1,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.3., Equal Employment Practices Provisions. By affixing its signature on a contract that is subject to the Equal Employment Practices Provisions, the Consultant shall agree to adhere to the provisions in the Equal Employment Practices Provisions for the duration of the contract.

All contracts (both construction and non-construction) for which the consideration is \$25,000 or more shall comply with the provisions of Los Angeles Administrative Code Sections 10.8.4., Affirmative Action Program Provisions. By affixing its signature on a contract that is subject to the Affirmative Action Program Provisions, the Consultant shall agree to adhere to the provisions in the Affirmative Action Program Provisions for the duration of the contract.

Furthermore, contractors(s) shall include similar provisions in all subcontracts awarded for work to be performed under the contract with the City and shall impose the same obligations. The contract with the subcontractor(s) that contends similar language shall be made available to the Office of Contract Compliance upon request.

Proposers seeking additional information regarding the requirements of the City's Non-Discrimination Clause, Equal Employment Practices and Affirmative Action Program may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

6. Equal Benefits Ordinance (EBO) / First Source Hiring Ordinance (FSHO) (Attachment E)

If a contract is subject to the Equal Benefits Ordinance (EBO) and/or the First Source Hiring Ordinance (FSHO), proposers are required to complete a streamlined EBO/FSHO Compliance Affidavit web application form that is located on the City of Los Angeles' Business Assistance Virtual Network (BAVN) at <https://labavn.force.com>. Proposers are responsible for creating a BAVN profile and completing and submitting the affidavit. See below for additional details about the EBO and the FSHO.

Equal Benefits Ordinance (EBO):

Proposers are advised that any contract awarded pursuant to this procurement process shall be subject to the applicable provisions of Los Angeles Administrative Code Section 10.8.2.1, Equal Benefits Ordinance (EBO).

All Bidders/Proposers shall complete and submit the Equal Benefits Ordinance Compliance Affidavit, available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at <https://labavn.force.com>, prior to award of a City contract that exceeds \$25,000. The affidavit shall be valid for

a period of three years from the date it is first uploaded onto the City's BAVN. Bidders/Proposers do not need to submit supporting documentation with their bids or proposals. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the EBO Affidavit.

Bidders/Proposers seeking additional information regarding the requirements of the Equal Benefits Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

First Source Hiring Ordinance (FSHO):

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City, the value of which exceeds \$25,000 with a term of at least three (3) months, and certain recipients of City Loans or Grants, shall comply with the provisions of Los Angeles Administrative Code Sections 10.44 et seq., First Source Hiring Ordinance (FSHO).

All Bidders/Proposers shall complete and electronically sign the FSHO Compliance Affidavit available on BVAN at <https://labavn.force.com> prior to award of a City contract. The affidavit shall be valid for a period of three years from the date it is first uploaded on the City's BAVN.

Bidders/Proposers seeking additional information regarding the requirements of the First Source Hiring Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

7. Required Insurance and Minimum Limits (Attachment F)

The selected proposer will be required to maintain insurance levels as indicated in Attachment F. Proposers, as part of their proposal, are required to provide notarized declaration from their insurance carrier(s) that their firm is able to obtain insurance coverage in the limits stated in Attachment F. Prior to execution of the contract, the selected proposer will need to provide proof of insurance.

Additional information on insurance requirements and submittal instructions is included in Attachment E herein.

8. Business Inclusion Program (BIP) Requirements (Attachment G)

This RFP is subject to the City of Los Angeles, BIP Outreach requirements included in Attachment G herein. Performance of a BIP Outreach must be completed utilizing the Business Assistance Virtual Network (BAVN) system at <https://labavn.force.com>.

This policy sets forth the City of Los Angeles' rules and procedures to be followed by respondents on advertised personal services contracts in regards

to the City's BIP outreach requirements. In general, this policy provides that respondents for contracts must demonstrate compliance with the indicators relating to an active outreach program to obtain participation by MBEs, WBEs, SBEs, EBEs, DVBEs, and OBEs. Failure to demonstrate an outreach on the BAVN to comply with the indicators will render the proposal non-responsive.

9. Child Support Obligations Ordinance (Attachment H)

On February 13, 1991, the Child Support Obligations Ordinance became effective. The ordinance requires all current and future contractors and subcontractors performing work for the City to comply with all State and Federal reporting requirements relative to legally mandated child support obligations. All future contracts will contain language obligating the contractors and subcontractors to fulfill those requirements. In addition, the consultant must complete the Certification of Compliance with Child Support Obligations form in Attachment H herein and submit with their Proposal.

10. Living Wage Ordinance (LWO) and Worker Retention Ordinance (WRO)

Unless approved for an exemption, contractors under contracts primarily for the furnishing of services to or for the City and that involve an expenditure in excess of \$25,000 and a contract term of at least three (3) months, lessees and licensees of City property, and certain recipients of City financial assistance, shall comply with the provisions of Los Angeles Administrative Code Sections 10.37 et seq., Living Wage Ordinance (LWO) and 10.36 et seq., Worker Retention Ordinance (WRO).

Bidders/Proposers who believe that they meet the qualifications for one of the exemptions shall apply for exemption from the Ordinance by completing and submitting the appropriate Exemption/Non-Coverage Application form with their proposal. Application forms are as follows: Exemption Application (Form LW-10), Small Business Exemption Application (Form LW-26), 501(c)(3) Non-profit Exemption Application (Form OCC/LW-28), and Non-Coverage Determination Application (Form OCC/LW-29). These forms and more detailed information about the ordinances are available on the Bureau of Contract Administration's website at <https://bca.lacity.org>.

11. Americans with Disabilities Act (Attachment I)

As covered under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. Contractors performing work for the City are required to be in compliance with the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.), and must submit a Certification Regarding Compliance with the Americans with Disabilities Act with their SOQ. See Attachment I herein.

Access and Accommodations. If an individual with a disability requires accommodations to attend a pre-proposal conference or proposal opening, please contact the Contract Administrator at least five (5) working days prior to the scheduled event.

12. Contractor Evaluation Ordinance

The Contractor Performance Evaluation Ordinance (Los Angeles City Ordinance No. 173018) and the Rules for the Evaluation of Service Contractors require departments to conduct performance evaluations for all service contracts over \$25,000 and at least three months in duration. Within 14 days of the completion of a contract, the department contract administrators will complete and submit evaluation forms to the Bureau of Contract Administration, Special Research & Investigation Section. As required by Section 10.39.2 of the Los Angeles Administrative Code (Article 13, Chapter 1, Division 10), evaluations will be based upon several criteria, including the quality of work product or services performed; timeliness of performance; compliance with budget; and expertise of personnel assigned to the contract. The Special Research & Investigation Section will then transmit a copy to the consultant who will be given 14 calendar days to respond. The final evaluations, and any response from the consultant, will be available to departments to be used as a reference check after departments have selected a consultant through an evaluation process.

13. Slavery Disclosure and Border Wall Contracting Disclosure Ordinances (Attachment J)

Slavery Disclosure Ordinance:

Unless otherwise exempt, in accordance with the provisions of the Slavery Disclosure Ordinance any contract awarded pursuant to this RFP will be subject to the Slavery Disclosure Ordinance, Section 10.41 of the Los Angeles Administrative Code.

Proposers shall complete and electronically sign the Slavery Disclosure Ordinance Affidavit available on the BAVN at <https://labavn.force.com> prior to award of a City contract.

Proposers seeking additional information regarding the requirements of the Slavery Disclosure Ordinance may visit the BCA's web site at <http://bca.lacity.org>.

Disclosure of Border Wall Contracting Ordinance:

Any contract awarded pursuant to this RFP is subject to the disclosure requirements of the Disclosure of Border Wall Contracting Ordinance (DBWCO), LAAC Section 10.50 et seq. As part of their proposal to the City,

proposers shall complete and upload a DBWCO Affidavit to the BAVN at <https://labavn.force.com>.

Proposers seeking additional information regarding the requirements of the DBWCO may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

14. Restrictions on Campaign Contributions and Fundraising in City Elections (Attachment K)

Any bidder for a contract, as those terms are defined under the Contractor Responsibility Program provided for in Los Angeles Administrative Code Section 10.40.1, shall submit with its bid a certification, CEC Form 50, proscribed by the City Ethics Commission, that the bidder acknowledges and agrees to comply with the disclosure requirements and prohibitions established in the Los Angeles Municipal Lobbying Ordinance if the bidder qualifies as a lobbying entity under the Ordinance. The exemptions contained in Los Angeles Administrative Code Section 10.40.4 shall not apply to this subsection. Each City department shall include a copy of the Municipal Lobbying Ordinance in each invitation for bids, request for proposals, request for qualifications or other solicitation related to entering into a contract with the City. See Attachment K herein.

Persons who submit a response to this solicitation are subject to Charter Section 470(c)(12) and related ordinances. As a result, bidders may not make campaign contributions to and or engage in fundraising for certain elected City officials or candidates for elected City office from the time they submit the response until either the contract is approved or, for successful bidders, 12 months after the contract is signed. The bidder's principals and subcontractors performing \$100,000 or more in work on the contract, as well as the principals of those subcontractors, are also subject to the same limitations on campaign contributions and fundraising.

Bidders must submit CEC Form 55 (provided in Attachment K herein) to the awarding authority at the same time the response is submitted. The form requires bidders to identify their principals, their subcontractors performing \$100,000 or more in work on the contract, and the principals of those subcontractors. Bidders must also notify their principals and subcontractors in writing of the restrictions and include the notice in contracts with subcontractors. Responses submitted without a completed CEC Form 55 shall be deemed nonresponsive. Bidders who fail to comply with City law may be subject to penalties, termination of contract, and debarment. Additional information regarding these restrictions and requirements may be obtained from the City Ethics Commission at (213) 978-1960 or ethics.lacity.org.

15. Declaration of Non-Collusion (Attachment L)

Proposers will be required to complete and return the Non-Collusion Affidavit in Attachment L herein and submit with their Proposal.

16. Los Angeles Residence Information (Attachment M)

The City Council, in consideration of the importance of preserving and enhancing the economic base and well-being of the City, encourages businesses to locate or remain within the City of Los Angeles. This is important because of the jobs businesses generate and for the business taxes they remit. The City Council, on January 7, 1992, adopted a motion that requires proposers to state the headquarter address as well as the percentage of their workforce residing in the City of Los Angeles. Proposers are required to complete the Los Angeles Residence Information form in Attachment M herein and submit with their proposal.

17. Iran Contracting Act of 2010 (Attachment N)

In accordance with California Public Contract Code Sections 2200-2208, all bidders entering into contracts with the City of Los Angeles for goods and services estimated at \$1,000,000 or more will be required to complete, sign and submit the "Iran Contracting Act of 2010 Compliance Affidavit." See Attachment N herein for reference.

18. Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance

Any contract awarded pursuant to this RFP will be subject to the Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance, Section 10.48 of the Los Angeles Administrative Code. The Ordinance provides, among other things, that contractors/subcontractors with at least 10 employees are: prohibited from seeking a job applicant's criminal history information until after a job offer is made; must post Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance information in conspicuous places at worksites; and cannot withdraw a job offer based on an applicant's criminal history unless a link has effectively been made between the applicant's criminal history and the duties of the job position.

Proposers seeking additional information regarding the requirements of the Contractors' Use of Criminal History for Consideration of Employment Applications Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>.

19. City Contracts Held Within the Past Ten Years (Attachment O)

The Los Angeles City Council passed a resolution on July 21, 1998, requiring all proposers to include with their proposals a list of all City of Los Angeles contracts held by the proposer or any affiliated entity during the preceding ten years. All proposers are required to complete the City of Los Angeles Contract History form in Attachment O herein and submit with their Proposal. If the proposer has held no City of Los Angeles contracts during the preceding ten years, indicate this on the form and submit.

6. General Terms and Conditions

1. Definition of Terms

The following terms used in the RFP documents shall be construed as follows:

1. "City" shall mean the City of Los Angeles.
2. "Department or DCA" shall be considered synonymous with the City's Department of Cultural Affairs (DCA).
3. "Agreement" shall be considered synonymous with the term "Contract."
4. "Proposer" shall mean individual, partnership, non-profit, corporation or other entity who submits a proposal in response to this RFP.
5. "Operator" shall mean the individual, partner, programmer, non-profit, corporation or other entity to which this agreement is awarded, and shall be synonymous with the terms "contractor" and/or "vendor."
6. "Performing Arts Center" shall mean a multi-use performance space that is intended for use by various types of the performing arts including the three major branches: dance, music and theater (drama).

2. Property of City / Proprietary Material

All proposals submitted in response to this RFP will become the property of the City and subject to the California Public Records Act (California Government Code Section 6250 et seq). Proposers must identify all trade secrets or other proprietary information that the Proposers claim is exempt from the Public Records Act. The City Attorney will make an independent determination regarding whether the identified information is disclosable.

In the event a proposer claims such an exemption, the proposer is required to state in the proposal the following: "Proposer will indemnify the City and its officers, employees, and agents, and hold them harmless from any claim or liability and defend any action brought against them for their refusal to disclose copyrighted material, trade secrets or other proprietary information to any person making a request therefore."

Failure to include such a statement shall constitute a waiver of a proposer's right to exemption from this disclosure.

3. Pre-Award Negotiations

Before the award of the contract, the successful Proposer(s) may be required to attend negotiation meetings that will be scheduled at a later date. The intent of the meeting(s) will be to discuss and negotiate contract requirements, prices/premiums, service level agreements, detailed scope of work specifications, ordering, invoicing, delivery, receiving and payment procedures, etc. to ensure successful administration of the contract.

4. Execution of Contract

Unless otherwise stated, proposals submitted will be irrevocable for a period of [90 days to one-year] following the February 4, 2022 proposal date. A contract will be developed following final approval by the Mayor and Council.

Any contract made under this RFP must be accepted in writing by the proposer. If for any reason the proposer should fail to accept the contract in writing, then the proposer may be deemed non-responsive and the City may commence contract negotiations with another proposer.

Please note that the City takes a legal approach whereby all contracts contain an order of precedence. In the event of an inconsistency between the provisions of the operator's documents and the City's documents, the City's documents take precedence concerning the resolution of the inconsistency.

5. Amendments, Modifications and Change Orders

Any amendments, adjustments, alterations, additions, deletions, or modifications in the terms and conditions of the resultant agreement must be made by written amendment or change order approved by the Contracting Authority, the operator, and signed by the City Attorney. If the operator performs any modification without a written amendment/change order, the City will neither pay for nor be obligated to accept said modification.

6. Prime Contractor

The proposer awarded the contract must be the prime contractor performing the primary functions of the contract. If any portion of the contract is to be subcontracted, it must be clearly outlined in the proposal document as to what part(s) are to be subcontracted, the reasons for subcontracting and a listing of subcontractors. The City reserves the right to reject any proposal wherein use of subcontractors significantly affects the ability of the proposer to function as the

prime operator on the awarded contract. The prime operator will at all times be responsible for the acts and errors or omissions of its subcontractors or joint participants and persons directly or indirectly employed by them.

7. Subcontractors/Joint Ventures

Acceptance or rejection of a proposer's request to use subcontractors is at the sole discretion of the City. With the written approval of the City, the operator may enter into subcontracts and joint participation agreements with others for the performance of portions of the resultant agreement.

The provisions of the resultant agreement shall apply to all subcontractors in the same manner as to the operator. In particular, the City will not pay, even indirectly, the fees and expenses of subcontractors that do not conform to the limitations and documentation requirements of the resultant agreement.

8. Copies of Subcontractor Agreements

Upon written request from the City, the operator shall supply the City with all subcontractor agreements.

9. Supplier Performance Feedback Meetings

The proposer awarded the resulting agreement is required to attend periodic performance feedback meetings at the request of the Contracting Authority. The meetings will be facilitated by the Contracting Authority and will focus on the operator's and the City's performance in fulfilling the service level requirements contained in the contract. The meetings will provide a forum to informally discuss opportunities for improving contract terms and conditions, service level requirements, and cost reductions for both parties.

10. Replacement of Partner Operator's Staff

The City reserves the right to have the partner operator replace any contract personnel with equally or better-qualified staff upon providing written notice to the operator. Also, the City reserves the right to approve in advance any changes in project personnel or levels of commitment by the venue partner operator/programmer to the project.

11. Partner Operator's Address

The address given in the proposal will be considered the legal address of the partner operator and will be changed only by written notice to the City. The partner operator will supply an address to which certified mail can be delivered. The delivery of any communication to the operator personally, or to such address, or the depositing in the United States Mail, registered or certified with postage

prepaid, addressed to the operator at such address, will constitute a legal service thereof. Also, telephone numbers, fax numbers, and e-mail addresses (if applicable) must be provided.

12. Term and Option to Renew

The term of any contract(s) established under this RFP shall be for the period identified in the RFP Introduction. The City reserves the right in its sole discretion to seek an extension of the term of the contract.

13. Standard Contract Provision Requirements

Proposers must carefully review the information contained in the City of Los Angeles Requirements and Checklist, including the Standard Provisions for City Contracts. Compliance with these requirements and submission of necessary forms is mandatory at the time of submission of a proposal, before awarding the contract, or both. Accordingly, the City reserves the right to declare as non-responsive and reject any proposals in which information is requested and is not furnished or when a direct or complete answer is not provided. These requirements will be discussed in detail at the Pre-Proposal Conference.

14. Governing Law

All matters relating to the formation, validity, construction, interpretation, performance, and enforcement of the RFP and the resultant agreement/contract, must comply with all applicable laws of the United States of America, the State of California and the City.

15. California State Sales Tax

Do not include California State sales tax in prices quoted unless otherwise requested. If requested, sales tax must be identified as being included in the pricing.

16. California State Board of Equalization Permit

Proposers must enter the company's State of California Board of Equalization permit number on the proposal form. If the company does not have this permit, the proposer must sign the proposal form declaring that the company has no California sales tax permit.

17. Federal Excise Taxes

The City is exempt from the payment of excise taxes imposed by the Federal Government. Such taxes must not be included in the proposed prices. The

Department of General Services, upon request, will furnish Federal excise exemption certificates.

18. Periodic Independent Audit

The City reserves the right to assign an independent auditor to assess the quality of services being provided and the extent to which the vendor and its subcontractors are conducting City business within generally accepted industry standard practices. Each contractor will be required to cooperate fully with any external audit.

19. Financial Audit

Firms providing services to the City will be responsible for the verification of the legitimacy of payments made to service providers and their subcontractors. The City, therefore, reserves the right for the staff of its Office of the Controller or their designee to conduct audits of financial accountability procedures.

20. Proposer Background Information

Proposers must submit contact information as requested in the Proposal Questionnaire (page 9 of Attachment C).

21. Proposer Signature Declaration

Proposers shall provide a Signature Declaration as requested in the Proposal Questionnaire (page 9 of Attachment C).

7. Proposer Checklist

The proposal package should contain the following items. Additional forms may be required, as described in the Appendices, if the proposer is applying for any exemptions or waivers or utilizes subcontractors as described in the Appendices.

SECTION	PROPOSAL CONTENTS
3.1	1. Cover Letter
3.1	2. Artistic Statement
3.1	3. Financial Reports
3.1	4. Projected Programming Overview and Narrative
3.1	5. Community Engagement Plan
3.1	6. Community Strategy
3.1	7. Business Plan

3.1	8. Performing Arts Center
3.1	9. Fundraising/Development Plan
3.1	10. Technical Proposal
3.1	11. Grand Reopening Celebration
3.1	12. Diversity, Equity and Inclusivity
3.1	13. Revenue and Expense Projections
3.1	14. References
3.1	15. Authorized Signatures
3.1	16. Compliance Documents
5.18	Contractor Responsibility Ordinance Questionnaire & Pledge of Compliance
5.18	Child Support Assignment Ordinance
5.18	Americans with Disabilities
5.18	Bidder Certification CEC Form 50 & 55
5.18	Declaration of Non-Collusion
5.18	Los Angeles Residence Information
5.18	Iran Contracting Act of 2010
5.18	City Contracts Held Within the Past Ten Years
SECTION	TO BE COMPLETED ON BAVN
5.18	Equal Benefits Ordinance & First Source Hiring Ordinance
5.18	Business Inclusion Program Requirements
5.18	Slavery Disclosure Ordinance & Disclosure of Border Wall Contracting Ordinance