

Disclosure Ordinances Affidavit

Unless otherwise exempt by the provisions of the Slavery Disclosure Ordinance (SDO) and Disclosure of Border Wall Contracting Ordinance (DBWCO), any contract awarded under this RFP will be subject to the SDO, Section 10.41 of the Los Angeles Administrative Code, and the DBWCO, Section 10.50 of the Los Angeles Administrative Code. Bidders/Proposers are required to complete a streamlined Disclosure Ordinances Compliance Affidavit web form that is located on the City of Los Angeles' Regional Alliance Marketplace for Procurement (RAMP) at www.rampla.org

Bidders/Proposers are responsible for creating a RAMP profile and completing and submitting the Disclosure Ordinances Compliance Affidavit. The affidavit can be found by navigating to the "My Business Profile" page and clicking on the "Compliance Documents" link. The affidavit should be completed and submitted by the time of RFP submission. A print out or screenshot of the submission on RAMP should be submitted with the proposal.

The affidavit will be verified by the Bureau of Contract Administration (BCA) only if your company is the successful Proposer/Bidder selected for contract award. Proposers/Bidders seeking additional information regarding the requirements of the SDO and the DBWCO may visit the Bureau of Contract Administration's website at <http://bca.lacity.org>.

ORDINANCE NO. 175346

An ordinance adding a new Article 15 to Chapter 1 of the Los Angeles Administrative Code to provide information to the City regarding participation in or profits derived from slavery by any company doing business with the City.

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

Section 1. A new Article 15 is added to Chapter 1 of the Los Angeles Administrative Code to read:

CHAPTER 1, ARTICLE 15

**REGULATIONS REGARDING PARTICIPATION IN OR PROFITS DERIVED FROM
SLAVERY BY ANY COMPANY DOING BUSINESS WITH THE CITY**

Sec. 10.41. Definitions.

A. **"Awarding Authority"** means a subordinate or component entity or person of the City, such as a City Department or Board of Commissioners, that has the authority to enter into a Contract or agreement for the provision of goods or services on behalf of the City of Los Angeles.

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

C. **"Contract"** means any agreement, franchise, lease or concession including an agreement for any occasional professional or technical personal services, the performance of any work or service, the provision of any materials or supplies or rendering of any service to the City of Los Angeles or the public, which is let, awarded or entered into with or on behalf of the City of Los Angeles or any Awarding Authority of the City.

D. **"Designated Administrative Agency (DAA)"** means the Contract Enforcement Section of the Office of the City Administrative Officer.

E. **"Enslaved Person"** means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the Slavery Era.

F. **"Investment"** means to make use of an Enslaved Person for future benefits or advantages.

G. **"Participation"** means having been a Slaveholder during the Slavery Era.

H. **"Predecessor Company"** means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities were acquired in an uninterrupted chain of succession by the Company.

I. **"Profits"** means any economic advantage or financial benefit derived from the use of Enslaved Persons.

J. **"Slavery"** means the practice of owning Enslaved Persons.

K. **"Slavery Era"** means that period of time in the United States of America prior to 1865.

L. **"Slaveholder"** means holders of Enslaved Persons, owners of business enterprises using Enslaved Persons, owners of vessels carrying Enslaved Persons or other means of transporting Enslaved Persons, merchants or financiers dealing in the purchase, sale or financing of the business of Enslaved Persons.

M. **"Slaveholder Insurance Policies"** means policies issued to or for the benefit of Slaveholders to insure them against the death of, or injury to, Enslaved Persons.

Sec. 10.41.1. Purpose of Slavery Era Business Corporate/Insurance Disclosure.

Many early American industries including, but not limited to, insurance, banking, tobacco, cotton, railroads, and shipping, realized enormous Profits by utilizing the uncompensated labor of Enslaved Persons. Many individuals and business enterprises were directly enriched by the labor of Enslaved Persons or benefited from insurance policies insuring Enslaved Persons.

The City of Los Angeles, whose citizenry includes descendants of Enslaved Persons, is entitled to full disclosure of any Participation in or Profits derived through Slavery by Companies seeking to do business with the City.

The State of California has implemented Insurance Code Sections 13810-13813 requiring insurance companies to provide information to the California Department of Insurance regarding Slaveholder Insurance Policies sold during the Slavery Era as part of its licensing and renewal procedure.

In further support of this legislative act and to further promote the ideals the act embraces, this ordinance requires those seeking to do business with the City to fully and accurately disclose any and all Participation in or Profits derived from Slavery.

Sec. 10.41.2. Each Awarding Authority, shall require that any Company that enters into a Contract with the City, whether the Contract is subject to competitive bidding or not, shall complete an affidavit, prior to or contemporaneous with entering into the Contract, certifying that:

A. The Company has searched any and all records of the Company, or any Predecessor Company, regarding records of Participation or Investments in, or Profits derived, from Slavery, including Slaveholder Insurance Policies issued during the Slavery Era; and

B. Disclosed any and all records of Participation in or Profits derived by the Company, or any Predecessor Company, from Slavery, including issuance of Slaveholder Insurance Policies, during the Slavery Era, and identified the names of any Enslaved Persons or Slaveholders described in the records.

The Awarding Authority may terminate the Contract if a Company fails to fully and accurately complete the affidavit.

Sec. 10.41.3. Exceptions. This article shall not be applicable to the following Contracts:

A. Contracts for the investment of: (1) City trust moneys or bond proceeds; (2) pension funds; (3) indentures, security enhancement agreements for City tax-exempt and taxable financings; (4) deposits of City surplus funds in financial institutions; (5) the investment of City moneys in securities permitted under the California State Government Code and/or the City's investment policy; (6) investment agreements, whether competitively bid or not; (7) repurchase agreements; (8) City moneys invested in United States government securities; and (9) Contracts involving City moneys in which the Treasurer or the City Administrative Officer finds that the City will incur a financial loss or forego a financial benefit, and which in the opinion of the Treasurer or the City Administrative Officer would violate his or her fiduciary duties.

B. Grant funded Contracts if the application of this article would violate or be inconsistent with the terms or conditions of a grant or Contract with an agency of the United States, the State of California or the instruction of an authorized representative of any of those agencies with respect to any grant or Contract.

C. Contracts with a governmental entity such as the United States of America, the State of California, a county, city or public agency of one of these entities, or a

public or quasi-public corporation located in the United States and declared by law to have a public status.

D. Contracts awarded on the basis of exigent circumstances whenever any Awarding Authority finds that the City would suffer a financial loss or that City operations would be adversely impacted unless exempted from the provisions of this article. This finding must be approved by the DAA prior to Contract execution.

E. Contracts with any Company that has been designated as a non-profit organization pursuant to the United States Internal Revenue Code Section 501(c)(3).

F. Contracts for the furnishing of articles covered by letters patent granted by the government of the United States or where the goods or services are proprietary or only available from a single source.

G. Contracts awarded on the basis of urgent necessity in accordance with Charter Section 371(e) (5).

I. Contracts entered into pursuant to Charter Section 371 (e) (6).

J. Contracts entered into pursuant to Charter Section 371 (e) (7).

Sec. 10.41.4. Administration.

A. The DAA shall promulgate rules and regulations to implement this article within sixty days after the effective date of this ordinance.

B. The DAA shall develop an affidavit to be used by Awarding Authorities within sixty days after the effective date of this ordinance.

C. The DAA shall administer the requirements of this article and monitor compliance, including investigation of alleged violations.

Sec. 10.41.5 Application of this Article.

A. This article shall be applicable to Contracts entered into after the rules and regulations have been promulgated by the DAA.

B. This article shall be applicable to Contract amendments entered into after the rules and regulations have been promulgated by the DAA where the initial Contract was not subject to the provisions of this article.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located in the Main Street lobby to the City Hall; one copy on the bulletin board located at the ground level at the Los Angeles Street entrance to the Los Angeles Police Department; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles JUN 20 2003, and was passed at its meeting of JUN 27 2003.

J. MICHAEL CAREY, City Clerk

By Maria Katechis
Deputy

Approved JUN 20 2003

James Hahn
Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By Kitty Reber
KITTY REBER
Deputy City Attorney

Date 6-19-03

File No. 23-0232
89841

Disclosure of Border Wall Contracting Ordinance (DBWCO)

Unless otherwise exempt, in accordance with the provisions of the Disclosure of Border Wall Contracting Ordinance (DBWCO), any contract awarded pursuant to this RFP will be subject to the Disclosure of Border Wall Contracting Ordinance Section 10.50 of the Los Angeles Administrative Code.

The Disclosure of Border Wall Contracting Ordinance Compliance affidavit is a web applicable form. Proposers will be required to register on Los Angeles Business Assistance Virtual Network (www.labavn.org) in order to access the web forms. The web form can be found by clicking on the “Profiles” tab. Scroll to the “Company Profile” section and click on “Compliance Documents”. The web form is to be completed and submitted.

Effective July 18, 2018, the Disclosure of Border Wall Contracting Ordinance affidavit was combined with the Slavery Disclosure Ordinance on a revised Disclosure Ordinances Affidavit on the Los Angeles Business Assistance Virtual Network.

The web form will be verified by the Bureau of Contract Administration (BCA) only if your company is the successful Proposer/Bidder selected for contract award. Upon BCA verification, the Awarding Authority shall award the contract. After the DBCWO form is updated to the current web form version, it will be an indefinite application if verified, and it will only be required to be redone if there are changes to the Company that would affect the Company’s responses to any of the questions.

ORDINANCE NO. 185600

An ordinance adding Article 24 to Chapter 1, Division 10 of the Los Angeles Administrative Code requiring any company doing business with the City to disclose all contracts, bids or proposals to provide goods or services for the design, construction, operation or maintenance of a federally funded wall, fence or other barrier along the border between the United States and Mexico.

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

Section 1. A new Article 24 is added to Chapter 1, Division 10 of the Los Angeles Administrative Code to read as follows:

CHAPTER 1, ARTICLE 24

DISCLOSURE OF BORDER WALL CONTRACTING

Sec. 10.50. Legislative Findings.

Today, approximately 1.5 million immigrants live in the City of Los Angeles, about 38% of the City's total population. Los Angeles is a great city because of the successful integration of immigrants into its civic, social, cultural and economic fabric. Our communities are safer when there is a strong trust between immigrant communities and government.

On January 25, 2017, President Donald J. Trump issued Executive Order No. 13,767 titled, "Border Security and Immigration Enforcement Improvements." 82 Federal Register 8793. The Executive Order directs the Department of Homeland Security to take all steps to immediately plan, design and construct a physical wall along the southern border between the United States and Mexico, using materials and technology to achieve complete operational control of the southern border. The City recognizes the harm fulfilling the Executive Order would cause to its residents, immigrant and non-immigrant alike.

The City of Los Angeles strives to lift families up, not tear them apart. The City's goal is to keep families and communities safe, not cultivate fear based on immigration status. The proposed Border Wall has the potential to divide our nation and the City of Los Angeles along racial, religious and immigration status, which is the antithesis of our shared values. In addition, the proposed Border Wall has created anxiety and stress within hard-working immigrant communities in the City where many fear they will be removed from their families and livelihoods.

In support of this legislative act and to promote the ideals the act embraces, this ordinance requires those seeking to do business with the City to fully and accurately disclose any and all contracts, bids or proposals to provide goods or services for the

design, construction, operation or maintenance of the Trump Administration's proposed Border Wall.

Sec. 10.50.1. Definitions.

The following definitions shall apply to this article:

A. **"Awarding Authority"** means the governing body, board, officer or employee of the City authorized to award a Contract and shall include a department which has control of its own funds if the department adopts policies consonant with the provisions of this article.

B. **"Border Wall"** means a contiguous, physical wall or other similarly secure, contiguous barrier along the land border between the United States and Mexico, including all points of entry, as well as related improvements to gain operational control along such land border, including but not limited to, roads, lighting, cameras and sensors.

C. **"Border Wall Bid"** means any bid or proposal submitted on or after March 17, 2017, in response to any solicitation or request for proposal related to a Border Wall Contract.

D. **"Border Wall Contract"** means a contract with the federal government or a contractor of the federal government entered into on or after March 17, 2017, to provide goods or services for the design, construction, operation or maintenance of the Border Wall, including any prototypes of the Border Wall. A Border Wall Contract does not include an Indefinite Delivery/Indefinite Quantity Contract that took effect on or before March 17, 2017.

E. **"City"** means the City of Los Angeles and all Awarding Authorities thereof.

F. **"Contract"** means any agreement, franchise, lease or concession, including an agreement for any occasional professional or technical personal services, for the performance of any work or service, the provision of any materials or supplies or the rendering of any service to the City of Los Angeles, which is awarded or entered into with or on behalf of the City of Los Angeles or any Awarding Authority of the City.

G. **"Designated Administrative Agency (DAA)"** means the Department of Public Works, Bureau of Contract Administration, which shall bear administrative responsibilities under this article.

H. **"Indefinite Delivery/Indefinite Quantity Contract"** means a type of contract that provides for an indefinite quantity of supplies or services over a fixed period of time.

I. “**Person**” means any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association or other entity that may enter into a Contract.

Sec. 10.50.2. Disclosure Requirement.

No Contract shall be awarded to any Person who has failed to complete fully and accurately an affidavit listing all Border Wall Bids and Border Wall Contracts. The Awarding Authority may terminate a Contract if at any time it determines a Person failed to fully and accurately complete the affidavit and disclose all Border Wall Bids and Border Wall Contracts.

Sec. 10.50.3. Exceptions.

This article shall not be applicable to the following Contracts:

A. Contracts for the investment of:

- (1) City trust moneys or bond proceeds;
- (2) pension funds;
- (3) indentures, security enhancement agreements for City tax-exempt and taxable financings;
- (4) deposits of City surplus funds in financial institutions;
- (5) the investment of City moneys in securities permitted under the California State Government Code and/or the City's investment policy;
- (6) investment agreements;
- (7) repurchase agreements;
- (8) City moneys invested in United States government securities; and
- (9) Contracts involving City moneys in which the Treasurer or the City Administrative Officer finds that the City will incur a financial loss or forego a financial benefit, and which in the opinion of the Treasurer or the City Administrative Officer would violate his or her fiduciary duties.

B. Grant funded Contracts if the application of this article would violate or be inconsistent with the terms or conditions of a grant or grant Contract with an agency of the United States, the State of California or the instruction of an

authorized representative of any of those agencies with respect to any grant or grant Contract.

C. Contracts with a governmental entity such as the United States of America, the State of California, a county, city or public agency of one of these entities, or a public or quasi-public corporation located in the United States and declared by law to have a public status.

D. Contracts awarded on the basis of exigent circumstances whenever an Awarding Authority finds that the City would suffer a financial loss or that City operations would be adversely impacted unless exempted from the provisions of this article. This finding must be approved by the DAA prior to Contract execution.

E. Contracts for goods covered under a United States patent and only available from a single source.

F. Contracts for repairs, alterations, work or improvements declared in writing by the Awarding Authority to be of urgent necessity for the preservation of life, health or property. The declaration shall give the reasons for the urgent necessity and must be approved by the Council or its designee.

G. Contracts entered into during time of war or national, state or local emergency declared in accordance with federal, state or local law, where the Council adopts a resolution by two-thirds vote and is approved by the Mayor, the suspension of any or all the restrictions of Section 371 of the Los Angeles City Charter or their applicability to the Awarding Authority.

H. Contracts for equipment repairs or parts obtained from the manufacturer of the equipment or its exclusive agent.

Sec. 10.50.4. Administration.

The DAA shall administer the requirements of this article. The DAA shall develop an affidavit to be used by the Awarding Authority. The DAA shall promulgate rules and regulations consistent with this article for the implementation of the provisions of this article.

Sec. 10.50.5. Application of this Article.

The provision of this article shall apply to all Contracts and amendments to Contracts entered on or after March 17, 2017.

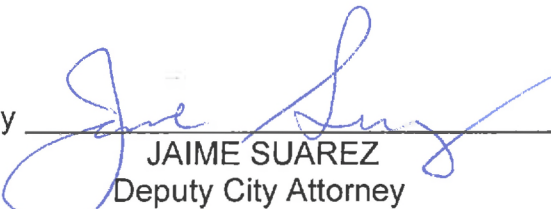
Sec. 10.50.6. Severability.

If any part or provision of this article, including, but not limited to, a section, subsection, paragraph, sentence, phrase or word, or the application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this article. The City Council hereby declares that it would have adopted this article and each and every section, subsection, paragraph, sentence, phrase and word thereof not declared invalid or unconstitutional, without regard to whether any portion of this article would be subsequently declared invalid or unconstitutional.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By _____
JAIME SUAREZ
Deputy City Attorney
Date 5/09/2018


File No. 17-0536

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

_____

_____

Ordinance Passed 06/05/2018

Approved 06/07/2018

Ordinance Effective Date: 07/18/2018
Council File No.: 17-0536

DECLARATION OF POSTING ORDINANCE

I, **Juan Luis (Luigi) Verano** state as follows: I am, and was at all times hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and a Deputy City Clerk of the City of Los Angeles, California.

Ordinance No. **185600** - a copy of which is hereto attached, was finally adopted by the Los Angeles City Council on **06/05/2018**, and under the direction of said City Council and the City Clerk, pursuant to Section 251 of the Charter of the City of Los Angeles and Ordinance No. 172959, I conspicuously posted a true copy of said ordinance at each of the three public places located in the City of Los Angeles, California, as follows: 1) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; 2) one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; 3) one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records beginning on **06/08/2018** and will be continuously posted for ten or more days.

I declare under penalty of perjury that the foregoing is true and correct.



Deputy Clerk

Date: 06/08/2018

Ordinance Effective Date: 07/18/2018

Council File No.: 17-0536