

Stewart  
Exec. Comm.  
Varnes

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# County of Los Angeles CHIEF ADMINISTRATIVE OFFICE

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DAVID E. JANSSEN  
Chief Administrative Officer

- Board of Supervisors
- GLORIA MOLINA  
First District
- YVONNE BRATHWAITE BURKE  
Second District
- ZEV YAROSLAVSKY  
Third District
- DON KNABE  
Fourth District
- MICHAEL D. ANTONOVICH  
Fifth District

August 6, 1997

To: Each Department Head and  
Court Administrator

From: David E. Janssen *[Signature]*  
Chief Administrative Officer

## REQUEST FOR PROPOSAL AND CONTRACT LANGUAGE REQUIRING REPORTING OF IMPROPER SOLICITATION

Pursuant to a recent request of the Board of Supervisors, the County Council has prepared the attached Request for Proposal (RFP)/contract language requiring vendors to report solicitations of improper consideration by County employees in connection with the RFP or contract. Effective immediately, please ensure that this language is incorporated into all future RFPs and contracts issued by your department/court.

Please feel free to contact me, or your assigned County Council representative, if you have any questions regarding this matter.

DEJ:SMD:aec

Attachment

c: Each Supervisor  
County Council

COUNTY OF L.A.  
INTERNAL SERVICES DEPT.  
EXECUTIVE OFFICE

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MEMORANDUM

TO: COUNTY COUNSEL LAW STAFF

FROM: DE WITT W. CLINTON *de Witt*  
County Counsel

RE: Solicitation Document and Contract Language  
Receipt of Gratuities

Pursuant to a recent request of the Board of Supervisors, the following language shall be included in all future contract solicitation documents:

GRATUITIES

It is improper for any County officer, employee or agent to solicit consideration, in any form, from a proposer with the implication, suggestion or statement that the proposer's provision of the consideration may secure more favorable treatment for the proposer in the award of the contract or that the proposer's failure to provide such consideration may negatively affect the County's consideration of the proposer's submission. A Proposer shall not offer or give, either directly or through an intermediary, consideration, in any form, to a County officer, employee or agent for the purpose of securing favorable treatment with respect to the award of the contract.

A proposer shall immediately report any attempt by a County officer, employee or agent to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861. Failure to report such a solicitation may result in the proposer's submission being eliminated from consideration.

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Among other items, such improper consideration may take the form of cash, discounts, service, the provision of travel or entertainment, or tangible gifts.

Additionally, all contracts should include the following provision:

TERMINATION FOR IMPROPER CONSIDERATION

COUNTY may, by written notice to CONTRACTOR, immediately terminate the right of CONTRACTOR to proceed under this Agreement if it is found that consideration, in any form, was offered or given by CONTRACTOR, either directly or through an intermediary, to any County officer, employee or agent with the intent of securing the Agreement or securing favorable treatment with respect to the award, amendment or extension of the Agreement or the making of any determinations with respect to the CONTRACTOR's performance pursuant to the Agreement. In the event of such termination, COUNTY shall be entitled to pursue the same remedies against CONTRACTOR as it could pursue in the event of default by the CONTRACTOR.

CONTRACTOR shall immediately report any attempt by a County officer or employee to solicit such improper consideration. The report shall be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (213) 974-0914 or (800) 544-6861.

Among other items, such improper consideration may take the form of cash, discounts, service, the provision of travel or entertainment, or tangible gifts.

DWC:LAK:lk

lk15:fraud.lan