

Los Angeles County Affordable Housing Solutions Agency

Procurement Policy

I. PURPOSE

The purpose of this Procurement Policy ("Policy") is to establish procedures to govern contracting and/or purchasing of goods or services for the Los Angeles County Affordable Housing Solutions Agency ("LACAHSAs"). It is the policy of LACAHSAs Board of Directors ("Board") that LACAHSAs conducts an open, fair and full competitive solicitation process for procurement of goods and/or services, with exemptions for certain goods and/or services and classes of procurement, and case-by-case exceptions.

The Board may contract for goods and/or services as may be necessary or convenient in accordance with California Government Code sections 64700- 64832.

II. GENERAL PROVISIONS

1. LACAHSAs shall ensure that entities have a fair and equitable opportunity to compete for and participate in LACAHSAs contracts.
2. LACAHSAs shall ensure that discrimination in the award and performance of contracts does not occur on the basis of any protected category under federal and State law including but not limited to race, color, sex, religion, national origin, or retaliation for having filed a discrimination complaint in the performance of LACAHSAs contractual obligations.
3. To the extent that any conflict exists between this Policy and any requirements imposed by federal and/or State law, including as a condition of receipt of State or federal funds, the State or federal requirements shall prevail.
4. For all formal Competitive Solicitations, exceptions or alternatives to Competitive Solicitations, and contracting processes, LACAHSAs must receive at least as favorable pricing, warranties, conditions, benefits, and terms as other customers or clients making similar purchases or receiving similar Goods and/or Services.
5. LACAHSAs has sole discretion to determine whether to solicit Goods or Services through solicitations such as a Request for Proposals ("RFP"), Request for Bids ("RFB"), Request for Statement of Qualifications ("RFSQ"), any additional processes, or an exception or alternative to a Competitive Solicitation.
6. All Competitive Solicitations shall be posted on LACAHSAs's website and may be posted on any other public website or posting as determined by LACAHSAs.

7. This Policy does not address the following types of contracts: public works contracts, including those for alteration, improvement, repair or maintenance of real or personal property, acquisition of real property, and memoranda of understandings.

III. DEFINITIONS

1. "Agreement" is an agreement or contract between LACAHSAs and a selected Proposer for Goods and/or Services. An Agreement must be executed prior to any Goods and/or Services being provided by the selected Proposer.
2. "Best Response/Value" is an award based on evaluated criteria where cost is not the sole determining factor. Rather, the award is based on factors other than price that provide the best overall value to LACAHSAs.
3. "Bid" is a response provided by a Proposer to a Competitive Solicitation by LACAHSAs where pricing is the primary factor.
4. "Competitive Solicitation" is a formal process that gives qualified parties an equal and open opportunity to compete for a contract with LACAHSAs in which LACAHSAs procures Goods, Services, or a combination thereof from Proposers so to secure the Best Value for LACAHSAs, unless an exception or alternative, in accordance with State or local laws, exists to a Competitive Solicitation requirement.
5. "Contractor" is a person or entity that has been selected by LACAHSAs to provide Goods and/or Services, agrees to the terms and conditions of as required by LACAHSAs, and executes a legally binding Agreement with LACAHSAs.
6. "Goods" means all types of tangible personal property, including materials, supplies, equipment, or software.
7. "Officials" includes LACAHSAs Board members, officers, directors, members of commissions, committees, and other related bodies or entities, alternate members, staff, employees, agents, and representatives.
8. "Legal Services" is legal representation, advocacy, advice, counsel, or other similar legal services provided by an attorney, or a law firm, company or partnership with attorneys duly licensed by the California State Bar or authorized to practice in the State of California.
9. "Master Agreement" is an agreement between LACAHSAs and a Pre-Qualified Contractor who submitted a Proposal through a Request for Statement of Qualifications, or equivalent Competition Solicitation, for any Goods and/or Services, except for Legal Services, and does not guarantee any minimum amount of work or funding.

10. "Piggyback Solicitation" refers to the use of a prior Competitive Solicitation issued by another Public Entity, organization, or association for the same Goods and/or Services that allows for other entities such as LACAHSAs to utilize their Competitive Solicitation and executed Agreement, in which the cost or price is equal to or less than the price paid by the Public Entity, organization, or association that conducted the Competitive Solicitation. This may include solicitations that are conducted in accordance with the procedures of the California Multiple Award Schedules Program (the "CMAS Program"), the United States General Services Administration, the United States Communities Government Purchasing Alliance or any similar cooperative purchasing program. LACAHSAs must ensure that the Piggyback Solicitation is in compliance with this Policy and with the funding source to be used by LACAHSAs for such Goods and/or Services.
11. "Proposer" is a person or business entity who seeks to do business with LACAHSAs by responding to a Competitive Solicitation of any kind, or has been selected by LACAHSAs to enter into an Agreement for the Goods and/or Services.
12. "Proposal" is a response by a Proposer to a Competitive Solicitation issued by LACAHSAs where pricing and other factors may be considered.
13. "Public Entity" means the State, county, city, city and county, district, public authority, public agency, municipal corporation, or any other political subdivision or public corporation in the State.
14. "Services" is the performance of labor by an individual or business entity for and/or on behalf of LACAHSAs.

IV. **CODE OF CONDUCT**

1. LACAHSAs Officials and Proposers must comply with all federal, State, and local conflict of interest laws. LACAHSAs must ensure there are no conflict of interest or any actual or perceived bias before or during the Competitive Solicitation and the resultant Agreement.
2. LACAHSAs Officials involved in the LACAHSAs contracting process must follow high standards of conduct. LACAHSAs Officials are expected to discharge their duties impartially to ensure fair, competitive access to contracting opportunities by responsible Proposers and to foster public confidence in the integrity of LACAHSAs's procurement practices. In addition to compliance with all federal, State, and local laws, LACAHSAs Officials must adhere to the [LACAHSAs Policy on Conflicts in Contracts, adopted on May 19, 2024](#), and as it may be amended.
3. Proposers must comply with California Government Code section 84308 which requires a party to a contract proceeding to disclose any contribution as set forth in

the code, made to a LACAHSAs Board member within the preceding twelve (12) months by the party or their agent. State regulations require this disclosure to be made at the time an application is filed, and, if a contribution is made during the contract proceeding, within thirty (30) days of making a contribution or on the date on which the party first appears before or communicates with the agency regarding the proceeding after making the contribution, whichever is earliest. All Proposers and subcontractors must complete and return as part of the Proposal, a Contribution and Agent Declaration Form. Proposers and Subcontractors must update the Contribution and Agent Declaration Form throughout the pendency of the solicitation if a contribution is made after the initial disclosure when the proposal is submitted, and as requested at any time by LACAHSAs prior to Contract award. Failure by the Proposer or any subcontractor to complete and submit the required Contribution and Agent Declaration Form, and failure by the Proposer or any subcontractor to update the declaration as required by law or as otherwise requested by LACAHSAs, may eliminate the Proposal from further consideration and/or the Proposer may be disqualified from a contract award, as determined in LACAHSAs's sole discretion. Further, all Proposers and subcontractors are prohibited from making a contribution in accordance with Government Code section 84308 to a LACAHSAs Board members for twelve (12) months after the date a final decision is made in the contract proceeding involving this solicitation.

V. RULES REGARDING COMPETITIVE SOLICITATION OF GOODS OR SERVICES

1. Competitive Solicitations will be used when required under State, federal law, or local laws.
2. Confidentiality. During the Competitive Solicitation, precautions should be taken to ensure information is not disclosed prematurely or selectively, as this could unfairly advantage or disadvantage certain Proposers. LACAHSAs must ensure the integrity of the Competitive Solicitation process.
3. Types and Description of Competitive Solicitations: This section lists the types of LACAHSAs's procurement options.
 - a. Request for Proposals ("RFP"):
 - i. An RFP may be used to procure complex or unique Services in which LACAHSAs's requirements are defined but expertise and methods may vary; when creative or innovative approaches are needed; when a combination of Goods and Services is needed; and/or where performance of Services is anticipated to be ongoing in nature.

- ii. An RFP should include a statement of work, responsibility criteria, or evaluation criteria for which a Proposal will be evaluated. An RFP should include LACAHSAs goals, objectives, major tasks, or timelines. An RFP may include a budget for the work being procured. A Proposal would offer a detailed explanation of Proposer's approach, detailed work plans, solutions, or methods, and costs/budget.
 - iii. A selected Proposer will execute an Agreement with LACAHSAs for the Goods or Services, or a combination thereof. LACAHSAs may engage in negotiations on the terms and conditions of the Agreement with the selected Proposer(s), including but not limited to the scope of services or cost/budget; however, LACAHSAs Officials must ensure that during negotiations they will stay within the parameters of the Competitive Solicitation issued by LACAHSAs.
- b. Request for Statement of Qualifications ("RFSQ")/Request for Qualifications ("RFQ")
- i. An RFSQ or RFQ is for a predetermined set of qualification in which Proposals submitted will provide LACAHSAs a qualified pool of contractors who can provide Goods and/or Services to LACAHSAs (collectively "Qualified Contractors"). A RFSQ or RFQ can be left open so that Proposers can be qualified through the term of the Master Agreement.
 - ii. Qualified Contractors must execute a Master Agreement. The terms and conditions are identical for all Qualified Contractors. No exceptions or deviations in the terms and conditions set forth in the Master Agreement are allowed. Qualified Contractors are not guaranteed any work through the Master Agreement.
 - iii. The Services can be sub-categorized so that the pool of Qualified Contractors can be specialized under a larger umbrella. Subsequent Goods and/or Services are solicited through a work order solicitation ("Work Order Solicitation") at the time Goods and/or Services are required. A subsequent work/purchase order through the Master Agreement is awarded to the Qualified Contractor based on price or other categories set forth in the Work Order Solicitation.
 - iv. A Work Order Solicitation contains a statement of work explaining the specific project in detail, objectives, and deliverables, tasks, or milestones (collectively, "Statement of Work"). The Statement of Work typically specifies the proposed schedule and anticipated budget. A Qualified Contractor must acknowledge the Goods and/or Services to be provided in the Statement of

Work, and other relevant solutions or methods prior to the issuance of a work/purchase order.

c. Invitation for Bid ("IFB"):

- i. An IFB may result in one or multiple Agreements and may be used to procure Goods and/or Services. The project requirements must be well-defined and price is the only discriminator. The award must be provided to the lowest responsive and responsible bidder.
- ii. In evaluating the IFB, LACAHSAs evaluate the Bid submitted by the Proposer. An IFB may include relevant contract, specifications, or scope requirements, and a not-to-exceed amount or fixed price.

d. Request for Information ("RFI"):

- i. An RFI is not a Competitive Solicitation but is used to determine whether there is market availability or interest in satisfying a specific need or providing the solution to a problem for which information is not available. An RFI does not result in contract awards.
- ii. RFI results may help inform LACAHSAs regarding procurement approach for a future Competitive Solicitation, and are considered part of the planning process for a future procurement.

4. Awards of Competitive Solicitation: Competitive Solicitations shall be awarded on a Best Response/Value basis. Any deviations to the Best Response/Value basis must otherwise be specified in the Competitive Solicitation document and be in compliance with State, federal or local laws.

5. Small Purchases: Small Purchase procedures are a simplified, informal method for acquiring Goods and/or Services when the total value, including any tax or fees, is \$20,000 or less. LACAHSAs are required to obtain at least three (3) Bids in writing for the required Goods and/or Services. In no event shall LACAHSAs split purchases into more than one work/purchase order in order to avoid the Competitive Solicitation requirements in this Policy. LACAHSAs will consider the lowest price and Best Response/Value basis in selecting the Proposer.

VI. REVIEW PROCESS FOR COMPETITIVE SOLICITATIONS

1. All Competitive Solicitations should include language on how a Proposer or potential Proposer may request a review. Any Proposer or potential Proposer who (i) would have submitted a Proposal but for a requirement or provision in the solicitation document, or (ii) is determined nonresponsive, or (iii) is not being

recommended for award of an Agreement, may request the following levels of review.

2. Whenever possible, any review should be performed by one or more LACAHSAs representatives with contracting knowledge or experience, who were not involved to a substantial degree with the Competitive Solicitation.
 - a. Solicitation Requirements Review: Any person or entity may seek a Solicitation Requirements Review by submitting a written request for review to LACAHSAs. Requests for a Solicitation Requirements Review not satisfying all of the criteria below, in LACAHSAs's sole discretion, may be denied. A request for a Solicitation Requirements Review should be granted if it satisfies all of the following criteria:
 - i. The request is made within the time frame identified in the Competitive Solicitation document;
 - ii. The request includes documentation which identifies the underlying authority of the person or entity to submit a Proposal;
 - iii. The request itemizes in appropriate detail, each matter contested and factual reasons for the requested review; and
 - iv. The request asserts that either:
 - (1) application of the minimum requirements, evaluation criteria and/or business requirements unfairly disadvantages the person or entity; or,
 - (2) due to unclear instructions, the process may result in LACAHSAs not receiving the best possible responses from prospective Proposers.

LACAHSAs reviews shall be completed and LACAHSAs's determination shall be provided to the Proposer, in writing, within a reasonable time prior to the Proposal due date.
 - b. Disqualification Review: If LACAHSAs determines that a Proposal is non-responsive at any time during the review/evaluation process, the Proposal may be disqualified from consideration and the Proposer will be notified in writing. Upon receipt of LACAHSAs's written notification of non-responsiveness, the Proposer may submit a written request for a Disqualification Review by the date specified in the written notification. The request for a Disqualification Review must assert that the disqualification of the Proposal was erroneous (e.g. factual errors, etc.) and provide factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

LACAHSA's determination shall be provided to the Proposer in writing, prior to the conclusion of the evaluation process.

- c. Proposed Contractor Selection Review: Upon completion of the evaluation, LACAHSA will notify the recommended Proposer, commence contract negotiations with that Proposer, and notify the remaining Proposers in writing that they were not selected.
 - i. After completion of evaluations and selection of the recommended Proposer, subject to the sole and absolute discretion of LACAHSA, LACAHSA may offer a debriefing opportunity to the Proposers not selected. Grounds for Proposed Contractor Selection Review are limited to:
 - (1) LACAHSA materially failed to follow procedures specified in its solicitation document.
 - (2) LACAHSA made identifiable mathematical or other errors in evaluating proposals, resulting in the Proposer receiving an incorrect score and not being selected as the recommended contractor.
 - (3) A member of the evaluation committee demonstrated bias in the conduct of the evaluation.
 - (4) Another basis for review as provided by state or federal law.
 - ii. The request for a Proposed Contractor Selection Review must set forth sufficient detail to demonstrate that, but for LACAHSA's alleged failure, the Proposer would have been the lowest cost, responsive, and responsible bidder or highest-scored Proposer.
 - iii. Upon completing the Proposed Contractor Selection Review, LACAHSA shall issue a written decision to the Proposer before the date the Agreement award recommendation is to be heard by the Board. The written decision should state that if the Proposer is not satisfied with the results of the Proposed Contractor Selection Review, the Proposer may request the LACAHSA Chair review within the timeframe specified.
 - iii. The LACAHSA Chair may review the decision. The LACAHSA Chair's decision shall be final.

VII. EXCEPTIONS OR ALTERNATIVES TO COMPETITIVE SOLICITATION OF GOODS OR SERVICES

1. Exceptions or alternatives to Competitive Solicitation of Goods and/or Services may be used in the below circumstances. In the event that a Good and/or Service is

procured through an exception or alternative to a Competitive Solicitation requirement, LACAHSAs Officials shall justify the use of that exception in writing and that justification shall be retained by LACAHSAs in accordance with [LACAHSAs Records Retention Policy, adopted on May 29, 2024](#), and as it may be amended.

2. Piggyback Solicitation: LACAHSAs may engage in Piggyback Solicitation if the Piggyback Solicitation is in the best interest of LACAHSAs to utilize it and such Piggyback Solicitation is in accordance with this Policy and in compliance with State or federal programmatic or funding requirements.
3. Contracts with Public Entities: LACAHSAs may directly contract with a Public Entity without a Competitive Solicitation, unless otherwise required by State, federal, or local laws.
4. Sole Source Purchasing: Sole Source purchasing of Goods and/or Services are authorized when the Good and/or Service is any of the following:
 - a. Available from only a single source and performance and price competition are not available.
 - b. It is in the economic interest of LACAHSAs.
 - c. Needed to address an exigency, emergency, or time-sensitive need.
 - d. Compliance with federal and/or State programmatic or funding requirements.
 - e. The awarding federal and/or State agency expressly authorizes noncompetitive proposals in writing.
 - f. After solicitation of a number of sources, competition is determined inadequate.
 - g. Contracts for equipment repairs, maintenance, or parts obtained from the manufacturer of the equipment or its exclusive agent or authorized service representative.
 - h. Legal Services including expert witnesses.

Where LACAHSAs elects to utilize a sole source selection process, the following factors will not be the basis for selecting a contractor, except where otherwise authorized by applicable law: product preference; limitation on available funds; time constraints which preclude completion of a competitive solicitation process. **In all cases, sole source acquisitions must be justified in sufficient detail to explain the basis for utilizing this acquisition approach.**

VIII. RESERVATION OF LACAHSAs RIGHTS

1. LACAHSAs may, at its sole discretion, take any of the following actions:

- a. Accept or reject any or all Proposals, if it is in the best interest of LACAHSAs;
 - b. Elect to make an award to one or more Proposer(s) if indicated in the Competitive Solicitation;
 - c. Cancel a Competitive Solicitation, in its entirety;
 - d. Enter into negotiations concerning an Agreement with one or more Proposers;
 - e. Decline to enter into any such negotiations; or
 - f. Terminate negotiations with any Proposer at any time.
2. LACAHSAs shall have the right to amend a Competitive Solicitation by written addendum. LACAHSAs is responsible only for that which is expressly stated in the Competitive Solicitation document and any authorized written addenda. Should such addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of LACAHSAs.
 3. LACAHSAs may, at its discretion, interview Proposers; or require site inspections, demonstrations, or a pilot of proposed Goods and/or Services.
 4. LACAHSAs is not responsible for and shall not be bound by any representations, statements, or explanations otherwise made by any individual acting or purporting to act on its behalf, other than the LACAHSAs Officials identified on the Competitive Solicitation document.
 5. LACAHSAs reserves the right to waive inconsequential disparities in a submitted Proposal.
 6. LACAHSAs reserves the right to submit supplementary follow-up questions or inquiries to request clarification of information submitted and to request additional information from any one or more of the Proposers.
 7. LACAHSAs shall not be liable for any costs incurred by any Proposer in connection with the preparation or submission of any Proposal or any action taken by Proposer in its effort to do business with LACAHSAs. Any and all such costs whatsoever shall remain the sole responsibility of the Proposer.
 8. LACAHSAs shall not be liable to any Proposer in law or equity for any reason whatsoever for any acts or omissions arising out of or in conjunction with this Policy.
 9. LACAHSAs may require Proposers to provide certain performance assurances including but not limited to performance security or payment and performance bonds for information technology Services and/or Goods.

10. Proposers are expected to complete all of their due diligence activities prior to entering into any final contract negotiations with LCAHSA, including a review of LCAHSA's policies, requirements, forms, or other guidance documents that LCAHSA may issue from time to time.
11. Any resultant Agreement made in violation of this Policy may be considered void.