

3. DISCUSSION ITEMS

None

4. BOARD REPORTS

A. REQUEST FOR PROPOSALS FOR THE OPERATION OF THE DEPARTMENT'S SOUTH LOS ANGELES SPAY/NEUTER CLINIC

1. AUTHORIZE the Department to release a Request for Proposals (RFP), substantially in the form attached, for the operation of a spay/neuter clinic at the South Los Angeles shelter, subject to approval of the City Attorney as to form and legality.
2. DIRECT the Department to report back to the Board with the recommended proposer and a draft a three-year agreement, with three one-year renewal options.

B. REQUEST FOR QUALIFICATIONS FOR DOG TRAINING PROFESSIONALS

1. AUTHORIZE the Department to release a Request for Qualifications (RFQ), substantially in the form as attached, for dog training professionals to provide training for Department staff on running shelter dog play groups, subject to approval of the City Attorney as to form and legality.
2. DIRECT the Department to report back to the Board with the recommended proposer and the pre-qualified, on-call list.

C. RECOMMENDATION THAT SENATE BILL 1459 BE ADDED TO THE CITY'S LEGISLATIVE PROGRAM

1. **SUPPORT** Senate Bill 1459 (Kirk-R-IL) known as the "Horse Transportation Safety Act of 2013."
2. Upon approval, **TRANSMIT** this recommendation to the Mayor and Council for inclusion in the City's legislative program.

D. RECOMMENDATION TO SUPPORT ASSEMBLY BILL 272

1. **SUPPORT** State Assembly Bill 272 (Gomez) known as "Rabies: Vaccinations."
3. Upon approval, **TRANSMIT** this recommendation to the Mayor and Council for inclusion in the City's legislative program.

5. ORAL REPORT OF THE GENERAL MANAGER

6. BOARD AVAILABILITY FOR THE MEETING OF OCTOBER 8, 2013

7. ADJOURNMENT

Next Commission Meeting is scheduled for 10:00 A.M. October 8, 2013, Los Angeles City Hall, Room 1060, 200 North Spring Street, Los Angeles, CA 90012.

AGENDAS - The Board of Animal Services Commissioners (Board) meets regularly every second (2nd) and fourth (4th) Tuesday of each month at 10:00 A.M. Regular Meetings are held at City Hall, 200 North Spring Street, Room 1060, in Los Angeles, CA 90012. The agendas for Board meetings contain a brief general description of those items to be considered at the meetings. Board Agendas are available at the Department of Animal Services (Department), Administrative Division, 221 North Figueroa Street, 5th Floor, Los Angeles, CA 90012. Board Agendas may also be viewed on the 2nd floor Public Bulletin Board in City Hall East, 200 North Main Street, Los Angeles, CA 90012. Internet users may also access copies of present and prior agenda items, copies of the Board Calendar, MP-3 audio files of meetings as well as electronic copies of approved minutes on the Department's World Wide Web Home Page site at <http://www.laanimalservices.com/CommissionAgendas.htm>

Three (3) members of the Board constitute a quorum for the transaction of business. Some items on the Agenda may be approved without any discussion.

The Board Secretary will announce the items to be considered by the Board. The Board will hear the presentation on the topic and gather additional information from Department Staff. Once presentations have finished, the Board President will ask if any Board Member or member of the public wishes to speak on one or more of these items. Each speaker called before the Commission will have one (1) minute to express their comments and concerns on matters placed on the agenda.

PUBLIC INPUT AT BOARD MEETINGS – **Public Participation on Agenda Items.** Members of the public will have an opportunity to address the Board on agenda items after the item is called and before the Board takes action on the item, unless the opportunity for public participation on the item was previously provided to all interested members of the public at a public meeting of a Committee of the Board and the item has not substantially changed since the Committee heard the item. When speaking to an agenda item other than during Public Comment (see Public Comment below), the speaker shall limit his or her comments to the specific item under consideration (California Government Code, Section 54954.3).

Public Comment. The Board will provide an opportunity for public comment at every regular meeting of the Board. Members of the public may address the Board on any items within the subject matter jurisdiction of the Board as part of Public Comment.

Speaker Cards. Members of the public wishing to speak are to fill out one speaker card for each agenda item on which they wish to speak and present it to the Board secretary before the item is called.

Time Limit for Speakers. Speakers addressing the Board will be limited to one (1) minute of speaking time for each agenda item except in public comment which is limited

to three (3) minutes. The Chairperson, with the approval of a majority of the Board, may for good cause extend any speaker's time by increments of up to one (1) minute. Total speaker time on any agenda item will be limited to ten (10) minutes per item and fifteen (15) minutes for Public Comment, unless extended as above.

Brown Act. These rules shall be interpreted in a manner that is consistent with the Ralph M. Brown Act, California Government Code Section § 54950 et seq.

STANDARDS OF CONDUCT. Speakers are expected to behave in an orderly manner and to refrain from personal attacks or use of profanity or language that may incite violence.

All persons present at Board meetings are expected to behave in an orderly manner and to refrain from disrupting the meeting, interfering with the rights of others to address the Board and/or interfering with the conduct of business by the Board.

In the event that any speaker does not comply with the foregoing requirements, or if a speaker does not address the specific item under consideration, the speaker may be ruled out of order, their speaking time forfeited and the Chairperson may call upon the next speaker.

The Board, by majority vote, may order the removal from the meeting of any speaker or audience member continuing to behave in a disruptive manner after being warned by the Chairperson regarding their behavior. Section 403 of the California Penal Code states as follows: "Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor".

VOTING AND DISPOSITION OF ITEMS – Most items require a majority vote of the entire membership of the Board (3 members). When debate on an item is completed, the Board President will instruct the Secretary to "call the roll". Every member present must vote for or against each item; abstentions are not permitted unless there is a Conflict of Interest for which the Board member is obliged to abstain from voting. The Secretary will announce the votes on each item. Any member of the Board may move to "reconsider" any vote on any item on the agenda, except to adjourn, suspend the Rules, or where an intervening event has deprived the Board of jurisdiction, providing that said member originally voted on the prevailing side of the item. The motion to "reconsider" shall only be in order once during the meeting, and once during the next regular meeting. The member requesting reconsideration shall identify for all members present the Agenda number and subject matter previously voted upon. A motion to reconsider is not debatable and shall require an affirmative vote of three members of the Board.

When the Board has failed by sufficient votes to approve or reject an item, and has not lost jurisdiction over the matter, or has not caused it to be continued beyond the next regular meeting, the issue is again placed on the next agenda for the following meeting for the purpose of allowing the Board to again vote on the matter.

Assembly Bill No. 272

Passed the Assembly September 6, 2013

Chief Clerk of the Assembly

Passed the Senate September 3, 2013

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 2013, at ____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 121690 of the Health and Safety Code, relating to rabies.

LEGISLATIVE COUNSEL'S DIGEST

AB 272, Gomez. Rabies: vaccinations.

Existing law imposes various requirements upon dog owners in rabies areas designated by the State Public Health Officer. Any person who violates these requirements is guilty of an infraction, and is punishable by a fine not exceeding \$1,000. Violation of these requirements also results in impounding of the dog by the local jurisdiction. Among the requirements imposed under existing law is that a dog owner, after his or her dog attains 4 months of age, annually procure the dog's vaccination against rabies by a licensed veterinarian with canine antirabies vaccine approved by, and in a manner prescribed by, the State Department of Public Health, with specified exceptions.

This bill would require that a dog owner, after his or her dog is 3 months of age or older, procure the dog's vaccination against rabies by a licensed veterinarian with canine antirabies vaccine approved by the department and in a manner consistent with the vaccine label. By expanding the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 121690 of the Health and Safety Code is amended to read:

121690. In rabies areas, all of the following shall apply:

(a) Every dog owner, after his or her dog attains the age of four months, shall no less than once every two years secure a license

for the dog as provided by ordinance of the responsible city, city and county, or county. License fees shall be fixed by the responsible city, city and county, or county, at an amount not to exceed limitations otherwise prescribed by state law or city, city and county, or county charter.

(b) (1) Every dog owner, after his or her dog attains the age of three months or older, shall, at intervals of time not more often than once a year, as may be prescribed by the department, procure its vaccination by a licensed veterinarian with a canine antirabies vaccine approved by the department and administered according to the vaccine label, unless a licensed veterinarian determines, on an annual basis, that a rabies vaccination would endanger the dog's life due to disease or other considerations that the veterinarian can verify and document. The responsible city, county, or city and county may specify the means by which the dog owner is required to provide proof of his or her dog's rabies vaccination, including, but not limited to, by electronic transmission or facsimile.

(2) A request for an exemption from the requirements of this subdivision shall be submitted on an approved form developed by the department and shall include a signed statement by the veterinarian explaining the inadvisability of the vaccination and a signed statement by the dog owner affirming that the owner understands the consequences and accepts all liability associated with owning a dog that has not received the canine antirabies vaccine. The request shall be submitted to the local health officer, who may issue an exemption from the canine antirabies vaccine.

(3) The local health officer shall report exemptions issued pursuant to this subdivision to the department.

(4) A dog that is exempt from the vaccination requirements of this section shall be considered unvaccinated.

(5) A dog that is exempt from the vaccination requirements of this section shall, at the discretion of the local health officer or the officer's designee, be confined to the premises of the owner, keeper, or harbinger and, when off the premises, shall be on a leash the length of which shall not exceed six feet and shall be under the direct physical control of an adult. A dog that is exempt from the provisions of this section shall not have contact with a dog or cat that is not currently vaccinated against rabies.

(c) All dogs under four months of age shall be confined to the premises of, or kept under physical restraint by, the owner, keeper,

or harbored. Nothing in this chapter and Section 120435 shall be construed to prevent the sale or transportation of a puppy four months old or younger.

(d) A dog in violation of this chapter and any additional provisions that may be prescribed by a local governing body shall be impounded, as provided by local ordinance.

(e) The governing body of each city, city and county, or county shall maintain or provide for the maintenance of a pound system and a rabies control program for the purpose of carrying out and enforcing this section.

(f) (1) Each city, county, or city and county shall provide dog vaccination clinics, or arrange for dog vaccination at clinics operated by veterinary groups or associations, held at strategic locations throughout each city, city and county, or county. The vaccination and licensing procedures may be combined as a single operation in the clinics. No charge in excess of the actual cost shall be made for any one vaccination at a clinic. No owner of a dog shall be required to have his or her dog vaccinated at a public clinic if the owner elects to have the dog vaccinated by a licensed veterinarian of the owner's choice.

(2) All public clinics shall be required to operate under antiseptic immunization conditions comparable to those used in the vaccination of human beings.

(g) In addition to the authority provided in subdivision (a), the ordinance of the responsible city, city and county, or county may provide for the issuance of a license for a period not to exceed three years for dogs that have attained the age of 12 months or older and have been vaccinated against rabies or one year for dogs exempted from the vaccination requirement pursuant to subdivision (b). The person to whom the license is issued pursuant to this subdivision may choose a license period as established by the governing body of up to one, two, or three years. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination and, if a dog is exempted from the vaccination requirement pursuant to subdivision (b), the license period shall not extend beyond one year. A dog owner who complies with this subdivision shall be deemed to have complied with the requirements of subdivision (a).

(h) All information obtained from a dog owner by compliance with this chapter is confidential to the dog owner and proprietary to the veterinarian. This information shall not be used, distributed, or released for any purpose, except to ensure compliance with existing federal, state, county, or city laws or regulations.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**BOARD OF
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ANTONIO R. VILLARAIGOSA
MAYOR

DEPARTMENT OF
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221 North Figueroa Street
5th Floor
Los Angeles, CA 90012
(888) 452-7381
FAX (213) 482-9511

BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: September 24, 2013 **PREPARED BY:** John Chavez

REPORT DATE: September 20, 2013 **TITLE:** Asst. General Manager

SUBJECT: RECOMMENDATION TO SUPPORT ASSEMBLY BILL 272

BOARD ACTIONS RECOMMENDED:

1. **SUPPORT** State Assembly Bill 272 (Gomez) known as "Rabies: Vaccinations."
 2. Upon approval, **TRANSMIT** this recommendation to the Mayor and Council.
-

SUMMARY:

AB 272 changes from four months to three months the age at which a dog is required to be vaccinated against rabies. According to the author, the four-month age for vaccination is out of step with current federal rules and other states' laws. California is the only state that sets a minimum age of four months for dog rabies vaccinations. Moreover, existing rabies vaccines are labeled for three months. The Department's Chief Veterinarian supports this proposed change in state law.

AB 272 was approved in the Assembly and in the Senate (with some modifications) on September 3, 2013. The Governor has until October 13 to sign this legislation.

FISCAL IMPACT:

There is no General Fund impact.

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Subject: Support for AB 272 (Gomez) Rabies Vaccinations

Approved:

John D. Chavez, Assistant General Manager

Attachment

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

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JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: September 24, 2013 **REPORT BY:** Brenda Barnette

REPORT DATE: September 20, 2013 **TITLE:** General Manager

SUBJECT: REQUEST FOR QUALIFICATIONS FOR DOG TRAINING PROFESSIONALS

BOARD ACTIONS RECOMMENDED:

1. AUTHORIZE the Department to release a Request for Qualifications (RFQ), substantially in the form as attached, for dog training professionals to provide training for Department staff on running shelter dog play groups, subject to approval of the City Attorney as to form and legality.
2. DIRECT the Department to report back to the Board with the recommended proposer and the pre-qualified, on-call list.

SUMMARY:

The Department of Animal Services is requesting RFQs from dog training professionals to provide training for Animal Services staff on how to run play groups to provide socialization and exercise. These activities would help reduce shelter dogs' stress and make their time in our shelters more enjoyable. A list of eligible trainers shall be on a pre-qualified on-call basis. The list will be good for three years.

The successful bidder will provide the Department with training-related related protocols and procedures that can lead to an increase in the live-save rate and improved quality of life for shelter dogs. These documents will ensure that training provided by the vendor can be followed effectively upon the conclusion of this training.

STATEMENT OF QUALIFICATIONS (SOQ)

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Report to the Board of Animal Services Commissioners

Subject: RFQ for the Dog Training Professionals

September 24, 2013

Page 2

Proposers must provide a Statement assuring the Department that it has experience as a dog training professional that qualifies him/her to train staff and volunteers to hold play groups with shelter dogs.

The SOQ shall include a proposer’s demonstrated skills, knowledge and abilities relative to staff training and dog handling expertise. Areas that need to be covered include, but are not limited to:

- A description of the program(s) and in which private/municipal shelters it has been offered.
- Evidence that the training correlates to an increase in the live-save rate. In addition, the bidder must provide evidence showing that that the training is effective in improving behavioral health.
- Detailed costs of this program.
- Training certificates, honors, and conferences that the bidder has participated in as a subject matter expert in “quality-of-life” activities.
- Samples of protocols and procedures that have resulted in an increase in the live-save rate and improved quality-of-life for shelter animals.
- Samples of train-the-trainer curriculums for both shelter employees and volunteers.

The cost of the program is not expected to exceed \$25,000. The vendor will be required to comply with the City’s Standard Terms and Conditions.

FISCAL IMPACT:

There is no impact to the General Fund. Funds will be used from the Animal Welfare Trust Fund.

Approved:

Brenda Barnette, General Manager

Attachment

BOARD ACTION:

_____ Passed	Disapproved _____
_____ Passed with noted modifications	Continued _____
_____ Tabled	New Date _____

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BRENDA F. BARNETTE
General Manager

JOHN CHAVEZ
Assistant General Manager

Report to the Board of Animal Services Commissioners
Brenda Barnette, General Manager

COMMISSION MEETING DATE: September 24, 2013 **PREPARED BY:** John Chavez

REPORT DATE: September 20, 2013

TITLE: Asst. General Manager

**SUBJECT: RECOMMENDATION TO CITY COUNCIL THAT SENATE BILL 1459 BE
ADDED TO THE CITY'S LEGISLATIVE PROGRAM**

BOARD ACTIONS RECOMMENDED:

1. **SUPPORT** Senate Bill 1459 (Kirk-R-IL) known as the "Horse Transportation Safety Act of 2013."
 2. Upon approval, **TRANSMIT** this recommendation to the Mayor and Council for inclusion in the City's legislative program.
-

SUMMARY:

Senate Bill 1459 was introduced by Senator Mark Kirk, (R-IL). The bill would amend Section 80502 of Title 49, United States Code to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1459 is designed to protect horses while being transported throughout the country. The use of double-deck trailers to transport horses is both dangerous and inhumane. The double-deck trailers do not provide sufficient headroom for horses to stand upright. They often endure long journeys in cramped positions and may suffer serious injuries as a result.

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Subject: Support for SB 1459

The American Veterinary Medical Association (AVMA) recommends ceiling heights of no less than 7’8” to transport horses safely; however, the average double-deck trailer heights range from 4’7” to 5’11”. It should also be noted that the U.S. Department of Transportation only requires bridges to have a vertical clearance of 14’ to 16’ in rural and urban areas, making it impossible to build or modify a trailer large enough to humanely transport horses on two levels.

In 2007, an accident occurred in Wadsworth, Illinois involving a double-deck horse trailer that was carrying Belgian draft horses. The accident was so severe that it took first responders over five hours to free animals from the wreckage. In spite of these efforts, nine animals died immediately, while an additional six died later as a result of injuries sustained in the accident.

Six states have banned the use of double-deck trailers for any type of horse transport. Other states, including California, have various state laws regulating the use of trailers for the transport of horses. A uniform federal law is required to eliminate confusion resulting from states with different levels of protection for the transportation of horses.

S. 1459 has been referred to the Senate Committee on Commerce, Science and Transportation

FISCAL IMPACT:

There is no General Fund.

Approved:

Brenda F. Barnette, General Manager

Attachment

BOARD ACTION:

_____ Passed

Disapproved _____

_____ Passed with noted modifications

Continued _____

_____ Tabled

New Date _____

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Brenda Barnette, General Manager

COMMISSION MEETING DATE: September 24, 2013 **REPORT BY:** Brenda Barnette

REPORT DATE: September 20, 2013 **TITLE:** General Manager

SUBJECT: REQUEST FOR PROPOSALS FOR SOUTH LOS ANGELES SPAY/NEUTER CLINIC

BOARD ACTIONS RECOMMENDED:

1. AUTHORIZE the Department to release a Request for Proposals (RFP), substantially in the form attached, for the operation of a spay/neuter clinic at the South Los Angeles shelter, subject to approval of the City Attorney as to form and legality.
 2. DIRECT the Department to report back to the Board with the recommended proposer and a draft a three-year agreement, with three one-year renewal options.
-

SUMMARY:

At its September 10, 2013 meeting, the Board reviewed a recommendation to release an RFP for the operation of a spay and neuter clinic at the new South Los Angeles shelter. Prior to approval of this request, the Board requested that a draft RFP be returned for review at its next meeting. The draft RFP is attached.

REQUEST TO RELEASE RFP FOR SOUTH LOS ANGELES SPAY/NEUTER CLINIC

The Department requires that dogs and cats adopted from its shelters be spayed or neutered, with certain specific exceptions. To accomplish this, the Department contracts with private veterinarians to spay or neuter animals to be adopted. These veterinarians are paid from the Department's Animal Sterilization Trust Fund.

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Report to the Board of Animal Services Commissioners

Subject: RFP for South Los Angeles Spay/ Neuter Clinic

September 24, 2013

Page 2

Sending soon-to-be-adopted animals to private veterinarians strains the City's resources by using staff time and vehicles for the daily transport of these animals to various veterinarians. Additionally, when the public needs to pick up their recently sterilized animals, they need to drive to the veterinarian – rather than the shelter.

To streamline the spay/neuter process for adopted animals, each of the shelters built using Proposition F bond funding has a spay/neuter clinic. Free-standing equipment and tools are purchased by the private veterinarians and once obtained, the clinics serve as self-contained veterinary medical facilities within our shelters.

Having a fully functioning spay/neuter clinic at each shelter reduces the City's transportation and staffing costs, reduces the administrative costs of processing payments, and allows adopters to pick up their pets from the same shelters from which the animals are adopted. These in-shelter clinics promote responsible pet ownership by making it easier to sterilize animals.

While the Department employs several veterinarians and veterinary technicians to treat and care for animals under its control, current workloads preclude City staff from performing all the spay/neuter surgeries needed. As the Department transitions into "no-kill shelters" (C.F 13-0600-S3), a long-term contract with a private veterinarian to occupy the South Los Angeles clinic will ensure that residents are provided with the necessary veterinary services for their companion animals.

In accordance with City Charter Section 1022, staff will work with the Personnel Department and the Office of the City Administrative Officer to ensure that it is appropriate to use contractors to operate this clinic.

SIGNIFICANT TERMS AND CONDITIONS:

Term

The initial term of the agreement shall be for three (3) years, with a renewal option of up to three (3) additional years, exercisable at the City's sole discretion.

Standard Terms and Conditions

The Contractor will be required to comply with the Department's Standard Terms and Conditions.

Permits and Licenses

The Contractor will be required to obtain, at its sole expense, all necessary insurance, permits and licenses to operate the clinic.

Days and Hours of Operation

The Contractor shall provide spay and neuter services, at minimum, five days per week, preferably seven days per week.

Prices of Services

Spay/neuter costs may not exceed fees approved by the Board of Animal Services Commissioners. Prices to be charged to the Department reflect Board-approved pricing less a discount. The

Report to the Board of Animal Services Commissioners

Subject: RFP for South Los Angeles Spay/ Neuter Clinic

September 24, 2013

percentage discount and the services provided for the health and welfare of the City's companion animals shall be considered adequate compensation to the City for the use of the facility.

Equipment

The Department will not provide any equipment to the Contractor; the Contractor will be required to purchase and maintain all equipment and medical supplies necessary to provide services.

Cost of Operations

The cost of staffing, maintaining, and performing related services under the Agreement shall be the sole responsibility of the Contractor. No charges shall be paid by the Department beyond those stated in the Agreement for spay/neuter surgeries.

Quality Assurance

The Department will evaluate the Contractor's performance by using such procedures as may be necessary to ascertain compliance with the Agreement including, but not limited to, onsite inspections and written reports. The Contractor shall be required to immediately correct all deficiencies found by the Department.

Utilities

The City shall provide electricity, water, heating and air conditioning, and maintain the delivery systems thereof. The Contractor will be responsible for all additional utilities, including telephone service and data.

Improvements

No improvements to the premises shall be made without prior written approval of the Department and General Services.

FISCAL IMPACT:

There is no impact to the General Fund. Funds will be used from the Animal Sterilization Trust Fund.

Approved:

Brenda Barnette, General Manager

Attachment

BOARD ACTION:

_____ Passed _____ Disapproved _____

_____ Passed with noted modifications _____ Continued _____

_____ Tabled _____ New Date _____



City of Los Angeles Department of Animal Services

REQUEST FOR PROPOSALS

To Operate the Department of Animal Services' Spay/ Neuter Clinic
At the South Los Angeles Shelter:

D - R - A - F - T



East Valley Animal Care Center

RFP Release Date: TBD
Deadline to Submit Proposals: TBD

Attention: John Forland
Department of Animal Services
221 North Figueroa Street, Suite 500
Los Angeles, California 90012

RFP and Contract Administrator: John Forland
Phone: (213) 482-9554
Fax: (213) 482-9511
john.forland@lacity.org

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I. INTRODUCTION

The City of Los Angeles (“City”), Department of Animal Services (“Department”), is releasing this Request for Proposals (“RFP”) to seek qualified veterinary medical clinic operators to operate the Department’s spay/ neuter clinic at the South Los Angeles Animal Care Center. The operator will primarily provide high-volume spay and neuter services for shelter dogs, cats, and rabbits. Services will also be rendered to the public who may bring their pets for sterilization and related veterinary medical assistance.

The clinic is located within the South Los Angeles Care Center. The Clinic operator will need only bring their equipment, materials, supplies, medicines and controlled substances, and staff to begin operations as a self-contained, fully-equipped spay/neuter clinic. Floor plans for each clinic are attached here as Attachment A.

Award of Contract

To be considered, interested parties must respond to this RFP according to the instructions and guidelines stated herein. The Department intends to award a three-year contract to the person or entity who is the top-ranked proposer for each clinic, renewable at the City’s sole discretion for up to three additional years, for a period of up to six years.

The proposer who demonstrates it is the most qualified to provide the required services, at the best overall value to the City, will be recommended for Contract award. The Contract will be subject to review by the City Attorney and the Mayor’s Office, and subject to approval by the Board of Animal Services Commissioners and the City Council, prior to Contract execution and start of services.

Scope of Services

Contractors will be expected to provide spay and neuter services, along with other veterinary medical services enumerated in the draft personal services contract which, along with its exhibits, is included as Attachment B.

Estimated Value of Contract

Payments to the contractor are expected to be up to \$500,000.

No guarantee is given or implied as to the total amount to be paid to the Contractor during the term of the Contract(s).

Definitions

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

- “Board” means the Board of Animal Services Commissioners.
- “City” means the City of Los Angeles, acting by and through the Department of Animal Services.
- “Clinic” means only that spay/neuter clinic to be operated by a Contractor awarded an agreement.

- “Contract” is synonymous with "Agreement" and means the agreement executed as a result of this RFP.
- “Contractor” means the veterinarian, individual, foundation, partnership, corporation, or other entity to which an agreement is awarded.
- “Department” means the Department of Animal Services.
- “GSD” means the City of Los Angeles Department of General Services
- “Proposer” means any veterinarian, individual, foundation, partnership, corporation, or other entity who submits a proposal in response to this RFP.

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II. ABOUT THE DEPARTMENT OF ANIMAL SERVICES

Mission and Goals

The Department's mission is to promote and protect the health, safety, and welfare of animals and people in the City of Los Angeles. We envision the day when every pet born is ensured a good home and care all its natural life; when no animal will suffer because of abuse, neglect, or ignorance; and all residents, their property, and neighborhoods are safe from the dangers and nuisances of irresponsible pet guardianship. Our goal is to create happiness by bringing pets and people together. We empower our communities to make humane choices.

Services at the Animal Care Centers

The Department offers a wide range of programs and services, including pet adoption, licensing, low-cost spay/neuter services, microchipping, foster programs, volunteer programs, permits, prevention of animal cruelty, and community outreach programs, among others. Most of our services and programs are offered through our Animal Care Centers located throughout Los Angeles. At the care centers, staff receive stray or turned-in animals, and after an initial check-up, hold the animals for the legally required period of time before placing them up for adoption. The centers' veterinary staff looks after the health of the center's animals and treats those needing special care. Animal Control Officers respond to public calls and pick up stray and injured animals and wildlife, or animals that may be in danger due to inhumane treatment. Volunteers and staff work together to help pet owners find their missing companions, or to find new animal companions.

New and Expanded Animal Care Centers

With the passage of the City's Proposition F, the Fire and Animal Facilities Bond, Los Angeles voters signaled their support for new, expanded, and modern facilities for animal care and human interaction. Seven new or expanded facilities provide community-oriented animal care, a safe environment for animals in the Department's care, and establish community relationships to enhance responsible pet ownership and to increase the number of pets reclaimed by owners or adopted to new homes.

Each new or expanded center features comfortable and safely designed public areas and state-of-the-art veterinary care, examination, and observation spaces. All include a major expansion of dog kennel space and large kitchens for preparing animal meals. They feature "get-acquainted" rooms for cats and outdoor yards for the adopter to get to know dogs and other animals. New spay/neuter clinics are included in five of the facilities. The new outdoor kennels keep animals comfortable with radiant heating built into the concrete kennels for winter, and misting systems for hot days, while human visitors will enjoy the garden settings of the kennel areas. Large community rooms will be used for everything from staff training to community events.

Additional information is available online at: www.laanimalservices.com .

III. DEPARTMENT EVENTS

The Contractor's workload may increase in the days before or after the Department's various adoption events; the Contractor will be expected to make a reasonable effort to accommodate increased workloads. Following is a sampling of some of the pet-adoption events held by the Department:

Mobile Pet Adoptions

Each month, the Department organizes approximately Mobile Pet Adoptions, typically one-day events held on a Saturday or Sunday, and held in a variety of locations in Los Angeles. Usually about 30 to 40 animals are adopted at these events, and hundreds of people are provided with information and messages about animal issues, including spay/neuter information.

Pet Fairs

The Department holds pet fairs throughout the year at which free rabies vaccinations are given. Typically held in lower-income neighborhoods, these events help save animals' lives in communities in which residents may not otherwise be able to afford vaccinations for their pets.

Super Adoption Events

Super Adoption events are held two to three times a year, are high profile events that are held through partnerships between the Department and rescue organizations. These all-day and multi-day events attract thousands of current and potential pet owners.

IV. PERSONAL SERVICES AGREEMENT

The proposed Personal Services Agreement is attached as Attachment B, and will be the Agreement, substantially in the form as attached, to operate the Clinic. Portions of the top-ranked proposal may be incorporated into and made part of the final executed Agreement. Attached to the Agreement are the License to Use the Premises of Spay and Neuter Clinic (Exhibit A of the Agreement), and the City's Standard Provisions for City Contracts (Rev. XX/XX; Exhibit B of the Agreement).

V. REQUIREMENTS FOR SUBMITTING A PROPOSAL

A. Deadline for Submission

To be considered, proposals must be received on or before **TBD**, 3:00 p.m. Pacific Time, at the address listed below.

B. Where to Submit your Proposal

Proposals must be for a single location. If proposing on multiple locations, submit a separate proposal for each location. Submit your proposal or proposals in a sealed envelope or box labeled "Proposal to Operate the Spay/ Neuter Clinic at the South Los Angeles Animal Care Center.". Indicate your name and address on the outside and deliver to:

Attention: John Forland
Los Angeles Department of Animal Services
221 North Figueroa Street, Suite 500
Los Angeles, California 90012

C. Number of Copies

Please provide one (1) original, one (1) reproducible copy, and three (3) photocopies and plainly identify the respective documents. A reproducible copy is one which can readily be reproduced through a photocopier.

D. Administrative Requirements for Submittal

All proposals must adhere to the following:

1. Acknowledgment of Terms and Conditions: A proposal submitted in response to this RFP shall constitute acknowledgment and acceptance of all terms and conditions set forth herein. Failure of the successful proposer to accept these obligations may result in cancellation of the Contract award.
2. Format of Proposals: Proposals must be typewritten, in English, and should be prepared simply and economically, avoiding the use of unnecessary promotional materials.

3. The RFP and the top-ranked proposal, or any part thereof, may be incorporated into and made a part of the Contract. The City reserves the right to further negotiate the terms and conditions of the Contract with the selected Contractor.
4. The City reserves the right to withdraw this RFP at any time, to reject any and all proposals, to choose not to award a Contract, and to waive any informality in the process when to do so is in the best interest of the City.
5. A proposer may withdraw a submitted proposal in writing at any time prior to the specified due date and time. Faxed withdrawals will be accepted. A written request to withdraw, signed by an authorized representative of the proposer, must be submitted to the Department at the address specified herein for submittal of proposals. After withdrawing a previously submitted proposal, the proposer may submit another proposal at any time up to the specified submission deadline. All proposals submitted and not withdrawn prior to the end of the submission deadline may not be withdrawn after the submission deadline for a period of ninety (90) days following the deadline for submission of proposals specified in this RFP.
6. **Timeliness of Proposals:** Allow adequate mail delivery time to ensure timely receipt of the proposals. Late proposals will not be considered for review. The City reserves the right to determine the timeliness of all proposals submitted. At the day and time appointed, all timely-submitted proposals will be opened and the name of the proposer(s) announced. No other information about the proposals will be made public until after a recommendation for award is made to the Board.
7. **Deadline Extension:** The City reserves the right to extend the deadline for submission should such action be in the best interest of the City. In the event the deadline is extended, proposers will have the right to revise their proposals. Proposals may be withdrawn personally, by written request, prior to the scheduled closing time for receipt of proposals.
8. All proposals submitted in response to this RFP become the property of the City.
9. **Prohibition of Communication During Evaluation Period:** After the submittal of proposals and continuing until a Contract has been awarded, all City personnel involved in the RFP will be specifically directed against holding any meetings, conferences, or technical discussions with any proposer except as provided in the RFP. Questions regarding this RFP should be directed only to the RFP/Contract Administrator indicated on the cover. Failure to comply with this requirement may terminate further consideration of that proposal.
10. **Cost of Preparation:** All costs of proposal preparation shall be borne by the proposer. The City shall not, in any event, be liable for any expenses incurred by the proposer in the preparation and/or submission of the proposal.

11. Questions: For questions regarding this RFP, contact John Forland at (213) 482-6980, or via email at john.forland@lacity.org .

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VI. CONTENTS OF SUBMITTED PROPOSALS

ALL information requested must be included in your submitted proposal. The proposal must include:

- A cover letter
- Evidence of financial capability
- Description of your qualifications and experience
- Proposed services
- A business plan
- Proposed compensation to the City
- Additional information, if any
- Completed administrative requirements forms.

For each of the above sections of your proposal, provide, at a minimum:

A. Cover Letter

Include a cover letter from, and signed by, an authorized representative of the firm indicating intent in providing the requested services. The cover letter must provide complete contact information of the person or persons authorized to speak on the proposer's behalf regarding the proposal. Include the name and title of this person, mailing address, telephone, fax, and email addresses.

B. Financial Capability

Provide copies of bank statements, letters of credit, etc., to demonstrate sufficient financial capability to cash flow the operation during the initial period and through the entire term of the Contract, including sufficient resources to equip the clinic, provide adequate staffing, and to provide required bonds.

C. Qualifications and Experience

Contractor must have a licensed staff including veterinarians and registered veterinarian technicians that are licensed by the California Board of Veterinary Examiners, and will be required to maintain current licenses from the Board of Consumer Affairs, the Drug Enforcement Administration (DEA), and any other regulatory agencies requiring licensure. Include in your proposal:

- A detailed description of the veterinarian's qualifications and credentials, as well as the qualifications and credentials of key staff (for each location)
- Copies of licenses currently held
- Provide a list of at least three references for the last five years
- Include resumes of key staff

Proposer must have at least five years of recent experience; or, must have on staff a California-licensed veterinarian, with at least five years of recent experience, in high volume (average 40 surgeries per day or more) spay and neuter clinics. Describe your experience in operating a spay/neuter veterinary clinic:

- How many clinics have you operated? How many years in each?

- Describe the medical services provided (surgeries, procedures, etc.)
- Describe the volume of services (number of surgeries, types of animals, etc.)
- Describe experience in performing prepubescent sterilizations on dogs and cats

D. Services to be Provided

In addition to spay/neuter services, indicate which of the optional services listed in the attached Agreement you will provide, if any. Include:

- List of services
- Price of each service
- Any additional services

For all services to be provided, indicate:

- Target volume of work
- How you expect to meet that target

E. Business Plan

Submit a proposed operation plan. This must reflect an understanding of the overall goals of the Department and should demonstrate an interest in assisting with the Departments' goals to promote and protect the health, safety and welfare of animals and people in Los Angeles, including achievement of a permanent "No Kill" policy. The plan should include:

- Number of staff, and categories of each (veterinary, vet technician, clerical, etc.)
- Description of equipment to be used (indicate whether new, used, etc)
- A plan to track surgeries and other services; describe any software to be used for such tracking
- Methods of accounting
- Community outreach plans
- A projected financial statement, preferably in the form of a spreadsheet, for the operation of the proposed business for three years, showing projected operating expenses and projected revenues. You may indicate categories of services in your projected revenues, as well as categories of projected expenses (e.g. salaries, supplies, fees and insurance, etc.). You do not need to disclose proprietary or confidential information, but you should demonstrate realistic expectations of revenues and all expenses, and show that you are able to plan a financially viable operation.

F. Compensation

City shall pay Contractor for spay/neuter surgeries for dogs, cats, and rabbits (males and females) from the shelter and those brought in by the public in connection with any of the Department's various sterilization programs, according to the Board-approved fee schedule indicated in the attached Agreement. Of this payment, Contractor shall reimburse Department a percentage discount each month following receipt of the payment. Indicate your proposed discount: ____%.

Additionally, Contractor shall pay the Department a percentage of gross revenues for all other services provided under the Agreement. Indicate your proposed percentage: ____ %.

G. Additional Information (if any)

Provide any additional information which you feel will further demonstrate your ability to meet or exceed the requirements listed in this RFP. Any additional information may address:

- Your firm's qualifications and experience
- Proposed methods of providing services
- Community-specific services, depending on location being proposed
- Additional services which are available in addition to those listed in the Agreement (additional methods of accomplishing the Department's goals)
- Bilingual capabilities
- Explanations of any disciplinary actions, suspensions of license, claims, etc., if any
- Any other information which further demonstrates your firm's ability to achieve the Department's goals

If no additional information is to be provided, state "No additional information to provide" in response to this subsection.

H. Administrative Requirements and Forms

All bidders and proposers seeking to enter into contracts with the City of Los Angeles are required to comply with the City's contracting requirements. The forms listed below correspond to these requirements; proposers are to complete and submit all required documents with their proposal.

Forms and complete instructions are found in the companion document "Administrative Requirements and Forms," distributed with this RFP and available at www.laanimalservices.com, or by contacting the RFP administrator indicated on the cover of this RFP.

Documents to be included with each proposal are:

- Signature Declaration and Affidavit
- Disposition of Proposals
- Non-Discrimination/ Affirmative Action Plan (pages A1 through A7)
- Living Wage Ordinance (LWO) and Service Contractor Worker Retention Ordinance (SCWRO) exemption forms (*only if applying for an exemption*)
- Contractor Responsibility Ordinance Questionnaire
- Equal Benefits Ordinance Statement
- City Ethics Commission Bidder Certification

The Department reserves the right to request additional information and/or clarification regarding submitted documents during the evaluation.

VII. ADDITIONAL REQUIREMENTS OF SELECTED CONTRACTOR

After award of the Contract, and prior to execution, the selected Contractor shall complete and submit the following (forms to be provided to the selected Contractor):

- Americans with Disabilities Act Certification
- Child Support Certificate of Compliance
- Los Angeles Residence Information (location of selected contractor's headquarters and percentage of workforce residing in Los Angeles)
- LWO/SCWRO Compliance forms
- Slavery Disclosure Affidavit
- Contractor Responsibility Ordinance Pledge of Compliance
- Form W9

The following must be submitted to the Department before Contract execution:

- Copy of Los Angeles Business Tax Registration Certificate (BTRC) for the Clinic
- Proof of Insurance, subject to City approval
- Copy of Veterinary Premise Permit for the Clinic

VIII. REVIEW, EVALUATION, AND AWARD

Evaluation of proposals and award will be made on a clinic-by-clinic basis; proposals for a particular clinic will be ranked only against proposals for that same clinic, and not against those of other clinics.

A. Review Of Proposals

Staff will review all proposals to determine if they meet the minimum requirements contained in this RFP. The Department reserves the right to request additional information to clarify a submitted proposal.

B. Financial Capability

Proposer must demonstrate that it has sufficient financial capability to cash flow the operation during the initial period and through the entire term of the Contract.

Proposers who fail to meet the minimum requirements stated herein, or who fail to demonstrate sufficient financial capability, may be disqualified from further evaluation and may be deemed non-responsive. Proposers who pass A and B will be further evaluated as follows:

C. Evaluation

A selection panel may be convened to evaluate proposals, may interview proposers whose proposals have met the minimum requirements, and may be asked by the Department to recommend an award of a Contract. Said selection panel may be comprised of Department staff and/or appropriate experts.

Proposals will be rated according to the following criteria. Each category will be rated based on a point scale as shown below. Proposals will be ranked based on their respective aggregate scores with a perfect score being 100.

Experience and Qualifications (25 points):

- Relevant experience of proposer
- Proven ability to provide similar, top quality services to the City of Los Angeles, demonstrated through previous City experience, references, license history, and other facts; or proven ability to provide similar, top quality services in the private sector.
- Meets or exceeds required qualifications.

Proposed Services (25 points):

- Proposed fees for services to the public
- Demonstrated interest in public outreach and marketing
- Services are appropriate, reasonably-priced, varied.

Business Plan (25 points):

- Clarity and thoroughness of addressing all aspects of the proposed operation
- Demonstrates ability to accomplish the Scope of Services described in the attached Agreement
- Demonstrated willingness and ability to provide services to clientele of all income levels, or at levels appropriate for the community surrounding the proposed Clinic.

Compensation to City (25 points):

- Proposed discount to the City for sterilizations
- Proposed payment to City for additional services
- Payments are appropriate, feasible.

All proposals will be evaluated solely on the basis of the criteria listed above and the ranking of any review panel will serve solely to assist Department staff on evaluating the merits and viability of each proposal. Staff will independently formulate a recommendation to the General Manager, who will be free to accept or reject the review staff's recommendation and present his recommendation to the Board in a Board Report. The Board will consider the General Manager's recommendation during a public Board meeting and may accept or reject the General Manager's recommendation in making their decision as to the selection, stating publicly the reasons for their action. The proposed Contract is subject to review by the Office of the Mayor, and the City Council's approval or rejection pursuant to Charter Section 373.

C. Award of Contract

The General Manager of the Department recommends Contract awards to the Board of Animal Services Commissioners. The Department will notify all proposers in writing of the General Manager's recommendation. Once the contract or contracts

are approved by the Board, the selected proposer will complete and submit the additional documents as required by City Ordinance, State, or Federal laws, after which the Contract or Contracts will be forwarded to the Los Angeles City Council for final approval.

Contracts are deemed to be executed upon the date of signature, or as otherwise stipulated in the Contract.

D. Contractual Arrangements

The proposer selected to perform the services outlined in this RFP will enter into a Contract, approved as to form by the City Attorney, directly with the City of Los Angeles.

E. Verification of Information

The Department reserves the right to verify the information received in the proposal. If a proposer knowingly and willfully submits false information or data, the Department reserves the right to reject that proposal. If it is determined that a Contract was awarded as a result of false statements or other data submitted in proposal to this RFP, the Department reserves the right to terminate the Contract.

IX. ATTACHMENTS

Attachment A: Clinic Floor Plan

Attachment B: Personal Services Agreement

Exhibit A: License to Use Premises of Animal Spay/ Neuter Clinic

Exhibit B: Standard Provisions for City Contracts

Exhibit C: Premises Map (floor plan of the specific Clinic operated by

Contractor)

Attachment C: Number of Adoptions and Intakes

Administrative Requirements and Forms

These are contained in a separate, companion booklet available at www.laanimalservices.com or by calling the RFP administrator indicated on the cover of this RFP.

- Proposer's Signature Declaration and Affidavit
- Disposition of Proposals
- Non-Discrimination/ Affirmative Action Plan (pages A1 through A7)
- Living Wage Ordinance (LWO) and Service Contractor Worker Retention Ordinance (SCWRO) exemption forms (only if applying for an exemption)
- Contractor Responsibility Ordinance Questionnaire
- Equal Benefits Ordinance Statement
- City Ethics Commission Bidder Certification and Lobbying Ordinance

To all Potential Respondents:

**CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL SERVICES**

**REQUEST FOR QUALIFICATIONS (RFQ)
PRE-QUALIFIED ON-CALL DOG TRAINING PROFESSIONALS LIST**

Statements of Qualifications (SOQs) are requested from dog training professionals to provide training for Animal Services staff at six shelters on how to run play groups to provide socialization and exercise. These activities would help reduce shelter dogs' stress and make their time in our shelters more enjoyable.

These services will be on a pre-qualified on-call basis. SOQs must be submitted in accordance with the requirements set forth in this document.

Only written responses will be considered. Any materials submitted will become part of the response, and may be incorporated into any subsequent contract(s) between the City and the selected consultant. An original and four copies (total of five sets) and one PDF copy on compact disc of the Cover Letter and the SOQ, plus an original and one copy (total of two sets), separately bound and clearly labeled, of the other materials listed in Section 8 must be received by 4:00 p.m. on **[TBD]** addressed to:

Attention: Ross Pool
Department of Animal Services
221 North Figueroa Street, Fifth Floor
Los Angeles, California 90012

If you have technical questions, please submit them to Mr. Pool with a copy to John Chavez, via fax at (213) 482-9511, by mail, or via email: ross.pool@lacity.org and john.chavez@lacity.org. The questions, along with the answers, will be provided to all interested parties. Any questions regarding mandated City policies and programs should be addressed to the City agency responsible for administering them, as stated in the corresponding attachment.

**CITY OF LOS ANGELES
DEPARTMENT OF ANIMAL SERVICES**

**REQUEST FOR QUALIFICATIONS (RFQ)
PRE-QUALIFIED DOG TRAINING PROFESSIONALS LIST**

1. INTRODUCTION

The Department of Animal Services is requesting RFQs from dog training professionals to provide training for Animal Services staff at six shelters on how to run play groups to provide socialization and exercise. These activities would help reduce shelter dogs' stress and make their time in our shelters more enjoyable.

A list of eligible trainers shall be on a pre-qualified on-call basis. The issuance of the RFQ was approved by the Board of Animal Services Commissioners on [TBD]. The list will be good for three years.

The issuing date for the RFQ is [TBD]. The closing date for this RFQ is 4:00 p.m. on [TBD]. Responses may be submitted at any time prior to the due date.

A panel from the Department of Animal Services will evaluate the written responses to establish a list of pre-qualified on-call dog professionals. This list will be approved by the Board of Animal Services Commissioners.

2. COST OF CONSULTING CONTRACTS

It is anticipated that the services required under this contract will be under \$25,000 per engagement; however, the Department may consider services in excess of that amount¹.

3. FINANCIAL RESPONSIBILITY

The City shall not be responsible in any manner for the costs associated with the submission of your Statement of Qualification (SOQ), described in Section 8 below. The SOQ, including all drawings, plans, brochures, photographs and other materials submitted shall become the property of the City upon receipt by the City. The City shall have the right to copy, reproduce, publicize or dispose of each SOQ in any way the City elects.

4. RIGHTS OF NEGOTIATION, REVISION, WITHDRAWAL, AND REJECTION

The City will negotiate a contract with firm(s) selected for the pre-qualified on-call list. The City reserves the right to revise the RFQ, withdraw the RFQ, reject any response for non-compliance with the RFQ provisions, or not to award a contract at any time because of unforeseen circumstances or if it is determined to be in the best interest of

¹ Contract amounts over \$25,000 require Mayor and City Council approval, as well as the Board's.

the City. If the RFQ is revised, written revisions to the RFQ will be made available to all potential respondents who received the RFQ.

5. ACCEPTANCE OF TERMS AND CONDITIONS

Submission of an SOQ shall constitute acknowledgement of acceptance of all terms and conditions hereinafter set forth in this RFQ unless otherwise expressly stated herein. All SOQs must be submitted in writing and must include all required documents including forms, appendices, and other specifications.

6. SCOPE OF WORK

The proposed scope of work required for pre-qualified on-call dog professional services will include, but not be limited to the following:

- Provide training at six City shelters on how to run play groups with shelter dogs to provide socialization and exercise. The aim is to help reduce shelter dogs' stress and make their time in our shelters more enjoyable.
- Provide training that will result in improved employee and volunteer safety and appropriate dog behavior.
- Provide the Department with training-related related protocols and procedures that can lead to an increase in the live-save rate and improved quality of life for shelter dogs. These documents will ensure that training provided by the contractor can be followed effectively upon the conclusion of this training.

7. ASSIGNMENT OF WORK

The assignment of work under this contract will be done by calling dog training professionals on the list and determining their availability and price.

If more than one dog trainer is available to provide the services, the Department will request a proposal from those available. Assignments will be awarded to the pre-qualified on-call list proposer whose proposal represents the best overall value to the City.

Once an agreement is reached, the City will issue a Notice to Proceed. No work is authorized until the City issues the Notice to Proceed to the selected veterinary consultant. No guarantee of work is given or implied to any of the consultants on the list. A consultant may reject any offer of work; however, three such rejections during the term of the contract, including failures to respond to solicitations may be cause for removal from the list.

8. CHECKLIST OF SOQ REQUIREMENTS

Respondents shall submit an original and four copies (total of five sets) and one PDF copy on compact disc of their Cover Letter and SOQ. An original and one copy (total of

two sets) of all other required documents, bound separately and clearly labeled, are to be submitted at the same time as the SOQ submittal.

Cover Letter

Include the name and address of the firm; the firm's Business Tax Registration Certificate ("business license") number (Refer to **Attachment 2**); the names, titles and telephone numbers of the person(s) who will be authorized to represent the respondent.

STATEMENT OF QUALIFICATIONS

A proposer must provide a Statement assuring the Department that it has experience as a dog training professional that qualifies him/her to train staff and volunteers to hold play groups with shelter dogs.

The SOQ shall include a proposer's demonstrated skills, knowledge and abilities relative to staff training and dog handling expertise. Areas that need to be covered include, but are not limited to:

- A description of your program(s) and in which private/municipal shelters it has been offered.
- Evidence that your training correlates to an increase in the live-save² rate. In addition, please provide evidence showing that your training is effective in improving behavioral health.
- Detailed costs of this program.
- Training certificates, honors, and conferences that you have presented as the subject matter expert in quality-of-life activities.
- Samples of protocols and procedures that you believe have resulted in an increase in the live-save rate and improved quality-of-life for shelter animals.
- Samples of train-the-trainer curriculum for both shelter employees and volunteers.

The proposer's SOQ must disclose if there is any conflict-of-interest in performing this work. The disclosure shall include relationships and interests, including but not limited to financial relationships and/or interests, with animal activist groups. The Department will coordinate with the Office of the City Attorney to determine whether a conflict of interest exists with respect to any proposed work.

The SOQ must include a statement that it is genuine, and not a sham or collusive, nor made in the interest or on behalf of any person not herein named, and that the respondent has not directly or indirectly induced or solicited any other respondent to put in a sham SOQ, or any other person, firm or corporation to refrain from responding, and that the respondent has not in any manner sought by collusion to secure for itself an advantage over any other respondent. If selected, the consultant is prepared to provide all of the services described in the Scope of Work for each project for which a proposal is submitted.

² The percentage of dogs/cats entering the shelters that leave alive. The Department is trying to increase its live-save rate from 64% this year to 90% in 2017.

The Statement must also include a list of previous clients for past work of a similar nature. Provide the names of the clients, the clients' contact persons and their telephone numbers, and a description of the circumstances and the work performed. The City reserves the right to contact the clients listed at any time.

Key personnel must provide academic credentials, professional and/or requisite licensing, and/or certification documents as are required to perform the duties as detailed in the Scope of Work section.

CHECKLIST

√	DOCUMENT	DESCRIPTION
<input type="checkbox"/>	Cover Letter	Include the name and address of the firm; the firm's Business Tax Registration Certificate number (Refer to Attachment 2); the names, titles and telephone numbers of the person(s) who will be authorized to represent the respondent; and the name of the project coordinator for the duration of the contract.
<input type="checkbox"/>	SOQ	See Sec. 8 "Checklist of SOQ Requirements"
<input type="checkbox"/>	Equal Benefits Ordinance (See Attachment 5)	Equal Benefits Ordinance Compliance Affidavit uploaded to BAVN
<input type="checkbox"/>	Child Support Obligations (See Attachment 6)	Certificate of Compliance to Child Support
<input type="checkbox"/>	Americans with Disabilities Act (See Attachment 7)	Certificate of Compliance to ADA
<input type="checkbox"/>	Slavery Disclosure Ordinance (See Attachment 10)	Slavery Disclosure Ordinance Affidavit uploaded to BAVN
<input type="checkbox"/>	Los Angeles Residence Information Form (See Attachment 11)	Percentage of Workforce residing in the City of Los Angeles
<input type="checkbox"/>	Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55 (See Attachment 15)	Compliance with Disclosure Requirements and Prohibitions Established in the Los Angeles Municipal Lobbying Ordinance and Limitations on Campaign Contributions
<input type="checkbox"/>	Policy Compliance Certification Checklist	Checklist must be completed, signed, and submitted with the Cover Letter and SOQ

9. CONSULTANT SELECTION PROCEDURE

SOQs will be reviewed by a panel from the Department of Animal Services and/or outside experts. The following criteria will be used in evaluating the respondent's SOQ to determine which respondents are deemed most qualified for quality-of-life activities. Respondents submitting SOQs may be called for an oral interview to further assess their qualifications. If the consultant has complied with other City requirements, the consultant will be placed on the pre-qualified on-call list. For specific work requests, proposals will be solicited from the consultants on the list pursuant to the terms of Section 7.

Consultants will not be allowed to make any changes to their SOQs between the time of submittal and the time a decision is made by the City on which firms are "short-listed"

for interviews. If a consultant has been short-listed, the consultant may revise its SOQ ONLY if the City is notified in writing. The notification must be received by the City at least 10 days prior to the interviews. The notification must clearly state the reasons for and the specifics of the changes.

Selection/Evaluation Criteria

- **Technical Qualifications and Past Experience** **40%**
This includes the individuals' background, experience, and familiarity with quality-of-life activities, play groups, training, and the qualifications of personnel.
- **Record of Past Performance** **30%**
This includes quality-of-life activities, play groups, training, completion of work on time and within budget, and the response of references.
- **Cost/Value to the City** **30%**
This includes proposed fees, if these fees are within budget (target: below \$25,000), and if these fees are appropriate and reasonable.

10. CITY CONTRACTUAL REQUIREMENTS

The City of Los Angeles has certain policies and requirements that may affect the contracts awarded from this RFQ. Refer to **Attachment 9** for a sample of the City of Los Angeles' Personal Services Agreement. Therefore, all prospective consulting firms are advised of the following:

- **Contractor Responsibility Ordinance (CRO)**

The contract will only be awarded to a responsive, responsible consultant. All businesses or individuals seeking to contract with the City of Los Angeles are required to demonstrate that they possess the quality, fitness, and capacity to perform the work set forth in the contract under the terms of the criteria listed in the Los Angeles "Contractor Responsibility Ordinance" (Article 14, Chapter 1, Section 10 of the Los Angeles Administrative Code). Respondents are required to complete all sections of the "Responsibility Questionnaire." Submit the Questionnaire with the SOQ. Failure to return the completed document may result in the respondent being deemed non-responsive. When the contract is awarded, the consultant and its subconsultants will be required to sign a "Pledge of Compliance with the Contractor Responsibility Ordinance". Submitting firms with questions on the Contractor Responsibility Ordinance should contact the Bureau of Contract Administration, Special Research & Investigation Section at (213) 847-2445. (**Attachment 1**)

- **Business Tax Registration Certificate (BTRC)**

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 respondents must represent that they have, or will obtain upon award, a Business Tax Registration Certificate (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 said Ordinance and shall not allow any such certificate to be revoked or suspended. To find out more about the BTRC, please refer to **Attachment 2**, or contact the Office of Finance, Tax and Permit Division, Main Office, (213) 473-5901.

- **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.

Non-construction services to or for the City for which the consideration is \$1,000 or more shall comply with the provisions of Los Angeles Administrative Code Section 10.8.3, Equal Employment Practices Provisions. All Proposers shall complete and upload, the Non-Discrimination/Equal Employment Practices Certification (two (2) pages) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org at the time it registers on BAVN but no later than the time when an individual SOQ is submitted. However, Proposers with Certifications previously uploaded to BAVN and verified by the Office of Contract Compliance (OCC) do not need to re-submit.

- **Insurance Requirements**

The selected consultants will be required to obtain insurance coverage in the following types and amounts as specified by the City Administrative Officer's Risk Manager prior to award under this contract:

- General Liability \$ 1 Million per occurrence
- Professional Liability \$ 1 Million per occurrence
- Workers' Compensation/
Employer's Liability Insurance \$ 1 Million per occurrence

Insurance requirements, including actual levels of insurance coverage for each required type of insurance may be adjusted. At the time an assignment is given, and prior to the commencement of work, proof of insurance must be submitted to the Department for approval by the City Administrative Officer's Risk Manager.

Documents in **Attachment 4** are included for the potential respondent's information. No insurance documents need to be submitted with the SOQ.

- **Equal Benefits Ordinance**

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 Proposers shall complete and upload, the Equal Benefits Ordinance Affidavit (two (2) pages) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract, the value of which exceeds \$5,000. The Equal Benefits Ordinance Affidavit shall be effective for a period of twelve months from the date it is first uploaded onto the City's BAVN. Proposers do not need to submit supporting documentation with their bids or SOQs. However, the City may request supporting documentation to verify that the benefits are provided equally as specified on the Equal Benefits Ordinance Affidavit.

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>.

- **Child Support Obligations Ordinance**

On February 13, 1991, the Child Support Obligations Ordinance became effective. The ordinance requires all current and future consultants and subconsultants 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 consultant and any subconsultants to fulfill those requirements. In addition, the consultant must complete the Certification of Compliance with Child Support Obligations form (**Attachment 6**) and submit it with the SOQ.

- **Americans with Disabilities Act**

Consultants 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. (**Attachment 7**)

- **Service Contractor Worker Retention Ordinance & Living Wage Ordinance**

Unless approved for an exemption, consultants 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., Service Contractor Worker Retention Ordinance (SCWRO). Proposers shall refer to **Attachment 8**, "Service Contractor Worker Retention Ordinance and Living Wage Ordinance" for further information regarding the requirements of the Ordinances.

Proposers who believe that they meet the qualifications for one of the exemptions described in the LWO List of Statutory Exemptions shall apply for exemption from the Ordinance by submitting with their SOQ the Application for Non-Coverage or Exemption (Form OCC/LW-10), or the Departmental Exemption Application (Form OCC/LW-13). The List of Statutory Exemptions, the Application and the Certification are included in **Attachment 8**.

- **Contractor Evaluation Ordinance**

At the end of the contract, the City will conduct an evaluation of the Consultant's performance. The City may also conduct evaluations of the Consultant'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 Consultant assigns to the contract. A Consultant 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 Consultant, to evaluate SOQs and to conduct reference checks when awarding other personal services contracts.

- **Discount Terms**

Consultants and contractors performing work for the City must agree to offer the City any discount terms that are offered to its best customers for the goods and services to be provided herein, and apply such discounts to payments made under this contract which meet the discount terms.

- **Slavery Disclosure Ordinance (SDO)**

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

All Proposers shall complete and upload, the Slavery Disclosure Ordinance Affidavit (one (1) page) available on the City of Los Angeles' Business Assistance Virtual Network (BAVN) residing at www.labavn.org prior to award of a City contract.

Proposers seeking additional information regarding the requirements of the Slavery Disclosure Ordinance may visit the Bureau of Contract Administration's web site at <http://bca.lacity.org>. **(Attachment 10)**

- **Los Angeles Residence Information**

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 their headquarter address as well as the percentage of their workforce residing in the City of Los Angeles. All potential respondents are required to complete the Los Angeles Residence Information form and submit the form with their SOQ. **(Attachment 11)**

- **Non-Collusion**

After the List of Pre-Qualified On-Call Consultants is established, consultants will be asked to submit a proposal on the project. Respondents will be required to complete

and return the Non-Collusion Affidavit with their proposal. **Attachment 12** is the Non-Collusion Affidavit and is only required to be submitted when responding to a request by Animal Services.

- **Bidder Ethics**

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. **(Attachment 15)**

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 15**) 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.

- **First-Source Hiring Ordinance**

Unless approved for an exemption, consultants under contracts primarily for the furnishing of services to or for the City, the value of which is in excess of \$25,000 and a contract 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). Proposers shall refer to **Attachment 13**, "First Source Hiring Ordinance" for further information regarding the requirements of the Ordinance.

- **Local Business Preference Program (LBPP)**

The City is committed to maximizing opportunities for local businesses, as well as encouraging local businesses to locate and operate in Los Angeles County (County). It is the policy of the City to prevent unemployment, encourage an increase in local jobs, and create high road economic development. Qualifying firms who participate in the LBPP by qualifying as a local business may receive 8% of the total possible evaluation points added to their evaluation score. Qualifying firms who do not qualify as a local business, may qualify for the LBPP by identifying a local subconsultant to perform work under the contract. Up to 5% of the total possible evaluation points may be added to the evaluation score.

Animal Services is entitled to determine at any time before the award of a contract that it is not in the City’s best interest to grant a preference to a qualifying local business or subconsultant. Further information regarding the LBPP is provided as **Attachment 14**.

11. RFQ SCHEDULE

This schedule indicates estimated dates for the RFQ process. The City reserves the right to adjust this schedule when appropriate.

DATE	EVENT
<i>Date the Board of Animal Services adopts Board Report</i>	Release RFQ to potential respondents
<i>5 weeks after RFQ is released</i>	SOQs due by 4:00 p.m.
	Begin SOQ evaluations
<i>2-3 weeks after SOQ submission</i>	Conduct interviews/oral presentations
<i>6 weeks after SOQ submission</i>	Begin negotiations with selected consultants
<i>8 weeks after SOQ submission</i>	Board of Animal Services approves contracts, if over \$5000. If over \$25,000, the Mayor and City Council must approve. (This will require approximately 1 ½ months in additional processing.)
<i>15 weeks after SOQ submission</i>	Department of Animal Services executes contracts

12. WHERE TO SUBMIT RESPONSES

To respond to this RFQ, an original and four copies (total of five sets) and one PDF copy on compact disc of the Cover Letter and the SOQ, plus an original and one copy (total of two sets), separately bound and clearly labeled, of the other materials specified on the Checklist in Section 8, must be received by 4:00 p.m. on **[TBD]**. Faxes will not be accepted. Respondents should send or deliver their submittals to:

Attention: Ross Pool
 Department of Animal Services
 221 North Figueroa Street, Fifth Floor
 Los Angeles, California 90012

13. PROPOSAL PROTEST PROCEDURES

These procedures provide a method for resolving, prior to award, protests regarding the award of personal service contracts by and through the City’s Board of Animal Services Commissioners. These procedures are for the benefit of the City and are not intended

to establish an administrative requirement that must be exhausted by the protesting consultant prior to pursuing any legal remedy that may be available. For this reason, no consultant shall have any right to due process, should the City fail to follow these procedures, for any reason within its discretion. However, failure by a consultant to follow the protest procedures as discussed below will create the presumption that any subsequent legal action in a court of competent jurisdiction is of no merit. These procedures will enable the Department of Animal Services to ascertain all of the facts necessary to make an informed decision regarding the award of the contract.

- a. A protest relative to a particular Request for Qualifications must be submitted in detail and in writing and be postmarked within five calendar days after the receipt of proposal or statement of qualification by the City. The day of the proposal or statement of qualification receipt shall be considered as day one.
- b. All protests must be addressed to:

Attention: Ross Pool
Department of Animal Services
221 North Figueroa Street, Fifth Floor
Los Angeles, California 90012
- c. Advance copies of protests will be accepted if sent via fax within the protest period to Mr. Pool at (213) 482-9511 or ross.pool@lacity.org and provided approval is received prior to sending the fax or email, by calling Mr. Pool at (213) 482-9501.
- d. The Board of Animal Services Commissioners will only consider protests against any consultant who appears to have a substantial and reasonable prospect of receiving a contract if the protest is sustained.
- e. The Board of Animal Services Commissioners may consider protests from consultants concerning contract compliance matters beyond the protest period. These protests will receive due consideration if the consultant submits the protest in a timely period and such protest affects a consultant who appears to have a substantial and reasonable prospect of being selected if the protest is accepted.
- f. Protests meeting the above criteria will be analyzed and reported upon in a written report to the Board of Animal Services Commissioners. Protesting parties will be notified of the time and date that the written report will be discussed in a public session of the Board of Animal Services Commissioners. Protesting parties will be given the opportunity to present their arguments at the public session.

14. LIST OF ATTACHMENTS

- Attachment 1: Contractor Responsibility Ordinance Package
Attachment 2: BTRC Notice and Application Form

- Attachment 3: Non-Discrimination, Equal Employment, Affirmative Action Package
- Attachment 4: Insurance Requirements Package
- Attachment 5: Equal Benefits Ordinance Package
- Attachment 6: Child Support Information and Certificate of Compliance
- Attachment 7: Certification of Compliance with the Americans with Disabilities Act
- Attachment 8: Service Contractor Worker Retention Ordinance/Living Wage Ordinance Package
- Attachment 9: Sample City of Los Angeles Personal Services Contract
- Attachment 10: Slavery Disclosure Ordinance Package
- Attachment 11: Los Angeles Residence Information
- Attachment 12: Non-Collusion Affidavit
- Attachment 13: First Source Hiring Ordinance Package
- Attachment 14: Local Business Preference Program
- Attachment 15: Bidder Ethics

The potential respondent should contact the following people for questions regarding this RFQ, required submittals, or the various City policies and procedures that are referenced in the RFQ and Attachments.

RFQ in General and Technical Questions

Ross Pool, Management Analyst II, (213) 482-9501, (213) 482-9511 fax, ross.pool@lacity.org

John Chavez, Assistant General Manager, (213) 482-9558, john.chavez@lacity.org

Policies and Procedures

Contractor Responsibility Ordinance
 Bureau of Contract Administration
 Special Research & Investigation Section (213) 847-2445

Business Tax
 Office of Finance, Tax and Permit Division..... (213) 473-5901

Child Support Obligations
 Commission on Children, Youth & Families (213) 744-9047

Business Inclusion Program
 Bureau of Contract Administration
 Subcontractor Outreach and Enforcement Section bca.biphelp@lacity.org

Equal Benefits Ordinance
 First Source Hiring Ordinance
 Non-Discrimination, Equal Employment and Affirmative Action Statements
 Service Contractor Worker Retention Ordinance and Living Wage Ordinance
 Slavery Disclosure Ordinance
 Bureau of Contract Administration
 Equal Employment Opportunities Enforcement Section bca.eeoe@lacity.org

Bidder Ethics: City Ethics Commission..... (213) 978-1960

RESPONDENT SHALL COMPLETE, SIGN, AND RETURN THIS CHECKLIST WITH THE SOQ AND COVER LETTER

	CITY OF LOS ANGELES POLICY COMPLIANCE CERTIFICATION	Included	Upload on BAVN
	Attachment 3: Non-Discrimination / Equal Employment Practices Provisions and Affirmative Action Plan		
	Attachment 5: Equal Benefits Ordinance Compliance Affidavit		
	Attachment 6: Certificate of Compliance to Child Support Obligations		
	Attachment 7: Certificate of Compliance with Americans with Disabilities Act		
	Attachment 10: Slavery Disclosure Ordinance Affidavit		
	Attachment 11: Los Angeles Residence Information		
	Attachment 15: Bidder Certification CEC Form 50 and Bidder Contributions CEC Form 55		

_____ Consultant Name

_____ Date

_____ Signed

_____ Title

_____ Printed Name

_____ Telephone Number

NOTE: Failure to submit all the information requested may render your submittal non-responsive.

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S 1459 IS

113th CONGRESS

1st Session

S. 1459

To amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another.

IN THE SENATE OF THE UNITED STATES

August 1, 2013

Mr. KIRK (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing 2 or more levels stacked on top of one another.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Horse Transportation Safety Act of 2013'.

SEC. 2. TRANSPORTATION OF HORSES.

Section 80502 of title 49, United States Code, is amended--

- (1) in subsection (c), by striking `This section does not' and inserting `Subsections (a) and (b) shall not';
- (2) by redesignating subsection (d) as subsection (e);
- (3) by inserting after subsection (c) the following:

`(d) Transportation of Horses-

`(1) PROHIBITION- No person may transport, or cause to be transported, a horse from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State,

the District of Columbia, or a territory or possession of the United States in a motor vehicle containing 2 or more levels stacked on top of each other.

`(2) MOTOR VEHICLE DEFINED- In this subsection, the term `motor vehicle'--

`(A) means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways; and

`(B) does not include a vehicle operated exclusively on a rail or rails.'; and

(4) in subsection (e), as redesignated--

(A) by striking `A rail carrier' and inserting the following:

`(1) IN GENERAL- A rail carrier';

(B) by striking `this section' and inserting `subsection (a) or (b)'; and

(C) by striking `On learning' and inserting the following:

`(2) TRANSPORTATION OF HORSES IN MULTILEVEL TRAILER-

`(A) CIVIL PENALTY- A person that knowingly violates subsection (c) is liable to the United States Government for a civil penalty of at least \$100, but not more than \$500, for each violation. A separate violation of subsection (c) occurs for each horse that is transported, or caused to be transported, in violation of subsection (c).

`(B) RELATIONSHIP TO OTHER LAWS- The penalty imposed under subparagraph (A) shall be in addition to any penalty or remedy available under any other law or common law.

`(3) CIVIL ACTION- On learning'.

END

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