CITY OF CORONADO

Request for Proposals
for
State Legislative Advocacy

Due Date: Wednesday, November 27, 2019 – 5:00 p.m.
Introduction
The City of Coronado is seeking competitive proposals from experience and qualified individuals or firms to provide professional State legislative lobbying services. The proposals are due by 5:00 p.m. Wednesday, November 27, 2019.

Background
Coronado is a residential beach community of approximately 24,500 citizens, known for its world-famous beaches and bays, beautiful homes, award-winning schools, and the historic Hotel del Coronado. Coronado has a strong Navy presence and is home to Naval Base Coronado (Naval Air Station North Island and Naval Amphibious Base), which employs approximately 25,000 enlisted and civilian workers with a third base under construction (Silver Strand Training Complex). Incorporated in 1890, Coronado has a rich history and exceptional community assets including three resort hotels and a historic downtown village shopping district. Coronado is surrounded by the San Diego Bay and the Pacific Ocean and connected to the City of San Diego by the iconic San Diego-Coronado Bridge. Additionally, Coronado is a member of the Unified Port District of San Diego and located entirely within the California Coastal Zone.

Legislatively, Coronado strives to preserve its quality of life through local land use control, practical means to manage traffic/congestion and maintain a cooperative relationship with the Navy. In January of each year the City Council updates its Legislative Policy Guidelines, which are attached to this RFP.

Scope of Services for State Legislative Advocacy
The chosen individual or firm must be well versed in State legislation and have experience successfully representing a City’s interests in Sacramento.

The successful proposer will demonstrate the requisite knowledge, skill and ability to:

1. Maintain a working relationship with the City’s State legislative delegation (Assembly member Todd Gloria – 78th District; and Senator Toni Atkins – 39th District).

2. Work effectively at the Sacramento-level with the various state agencies that control uses or own land within Coronado, including but not limited to the California State Lands Commission, Department of Transportation, Department of Housing and Community Development, Department of Finance, and the California Coastal Commission.

3. Demonstrate an extensive, working knowledge of state laws, regulations and issues impacting Coronado, including, but not limited to the California Coastal Act, San Diego Unified Port Act, Military affairs, Cross-border environmental issues, CEQA and other land-use regulations.

4. On an annual basis, work with the City to update its legislative program to look at upcoming legislative trends. This will assist the City in pro-actively addressing legislation, topics, or issues that unfold in advance of the coming year.
5. Undertake advocacy, including strategy development and all related activities to attain the objectives of the City. Related activities include policy analysis, drafting legislation, meeting with legislators and staff, obtaining sponsor(s) for legislation, drafting legislative amendments, coordinating testimony at legislative hearings and administrative agencies, attending meetings, organizing advocacy trips, and otherwise representing the City’s positions.

6. Review all proposed, introduced, and amended legislation, and proposed and adopted administrative rules and regulations, to determine and provide analysis as appropriate on its impact on the City and recommend positions to be taken on the legislation.

7. Provide monthly electronic reports on status of legislation and other related matters such as bill language and committee analysis, an annual report giving an overview of the completed and a forecast of important issues in the upcoming year.

8. Coordinate and cooperate with the League of California Cities and other organizations, municipalities, companies and firms having similar legislative objectives as the City. Where appropriate, advocate positions on legislation and work to secure language in law that will advance the City’s interests.

9. Regularly communicate with the City to assess legislative options, analyze legislation and discuss policy objectives including review and input into the City’s legislative policy guide. Present legislative issues to the full City Council as needed/upon request.

10. Participate in regular telephonic informational, planning and coordination meetings with City staff as needed. Assist City Management and City Council during visits to Sacramento on official business.

11. Undertake advocacy on technical matters, compliance reporting and associated activities.

12. Identify available programs that provide funding or grants for City projects and services.

13. Prepare and file all applicable Fair Political Practices Commission lobbying documents and reports within all applicable deadlines, per the provisions of the Political Reform Act of 1974 as amended. Provide the City notification of any changes or modifications that may be pertinent.

Proposal Submittal
The proposal must be received by 5:00 p.m. on Wednesday, November 27, 2019. Proposal may be mailed or emailed to Dominique Albrecht, Assistant to the City Manager by the deadline. Mailed proposals should be submitted unbound on 8 ½ x 11 white paper for ease of duplicating.

If submitting proposal by mail send to:

Lobbyist Proposal - City of Coronado
Attn: Dominique Albrecht, Assistant to the City Manager
1825 Strand Way
If submitting proposal by email send to:
  Dominique Albrecht
dalbrecht@coronado.ca.us
Subject line: Lobbyist - City of Coronado
Attach proposal as an Adobe pdf or MSWord Document

Successful proposers will submit thorough, specific and thoughtful responses. Due diligence regarding the City of Coronado is strongly encouraged.

Proposal Contents
Proposals shall contain the following information:

Capabilities: This relates to the individual/firm’s capabilities to provide the professional services described in the Scope of Services. Please demonstrate the individual/firm’s capabilities, using specific advocacy accomplishments, the individual/firm’s role in the process, and key points of contact lobbied and/or coordinated with to achieve a successful outcome.

Point of Contact: Identify the primary lobbyist for the City and other subconsultants that are proposed to be used. Backgrounds or biographies should be provided. Also provide a list of policy makers, state officer offices, state departments, and other significant contacts you have accessibility to and work closely with.

Firm’s Methodology and Approach to Work: This should include a detailed description of your proposed working conditions, assumptions and methodology to provide the requested services that was used to develop the fee proposal.

Firm’s Philosophy or Ethical Standards: Provide a detailed description of the firm’s philosophy and ethical standards.

Fee Proposal: The proposal shall include fees for all services to be provided on a monthly retainer basis, to include sub-consultants, travel, and expenses.

Selection Criteria
The City will select the consultant based on the proposal, responsiveness to scope of services, review of references, personal interview, and proposed fee structure. Only the highest rated consultants will be invited to a personal interview. City staff will negotiate an agreement with the selected consultant on the final scope of services and fees and prepare an Agreement for Professional Services that shall be presented to the City Council for consideration on December 17, 2019 or soon thereafter. A sample of the Agreement for Professional Services is attached; it is expected that firms submitting proposals shall agree to all the conditions set forth in the agreement.

The City reserves the right to reject all proposals and to waive any minor informalities or irregularities contained in any proposal. Acceptance of any proposal pursuant to this RFP shall not constitute any implied intent to enter into a contract.
Questions/Request for Clarification
All questions for clarification or other questions concerning this RFP should be directed to Dominique Albrecht, Assistant to the City Manager at 619-522-7305 or dalbrecht@coronado.ca.us

Attachments
City of Coronado 2019 Legislative Policy Guidelines
Sample Agreement for Professional Services
INTRODUCTION

The following guidelines shall be utilized to take the positions on state and federal legislative issues affecting the City of Coronado. These guidelines assist in taking positions on various issues to prepare consistent correspondence to various legislative members.

As needed, staff will provide periodic updates on important legislative issues at regular City Council meetings. City Council will then have an opportunity to make a position statement on the issues.

When a legislative matter requires action between regular City Council meetings, staff is authorized to take a position on the matter in accordance with these guidelines. However, if there are mitigating factors where the Council may want to take a position different from those indicated in these guidelines, the measure shall go to the City Council for action regardless of the urgency.

Additionally, in accordance with Council Policy #26, legislative correspondence signed by the Mayor shall be presented to the full City Council, subject to agenda deadlines, at the next regularly scheduled City Council meeting as a non-action item under the Agenda Heading of COMMUNICATIONS – WRITTEN.

These guidelines are reviewed annually by the City Council and revised to reflect positions the Council has taken on previous legislative issues or may want to take based on recommendations from staff.
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I. LOCAL GOVERNMENT FINANCE

A. State-Federal Mandated Programs
   1. Support legislation requiring the State and Federal Government to provide full cost reimbursement to cities for all mandated programs and for all programs resulting in revenue losses.
   2. Oppose legislation that fails to provide adequate funding for State and Federally mandated programs.
   3. Oppose any measure that mandates procedures (such as maintenance-of-effort) that would make local government more dependent on the State for financial stability.
   4. Support legislation that further protects local government revenue from being taken, confiscated, shifted, diverted or otherwise used to fund State government operations and responsibilities.

B. Long-Term Financing of Local Agencies
   1. Support legislation to stabilize local government financing, to increase funding to local agencies and to permit the most cost-efficient management of State-mandated programs.
   2. Oppose legislation which shifts revenue from local government to the State for any purpose or reduces local discretion in the use of local government revenues.
   3. Oppose legislation that would punitively reduce local government funding for transportation or other discretionary funding for not meeting state housing goals.

C. Revenues, Fees and Taxes
   1. Support legislation which increases local revenues or improves local government’s ability to generate revenue.
   2. Oppose legislation that would change the property tax allocation method or formula that would result in less property tax to the City of Coronado.
   3. Oppose legislation that would transfer a local government’s reserves, or designated reserves, to the state or other agency, or reduces a local government’s revenue due to the level of reserves it maintains.
   4. Support legislation to protect and preserve local control over locally imposed taxes (such as transient occupancy tax and franchise fees).
5. Support legislation that would repeal FY 92-93 and FY 93-94 property tax shift from cities.

6. Support legislation to protect critical local programs and services from State budget cuts during the current legislative session.

7. Support legislation that would create cost recovery for local police, fire, and emergency medical services to state/military properties, including military housing.

8. Support legislation that would create cost recovery for local non-safety public services to state/military properties, including military housing.

9. Support legislation that would amend the State Constitution Article XIID, Section 6.C. to include storm drain fees among the list of types of fees that are exempt from the voting requirements imposed by Proposition 218.

D. Border Area Economic Development

1. Support legislation which would provide aid to and assist in the development of the economies of South Bay and border cities.

E. Local Educational Funding


2. Support legislation that provides flexibility for use of 2% pass-through funds (Health & Safety Code section 33676) on school district operations.
II. GENERAL GOVERNMENT

A. Workers’ Compensation

1. Oppose legislation which would increase employee benefits without system reforms which would offset increased employer costs.

2. Oppose legislation which would provide presumptive eligibility for the award of benefits for Workers’ Compensation or other employee health benefits.

3. Support legislation which would remove existing presumptive eligibility for the award of benefits for Workers’ Compensation or other employee health benefits.

4. Support legislation which would reform the Workers’ Compensation system to reduce employer costs through the reduction of system abuse.

B. Unemployment Compensation

1. Oppose legislation which would increase employer liability for unemployment compensation or which would reduce local discretion to manage this risk.

C. Labor Relations

1. Oppose legislation which would impede local administration of labor relations.

2. Oppose legislation which would require, impose, or expand compulsory binding arbitration for public employees.

3. Oppose legislation which would increase the cost of benefits, the cost of administering benefits, or mandate that a special group health and welfare benefit be provided to all employees.

4. Oppose legislation which reduces local control over public employee disputes and/or imposes regulations from an outside agency.

5. Oppose legislation which makes disciplinary proceedings for public safety employees similar to criminal proceedings, making it virtually impossible for employers to prove an administrative violation.

6. Oppose legislation restricting the availability of evidence in administrative investigations and hearings involving public safety employees.

D. State and Local Government Relations

1. Oppose legislative efforts that restrict the City from contacting and representing itself on issues of importance before state agencies and commissions.
E. Pension Reform

1. Support legislation consistent with the League of California Cities’ recommendations for pension reform that provides sustainable pensions for employees.
III. PUBLIC PROTECTION

A. Crimes

1. Support legislation that would protect the public from the dangerous and improper use of weapons and enact necessary regulations to control their use.

2. Oppose legislation which would weaken the authority of local law enforcement to control the issuance of concealed weapon permits.

3. Support legislation which strengthens State graffiti law and provides local government revenue and resources for graffiti abatement.

4. Support legislation that would protect the public from crimes, including identity theft, committed by use of computers, the Internet or other electronic means.

5. Support legislation that would provide funds for local law enforcement technology.

6. Support legislation that would provide funds for additional equipment, services, and/or personnel (COPS bill).

7. Support legislation that would prohibit transient rental hosting platforms from facilitating occupancy of a residential unit offered for tourist or transient use in violation of any ordinance, regulation, or law of the city; and require transient rental hosting platforms to report quarterly activities sufficient to enforce local transient rental regulations and zoning.

8. Support legislation that would increase the ability of local law enforcement officers to issue a citation to any motor vehicle (including motorcycles) that emit an excessively loud or disturbing noise not necessary for its operation.

9. Support legislation that would allow a local agency to develop their own bail schedule for violations of the Vehicle Code by bicyclists and/or allow a local agency to develop its own municipal code for said purpose.

B. Drugs

1. Support legislation which strengthens State and Federal drug laws to give local government the power to restrict or regulate the sale, manufacture and the use of alcohol and/or controlled substances.

2. Oppose legislation that would limit a city’s authority to regulate, permit, license, or prohibit the cultivation, distribution, or sale of marijuana.

3. Support legislation which would provide a greater share of seized assets to localities.
C. Fire Protection
   1. Support legislation protecting local discretion regarding building and fire code standards.
   2. Support legislation that provides funding for local emergency operations including equipment, services and personnel.

D. Medical Care
   1. Support legislation protecting or increasing municipal discretion regarding the provision of emergency medical services.
   2. Support legislation to update the Geographic Practice Cost Index to provide for adequate reimbursement schedules for physicians in San Diego County who treat Medicare and Medicaid patients.
   3. Support legislation that provides State and Federal funding for local hospital operations and capital improvement projects.
   4. Support legislation that would enhance or provide funding sources for the delivery of emergency medical and ambulance transportation services.

E. Homeland Security
   1. Support legislation that would provide funding for Homeland Security measures.
   2. Support legislation that would require communicating with city officials regarding threats to local safety, as threats occur.

F. Emergency Preparedness
   1. Support establishment of a statewide earthquake early warning system.
   2. Support legislation that provides disaster relief funding related to Coronado storm events.

G. San Diego-Coronado Bridge
   1. Support legislation for the establishment of a suicide prevention barrier for the Coronado Bridge.
   2. Support legislation that seeks City of Coronado concurrence to any modifications to the appearance of the Coronado Bridge as it relates to the establishment of a suicide prevention barrier.
   3. Oppose legislation that would require the City of Coronado to pay, or otherwise diverts funding intended for the benefit of Coronado, for the purpose of a study or construction of a suicide prevention barrier for the Coronado Bridge.
IV. TRANSPORTATION AND PUBLIC WORKS

A. Transportation

1. Seek and support legislation that would provide Department of Defense/Department of Navy funding and participation in congestion relief for the SR 75/282 Transportation Corridor.

2. Support legislation which provides equitable amounts of State and Federal funding for roads and highways and facilitates the timely construction of local transportation projects.

3. Support legislation which reaffirms State responsibility for highway funding and oppose legislation that would relinquish State Routes to local governments without appropriate consideration or concurrence.

4. Support legislation which assures Federal and State funding efforts for local transportation projects and for alternative forms of transportation.

5. Support legislation providing funds for local agencies to establish peak hour traffic management plans.

6. Support legislation to authorize financial incentives for employees who commute to work in car pools or use public transportation.

7. Support legislation that allows the use of speed cameras in 25 M.P.H. school zones and residential neighborhoods based solely on safety concerns.

8. Support legislation that would allow the lowering of the speed limit on State Route 282 and State Route 75/Silver Strand Highway.

9. Support legislation for active transportation methods and the implementation of complete streets in the City of Coronado to improve bikeability and walkability throughout the City.

10. Support legislation to facilitate the expedited relinquishment of State Routes 75 and 282, should the City of Coronado decide to take ownership of all or a portion of these roadways.

11. Support legislation that would allow local governments to establish reasonable control and regulations over taxicabs that operate within their jurisdictions.
B. Solid Waste and Recycling

1. Support legislation requiring local agencies to prepare and implement recycling plans.

2. Support legislation which encourages the State to provide funding for added costs of implementing mandatory solid waste, household hazardous waste, and recycling programs to local agencies.

3. Support legislation which sets reasonable and flexible recycling standards.

4. Support legislation that would exempt a city from penalties due to a federal installation’s excessive contribution to the city’s waste stream.

5. Support legislation encouraging active development of markets for recycled goods.

6. Support legislation requiring local agencies to prepare and implement household hazardous waste collection plans and provide funding.

7. Support legislation which reduces local government's superfund liability for solid waste.

C. Public Rights-of-Way

1. Support legislation to retain local control over public rights-of-way.

2. Oppose legislation that would limit the City’s ability to regulate or prohibit activity in the public rights-of-way or on public property.

D. Public Works

1. Support legislation that provides cities the ability to impose consequences regarding future work opportunities on contractors selected under low bid contract requirements that deliver unsatisfactory contract performance.

2. Support legislation that would allow general law cities to use design build or other delivery methods for constructing capital improvement programs.

3. Support legislation that would provide greater flexibility in the use of City forces to complete minor Public Works contracts.

4. Support legislation that would allow general law cities to use a two-step, best value contract acquisition method for service contracts.
V. RESOURCES AND ENVIRONMENT

A. California Environmental Quality Act
   
   1. Support legislation which improves CEQA requirements to aid in a thorough environmental review of future projects.
   
   2. Support legislation that would exempt local agencies from completing CEQA or obtaining additional permits from State or Federal agencies for temporary events such as aerial fireworks displays.
   
B. Offshore Drilling
   
   1. Oppose legislation which includes any San Diego coastal areas in the lease/sale program until environmental protection has been assured and the need for this resource has been demonstrated.
   
   2. Support legislation which provides for oil spill prevention and response.
   
   3. Support legislation which creates a Coastal Sanctuary which prohibits a State agency from entering into a new lease for the extraction of oil in State waters.
   
C. Waterfront
   
   1. Support legislation which provides funding for waterfront coastal restoration, protection, and enhancement.
   
   2. Monitor efforts to improve or modify facilities at Silver Strand State Beach with the intent of preserving the environment for the Coronado residents who are adjacent to the State Beach.
   
   3. Monitor the status of legislation and seek state cooperation and funding for protecting the Silver Strand and Coronado Bridge Scenic Highways, including maintenance and operations of the Silver Strand State Park, master planning efforts, ridge line fence improvements, and rehabilitating and upgrading the environmental preserve north of the bayside beach picnic area.
   
   4. Oppose projects that diminish or have a negative impact on the Silver Strand and Coronado Bridge Scenic Highways.
   
   5. Support legislation to fund advance planning for the potential of sea-level rise.
D. Water

1. Support legislative efforts to feasibly improve the water quality in San Diego Bay.

2. Support legislation to provide Southern California with a stable source of water.

3. Support legislation which would provide incentives and funding for alternative water sources and for water conservation measures sponsored by local agencies.

4. Support legislation that would advance the opportunity to secure and utilize reclaimed/recycled water.

5. Support legislation that would support the development of a Long-Range Regional Water Reuse Plan that would not preclude a local agency from pursuing its own reclaimed water initiative.

6. Support legislation that would expand the ability of local government officials, staff, and the public to serve on the Regional Water Quality Control Board.

E. Storm Drain and Sewer

1. Support legislation to provide funding for National Pollutant Discharge Elimination System (NPDES) permit compliance and other mitigation measures and projects to reuse, divert, or treat urban runoff.

2. Oppose legislation that imposes more stringent requirements on storm drain runoff without providing funding and/or consideration of the feasibility of monitoring and mitigation of such requirements.

3. Monitor any new or reviewed requirements by State or Federal agencies for testing water quality and water body closures.

4. Support legislation that would provide funding for the Transbay wastewater system and other projects in the sewer and storm water master plans.

5. Support Federal and State legislation to allow for smaller secondary equivalency at the Point Loma Wastewater Plant (including the proposed Pure Water San Diego Program) rather than upgrading the plant to full secondary treatment as long as the discharges from the plant are not harming the environment.

6. Support legislation to fund programs for the proper disposal of prescription drugs.

F. Tijuana River Valley Sewage

1. Support Federal and State legislation that provides funding for remediation of inadequacies in Tijuana’s sewer infrastructure facilities.
2. Support Federal and State legislation that provides funding for remediation efforts and pollution prevention efforts in the Tijuana River Valley.

G. Regional Growth Management

1. Support legislation that would produce additional resources, including adequate funding, to local agencies to address regional growth issues.

2. Support legislation that would authorize local agencies to establish regional authorities to address growth management issues on a voluntary basis.

3. Support legislation which provides for regional governance but does not compromise the City of Coronado’s membership or role in regional governance issues or local municipal land use authority.

H. Air Quality

1. Support legislation to feasibly improve the air quality in San Diego County.

2. Support legislation which allocates State and/or Federal funds for compliance with Federal and State air quality standards.

3. Support legislation that would provide funding for alternative fuel vehicles.

I. Wetlands

1. Oppose legislation which adversely impacts the wetlands.

J. Energy

1. Support legislation that effectively stabilizes energy availability and reduces energy costs.

2. Support legislation that would provide funding for alternative energy sources, energy efficiency and conservation measures.

K. Land Use

1. Oppose legislation that takes a punitive approach to City General Plan Housing Element reform and the imposition of any extraordinary powers in State agencies with regard to City Housing Elements.

2. Oppose legislation, or other agency actions, that would usurp local control of land use decision-making.
3. Oppose legislation that would impose State-mandated development standards or procedures that are contrary to the Coronado General Plan or local land use policy.

4. Oppose legislation that would circumvent a local agency’s land use authority by requiring a local agency to allow commercial uses in residential zones or residential uses in commercial zones.

5. Oppose legislation that is inflexible and cannot be modified through local review.

6. Oppose proposals that would alter air traffic that could result in negative impacts to Coronado.

7. Support actions by the San Diego County Regional Airport Authority (SDCRAA) related to the Airport Land Use Compatibility Plan (ALUCP) that do not adversely impact properties in Coronado based on the Air Installation Compatible Use Zones (AICUZ) study from the Navy.

8. Support legislation that would provide for the Navy’s AICUZ to be advisory, not mandatory, to the SDCRAA for preparation and adoption of an ALUCP for Naval Air Station North Island.

9. Support legislation that would provide for environmental review of the Navy’s AICUZ prior to approval.

10. Support legislation that would eliminate potential for liability to the City for overriding recommendations of the AICUZ and ALUCP.

11. Support legislation and policy interpretation that allows for existing uses in an Airport Influence Area to be maintained, expanded and redeveloped in conformance with the City of Coronado’s zoning regulations and General Plan.
VI. REDEVELOPMENT DISSOLUTION

A. Housing
   1. Oppose legislation which restricts local discretion in the use of housing funds or in the assessment of housing needs.

B. Successor Agency
   1. Oppose legislation which reduces the amount of Redevelopment Property Tax Trust Fund (RPTTF) revenues allocable to successor agencies.
   2. Oppose legislation which shifts revenue from successor agencies to the State to cure State budget deficits.
   3. Oppose legislation which authorizes other agencies to assess successor agencies in excess of costs for actual services rendered.

C. Redevelopment Mechanisms
   1. Support development of tools for local government to improve a community’s value and infrastructure.
VII. RECREATION

A. Support legislation that would provide funds for local and regional recreation areas, facilities, and services.

B. Support legislation that provides funding from SANDAG, the State, and/or the Federal Government to complete and maintain the Bayshore Bikeway project around the entire San Diego Bay and other bikeway networks in San Diego County.
VIII. CITY-NAVY RELATIONS

A. Support the Navy on matters of mutual concern that are consistent with the City’s best interests to maintain a high quality of life for the community, dealing with base security, mission priorities, training facilities, air traffic safety, and ground traffic congestion.

B. Support the Navy’s efforts in retaining Naval Air Station North Island (NASNI) as a long-term, exclusive military facility under BRAC.

C. Oppose efforts for joint use of commercial air passenger or cargo use of Naval Air Station North Island (NASNI).

D. Oppose legislation that interferes with the City’s land use authority to retain existing uses and allow for reasonable expansion of structures within any landing zones.

E. Support Navy policy interpretation that provides for public participation in the preparation of an Air Installation Compatible Use Zone study for NASNI.
17.0 GENERAL PROVISIONS

17.1 Accounting Records. CONTRACTOR shall keep records of the direct reimbursable expenses pertaining to the SCOPE OF WORK and the records of all accounts between the CONTRACTOR and SUBCONTRACTORS. CONTRACTOR shall keep such records on a generally recognized accounting basis. These records shall be made available to the Contract Officer, or the Contract Officer's authorized representative, at mutually convenient times, for a period of three (3) years from the completion of the work.

17.2 Contract Officer. The Director of Community Development shall serve as the CITY’s “Contract Officer” for this AGREEMENT and has the authority to direct the CONTRACTOR, approve actions, request changes, and approve additional services within her/his authority. Any obligation of the CITY shall be the responsibility of the Contract Officer. Excepting the provisions pertaining to dispute resolution, no other party shall have any authority under this AGREEMENT unless specifically delegated in writing.

17.3 Governing Law. This AGREEMENT and all matters relating to it shall be governed by the laws of the State of California and any action brought relating to this AGREEMENT shall be held exclusively in a state court in the County of San Diego. CONTRACTOR hereby waives the right to remove any action from San Diego County as is otherwise permitted by California Code of Civil Procedure Section 394.

17.4 Business Certificate. CONTRACTOR and its SUBCONTRACTORS are required to obtain and maintain a City Business Certificate during the duration of this AGREEMENT.

17.5 Compliance with Law. The CONTRACTOR shall be responsible for complying with all local, state, and federal laws, whether or not said laws are expressly stated or referred to herein.

17.6 Responsibility for Others. CONTRACTOR shall be responsible to the CITY for its services and the services of its SUBCONTRACTORS. CONTRACTOR shall not be responsible for the acts or omissions of other parties engaged by the CITY nor for their construction means, methods, techniques, sequences, or procedures, or their health and safety precautions and programs.

17.7 Drafting Ambiguities. The parties agree that they are aware that they have the right to be advised by counsel with respect to the negotiations, terms and conditions of this AGREEMENT, and the decision of whether or not to seek advice of counsel with respect to this AGREEMENT is a decision which is the sole responsibility of each Party. This AGREEMENT shall not be construed in favor of or against either Party by reason of the extent to which each Party participated in the drafting of the AGREEMENT.

17.8 Conflicts between Terms. If an apparent conflict or inconsistency exists between the main body of this AGREEMENT and the Exhibits, the main body of this AGREEMENT shall control. If a conflict exists between an applicable federal, state, or local law, rule, regulation, order, or code and this AGREEMENT, the law, rule, regulation, order, or code shall control. Varying degrees of stringency among the main body of this AGREEMENT, the Exhibits, and laws, rules, regulations,
orders, or codes are not deemed conflicts, and the most stringent requirement shall control. Each Party shall notify the other immediately upon the identification of any apparent conflict or inconsistency concerning this AGREEMENT.

17.9 **Non-Discrimination.** CONTRACTOR shall not discriminate against any employee or applicant for employment because of sex, race, color, age, religion, ancestry, national origin, disability, military or veteran status, medical condition, genetic information, gender expression, marital status, or sexual orientation. CONTRACTOR shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their sex, race, color, age, religion, ancestry, national origin, disability, military or veteran status, medical condition, genetic information, gender expression, marital status, or sexual orientation and shall make reasonable accommodation to qualified individuals with disabilities or medical conditions. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. CONTRACTOR agrees to post in conspicuous places available to employees and applicants for employment any notices provided by CITY setting forth the provisions of this non-discrimination clause.

17.10 **Rights and Remedies.**

17.10.1 **Rights Cumulative.** All rights, options, and remedies of the CITY contained in this AGREEMENT shall be construed and held to be cumulative, and no one of the same shall be exclusive of any other, and the CITY shall have the right to pursue any one of all of such remedies or any other remedy or relief which may be provided by law, whether or not stated in this AGREEMENT.

17.10.2 **Waiver.** No waiver by either party of a breach by the other party of any of the terms, covenants, or conditions of this AGREEMENT shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default of either party hereunder shall be implied from any omission by the other party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect default other than as specified in said waiver.

17.10.3 No provision contained in the AGREEMENT shall create or give to third parties any claim or right of action against the CITY and its elected and appointed officers, officials, employees and agents or CONTRACTOR.

17.11 **Survival.** The provisions of the AGREEMENT which by their nature survive termination or final completion of the AGREEMENT, including all warranties, indemnities, payment obligations, and the CITY’s right to audit CONTRACTOR's books and records, shall remain in full force and effect after final completion or any termination of the AGREEMENT.

17.12 **Severability.** In the event that any part of this AGREEMENT is found to be illegal or unenforceable under the law as it is now or hereafter in effect, either party will be excused from
performance of such portion or portions of this AGREEMENT as shall be found to be illegal or
unenforceable without affecting the remaining provisions of this AGREEMENT.

17.13 **Exhibits Incorporated.** All Exhibits referenced in this AGREEMENT are incorporated
into the AGREEMENT by this reference.