

City of Culver City

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Council Chambers
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(310) 253-5851

Staff Report

File #: 24-1202, Version: 1

Item #: A-1.

CC - ACTION ITEM: (1) Adoption of an Ordinance Approving City-Initiated Zoning Code Amendment P2024-0083-ZCA Amending Title 17 Zoning Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right of Way, and 17.700.010 - Definitions of Specialized Terms and Phrases Related to Digital Wayfinding Kiosks on Public Property; and a Categorical Exemption Pursuant to CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption); (2) If Desired, Authorization to Release a Request for Proposals (RFP) for Interactive Digital Kiosks and Related Advertising Revenue-Sharing Program on Public Right-of-Way; and (3) Direction to the City Manager as Deemed Appropriate.

Meeting Date: July 8, 2024

Contact Person/Dept: Elaine Warner/ Office of Economic and Cultural Development

Phone Number: (310) 253-5777

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/01/24 & 07/02/2024), (Posted) City Website (07/02/2024); (Email) Public Notification, Culver City Business License List, Downtown Business Association, Culver City Arts District, Chamber of Commerce (06/25/24), (Newspaper) Culver City News (07/04/24)

Department Approval: Michael Bruckner, Assistant City Manager (06/19/2024.)

RECOMMENDATION

Staff recommends the City Council (1) adopt an ordinance approving City-initiated Zoning Code Amendment P2024-0083-ZCA amending Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property (Case No: P2024-0083-ZCA); (2) if desired, authorize the release of a Request for Proposals ("RFP") for interactive digital Kiosks ("Kiosks") and related advertising revenue-sharing program on public right-of-way; and (3) provide direction to the City Manager as deemed appropriate.

BACKGROUND

On November 8, 2021, the City Council directed staff to release a Request for Information (“RFI”) relative to the inclusion Kiosks in strategic locations throughout the City. The purpose of the RFI was to understand the value of providing real-time interactive information such as transportation services, City meetings, special events, facilities, classes, local businesses, weather, and emergency updates. The RFI was released in January 2022. Four firms responded, with two providing prototypes suitable for an outdoor environment: Ike Smart City and Soofa.

In April 2023, the Economic Development Subcommittee (“Subcommittee”) reviewed the options and directed staff to invite both firms to present their prototypes via two community meetings. The purpose of the community meeting was not to identify a particular model or style but rather to invite a high-level discussion as to whether Kiosks would be an asset to the City. Two community meetings were held in August 2023. Ike Smart City attended with a working prototype and provided information about their model. Soofa was unable to attend, but information about their unit was made available.

Staff presented an overview of the community feedback to the Subcommittee on October 3, 2023. Public comment during the meeting included requests that local businesses receive priority advertising via a tiered structure, that the Kiosks display artwork by local artists, that maintenance considerations be included for the long term, and that Kiosk locations be included near transit hubs. During the meeting, comments also included concerns regarding the number of potential Kiosks installed and the impact on pedestrian and public spaces.

On October 23, 2023, the City Council directed staff to pursue an amendment to the Sign Ordinance to allow for a Digital Kiosk program on a separate track from the comprehensive update to the Sign Ordinance prior to issuing a formal RFP. The City Attorney’s Office reviewed pertinent sections of the Zoning Code and prepared limited proposed amendments to the Sign Ordinance to allow the City to consider an interactive digital wayfinding Kiosk program on public property.

The Planning Commission considered the proposed amendments at the April 24, 2024, meeting and recommended that the City Council deny the amendment. The Planning Commission Resolution recommending denial was based on the unknown impacts, quantity, and siting of Kiosks.

On June 10, 2024, the City Council considered and introduced the proposed Zoning Code Amendment, P2022-0357-ZCA by a 3-2 vote. The approved amendment permits digital Kiosks in the public right-of way for the purposes of providing public information and other messaging selected by the City, including commercial advertising. The City Council also included a provision to limit the screen interface to a total of 15 square feet (Attachment 2). The Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3 Exemption), which allows for the construction and location of limited numbers of new, small facilities or structures, and CEQA Guidelines Section 15304 (Class 4 Exemption), which allows for minor alterations to public land.

DISCUSSION

If the City Council adopts Zoning Code Amendment P2022-0357-ZCA, the City Council may consider proposals from qualified vendors for the implementation of an interactive Digital Kiosk program. Staff has prepared a draft RFP for the City Council’s consideration and direction (Attachment 3). The purpose of the RFP is to invite interested entities to propose an interactive Digital Kiosk program for Culver City that will provide public benefit to the community at-large via public information/notice/event sharing, wayfinding, promotion of local businesses and attractions, real-time transit options, current weather/air quality conditions, and emergency alerts/services. Location siting for the Kiosks could occur

throughout the City and may include business districts, City facilities, and along commercial corridors.

The draft RFP requests information from qualified vendors regarding, the design, potential quantity and siting, infrastructure, installation, operation, maintenance, use, accessibility, financing, public outreach, successful case studies, advertising strategy, respondent qualifications, technology, and additional information related to the Kiosks. The RFP also requests a proposed cost/revenue sharing program that provides for the Kiosk's infrastructure, installation, utilities costs, and on-going maintenance at no cost to City.

The proposed schedule for the RFP process, if approved for issuance, is below:

RFP released:	Thursday, July 18, 2024
Deadline for receiving questions:	Thursday, August 1, 2024, at 3:00 p.m.
Response to questions by:	Tuesday, August 6, 2024
Proposals due:	Thursday, August 15, 2024, at 3:00 p.m.
Finalists selected:	Friday, August 30, 2024
Presentations/Interviews:	Thursday, September 5, 2024
Vendor selected:	Monday, October 14, 2024

This schedule may be extended relative to the required review and negotiations with potential finalists to ensure community benefits and financial goals are maximized.

Scope of Work

The proposed Scope of Work includes the following elements and questions:

I. Design

- a) Provide overview and dimensions of Kiosk design and footprint.
- b) Indicate total space required for installation including size of digital interface, which may not exceed 15 square feet pursuant to Culver City Municipal Code section 17.330.015, as amended by Zoning Code Amendment, P2022-0357-ZCA.

II. Siting Plan

- a) Propose an interactive digital kiosk program, that maximizes community benefits, revenues, usefulness, and functionality, installed within the City (i.e., near transit hubs, high frequency areas, tourism destinations, community spaces/parks, business districts etc. - excluding residential areas).
- b) Indicate the minimum units required to implement a program in the City as well as the preferred number of kiosks, general siting, and location reasoning. Identify any program phasing (if necessary).
- c) Kiosks shall be sited in a manner that does not conflict with pedestrian/traffic flow (minimum travel path of four feet and located at least 18 inches from the face of curb on sidewalks) and/or impacts roadway safety.
- d) Describe the process for working with the City to identify mutually agreeable locations and a process to relocate installed Kiosks due to construction, updated

market conditions, or other circumstances without cost to the City. It is expected that the selected proposer, in partnership with City staff, will participate in outreach related to the locations, installation, and operation of the Kiosks with community stakeholders including but not limited to residents, business improvement districts, and neighborhood associations.

III. Infrastructure

- a) Submit technical specifications for Kiosk infrastructure relative to power, connectivity, and energy efficient technologies.
- b) Indicate feasibility to potentially connect to the City's Culver Connect fiber network. The City prefers to leverage its fiber network, however, it will consider cellular connectivity provided that the minimum LTE and signal reliability are verified. In the event of a wireless option, the Kiosk provider will be responsible for ensuring sufficient connectivity, at no cost to the City.

IV. Installation

- a) Describe the kiosk installation process and timeline relative to electrical/fiber/cellular coordination, and other requirements for placement on public-right-of-way including necessary foundations and conflicts with underground utilities.
- b) Provide a detailed project schedule and proposed deliverables noting any anticipated supply chain issues.
- c) The selected proposer will be required to submit plans, shop drawings, and permits as required by the City.

V. Operation

- a) Provide detailed overview of Kiosk operational capacity, software, hardware, and useful life.
- b) Identify network connection/data transfer technology between the City and the Kiosk for City content.
- c) Advise on typical technological upgrades and other innovations that may be required during the Kiosk's life cycle, including security provisions to protect against unauthorized access.
- d) Provide information on dimming or shielding capabilities when not in use during evening/nighttime hours.
- e) City will negotiate a requirement with a minimum number of kiosks to be fully operational at any time.
- f) Describe, what if any data/behavior statistics are collected during active and passive usage of the Kiosks, and how the data is maintained, including any data monetization.

VI. Maintenance

- a) Kiosk maintenance and functionality are a high priority for the City. Provide a plan for maintenance, repair, and replacement of Kiosks during the contract period (including regular cleaning, graffiti removal and vandalism, etc.) ideally

within 48 hours of an incident.

- b) Indicate expected response times when Kiosks are damaged or off-line, ideally within 24 hours of notification.
- c) Confirm that proposer will provide City with access to a web-based dashboard reflecting real-time system health. Proposer will maintain a web-based platform or the equivalent for the duration of the contract. Proposer will be expected to ensure that the virtual dashboard is functional and updated with current technology. Describe the dashboard system and the proposer's maintenance plan.

VII. Content and Uses

- a) Provide overview of uses and interactive features of Kiosks, including inclusion of community-driven content, location-aware directory listings, emergency services, etc. Note that the City does not permit audio (other than required for accessibility purposes) or video components.
- b) Describe the process to promote City content such as documents, web links, maps, images, and other content and provide details on applicable formats.

VIII. Accessibility

- a) Detail how each Kiosk will be compliant with the Americans with Disabilities Act (ADA) to include height, visual impairment, and other accessibility features.

IX. Advertising

- a) Provide a proposed advertising strategy and highlight how advertising components/slides, icons, buttons, etc. are integrated and displayed during active use and passive/default mode.
- b) Propose a plan/program that provides for local and affordable advertising opportunities to small businesses.
- c) Provide a minimum percentage of advertising space availability for the City to display information for its purposes.
- d) Please see Section V regarding provisions of detailed projections/cost recovery information required.
- e) Describe a plan to ensure advertising content complies with the City's advertising policies and the process for the City to review and remove content it deems non-compliant.
- f) Note the City advertising content regulations, to include, but not limited to the following prohibitions:
 - Adult-related products and services, alcohol, firearms, and tobacco, smoking, smoking materials, including electronic smoking or "vaping", cannabis.
 - Political campaign speech, political advertisements or advertisements or displays designed to promote views of political groups, including promotion or opposition of ballot measures;
 - Sexual or excretory subject matter;
 - False, misleading, or deceptive advertising;

- Copyright or trademark violations;
- Illegal activity;
- Profanity or violence;
- Advertisements or displays which condone discrimination based upon race, religion, creed, ethnicity, national origin, age, socio-economic status, disability, gender, or sexual orientation;
- Harmful or disruptive to the public use of public sidewalks;
- Unsafe behavior;
- Demeaning or disparaging; and,
- Lights, noise, and special effects

Proposal Assessment

It is recommended that the City's fiscal consultant, working with City staff, review all proposals for responsiveness to the RFP Scope of Work including, but not limited to, community benefits, technical experience, maintenance approach, relevant projects, advertising strategy and revenue sharing and provide an assessment of each proposal for the City Council's consideration.

Interviews with each proposer would also be conducted to clarify their response and approach. In the event the City receives a substantial number of proposals, staff may do an initial assessment to reduce the number of proposals reviewed and assessed by City staff and the City's fiscal consultant.

After assessing the proposals and reviewing the financial opportunities with the City's fiscal consultant, the City reserves the right to further negotiate the proposed work and/or method and amount of compensation given current market conditions to receive a best and final offer from all proposers. All the proposal terms and financial offers will be presented to City Council for consideration. The City Council will make the final award selection.

FISCAL ANALYSIS

There is no fiscal impact relative to the adoption of the Ordinance. Likewise, there is no fiscal impact relative to the authorization to release an RFP for an interactive Digital Kiosk program. Should the City Council wish to issue an RFP as proposed, or modified, assessment and summary of the proposals by the City's Fiscal consultant would cost approximately \$20,000. There is approximately \$13,000 remaining in the existing contract with the City's financial consultant that can be used for this purpose. The Adopted Budget for Fiscal Year 2024-2025 includes sufficient funds in Account No. 10110500.619100 (Economic Development - Other Contractual Services) to cover any additional costs for the services. This account can be found in the General Government Section of the budget in the City Manager's Department, Economic Development Division.

ATTACHMENTS

1. Proposed Ordinance, including Exhibit A: Proposed Zoning Code Text Changes in "strikethrough/underline" format
2. June 10, 2024, City Council Report and Minutes
3. Draft Request For Proposals (RFP) for Interactive Digital Kiosks

MOTION

That the City Council:

1. Adopt the Ordinance adopting Zoning Code Amendment P2024-0083-ZCA modifying Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property and a Categorical Exemption CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption);
2. If desired, authorize the release of a Request for Proposals (RFP) for interactive digital kiosks, and related advertising revenue -sharing program, on City public right-of-way, and
3. Provide direction to the City Manager as deemed appropriate.

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ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CULVER CITY, CALIFORNIA, APPROVING CITY-INITIATED ZONING CODE AMENDMENT P2024-0083-ZCA AMENDING TITLE 17 ZONING SECTIONS: 17.330.015 - DEFINITIONS, 17.330.040 - SIGNS IN THE PUBLIC RIGHT OF WAY, AND 17.700.010 - DEFINITIONS OF SPECIALIZED TERMS AND PHRASES RELATED TO DIGITAL WAYFINDING KIOSKS ON PUBLIC PROPERTY.

(Zoning Code Amendment, P2024-0083-ZCA)

WHEREAS, on April 24, 2024, after conducting a duly noticed public hearing on City-initiated Zoning Code Amendment (P2024-0083-ZCA), amending Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property, fully considering all reports, studies, testimony, and environmental information presented, the Planning Commission, by a vote of 3 to 2, recommended to the City Council denial of Zoning Code Amendment P2024-0083-ZCA, as set forth herein below;

WHEREAS, on June 10, 2024, after concluding the duly noticed public hearing on City-initiated Zoning Code Amendment (P2024-0083-ZCA), amending Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the CCMC, fully considering all reports, studies, testimony, and environmental information presented, the City Council, by a vote of 3 to 2, introduced an ordinance to approve Zoning Code Amendment P2024-0083-ZCA, as set forth herein below.

NOW, THEREFORE, The City Council of the City of Culver City, California, DOES HEREBY ORDAIN as follows:

1 **SECTION 1. ZONING CODE AMENDMENT** Pursuant to the foregoing recitations
2 and the provisions of the CCMC, the following required findings for an amendment to the
3 Zoning Code, as outlined in CCMC Section 17.620.030.A, are hereby made:

4 **1. The proposed amendment ensures and maintains internal consistency**
5 **with the goals, policies, and strategies of all elements of the General Plan and**
6 **will not create any inconsistencies.**

7 The proposed Zoning Code Amendments are intended to allow the City to install
8 digital wayfinding kiosks on public property. These amendments implement the
9 following goals, objectives, and policies of the General Plan: Goal Economic vitality
10 that serves the community and protects quality of life; Land Use Objective 22
11 Encourage reinvestment in Downtown area to improve the area’s economic vitality,
12 visual quality and pedestrian environment; and Land Use Policy 22A Encourage
13 uses that contribute to a positive nightlife ambiance, such as sidewalk cafes,
14 specialty retail and newsstands that could support an 18 to 24-hour day patronage.

15 **2. The proposed amendment would not be detrimental to the public**
16 **interest, health, safety, convenience or welfare of the City.**

17 These proposed amendments would allow the City to install digital wayfinding
18 kiosks on public property. This would improve the City’s ability to share information
19 with the public in public spaces. The amendments support the public interest,
20 health, safety, convenience, and welfare of the City.

21 **3. The proposed amendment is in compliance with the provisions of the**
22 **California Environmental Quality Act (CEQA).**

23 The proposed Zoning Code Amendment is considered exempt from CEQA
24 pursuant to CEQA Guidelines Section 15303 (Class 3 Exemption), because this
25 amendment would allow the construction and location of limited numbers of new,
26 small facilities or structures, and CEQA Guidelines Section 15304 (Class 4
27 Exemption), because this amendment would allow for minor alterations to public
28 land.

29 **SECTION 2.** Pursuant to the foregoing recitations and findings, the City
Council of the City of Culver City, California, hereby adopts the Ordinance approving
Zoning Code Amendment (P2024-0083-ZCA), as set forth in Exhibit “A” attached hereto
and made a part thereof.

1 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance shall
2 take effect thirty (30) days after its adoption. Pursuant to Section 616 and 621 of the City
3 Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause this
4 Ordinance, or a summary thereof, to be published in the Culver City News and shall post this
5 Ordinance or a summary thereof in at least three places within the City.
6

7 **SECTION 4.** The City Council hereby declares that, if any provision,
8 section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered
9 or declared invalid or unconstitutional by any final action in a court of competent
10 jurisdiction or by reason or any preemptive legislation, then the City Council would have
11 independently adopted the remaining provisions, sections, subsections, paragraphs,
12 sentences, phrases, or words of this Ordinance, and as such they shall remain in full
13 force and effect.
14

15
16
17 APPROVED and ADOPTED this ____ day of _____ 2024.

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20 _____
21 YASMINE-IMANI MCMORRIN, Mayor
22 City of Culver City, California

23
24 ATTESTED BY:
25 _____
26 JEREMY BOCCHINO, City Clerk

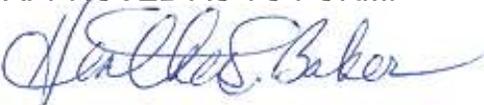
27 APPROVED AS TO FORM:
28 
29 _____
 HEATHER BAKER, City Attorney

Exhibit A

17.330.015 DEFINITIONS

~~**Public property.** All real property owned or controlled by the City, including but not limited to, the public right-of-way, parks.~~

Public property. All facilities, structures, and real property owned or controlled by the City, including but not limited to, the public right-of-way and parks.

Wayfinding kiosk. An interactive digital wayfinding kiosk, with one or more screens and each screen being no greater than 15 square feet in size, installed on public property which shall provide public information and other messaging selected by the City and may include commercial advertising.

~~§ 17.330.040 SIGNS IN THE PUBLIC RIGHT-OF-WAY ON PUBLIC PROPERTY~~

~~The authorizations, prohibitions and restrictions of this Section shall apply to all publicly and privately owned or controlled signs in the public right-of-way on public property, except as provided in Subsection 17.330.025.K. (Temporary Signs).~~

~~A. Privately owned or controlled temporary or permanent signs shall be prohibited on or over the public right-of-way public property, except as otherwise authorized pursuant to this Title or other duly enacted legislation of the City. This Section also shall not apply to signs in any portion of public property the public right-of-way that is temporarily or permanently in use for private commercial or non-commercial purposes, other than transportation purposes, pursuant to a lease, license, permit or other entitlement issued by the City.~~

~~B. Temporary or permanent signs placed by the City, Redevelopment Agency or other authorized government agency (as specified in Subsection 17.330.040.B.8. below), or their respective agents, for public purposes shall be allowed in the public right-of-way on public property. This Section shall not be interpreted to impose an obligation on the City or Redevelopment Agency to place any signs in the public right-of-way on public property, except as required by law. Allowable signs may include signs relating to any of the following.~~

- ~~1. Regulation of traffic and traffic safety, including pedestrian and bicycle traffic, and parking.~~
- ~~2. Identification or directions to streets; public buildings and facilities; public or private medical, lodging, transportation, educational, sanitation, or other facilities or services; public or private places or events of public interest; scenic or historical resources, or other destinations or points of interest.~~
- ~~3. Access to public services or facilities.~~
- ~~4. Safety and emergencies, including identification and warning signs concerning potential hazards or hazardous conditions, utility installations, flood hazards or flood control facilities, emergency conditions or services and crime and accident scene control.~~
- ~~5. Flags or emblems of the United States, California or of another government, governmental agency or public institution.~~
- ~~6. Statements concerning any policy of the City and/or Redevelopment Agency.~~
- ~~7. Promotion of civic events and activities.~~

a. Signs allowed by this Subsection shall be limited to signs, banners, pennants or other displays placed by the City ~~and/or Redevelopment Agency~~ relating to any civic event or activity organized or sponsored by the City or Redevelopment Agency.

b. For the purposes of this Section, the following definitions shall apply:

i. Civic Event or Activity. Any event or activity organized or sponsored by the City ~~or Redevelopment Agency~~, including but not limited to: (a) any public program or educational activity; and (b) the commemoration or celebration of any historical date, event or person, holiday or persons or events of local, state or national significance.

ii. Sponsored. Means that the City ~~and/or Redevelopment Agency~~ is: (a) participating in an official capacity in the planning, preparation or promotion of the event or activity; and (b) contributing 25% of the total estimated costs of the civic event or activity, or at least \$1,000, whichever is less. This contribution may take the form of funds, labor, staff time, materials, a waiver of fees, or any combination of the foregoing.

8. Wayfinding kiosks pursuant to an agreement with the City.

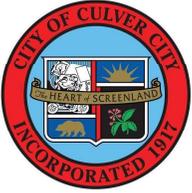
9. Any other signs posted by a public agency exercising its legal authority or performing governmental functions within the City's public right-of-way.

§ 17.700.010 DEFINITIONS OF SPECIALIZED TERMS AND PHRASES

Signs

32. Wayfinding kiosk. An interactive digital wayfinding kiosk, with one or more screens and each screen being no greater than 15 square feet in size, installed on public property which shall provide public information and other messaging selected by the City and may include commercial advertising.

33. Window Sign. A permanent or temporary sign that is displayed on the surface of any glass or glazed material, or that is displayed interior and close enough to a window to be reasonably visible from outside the window.



City of Culver City

Mike Balkman
Council Chambers
9770 Culver Blvd.
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(310) 253-5851

Staff Report

File #: 24-1120, **Version:** 1

Item #: PH-5.

CC - PUBLIC HEARING: Introduction of an Ordinance Approving City-Initiated Zoning Code Amendment P2024-0083-ZCA Amending Title 17 Zoning Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right of Way, and 17.700.010 - Definitions of Specialized Terms and Phrases Related to Digital Wayfinding Kiosks on Public Property; and a Categorical Exemption Pursuant to CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption).

Meeting Date: June 10, 2024

Contact Person/Dept: Elaine Gerety Warner/ City Manager's Office
Emily Stadnicki/ Planning and Development Department

Phone Number: (310) 253-5777
(310) 253-5727

Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing:

Attachments: Yes No

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/06/2024), (Posted) City website (05/24/2024); Gov Delivery (05/24/2024); (Published in) Culver City News (05/23/2024).

Department Approval: Mark Muenzer, Planning and Development Director (05/24/2024).

RECOMMENDATION

Staff recommends the City Council introduce an ordinance approving City-initiated Zoning Code Amendment P2024-0083-ZCA amending Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property (Case No: P2024-0083-ZCA).

PROCEDURES

1. The Mayor seeks a motion to receive and file the affidavit of publication and posting of the public hearing notice.
2. The Mayor calls on staff for a brief staff report and City Council poses questions to staff.

3. The Mayor seeks a motion to declare the public hearing open and the City Council receives public comment.
4. The Mayor seeks a motion to close the public hearing after all testimony has been presented.
5. The City Council discusses the matter and arrives at its decision.

BACKGROUND

On November 8, 2021, the City Council directed staff to release a Request for Information (RFI) relative to the inclusion of interactive kiosks in strategic locations throughout the City. The purpose of the RFI was to understand the value of providing real-time interactive information such as transportation services, City meetings, special events, facilities, classes, local businesses, weather, and emergency updates. The RFI was released in January 2022. Four firms responded, with two providing prototypes suitable for an outdoor environment: Ike Smart City and Soofa.

In April 2023, the Economic Development Subcommittee (Council Members Eriksson and Vera) (“Subcommittee”) reviewed the options and directed staff to invite both firms to present their prototypes via two community meetings. The purpose of the community meeting was not to identify a particular model or style but rather to invite a high-level discussion as to whether digital kiosks would be an asset to the City. Two community meetings were held in August 2023. Ike Smart City attended with a working prototype and provided information about their model. Soofa was unable to attend, but information about their unit was made available.

Staff presented an overview of the community feedback to the Subcommittee on October 3, 2023. Public comment during the meeting included requests that local businesses receive priority advertising via a tiered structure, that the kiosks display artwork by local artists, that maintenance considerations be included for the long term, and that kiosk locations be included near transit hubs. During that meeting comments also included concerns regarding the number of potential kiosks installed and the impact on pedestrian and public space.

On October 23, 2023, the City Council directed staff to pursue an amendment to the Sign Ordinance to allow for a digital kiosk program on a separate track from the comprehensive update to the Sign Ordinance (the City Council staff report and minutes are attached as Attachments 2 and 3, respectively). The City Attorney’s Office reviewed pertinent sections of the Zoning Code and prepared limited proposed amendments to the Sign Ordinance to allow the City to consider an interactive digital wayfinding kiosk program on public property.

DISCUSSION

City staff and the City Attorney’s Office have prepared proposed amendments to the Sign Ordinance that would allow the City to consider an interactive digital wayfinding kiosk program to be installed on public property. The kiosks would be permitted to provide public information and other messaging selected by the City and may include commercial advertising.

The following is a summary of the proposed amendments, which are further detailed in the proposed ordinance (Attachment 1):

- Create a new definition for “public property” to clarify that this includes facilities and structures owned or controlled by the City
- Create a definition for “wayfinding kiosk”
- Delete references to the Redevelopment Agency in section 17.330.040
- Establish wayfinding kiosks as a permissible use, so long as they are installed pursuant to an agreement with the City.

The Planning Commission considered the proposed amendments at the April 24, 2024 Planning Commission meeting. Individual Planning Commissioners had various comments about the proposed amendments, including the following:

- Support for showing media and art generated by CCUSD students on the kiosks
- Support for sharing local information
- Desire to continue prohibiting billboards in Culver City
- Desire to limit the number of kiosks
- Desire to limit the size of the screens on the kiosks
- Desire to conduct more public outreach regarding kiosks
- Opposition to kiosks due to limited space on public sidewalks and public areas
- Opposition to kiosks due to potential oversaturation in Culver City
- Opposition to kiosks due to concern about traffic distractions
- Opposition to kiosks due to the potential proliferation of advertising in Culver City

There was a failed motion (2-3) by the Planning Commission that sought to recommend the City Council approve the amendment with five modifications: (1) limiting the size of the screen on a kiosk to 15 square feet, (2) modifying the definition of kiosk to be similar to the City of Houston’s definition of “interactive wayfinding kiosk”, (3) prohibiting animated signs and moving video on the kiosks, (4) prohibiting audio in the commercial advertising, and (5) establishing limitations on the frequency with which advertisements can be cycled through.

Ultimately, the Planning Commission voted 3-2 to recommend the City Council deny the amendment. The Planning Commission Resolution recommending denial was based on the unknown impacts related to the kiosks, including the unknown number of kiosks and the unknown specific location of the kiosks. The minutes from the April 24, 2024 Planning Commission meeting are attached as Attachment 4 and the Planning Commission resolution is attached as Attachment 5.

If the proposed amendments are adopted by the City Council, the next step would be to issue a Request for Proposals for kiosk companies. The City Council would then, potentially, enter into an agreement with a kiosk company to install digital wayfinding kiosks on public property.

PUBLIC OUTREACH

CCMC Section 17.630.010 requires public notification via a publication in the Culver City News, a minimum of fourteen (14) days prior to the formal Public Hearing. Accordingly, a public notice was published on May 23, 2024, and posted on the City website and distributed electronically via

GovDelivery on May 24, 2024. As of the writing of this report, staff has not received any public comments, in writing or any other form, regarding the proposed Zoning Code Amendment in response to the public notice.

ENVIRONMENTAL DETERMINATION

The proposed Zoning Code Amendment, P2022-0357-ZCA, is considered exempt from CEQA pursuant to CEQA Guidelines Section 15303 (Class 3 Exemption), because this amendment would allow the construction and location of limited numbers of new, small facilities or structures, and CEQA Guidelines Section 15304 (Class 4 Exemption), because this amendment would allow for minor alterations to public land.

FISCAL ANALYSIS

There is no fiscal impact from the introduction of the ordinance.

ATTACHMENTS

1. 2024-06-10_Att 1 - Proposed Ordinance
2. 2024-06-10_Att 2 - October 23, 2023 City Council Staff Report
3. 2024-06-10_Att 3 - October 23, 2023 City Council Meeting Minutes
4. 2024-06-10_Att 4 - April 24, 2024 Planning Commission Minutes
5. 2024-06-10_Att 5 - April 24, 2024 Planning Commission Resolution

MOTION

That the City Council:

Introduce an Ordinance adopting Zoning Code Amendment P2024-0083-ZCA modifying Sections: 17.330.015 - Definitions, 17.330.040 - Signs in the Public Right-of-Way, and 17.700.010 - Definitions of Specialized Terms and Phrases, of the Culver City Municipal Code (CCMC) as it relates to digital wayfinding kiosks on public property and a Categorical Exemption CEQA Guidelines Sections 15303 (Class 3 Exemption) and 15304 (Class 4 Exemption).

Culver
CITY



REQUEST FOR PROPOSALS
for

INTERACTIVE DIGITAL KIOSKS

RFP #XXX

JULY 2024

City of Culver City

Office of Economic and Cultural Development

9770 Culver Boulevard

Culver City, CA 90232-0507

INTERACTIVE DIGITAL KIOSKS

RFP #XXXX

I. REQUEST SUMMARY

The City of Culver City is seeking proposals from qualified companies for the implementation of an interactive digital Kiosk program, pursuant to the City's Zoning Code, within business districts, near certain parks and along commercial corridors. The Kiosks are expected to include a variety of public benefits and smart technologies such as, but not limited to:

- Wayfinding Information
- Public Information
- Public Safety alerts
- Economic development information related to local businesses and attractions
- Real time transportation options
- Weather and air/quality information

However, proposers may not take advantage of omissions or oversights in this document. Proposers must supply products and services that meet or exceed the requirements of this RFP. In the event of a dispute over installation or performance, the needs of Culver City will govern.

II. INTRODUCTION

A. Community Profile

The City of Culver City (City) is a charter city incorporated in 1917. The City is governed by a five-member City Council whose members are elected at large and operates under a Council/City Manager form of government.

Culver City is a full-service city located in the western area of Los Angeles County, generally situated north of Los Angeles International Airport, southeast of Santa Monica, south of Beverly Hills and southwest of West Hollywood. The City is approximately five square miles with a residential population of approximately 40,000.

B. Background

The purpose of this RFP is to solicit proposals that include information regarding, but not limited to the design, location, infrastructure, installation, operation, maintenance, use, accessibility, financing, public outreach, successful case studies, advertising strategy, proposer qualifications, technology and additional

information related to interactive digital Kiosks (Kiosks). Pursuant to an approved cost/revenue sharing program, the successful proposer shall provide the Kiosk infrastructure, installation, utilities costs and on-going maintenance at no cost to City.

C. General RFP Submittal Information

Designated City staff and the City's fiscal consultant will evaluate proposals received. During the review process, the City reserves the right, where it may serve the City's best interest, to request additional information or clarification from those that submit proposals, or allow clarifications, corrections of errors, or omissions. Any and all changes in the RFP will be made by written addendum, which shall be issued by the City to all prospective proposers who have registered for the RFP via the through the City's electronic procurement system, [Culver City PlanetBids](#).

The City reserves the right to retain all proposals submitted. Submission of a proposal indicates the proposer's acceptance of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City and the proposer selected.

The preparation of the proposal will be at the sole cost and expense of the proposer. There is no expressed or implied obligation for the City to reimburse proposers for any expense incurred in the preparation of proposals in response to this request, and submittal of a proposal does not constitute acceptance of an offer creating a contract with the City. All proposals submitted to the City shall become property of the City and will not be returned. **If any information in your proposal is confidential and/or proprietary, please further submit a separate, redacted copy for servicing public records requests. All confidential or proprietary information should be submitted in a separate, sealed envelope marked as such.**

The proposer may submit an alternative proposal (or proposals) that it believes will also meet the City's project objectives but in a different way. In this case, the proposer must provide an analysis of the advantages and disadvantages of each of the alternatives and discuss under what circumstances the City would prefer one alternative to the other(s). If an alternative proposal is submitted, the maximum length of the proposal may be expanded proportionately by the number of alternatives submitted.

The City reserves the right to reject any or all proposals, in whole or part, to waive any informality in any proposal, and to accept the proposal which, in its discretion, is in the best interest of the City. The City reserves the right to reject any proposal not accompanied by all data or information required. Any proposer may withdraw their proposal, without obligation, at any time prior to the scheduled closing time

for receipt of proposals. A withdrawal will not be effective unless made personally via email or by telephonic notification received prior to the closing date. Proposals may later be referred to the City Council for appropriate action.

Proposals must be submitted electronically through Culver City PlanetBids, by or before 3:00 p.m. (PST) on Thursday, August 22, 2024 (“Proposal Deadline”).

The electronic procurement system will not accept any Proposals after the Proposal Deadline. Only a Proposal submitted electronically through Culver City’s PlanetBids will be considered for evaluation. No separate hardcopy materials will be accepted by the City.

For a complete list of the City’s RFP submittal terms and conditions, legal statements, and insurance requirements, please refer to the exhibits attached hereto.

D. RFP Questions

Questions with regards to this RFP must be submitted through [Culver City PlanetBids](#) before 3:00 p.m. (PST) by Thursday, August 1, 2024. Questions submitted after the August 1 deadline or submitted in any manner other than through the PlanetBids portal, will not be considered. All companies registered for the RFP will receive responses to all questions and any other addenda that may be released, electronically by Tuesday, August 6, 2024.

E. Schedule

The City reserves the right to make changes to the below schedule, but plans to adhere to the implementation of this RFP process as follows:

RFP released:	Thursday, July 18, 2024
Deadline for receiving questions:	Thursday, August 1, 2024, at 3:00 p.m.
Response to questions by:	Tuesday, August 6, 2024
Proposals due:	Thursday, August 15, 2024, at 3:00 p.m.
Finalists selected:	Friday, August 30, 2024
Presentations/Interviews:	Thursday, September 5, 2024
Company selected:	Monday, October 14, 2024

Notice of Intent to Award:

Approximately two (2) weeks prior to the anticipated City Council meeting awarding a contract to the proposer selected through the RFP process, the City will notify all proposers of its intent to award such contract on Culver City PlanetBids.

III. SCOPE OF SERVICES

The City of Culver City intends to obtain the services of a qualified company to provide the services as outlined below. Best industry practices and/or best management practices may require additional services not explicitly enumerated. The proposer should identify any additional services required/recommended and explain them in their response.

A. Project Scope and Requirements

I. Design

- a) Provide overview and dimensions of Kiosk design and footprint.
- b) Indicate total space required for installation including size of digital interface, which may not exceed 15 square feet pursuant to Culver City Municipal Code section 17.330.015, as amended by Zoning Code Amendment, P2022-0357-ZCA.

II. Siting Plan

- a) Propose an interactive digital Kiosk program that maximizes community benefits, revenues, usefulness and functionality. Include locations where Kiosks should be installed within the City (i.e., near transit hubs, high frequency areas, tourism destinations, community spaces/parks, business districts etc. – excluding residential areas).
- b) Indicate the minimum units required to implement a program in the City as well as the preferred number of Kiosks, general siting and location reasoning. Identify any program phasing (if necessary).
- c) Kiosks shall be sited in a manner that does not conflict with pedestrian/traffic flow (minimum travel path of four feet and located at least 18 inches from the face of curb on sidewalks) and/or impact roadway safety.
- d) Describe the process for working with the City to identify mutually agreeable locations and the process to relocate installed Kiosks due to construction, updated market conditions or other circumstance without cost to the City. It is expected that the selected proposer, in partnership with City staff, will participate in outreach related to the locations, installation and operation of the Kiosks with community stakeholders including but not limited to residents, business improvement districts and neighborhood associations.

III. Infrastructure

- a) Submit technical specifications for Kiosk infrastructure relative to power, connectivity, and energy efficient technologies.
- b) Indicate feasibility to potentially connect to the City's Culver Connect fiber network. The City prefers to leverage its fiber network; however, it will consider cellular connectivity provided that the minimum LTE and signal reliability are verified. In the event of a

wireless option, the Kiosk provider will be responsible for ensuring sufficient connectivity, at no cost to the City.

IV. Installation

- a) Describe the Kiosk installation process and timeline relative to electrical/fiber/cellular coordination, and other requirements for placement on public-right-of-way including necessary foundations and conflicts with underground utilities.
- b) Provide a detailed project schedule and proposed deliverables noting any anticipated supply chain issues.
- c) The selected proposer will be required to submit plans, shop drawings, and submit required permits as required by the City.

V. Operation

- a) Provide detailed overview of Kiosk operational capacity, software, hardware, and useful life.
- b) Identify network connection/data transfer technology between the City and the Kiosk for City content.
- c) Advise on typical technological upgrades and other innovations that may be required during the Kiosk's life cycle, including security provisions to protect against unauthorized access or hacking.
- d) Provide information on dimming or shielding capabilities when not in use and during evening/nighttime hours.
- e) City will negotiate a requirement with a minimum number of Kiosks to be fully operational at any time.
- f) Describe, what, if any, data/behavior statistics are collected during active and passive usage of the Kiosks, and how the data is maintained, including any data monetization.

VI. Maintenance

- a) Kiosk maintenance and functionality are a high priority for the City. Provide the plan for maintenance, repair, and replacement of Kiosks during the contract period (including regular cleaning, graffiti removal and repairs due to vandalism, etc.) ideally within 48 hours of an incident.
- b) Indicate expected response times when Kiosks are damaged or off-line, ideally within 24 hours of notification.
- c) Confirm that proposer will provide City with access to a web-based dashboard reflecting real-time system health. will maintain a web-based platform or the equivalent Proposer for the duration of the contract. Proposer will be expected to ensure that the virtual dashboard is functional and updated with current technology. Describe the dashboard system and the proposer's maintenance plan.

VII. Content and Uses

- a) Provide overview of uses and interactive features of Kiosks, including community-driven content, location-aware directory listings, emergency services, etc. Note that the City does not permit audio (other than required for accessibility purposes) or video components.
- b) Describe the process to receive and push City content such as document, web links, maps, images, and other content and provide details on applicable formats.

VIII. Accessibility

- a) Detail how each Kiosk will be compliant with the Americans with Disabilities Act (ADA) to include height, visual impairment, and other accessibility features.
- b) Detail how Kiosks will comply with any state or federal requirements for language accessibility.

IX. Advertising

- a) Provide a proposed advertising strategy and highlight how advertising components/slides, icons, buttons etc. are integrated and displayed during active use and passive/default mode.
- b) Propose a plan/program that provides for local advertising opportunities to small businesses.
- c) Provide a minimum percentage of advertising space availability for the City to display information for its purposes.
- d) Please see Section V regarding provisions of detailed projections/cost recovery information required.
- e) Describe the plan to ensure advertising content complies with the City's advertising policies and the process for the City to review and remove content it deems non-compliant.
- f) Note the City advertising content regulations, to include, but not limited to the following prohibitions:
 - Adult-related products and services, alcohol, firearms, and tobacco, smoking, smoking materials, including electronic smoking or "vaping", cannabis.
 - Political campaign speech, political advertisements or advertisements or displays designed to promote views of political groups, including promotion or opposition of ballot measures;
 - Sexual or excretory subject matter;
 - False, misleading or deceptive advertising;
 - Copyright or trademark violations;
 - Illegal activity;
 - Profanity or violence;
 - Advertisements or displays which condone discrimination based upon race, religion, creed, ethnicity, national origin,

age, socio-economic status, disability, gender or sexual orientation;

- Harmful or disruptive to the public use of public sidewalks;
- Unsafe behavior;
- Demeaning or disparaging; and,
- Lights, noise, and special effects

IV. PROPOSAL OUTLINE TO BE SUBMITTED

The proposal shall be organized and submitted with the following elements:

A. Cover Page

B. Table of Contents

C. Executive Summary

Provide a brief summary describing the proposer's ability to perform the work requested, a history of the proposer's background and experience providing services, the qualifications of the proposer's personnel to be assigned to this project, any subcontractor, sub consultants, and/or suppliers and a brief history of their background and experience, and any other information called for by this request for proposal which the proposer deems relevant, including restating any exceptions to this request for proposal. This summary should be brief and concise to apprise the reader of the basic services offered, experience and qualifications of the proposer, staff, subcontractors, and/or suppliers.

D. Questionnaire/Response to Scope of Services

Proposer shall provide responses and information to fully satisfy each item in the Questionnaire. Each question item should be presented before the proposer's response.

E. Attachments

V. QUESTIONNAIRE

A. Company and General Information

1. Company name and address. Also, include A/P remit address, contact names, emails and phone numbers.
2. Letter of transmittal signed by an individual authorized to bind the proposer, stating that the proposer has read and will comply with all terms and conditions of the RFP.
3. General information about the primary contact who would be able to answer questions about the proposal. Include name, title, telephone number and

email address of the individual.

B. Qualifications and Experience of the Company

1. Describe your company's history and organizational structure. Include the size of the company, location of offices, years in business, organizational chart, name(s) of owner(s) and principal parties, and number and position titles of staff.
2. What is the primary business of the parent company and/or affiliates?
3. Which office(s) of your organization will have primary responsibility for managing this account? List the members of your team who will be responsible for providing the services and for ongoing support.
4. Provide qualifications and experience with interactive digital Kiosk programming including number of deployments, national footprint, current contracts, local presence, etc. Finalists in the process may be required to provide copies of audited financial statements for the most recent three (3) fiscal years to include balance sheet, income statement, footnotes, and subsidiary schedules.
5. Provide three examples of other successful Kiosk installations (operational for a minimum of two years) and current revenue status.
6. Comment on other areas that may make your company different from your competitors.

C. Qualifications and Experience of Proposed Project Team

1. Describe the qualifications of staff proposed for the assignment, position(s) in the company, and types and amount of equivalent experience. Be sure to include any municipal agencies they have worked with in the past three years and their level of involvement. A description of how overall supervision will be provided should be included.
2. Identify and provide the resume(s) of the personnel who will be assigned to this project.

D. Questions/Response to Scope of Services

1. Describe the methods by which your company will fulfill the services requested in the Scope of Services and subsequent sections.
2. Provide a statement of the service(s) that differentiate your company from other potential proposers.

E. Financing and Term

1. Outline the proposed financing and revenue sharing program, including:
 - a. Detailed advertising projections;
 - b. Cost recovery for Kiosks, installation, utility costs and maintenance over the term of the contract;
 - c. Revenue sharing model that includes a percentage guaranteed to the City, with a minimum revenue guaranteed for every year of the agreement as well as extended options for the City's consideration, relative to potential phasing implementations.
2. Describe any other fees/revenues/considerations not previously detailed in the above (i.e., signing bonus, other incentives, etc.)

F. References

List the name, address, e-mail address and telephone number of references from at least three (3) recent similar projects. Include a brief description of the work provided for each reference. California municipal or county projects are preferred. You may offer more than three recent similar projects if desired. The references should include the start date of the project and the date of completion for each project.

G. Prior Litigation

List any litigation involving Kiosks from the last five (5) years in which you, your parent company, your affiliate, or your subsidiary were a named party. Include a brief description of the litigation, including any resolution of the litigation.

H. Implementation Schedule

Include a detailed implementation schedule with an estimated project start date (sourcing materials, etc.) of January 8, 2025, and note key project milestones and timelines for deliverables. Identify any assumptions used in developing the schedule.

I. Certificate(s) of Insurance

The City will require the successful proposer to provide Certificates of Insurance evidencing required coverage types and the minimum limits. See the attached City Draft Standard Agreement for more information on the City's insurance requirements.

J. Business Tax Certificate

The proposing organization does not require a [Culver City Business Tax Certificate](#) to respond to this RFP. However, the successful proposer will be

required to acquire a Culver City Business tax certificate during the contracting process and maintain an active certificate throughout the contracted period.

K. License Agreement

The City will require the successful company to execute a license agreement with the City. The license agreement shall include, but not be limited to, the following areas:

1. Insurance;
2. Indemnification of City;
3. Installation and maintenance of Kiosks;
4. Content of Kiosks;
5. Community benefits;
6. Revenue sharing and other incentives; and
7. Location of Kiosks.

VI. PROPOSAL ASSESSMENT

City staff and the City's fiscal consultant will review all proposals for responsiveness to the RFP Scope of Work including, but not limited to, community benefits, technical experience, maintenance approach, relevant projects, advertising strategy and revenue sharing and provide an assessment of each proposal for the City Council's consideration.

Interviews with each proposer will be conducted to clarify responses and approach. In the event the City receives a substantial number of proposals, staff may do an initial assessment to reduce the number of proposals reviewed and assessed by City staff and the City's fiscal consultant.

After assessing the proposals and reviewing the financial opportunities with the City's fiscal consultant, the City reserves the right to further negotiate the proposed work and/or method and amount of compensation given current market conditions to receive a best and final offer from all proposers. All the proposal terms and financial offers will be presented to City Council for consideration. The City Council will make the final award selection.

SUPPLEMENTAL TERMS AND CONDITIONS AND LEGAL STATEMENTS

SUPPLEMENTAL TERMS AND CONDITIONS

- I. Submission of a proposal shall be deemed a binding offer to enter into a license agreement with the City, as set forth in Section V.K of this RFP.

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- II. By submitting a proposal, a proposer is affirmatively stating they understand and agree with all of the terms, conditions and requirements of this RFP as stated in the specifications, including the requirement to enter into a license agreement with the City, as set forth in Section V.K, and to be thoroughly familiar with the project.
 - III. The selected proposer shall be required to obtain all applicable Culver City permits and a business tax certificate. The Business Support Center (HdL) may be reached at (310) 594-7847. The cost of these items shall be included in the total proposal price.
 - IV. Any proposal may be withdrawn prior to the RFP opening time provided that the request is in writing and signed by the authorized representative. The withdrawal of a proposal shall not prejudice the right of the proposer to file a new proposal to the time and date set for the opening of proposals. No proposal received after the time fixed for the RFP opening will be considered.
 - V. Subsequent to the RFP opening, a proposer shall be relieved of a proposal due to mistakes only if the proposer can establish to the satisfaction of the City that all of the following circumstances exist:
 - a. A mistake was made.
 - b. The proposer gave the City written notice within five (5) days after the opening of the proposals of the mistake; specifying in the notice, in detail, how the mistake occurred.
 - c. The mistake made the proposal materially different than the proposer intended it to be.
 - d. The mistake was made filling out the proposal and not due to error in judgment or to carelessness in reviewing the scope of service or specifications as stated in the RFP.
 - VI. The City reserves the right to seek supplemental information from any proposer at any time between the dates of proposal submission and the RFP award. Such information will be limited to clarification or amplification of questions asked in the original proposal. Any proposer may be subject to personal interview and inspection of their business premises prior to award.
 - VII. The City reserves the right to reject any or all proposals and to waive informalities and minor irregularities in proposals received and to accept any portion of proposal or all items of proposal if deemed in the best interest of the City. In addition, the City reserves the right to do any, or all, of the following:
 - a. Reject any or all proposals or make no award.
 - b. Issue subsequent RFP.

-
- c. Cancel the RFP.
 - d. Remedy technical errors in the request for proposals.
 - e. Modify any requirements contained within the RFP and request revised submittals from proposers determined to be within the competitive range.
 - f. Award a contract to one or more proposers.
 - g. Accept the written proposal as an offer, without negotiation and issue a notice to proceed, if applicable.
- VIII. The City reserves the right to contract with any of the organizations responding to this RFP based solely upon its judgment of the qualifications and capabilities of that organization.
- IX. All materials submitted regarding this RFP become the property of the City. Responses may be reviewed by any person at RFP opening time and thereafter. The City has the right to use any or all information presented in reply to this request, subject to the limitations outlined in Proprietary Information below. Disqualification of a proposer does not eliminate this right.
- a. *Proprietary Information* – Any restrictions on the use of data contained within a proposal must be clearly stated in the proposal itself. Proprietary information submitted in response to this RFP will be handled in accordance with applicable City Procurement Regulations and the California Public Records Act.
- X. The City is not liable for any cost incurred by proposer prior to issuance of an agreement, contract, or purchase order.

LEGAL STATEMENTS

All proposers must certify that they meet the following contractual and legal requirements in order to enter into a contractual agreement with the City:

I. PROHIBITED INTERESTS

- a. Contractor warrants that it has not employed or retained any company or person, other than a bonafide employee working solely for Contractor, to solicit or secure this contract and that it has not paid or agreed to pay any company or person, other than a bonafide employee working solely for Contractor, any fee, percentage, brokerage fee, gifts or any other

consideration, contingent upon or resulting from the award or making of this contract. For violation of this warranty, the City shall have the right to annul this contract without liability.

- b. Contractor agrees that, for the term of this Contract no member, officer, or employee of the City, or of a local public body during his/her employment for one (1) year thereafter, shall have any interest, direct or indirect, in this contract, or to any benefit arising thereof.
- c. The employment by Contractor of personnel on the City's payroll will not be permitted in the execution of this contract, even though such employment may be outside of the employee's regular working hours or on weekends, holidays, or vacation time; further, the employment by the Contractor of personnel who have been on the City's payroll within one (1) year prior to the date of contract award, where such employment is caused by and/or dependent upon Contractor securing this or related contract with the City, is also prohibited.

II. ANTI-LOBBYING PROVISION

- a. During the period between proposal submission date and the contract award, proposers, including their agents and representatives, shall not directly discuss or promote their proposal with any member of the City of Culver City City Council or City staff except in the course of City-Sponsored inquiries, briefings, interviews, or presentations, unless requested by the City.
- b. This provision is not meant to preclude offerors from discussing other matters with City Council members or City staff. This policy is intended to create a level playing field for all potential offerors, assure that contract decisions are made in public, and to protect the integrity of the RFP / Bid Evaluation process. Violation of this provision may result in rejection of the offeror's proposal.

- ## III. NON-DISCRIMINATION PROVISION:
- The City of Culver City encourages the participation of Small Business Enterprises (SBEs) and Disadvantaged Business Enterprises (DBEs) in its procurement and contracting activities. The City reaffirms its commitment to award its contracts and purchase orders in a non-discriminatory manner regardless of the individual's or entity's ancestry, age, color, physical and/or mental disability, genetic information, gender identity, gender

expression, familial status, marital status, medical condition, military and/or veteran status, national origin, race, religion, sex/gender, or sexual orientation.

- IV. PROTECTION OF RESIDENT WORKERS: Protection of Resident Workers: The City of Culver City actively supports the Immigration and Nationality Act (INA) which includes provisions addressing employment eligibility, employment verification, and nondiscrimination. Under the INA, employers may hire only persons who may legally work in the United States (i.e., citizens and nationals of the U.S.) and aliens authorized to work in the U.S. The employer must verify the identity and employment eligibility of anyone to be hired, which includes completing the Employment Eligibility Verification Form (I-9). The Contractor shall establish appropriate procedures and controls so no services or products under the Contract Documents will be performed or manufactured by any worker who is not legally eligible to perform such services or employment.