

MOTION
M-09-459

CITY HALL: SEPTEMBER 3, 2009

BY: COUNCILMEMBERS MIDURA, CARTER, HEDGE MORRELL AND
WILLARD-LEWIS

WHEREAS, the exercise of the City Council's utility regulatory authority, pursuant to Section 3-130 of the Home Rule Charter, requires that the Council retain the services of highly qualified utility consultants; and

WHEREAS, consistent with the procedure established by Council Rule 45, the Council wishes to issue a Request for Qualifications to initiate the competitive selection of qualified professionals to advise and represent the Council on electric and gas utility matters; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that in accordance with paragraph 1 of Rule 45, the Council determines that highly qualified and experienced legal, technical, and engineering professional regulatory advisors are required to effectuate the Council's powers of supervision, regulation and control set forth in Section 3-130 of the Home Rule Charter and directs that the attached Request for Qualifications be issued as soon as possible to begin the competitive selection process established by Council Rule 45.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREFORE AND RESULTED AS FOLLOWS:

YEAS: Fielkow, Head, Hedge-Morrell, Midura, Willard-Lewis - 5

NAYS: 0

ABSENT: Carter, Clarkson - 2

AND THE MOTION WAS ADOPTED.

THE CLERK OF THE CITY OF NEW ORLEANS
TO THE CITY CLERK
CITY OF NEW ORLEANS
CITY OF COUNCIL

ATTACHMENT TO MOTION M-09-459
NEW ORLEANS CITY COUNCIL
REQUEST FOR QUALIFICATIONS STATEMENTS (“RFQ”)
ELECTRIC AND NATURAL GAS REGULATORY SERVICES
ISSUED SEPTEMBER 4, 2009

Pursuant to the provisions of the Council of the City of New Orleans Motion M-09-459 dated September 3, 2009, regarding the need for legal and technical consultants to advise and represent the Council on electric and gas utility matters and in accordance with paragraph 1 of Rule 45 of the Code of the Council of the City of New Orleans, the City Council is seeking Statements of Qualifications from qualified legal, engineering and technical professionals to perform such work.

Purpose

The Council for the City of New Orleans (“Council”), in accordance with Section 3-130 of the New Orleans Home Rule Charter, and the Louisiana Constitution, acts as retail regulator for electric and gas utility services in Orleans Parish, Louisiana.¹ It regulates Entergy New Orleans, Inc. (ENO) and Entergy Louisiana, LLC (ELL) in the provision of electric and natural gas services in Orleans Parish. Both ENO and ELL are wholly owned subsidiaries of Entergy Corporation (Entergy), a multistate holding company.

The Council Utilities Committee (CUC) serves as the Council Committee responsible for making recommendations to the full Council on all electric and natural gas regulatory issues. The Council Utilities Regulatory Office (CURO) is the administrative office of the Council responsible for providing in-house staff to the Council on these same issues and works with the legal and technical consultants retained by the Council to carry out and fulfill its regulatory responsibilities. The present Council budget for all costs associated with retail utility regulation is in excess of \$6,000,000 per year.

As regulator, the Council has exclusive jurisdiction over the rates, reliability, and terms and conditions of service in Orleans Parish, and is an active participant in numerous matters before the Federal Energy Regulatory Commission (FERC), Securities and Exchange Commission (SEC), federal and state courts and in matters before Congress affecting utilities and rates.

Qualifications Statement Contents

All responses should include:

- I. A completed “consulting services questionnaire” using the format that is attached. Any subcontractors proposed to be used must also submit a completed questionnaire that must be attached to the prime firm’s questionnaire.

- II. Professional experience and resumes of partners, principals and employees in the firm who will be responsible for, and actively involved in, the provision of professional services for the Council (Key Personnel), including the appropriate evidence of accreditation, certification or licensing in the stated profession, and

¹ See Home Rule Charter of the City of New Orleans as Amended through February 9, 2009 at <http://www.cityofno.com/PortalsIntelliport/Resources.HomeRuleCharterCNO2009.2.pdf>. Further please see the Code of Ordinances of the City of New Orleans Louisiana. Chapter 158 Utilities, at <http://www.municode.com/resources/gateway.asp?pid=10040&sid=18>

- A. For legal consultants:
 - 1. specific case listings of trial experience before federal and state authorities in electric and gas utility matters;
 - 2. legislative experience before federal and state authorities in electric and gas utility matters; and
 - 3. specific case listing of expert testimony provided before federal and state courts and regulatory bodies in electric and natural gas matters.
 - B. For engineering consultants:
 - 1. Expertise and/or experience in the following areas: utility engineering, engineering-economic, financial feasibility, financing, regulatory, planning and indication of testimony experience, including, where applicable, specific case listing of expert testimony and the matters testified thereto that were sponsored before federal and state courts, agencies and regulatory bodies in electric, natural gas and thermal energy matters.
 - C. For accounting consultants:
 - 1. Expertise and/or experience in the following areas: Federal Energy Regulatory Commission (FERC) Uniform System of Accounts utility accounting, utility financing, financial auditing and sampling (including fuel adjustment clause (FAC), inter-affiliate transactions, accumulated deferred income taxes, community development block grants, and storm costs), financial statement preparation, auditing and evaluation, and indication of testimony experience, including, where applicable, specific case listing of expert testimony and the matters testified thereto that were sponsored before federal and state courts, agencies, and regulatory bodies in financial accounting matters.
- III. Description of relevant experience and expertise of each of the key personnel listed in paragraph II hereinabove including but not limited to:
- A. Ratemaking, cost allocation, audit, utility mergers and acquisitions, transmission access and ratemaking proceedings arising before the FERC pursuant to the Federal Power Act and Natural Gas Policy Act;
 - B. Electric utility system planning, management auditing, rate design, cost of service, service regulations and reliability of service issues, finance and accounting matters, including litigation and expert testimony before the SEC, FERC and state regulatory commissions;
 - C. Agreements between the operating subsidiaries of Registered Holding Companies, including the principles of reserve sharing, reserve equalization, energy pool dispatch and the cost allocation principles employed in support thereof;

- D. Analysis and evaluation of retail competition issues for electricity and natural gas service, including public interest determinations, transmission issues, and stranded cost recovery considerations;
 - E. Independent Coordinator of Transmission (ITC) arrangements, Regional Transmission Organizations (RTO's) and regional power pools pursuant to the FERC and the North American Electric Reliability Corporation (NERC) guidelines;
 - F. Registered Holding Companies subject to the jurisdiction of the SEC and FERC;
 - G. Natural gas LDC system planning, management auditing, rate design, cost of service, policies for provision of service and related reliability issues, finance and accounting matters, including expert testimony and litigation before the FERC and state regulatory commissions;
 - H. Energy efficiency initiatives, such as development of electric utility net metering regulations and standards and home improvement financing programs;
 - I. Inter-affiliate transaction issues, including codes of conduct and principles of cost allocation for service provided by affiliates to regulated utilities.
 - J. Knowledge and experience with Entergy New Orleans System Agreement and Disaster Recovery matters.
- IV. A description of three or more assignments which best illustrate the respondent's current qualifications relevant to the areas requested in this RFQ, including samples of work product and/or testimony.
- V. Demonstrated ability to provide coverage for City Council matters when the principal consultant is unavailable because of other assignments, illness, vacation or similar conflicting demands.
- VI. A sworn affidavit listing all persons with an ownership interest in the respondent. An "ownership interest" shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that hold an interest in a publicly traded corporation. This affidavit is a public record.
- VII. A sworn affidavit that no other person holds an ownership interest in the respondent via a counter letter.

- VIII. A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and/or who are expected to perform work as sub-contractors in connection with respondent's work.
- IX. A list of professional labor fees for all personnel included in the respondent's response to this RFQ and a clear and concise statement that such professional labor fees throughout the contract term will be the most cost efficient and will not exceed the lowest professional labor fee for similarly situated clients of the firm.

Potential Conflict of Interest

Any firm providing a response to this RFQ shall disclose the following:

- I. Work performed in ratemaking, utility accounting, cost allocation, transmission access, reserve sharing and energy pool dispatch, and merger proceedings and litigation for an Investor Owned Utility within the past ten years.
- II. Any work performed for any industrial, commercial or residential ratepayer (or groups and associations thereof) in Orleans Parish or in the service area of any of Entergy's operating subsidiaries, currently and in the past, on electric and natural gas matters.
- III. Any work performed for any other regulator of Entergy Corporation and/or Entergy and/or any of Entergy's operating subsidiaries.
- IV. Any prior or existing services not listed above being provided to any utility related government entities, including but not limited to public service commissions, RTGs, RTOs, regional power pools, etc., within the last 4 years.
- V. Any work currently performed or being performed (whether compensated or not) on behalf of any Councilmember.

For any such work performed, the respondent shall indicate the scope of the engagement, the time frame, the amount of compensation received and why the respondent deems such work to be or not be in conflict with the interests of advising or representing the Council or its committees in utility regulatory matters. The Council shall make the final decision as to whether any conflict exists.

Evaluation Criteria

Upon receipt by the due date of responses to this RFQ by qualified firms, the Council's staff Selection Review Committee will evaluate all responses received based upon the criteria listed hereinbelow and in Council Rule 45, a copy of which is attached. Particular emphasis will be placed on the following criteria:

- I. Experience of the key Personnel and other professional personnel in the utility regulatory field.
- II. Quality of work samples presented.

- III. Clear understanding by the applicant of work to be performed.
- IV. Capability of providing consistent, timely services, as determined by information requested from references or actual experience performing such services for the City Council.
- V. Cost based on hourly rates of consultants at various levels of expertise and experience.
- VI. Involvement at the professional level of certified disadvantaged business enterprises as evidenced by government-issued certification thereof and in compliance with City Code Section 70-432.1 (attached).

RFQ Process

Except as provided hereinbelow, no written, electronic or oral communications from potential applicants regarding this RFQ shall be made to any Councilmember, city employee or Council staff person during this Request for Qualifications process. Any inquiries shall be made in writing or by e-mail to the Council Chief of Staff, Room 1E06, City Hall, 1300 Perdido Street, New Orleans, LA 70112 or rjpursell@cityofno.com.

Fifteen (15) copies of the submission, including samples of work products, must be submitted in hard copy form by 3:00 p.m. on Thursday, October 1, 2009 to the City Council Utilities Regulatory Office, Room 6E07 City Hall, 1300 Perdido Street, New Orleans, LA 70112. Where possible, an electronic version of the proposal should also be submitted to rjpursell@cityofno.com.

An evaluation committee composed of the Council Chief of Staff, the Council Research Officer, the Council Fiscal Officer, the Council Utility Regulatory Officer and/or additional knowledgeable persons appointed by the Council Chief of Staff pursuant to Council Rule 45 will review and evaluate the submissions, and select qualified proposals for referral to the Council Utility Committee. For each submission selected for referral, the staff committee will contact one or more of the persons suggested as references.

The Inspector General shall be notified in writing prior to any meeting of a selection or negotiation committee relating to the procurement of goods or services by the city, including meetings involving third party transactions. The notice required shall be given to the Inspector General as soon as possible after a meeting has been scheduled, but in no event later than twenty-four hours prior to the scheduled meeting. The Inspector General may attend all city meetings relating to the procurement of goods or services as provided herein, and may pose questions and raise concerns consistent with the functions, authority and powers of the Inspector General. An audio recorder or court stenographer may be utilized to record all selection or negotiation committee meetings attended by the Office of the Inspector General.

The report of the evaluation committee will be provided to the Council Utility Committee, comprised of three (3) Councilmembers and an alternate member. The Council Utility committee shall interview one or more of the respondents selected by the evaluation committee. The Council Utility Committee may make a recommendation to the City Council. The contractor must be selected by Motion of the Council. The selection process must be completed by December 31, 2009, when the current contracts will expire.

Length of Contract

All contracts are for a twelve month period. However, the Council may renew the contract for one additional twelve month period, assuming continuing need for the services and mutual satisfaction. Each respondent is to include in its submittal a clear and concise statement of those personnel and firm resources for which it is willing and can commit to make available for the Council's regulatory activities during such period.

Additional Information

1. The City of New Orleans is not liable for any costs incurred prior to entering into a formal written contract. Any costs incurred in the preparation of the statement, interview, or other pre-contract activity are the responsibility of the person submitting the statement.
2. All submissions become the property of the City and as such are public information.
3. The contractor will invoice the City Council on a monthly basis during the term of the contract. Work shall be detailed in increments of one-tenth of an hour.
4. Any contract awarded shall contain a provision that:
 - a. any subcontractor proposed to be retained by the respondent to perform work on the contract with the City Council must be approved by Motion of the Council. The Council may require information on ownership interests in the sub-contractor prior to approval of the sub-contractor's retention.
 - b. unless otherwise approved by the Contracting Officer of the City Council, reimbursable expenses shall be limited as follows: air transportation limited to coach fares, lodging expenses not to exceed federal per diem rate for hotels in New Orleans; postage, overnight delivery or courier services at contractor's actual cost; facsimile transmissions and long distance telephone charges at contractor's actual cost; copies at \$0.10 per page; computerized research at contractor's actual cost.
 - c. For the attendance at all meetings of the Council, the CUC, briefings of Councilmembers, and representation before any court or regulatory body and during the conduct of regulatory proceedings before the Council and other regulatory bodies, the Council will only provide labor fee reimbursement for one consultant from any applicable firm, unless otherwise specifically approved by the Contracting Officer of the City Council.
 - d. Key Personnel assigned may not be replaced without consent of the Contracting Officer of the City Council.

Section 9-1120, Chapter 2 of the Code of the City of New Orleans, relative to the Office of Inspector General provides in part as follows:

“Every city contract and every bid, proposal or solicitation for a city contract, and every application for certification of eligibility for a city contract or program shall contain a statement that the corporation, partnership, or person understands and will abide by all provisions of this chapter.”

New Orleans City Council
Consulting Services Questionnaire

1. Project name
 2. Date Submitted
 3. Specify type of ownership and indicate if applicable:
 Private corporation Public corporation Proprietorship
 Partnership Small business Disadvantaged Business Enterprise
 Limited Liability Company
 - 4a. Firm (or joint venture) name, mailing address, telephone number, and e-mail address
 - 4b. Firm's owners
 - 4c. Name, title, telephone, fax number and e-mail address of principal to contact
 - 4d. Name, title, telephone, fax number and e-mail address of proposed project manager
 5. Is submittal a joint venture?
 - a. If so, has joint venture worked together before?
 - b. If a joint venture, name of lead firm?
 6. Summary of professional service fees received in (insert index number)

2008	2007	2006	2005	2004
()	()	()	()	()
- Use index below:
- Index
- | | |
|-----------------------------|-------------------------------|
| 1. less than \$250,000 | 4. \$3,000,000 to \$6,000,000 |
| 2. \$250,000 to \$1,000,000 | 5. \$6,000,000 or greater |
| 3. 1,000,000 to \$3,000,000 | |
7. Brief resumes of key persons anticipated for this project. Please indicate male/female, Minority/majority and parish of domicile.
 - a. Name and title
 - b. Project assignment

- c. Name of firm by which employed full time and location of office
 - d. Years experience with this firm and with other firms
 - e. Highest Academic Degree:
 - Year Received
 - Specialization
 - Other Professional Training
 - f. Experience and qualification relevant to the proposed project
 - g. Contracts using public funds (city, state or federal) administered by firm.
8. Work by firm's personnel members to be assigned to this job which best illustrates current qualifications relevant to this project (list not more than 5 projects including experience with governmental issues).
- a. Project Name & Location and Owner's Name
 - b. Project Description
 - c. Nature of Firm's responsibilities
 - d. Completion Date (Actual or Estimated)
 - e. Estimated Fees for Entire Project
9. Provide any additional information or description of resources supporting your firm's qualifications for the proposed project.
10. Provide four references including name/title, phone number, address, and e-mail address.

COMPETITIVE SELECTION PROCESS FOR PROFESSIONAL SERVICES CONTRACTS

Rule 45. Pursuant to Section 6-308 (5) (c) of the City Charter, contracts for professional services to be administered by the Council shall include but not be limited to the following professions:

- Accountants
- Appraisers
- Architects
- Auditors
- Attorneys
- Economists
- Management Consultants
- Public Relations/Media Consultants
- Real Estate Consultants
- Telecommunications Consultants
- Utilities Regulatory Consultants

The following process shall be followed for retention of consultants with expertise in a field as required by the Council for all contracts at or above the threshold amount established by Section 2-7 of the City Code:

1. Upon determination by a majority vote of the entire membership of the City Council that the services of a professional are needed, a Request for Qualifications (RFQ) or Request for Proposals (RFP), as appropriate based on the scope of work to be performed, shall be issued. The Request shall include the deadline for submission of responses. The RFQ or RFP shall additionally require that the person or entity responding to the RFP or RFQ (the respondent) provide the following information:
 - A sworn affidavit listing all persons with an ownership interest in the respondent. An "ownership interest" shall not be deemed to include ownership of stock in a publicly traded corporation or

ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record.

- A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter.
- A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and who are expected to perform work as sub-contractors in connection with the respondent's work for the City Council. The Council may require information on employees or sub-contractors of or ownership interests in the sub-contractor. This list is a public record.

The RFQ or RFP shall additionally advise the respondent that the contract with the City Council shall contain a provision that in regard to any sub-contractor proposed to be retained by the respondent to perform work on the contract with the City Council, the respondent must provide notice to the appropriate Council Committee within thirty (30) days of retaining said sub-contractor. The Council may require information on ownership interests in the sub-contractor.

2. The **Request for Qualifications or Request for Proposals** shall be published at least three times in a 10 day period in the Official Journal by the **Clerk of Council**. The publication may be in brief, if the Request is lengthy, and may be supplemented by letters of inquiry and/or placement of the request in appropriate additional publications.

3. Interested professionals who respond by the deadline date shall be evaluated by the **Selection Review Committee**. If more than five (5) responses are received, the Selection Review Committee shall review all responses but is authorized to eliminate from consideration, if it deems doing so appropriate, all but the five (5) most qualified and responsive respondents.

4. The committee shall establish appropriate evaluation criteria, which may include but not be limited to the following:
 - (a) training and experience with type of task required;
 - (b) appropriateness of plan submitted;
 - (c) capability of contractor to provide staffing and support;
 - (d) knowledge of local conditions;
 - (e) ability to provide the work in the time period required, as evidenced by past performance and current workload;
 - (f) involvement of members of disadvantaged groups at the professional level;
 - (g) participation by persons living and/or working in New Orleans at a professional level;
 - (h) the need for continuity of services and/or specialized and institutional experience and knowledge.
 - (i) For RFP's, cost of services to be provided. (M-07-277, Adopted, As Amended, 7/26/07); (M-07-413, Adopted, 10/4/07)

5. **The Selection Review Committee** shall forward to the Council Committee under whose jurisdiction the subject matter of the contract falls, if any, a list of up to five top respondents, with an analysis of each respondent's compliance with each criterion. If there is no such Council Committee, the list shall be forwarded to the entire Council.

6. **The Council Committee**, or the Council, if there is no specific committee, may choose one of these respondents and negotiate a proposed contract, including a scope of work to be performed. If a proposed contract cannot be negotiated with the firm/individual initially chosen, one of the other firms/individuals submitted by the Selection Review Committee may be chosen; and a proposed contract negotiated.

7. **The Council Committee** may recommend to the City Council its choice of the firm/individual. The Council, by a majority vote of its entire membership and by motion, may accept or reject the Council Committee's recommendation and choose one of the other firms/individuals submitted by the Selection Review Committee to the Council Committee. If the Council does not choose one of the firms/individuals submitted by the Selection Committee, the selection process shall begin again. In the absence of a Council Committee, this same process shall be followed by the City Council. (M-96-106)

8. The **Selection Review Committee** shall consist of the **Council Chief of Staff, the Council Research Officer and either the Council Fiscal Officer or the Director of Council Utilities**, depending on the type of professional service to be performed. The Council, responsible committee, or Chief of Staff may invite additional knowledgeable persons to participate as member(s) of the Selection Review Committee when particular expertise would be helpful in the evaluation process. (M-07-413, Adopted, 10/4/07)
9. **Exceptions** from this Competitive Selection process shall be made for:
- (a) Professional services contracts for an individual Councilmember's Office.
 - (b) Annual Audit, for which requests for qualifications shall be sent to "Big Four" accounting firms with local offices. (M-07-413, Adopted, 10/4/07)
 - (c) Emergency situations in which a majority of the entire membership of the Council by motions determines that there is an immediate need for a specific contract and that there is not sufficient time to go through the Competitive Selection Process. Emergency situations may include, but are not limited to, legal actions to which action or response is needed or required in 30 days or less or emergency situations as defined in LA. R.S. 38:221 1 A (6). (M-96-105) In those emergency instances, where there are available at least 10 working days but not the 30-35 days required for an RFQ/RFP process, an informal process consisting of solicitation of firms/individuals and a shortened review process shall be followed.
 - (d) Any contracts in existence prior to January 1, 1996 for:
 - Renewal or extension of the contract, when continuity of service is essential;
 - Amendments to such contracts that may expand but do not materially alter the scope of services and for which specialized and institutional experience and knowledge are

required. (M-07-413, Adopted, 10/4/07)

The Council, by majority vote of its entire membership, shall determine

which contracts are eligible for **exemption** under this sub-paragraph.
(Substitute M-96-29, Adopted, As Amended 2/15/96); (M-07-413, Adopted, 10/4/07)

(e) The Council may by motion authorize the amendment of a contract that was under the monetary threshold for use of the competitive selection process to increase the maximum compensation or modify the scope of services if justified by a need to ensure continuity of services for the performance of work related to the original scope of services if the proposed amendment satisfies one or more of the following criteria: (M-07-413, Adopted, 10/4/07)

- 1) the increase in scope of work adds a task which can best and most efficiently be performed in a timely and effective manner by a contractor having knowledge and experience gained during performance of the scope of the existing contract;
- 2) the increase in scope of work adds a task which is essential to completion of the original scope of work but could not reasonably have been anticipated when the original scope was developed;
- 3) the increase in compensation is needed because the time required to complete the original scope of work exceeded the original estimate, which was reasonable based upon the information available to the Council and its consultant at the time the compensation was agreed upon.
- 4) the Council may authorize no more than three such amendments to any individual contract. (M-04-236, As Amended, As Corrected, 5/20/04)

Sec. 70-432.1. Local and disadvantaged business enterprise (DBE) goals for the City of New Orleans.

(1) Subject to the limitations set forth in paragraph (3) below, the City of New Orleans establishes an overall goal of 50 percent utilization of businesses that are locally owned and controlled for all public spending or private projects that utilize public funding and/or incentives. An overall goal of 35 percent is established for utilization of socially and economically disadvantaged businesses, particularly of those businesses located in storm damaged areas. Individual project goals shall be established on a project-by-project basis and based on the availability of locally owned and disadvantaged businesses in the relevant market sector. If the lowest responsible responsive bidder has not reached the goals for participation by DBEs and locally owned firms, the city shall determine whether the bidder has made a good-faith effort to reach the goals. In order for the city to evaluate the efforts made by the bidder, the following minimum information is to be provided before the contract is approved for award;

(a) A report of all proposals received from a joint venture of DBEs and locally owned firms. The report shall indicate the action taken by the bidder in response to the submitted proposals that have been rejected, and the reason for rejection shall be indicated.

(b) Documentation of efforts to enter into agreements with DBEs and locally owned firms for contracted work and efforts to arrange for a joint venture, partnership or other multientity relationship with DBEs and locally owned and controlled firms.

(c) Documented contact with DBEs and locally owned firms, associations, or business-development centers which disseminate information to DBEs and locally owned and controlled firms.

(d) A copy of letters sent to groups in the relevant market sector notifying them of the bidder's intent to submit a proposal to the city.

(e) Description of assistance provided by the bidder to DBEs and locally owned firms:

1. Review of request for proposal documents issued by the city.
2. Review of work to be done.

(f) Documentation of any other effort undertaken by the bidder to encourage the participation of DBEs and locally owned firms.

(g) Overall operation of the bidder may be considered in evaluating the good-faith efforts of bidder to comply with the goals and intent of this division.

(h) Any other documentation to demonstrate good-faith efforts to satisfy the objectives outlined above.

(2) In order to realize these goals, the city will identify the inventory of local businesses and services available post-Katrina and report whether they are tied to local purchasing and procurement goals. This inventory will be disseminated through print media, the city's website, and/or other free media.

(3) Subject to all local, state and federal laws for purchasing and procurement, to include the Louisiana Public Bid Law, and the provisions of subsection 6-308(5) of the Home Rule Charter, and subject to the exceptions stated below, the goals for local and disadvantaged business enterprise participation shall be applicable for all projects, programs, and procurement activities that utilize any public spending, public funding, public incentives such as tax credits, or waivers in which the city foregoes its normal taxes or fees. The goals for local and disadvantaged business enterprise participation shall not apply to immovable property procurements, agreements with public entities and agencies, cooperative endeavor agreements, legal claims

resolutions, procurements to satisfy emergency needs, restoration tax abatement credits for owner-occupied residential projects having a total number not exceeding six residential units, and procurements and agreements valued less than \$15,000.00. The head of each department, agency, board, commission or corporation of city government, including the council, who exercises any contracting power on behalf of the city, or has authority over the expenditure or granting of public resources, funding, incentives or waivers shall consult and cooperate with the chief administrative officer (CAO) or the CAO's designated representative in achieving the goals for local and disadvantaged business enterprise participation.

(4) The chief administrative officer (CAO) or the CAO's designated representative (the responsible official) shall have responsibility for the determination of project goals and for monitoring and reporting overall goal attainment on a quarterly basis, which reports shall be posted on the city's website and provided to the council's special projects and economic development committee. The CAO or responsible official shall advertise the specific percentage goals for projects in print and electronic media and on the city website. The responsible official shall promulgate all other regulations for implementing this section of the City Code, and shall coordinate and link with each department, agency, board, commission or corporation of city government, including the council, to ensure effective implementation. The responsible official will ensure the city's DBE goals to purchasing and procurement projections are incorporated into the city's purchasing and procurement forecast.

(5) The percentage goals established herein shall supersede percentage requirements contained in section 70-432 and division 2 of this chapter."