APPENDIX 14

GENERAL REQUIREMENTS

First 5 LA imposes the following reservations and requirements with respect to this NOFA and any applications made hereunder:

1. First 5 LA reserves the right to retain all submitted applications, and the applications shall become the property of First 5 LA. Selection or rejection of a proposal does not affect this right.

2. First 5 LA reserves the right to extend the NOFA submission deadline should such action be in the best interest of First 5 LA.

3. All applications submitted will be subject to a threshold and completeness screening. Applications passing this initial screening will then be subject to further technical review. During this technical review, applications found to be non-responsive to any of the requirements of the NOFA may be rejected at that time. First 5 LA reserves the right to reject any or all applications received in answer to this NOFA if they are deemed inappropriate or incomplete or are not in the best interest of First 5 LA.

4. First 5 LA reserves the right to withdraw this NOFA at any time without prior notice. Further, First 5 LA makes no representation that any contract will be awarded to any applicant responding to this NOFA.

5. Lobbyist Ordinance Compliance Certification. Each applicant submitting a response to this NOFA certifies that each County lobbyist, as defined by Los Angeles Code Section 2.160.010, retained by the consultant is in full compliance with Chapter 2.160 or the Los Angeles County Code.

6. Gratuities. It is improper for any officer, employee, or designee of First 5 LA to solicit consideration, in any form, from an applicant with the implication, suggestion or statement that the application’s provision of the consideration may secure more favorable treatment for the propose in the award of the contract or that the application’s failure to provide such consideration may negatively affect First 5 LA or its designee’s consideration of the applicant’s submission. An applicant shall not offer or give, either directly or through an intermediary, consideration, in any form, to an officer, employee or designee of First 5 LA for the purpose of securing favorable treatment with respect to the award of the contract.

An applicant shall immediately report any attempt by an officer, employee or designee of First 5 LA to solicit such improper consideration. The report shall be made to First 5 LA’s Executive Director. Failure to report such a solicitation may result in rejection of the application.
Examples of such improper consideration include cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

7. **Request for Taxpayer Identification Number Certification.** The person, firm or corporation selected to enter into the contract with First 5 LA or its designee shall be required to provide First 5 LA or its designee with a completed Federal W-9 form, including taxpayer identification number or social security number, in order to comply with Federal Tax information regulations. If this document is not supplied, First 5 LA or its designee retain the right to withhold payment on invoices in accordance with IRS Guidelines as outlined in Publication 1281 (Rev. 8-93). First 5 LA or its designee have the right to withhold payment without being charged late charges or fees.

8. **EEO Certification.** Each applicant submitting a response to this NOFA shall certify and agree that all persons employed by or seeking employment with the applicant, its affiliates, subsidiaries, or holding companies are and will be treated equally by the firm without regard to or because of race, religion, ancestry, national origin, or sex and in compliance with all federal, State and local anti-discrimination laws. Copies of the firm’s current non-discrimination and equal employment policy are required to be submitted with the proposal.

9. **Consideration of GAIN/GROW Participants for Employment.** In compliance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, First 5 LA or its designee seek to assist recipients of CalWorks benefits to make the transition from welfare to employment. The Greater Avenues for Independence (GAIN) Program and the General Relief Opportunity for Work (GROW) Program, developed by the County Department of Public Social Services (DPSS) provides job skills workshops for GAIN/GROW participants and employment counselors to support and monitor GAIN/GROW participants’ progress. First 5 LA encourages the utilization of GAIN/GROW participants in the delivery of contracted services.

As a threshold requirement for consideration for selection, applicants shall demonstrate a proven record of hiring GAIN/GROW participants or shall agree to consider GAIN/GROW participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, applicants shall agree to provide employed GAIN/GROW participants access to the applicants’ employee mentoring programs, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Applicants who do not agree to meet this requirement shall not be considered for selection.

10. **Continued Truthfulness of Certifications and Representations.** All representations, certifications and information provided by Applicant to First 5 LA or its designee shall have been true when made/delivered and do not omit any material facts and shall continue to be true and not omit any material facts at all times up to and including the date of any funding award and the closing of such funding award.
11. **No Material Changes.** From the date the application is submitted and at all times up to and including the date of any funding award and the closing of such funding award, no material adverse change shall have occurred with respect to Applicant or the project including but not limited to: the financial condition, working capital, assets, liabilities, management, business, operations, good standing of Applicant; the financial feasibility of the project; the physical, environmental and title conditions to the project site; availability and timeliness of government approvals, land use approvals, permits and licenses; appointment of a receiver, foreclosure, general assignment for the benefit of creditors, bankruptcy filing with regard to or affecting all or any of the assets of Applicant or its owners; and community support for the project.

12. In the event funds become unavailable due to unforeseeable circumstances and First 5 LA, at its sole discretion, terminates its obligation under this NOFA, such an event shall not constitute a “material change” as defined above.

First 5 LA also imposes the following requirements on all applicants who receive a funding award under this NOFA:

1. **Contract Requirements**
   
a. The initial recommendation for funding should not be construed as a finding that the application complies with all requirements and conditions for a loan. A funding recommendation or offer to contract may be withdrawn upon failure of reasonable attempts to negotiate a Loan Agreement and all documents related thereto including but not limited to security instruments and collateral assignments, subordination and intercreditor agreements, certifications, title insurance requirements, and surety bonds.

   b. Successful applicants will be required to satisfy First 5 LA or its designees and other participating agency or entity’s insurance requirements. Additionally, all applicants must comply with all contractual requirements.

2. **Child Support Compliance Requirements**

   Funding award recipients shall: 1) fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and, 2) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any Agreement that may be executed pursuant to this solicitation. Failure to comply may be cause for termination of an Agreement or initiation of debarment proceedings against the non-compliant Developer.
3. Safely Surrendered Baby Law

Funding award recipients shall notify and provide to their employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. The fact sheet is set forth in at the end of this Appendix 12 and is also available on the Internet at www.babysafela.org for printing purposes.

4. First 5 LA or its Designee’s Insurance Requirements

First 5 LA or its designee’s standard requirements are included in the sample loan and contract documents in Appendices 16 and 21 to the NOFA.