



First5LA.org

First 5 LA Legal Services REQUEST FOR QUALIFICATIONS (RFQ)

Los Angeles County Children and Families First –
Proposition 10 Commission (aka First 5 LA)

RELEASE DATE: August 9, 2021

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I. TIMELINE FOR SELECTION PROCESS¹

ACTIVITY	DATE
RFQ Released	August 9, 2021
Information Session	August 17, 2021
Final date to submit questions and requests for additional information	August 19, 2021
Posting of responses to questions	August 23, 2021
Proposal Due	August 27, 2021
Interviews	September 8 – 15, 2021
Contractor Selected & Submitted to Board of Commissioners for Information	October 14, 2021
Board of Commissioners Approval	November 10, 2021
Contract Start Date	December 1, 2021

In order to respond to this Request for Qualifications (RFQ), the proposer must submit all required documents through the online application system designated by First 5 LA no later than **5:00 p.m. PT on August 27, 2021**. It is the proposer’s responsibility to verify submission prior to the deadline. First 5 LA will not be responsible for any technical problems or submission failure. **Failure to submit ALL required documents by 5 p.m. PT may constitute an incomplete proposal and may be grounds for disqualification.**

Questions and requests for additional information must be submitted in writing to:

Marilu Guzman, Contract Operations and Compliance Officer
E-mail: mguzman@first5la.org

All questions and requests for additional information regarding this RFP must be received in writing by First 5 LA via email before **5 p.m. PT on August 19, 2021**. First 5 LA reserves the sole right to determine the timing and content of the responses to all questions and requests for additional information. First 5 LA may respond to individual inquires and then post replies to all questions by the posting date.

Potential proposers are highly encouraged to participate in the Informational webinar from **1:00 – 2:30 p.m. PT on August 17, 2021**, to learn more about the RFQ requirements. Please register for the webinar at: <https://first5la.zoom.us/webinar/register>. After registering, you will receive a confirmation

¹ Note: Dates are subject to change at First 5 LA’s sole discretion.

email containing information about joining the webinar. A recording of the webinar will also be made available on the Funding Opportunities webpage: www.first5la.org/news-resources/funding-center/.

Please check the Funding Opportunities webpage regularly for updates and addenda. First 5 LA has the right to amend this solicitation by written addendum. First 5 LA is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addenda shall be made available via the online funding center. Failure to address the requirements of such addendum may result in the Proposal not being considered, at the sole discretion of First 5 LA. Addenda to this solicitation, if any, will be posted on First 5 LA's website, which may be accessed by clicking www.first5la.org/news-resources/funding-center/. It is the responsibility of proposers to ensure, prior to submission, that their application reflects the most recent information and RFP requirements.

II. **BACKGROUND**

First 5 LA — Giving Kids the Best Start

In 1998, California voters passed Proposition 10, which levied a 50-cent per pack tax on all tobacco products. The resulting tax revenues were earmarked for the creation of a comprehensive system of information and services to advance early childhood development and school readiness within each county in California. In Los Angeles County, the First 5 LA Commission was formed as a public entity to develop and oversee various early childhood initiatives and to manage the funding from Proposition 10.

The First 5 LA 2020-28 Strategic Plan

In November 2019, First 5 LA's Board of Commissioners approved the [2020-28 Strategic Plan \(See Appendix B- First 5 LA's 2020-28 Strategic Plan\)](#) that articulates the goal of the organization's bold "North Star" – that by 2028, all children in Los Angeles County will enter kindergarten ready to succeed in school and life. The plan will help guide and accelerate all First 5 LA does to make a tangible difference in the lives of children today and tomorrow.

A) First 5 LA's Values

First 5 LA grounds its work in its **values**, that act as guiding principles for how it does its work, the culture it aims to promote, and as a benchmark to measure behaviors and performance:

- **Collaboration**: We promote a collaborative culture and strategies in all that we do.
- **Integrity**: We act in ways that reflect our Values and hold ourselves accountable for our behaviors and the outcomes of our work.
- **Learning**: We integrate learning into all aspects of our decision-making, commit to continuous improvement and share what we have learned.
- **Diversity, Equity, and Inclusion**: We embrace the diversity of L.A County, advocate for fairness and promote systems that advance the full participation of young children and their families.

B) First 5 LA's Investment Guidelines

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First 5 LA's Investment Guidelines serve as criteria for decision-making for all major components of the strategic planning process and as ongoing policy guidance for Board and staff during implementation. Together, the Investment Guidelines represent a "six-part identity statement" for First 5 LA that explicitly prioritizes adopting an equity lens through our work and addressing the critical challenge of declining First 5 revenues:

- **Equity:** Prioritize children, families, and communities in our target population that our work has the greatest potential to impact and advance our North Star.
 - Use data to elevate disparities and achieve equitable outcomes
 - Strengthen existing public systems to be child and family-centered
 - Incorporate the voice of families and communities in systems change
- **Sustainability:** Embed sustainability strategies within all of our work
 - Plan and operate within our fiscal reality
 - Create new revenue and fund leveraging strategies
 - Co-invest with partners
- **Partnership:** Engage partners throughout planning, development, and execution of our work
 - Demonstrate how committed partnerships are engaged and fundamental to our work
- **Prevention:** Focus on early intervention and prevention
 - Invest in early intervention and prevention as the primary focus of our work
 - Link downstream investments to prevention
- **System Change:** Focus on systems change and implementation to impact the most children and families.
 - Focus on strengthening existing systems, rather than creating new systems
 - Consider direct services only when there is significant potential to demonstrate models for scalability and sustainability
- **Evidence and Innovation:** Prioritize scaling up evidence-based practices, balanced with investments in innovative and promising approaches to address community needs
 - Pursue and test innovative and promising approaches, as necessary, to respond to community needs and achieve scale.

C) What's Needed to Make First 5 LA's North Star a Reality?

To reach its North Star, First 5 LA wants systems to work better for all families in L.A. County by making systems more family-centered and child-focused with a focus on four results areas that include:

- 1) Families have the resources, opportunities, relationships, and environments to optimize their child's development.
- 2) Children enter kindergarten without any previously unidentified developmental delays and connected to developmentally appropriate services and supports.
- 3) Children are safe from abuse, neglect, and other trauma.
- 4) Children have high quality early care and education (ECE) experiences prior to kindergarten entry.

First 5 LA will seek these results through policy change, practice change and public-will building. It will do so with diverse partners who share First 5 LA's aspirations for children and bring an intentional focus on equity for children and families facing disparities in outcomes and opportunities.

III. PROJECT OVERVIEW

The purpose of this Request for Qualifications (RFQ) is to invite submissions from qualified law firms interested in serving as Legal Counsel for First 5 LA. The successful proposer shall meet or exceed the qualifications outlined in the RFQ and should be readily accessible to authorized representatives of First 5 LA. Basic services include legal services generally within the field of municipal case law and within the category of “general counsel” including but not limited to: serving as legal advisor to First 5 LA’s Board of Commissioners, Executive Director, Leadership Team and First 5 LA employees, as needed; preparation and review of legal documents; and representing the Commission in Administrative Hearings and court proceedings. Required areas of legal expertise beyond general legal services for public entities include, but are not limited to: human resources, lobbying, public procurements and contracts, public works projects and data privacy laws (ex. HIPPA, FERPA). Please note that the firm may propose to subcontract for areas of expertise not covered by the firm.

IV. SCOPE OF WORK

The selected law firm will be required to perform the following tasks related to serving as Legal Counsel for First 5 LA including, but not limited to:

- A. Act as the confidential legal advisor to the First 5 LA Board of Commissioners, various committees and sub-committees, the Executive Director, Leadership Team and First 5 LA employees, as needed.
- B. Advise First 5 LA regarding the conduct of all Commission meetings, conflict of interest laws, and compliance with all governing statutes as well as labor and personnel issues.
- C. Attend Commission Board Meetings (typically held on the second Thursday of the month), special Board Meetings (called as needed), closed Board session meetings, weekly meetings with the Leadership Team, and additional meetings and conference calls as requested.
- D. Review and provide guidance on Commission Meeting agendas as needed.
- E. Perform legal research, prepare/assist in the review of legal documents and provide legal advice for First 5 LA which may include, but not is limited to the following areas: ordinances and resolutions, forms, compliance documents, audit requirements for the state First 5 Commission, policies and procedures, contracts, deeds and other related documents and adherence to Proposition 10 requirements.
- F. In addition, the firm will provide counsel in the following areas: public records requests, records retention and destruction, the Brown Act, human resources, employment law, conflict of interest, procurement and appeals, leases, property acquisitions, public works projects, data sharing and all related federal/state privacy laws (e.g. HIPAA Compliance, patient consent form review, and data sharing agreements), and lobbying compliance.
- G. Assist First 5 LA in legal aspects of federal and state grant processes.
- H. Advise of any applicable new laws and regulations in which First 5 LA must comply with (e.g., legal counsel notified First 5 LA when the State issued Executive Orders and passed laws related to COVID-19).

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- I. Respond in a timely manner to inquiries from First 5 LA recognizing that they will vary by the nature of the request or issue.
- J. Negotiate contracts as needed by First 5 LA.
- K. Represent First 5 LA in administrative hearings and court proceedings.
- L. Represent First 5 LA on issues that may involve other public agencies.
- M. Represent First 5 LA in civil litigation and criminal law actions in which First 5 LA is a party, and/or work in collaboration with other attorneys or representatives of First 5 LA's liability insurance carrier
- N. Provide training as requested to keep Board of Commissioners and staff abreast of current developments with applicable law
- O. Coordinate or work with other attorneys/firms as needed and as directed by First 5 LA

First 5 LA reserves the right to use alternate counsel for specific issues, and the proposer may demonstrate how these areas would be covered if the firm does not have the expertise listed in-house.

V. ELIGIBILITY

Proposals will be considered from law firms that meet the following minimum requirements:

- A. Must have a physical presence in Los Angeles County.
- B. Must have experience providing legal services for public entities.
- C. Proposers shall not currently represent the County of Los Angeles, any County Department and/or a Special Commission of the County. Neither the proposer nor the attorneys (including proposed subcontractors) shall currently have, nor will they have, any conflict of interest with the Commission. Any perceived or potential conflict of interest shall be disclosed in the proposal.
- D. The proposer must have a proven track record of adhering to required standards of professional conduct and ethics and in rendering sound legal advice with suitable objectivity and professional detachment.
- E. The proposer's attorneys serving in this engagement shall be admitted to practice in the State of California and in good standing with the State Bar of California.

Additional eligibility requirements include:

- F. The selected firm shall provide the legal services listed under Section IV. Scope of Work through a lead attorney and through at least one (1) other qualified attorney. The proposer shall have within its firm or through an established "of counsel" relationship at least one other "qualified attorney" available to render advice and otherwise represent the interests of First 5 LA when the lead attorney is unavailable. In this context, "qualified attorney" shall mean another lawyer who substantially meets the minimum qualifications set forth herein for the proposer and described in Section V.A – E Eligibility.
- G. Proposers, in some combination of the lead attorney and the other qualified attorney at the firm, shall have at least 15 years of experience representing public entities.
- H. The lead attorney must be available to attend Commission Board Meetings, special Board Meetings, closed session meetings, weekly meetings with the Leadership Team, and additional meetings and conference calls as requested.

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The proposer may demonstrate how the legal services listed under Section IV. Scope of Work would be covered if the firm does not have the expertise listed in-house.

Proposers that do not meet the requirements above will not pass the first level of review (see *Section VIII. Selection Process and Review Criteria*).

VI. DESIRED QUALIFICATIONS

- The ideal proposer will have an understanding of and experience dealing with the legal requirements of public entities such as the State, County, and other municipalities.
- In addition, the ideal proposer will be experienced in the areas of First 5 County Commissions, procurement, contracting and appeals, civil litigation, and criminal law.

VII. TERMS OF PROJECT

A final budget will be negotiated once a firm has been selected. Funds will be granted through invoices based on incurred expenses. The selected contractor will be compensated at an hourly rate commensurate with its experience and compensation history.

The initial contract term may be for five years with an option to renew the contract for up to five additional years at First 5 LA's sole discretion.

Final amount and length of contract will be negotiated with the selected proposer and subject to final approval by the Board of Commissioners. The selected contractor is responsible for supplying all business equipment needed to carry out its duties (e.g., computer, printer, internet access, etc.). The selected contractor will be responsible for maintaining a daily log to capture time spent on activities. The duration, extension, renewal, and amendment of the contract is contingent upon the First 5 LA Board of Commissioner's approval. This will be a time and materials contract.

VIII. SELECTION PROCESS AND REVIEW CRITERIA

First 5 LA will review the proposers based on the multi-stage review process detailed below. Proposal must score satisfactorily in each level of review in order to move on to the next level of review or for final selection, as applicable.

Level 1 Internal/Administrative Review:

First 5 LA will evaluate all proposals for completeness and minimum requirements. Basic requirements include: timely receipt of proposal, submission of all required attachments, and adherence to eligibility requirements. Proposals with omissions of any required documentation are subject to disqualification.

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First 5 LA will also conduct a due diligence review which includes a review of the Litigation and Contract Compliance form and a review of any compliance issues under any existing and past agreement with First 5 LA. If applicable, First 5 LA will evaluate past and current performance under a First 5 LA agreement to inform Level 1 review. First 5 LA reserves the right to request additional information, if needed, to validate eligibility and/or and minimum requirements.

Additionally, First 5 LA will conduct a conflict-of-interest review for proposers including subcontractors, a review of the firm's status with the State Bar, complaints, and past or current involvement in litigation. This includes a review and assessment of the disclosures in Section IX.3.

Level 2 Proposal Review:

Proposers that pass Level 1 review will proceed to Level 2 review. Internal reviewers with experience using the legal services required by First 5 LA will review and score proposals. Prior to beginning their review, reviewers will be assessed for conflicts of interest with proposers, and sign a Conflict-of-Interest form to certify that there are no conflicts of interest. Internal Reviewers will score proposers using the review tool listed as Appendix C - Level 2 Review: Proposal Scoring Criteria. Reviewers will participate in a calibration session prior to finalizing scores. The highest scoring proposer(s) in Level 2 Review will proceed to Level 3 Review.

Please refer to the Review Tool (Appendix C – Level 2 Review: Proposal Scoring Criteria).

Level 3 Interview

Highly scoring proposals from Level 2 Review will proceed to Level 3 Interview. Interview questions will be developed based on information provided in the proposal and include questions for clarification. Only key personnel on the proposed RFP can participate in the interview. Key personnel should include the lead attorney, other qualifying attorney, and any attorney who will play a major role in the provision of legal counsel services. Tentative interview dates are included in *Section I: Timeline for Selection Process* and are subject to change at First 5 LA's sole discretion. Interviews will be held virtually via zoom or via conference call. Reviewers will be assessed for conflicts of interest with proposers and sign a Conflict-of-Interest form to certify that there are no conflicts of interest. Reviewers will participate in a calibration session prior to finalizing scores. Further written materials may be requested prior to or after the interview. First 5 LA reserves the right to schedule additional interviews/meetings.

Reference Checks

If necessary, reference checks may be conducted. If reference checks are conducted, proposers will be notified by email and will be required to submit a minimum of three references. Information obtained through reference checks will complement the results from Level 3 Interview. First 5 LA must be able to contact a minimum of two (2) references provided by the proposer. If two (2) references cannot be reached, First 5 LA may deem the proposer ineligible for this opportunity.

Award of Contract

The highest scoring proposer from Level 3 Interview, in combination with information obtained through reference checks, if conducted, will be recommended to First 5 LA's Board of Commissioners for award of the contract. Proposers must score satisfactorily in the interview to be considered for award by First 5 LA staff and Board.

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IX. REQUIRED DOCUMENTS

Proposers must submit the following required documents through the online application system in order to be eligible for this RFQ. Appendix C - Level 2 Review: Proposal Scoring Criteria provides the criteria that will be used to score each element of the proposal.

The documents listed in this section are required to respond to this RFP. Appendix A – Proposal Checklist is available to assist in proposal completion. Omission of any document/form will constitute an incomplete proposal and may be grounds for disqualification.

Unless explicitly requested in Section IX. Required Documents below, please do not attach additional cover pages to the required documents. Proposals that exceed First 5 LA's page limits will be adjusted by the removal of page(s) from the proposal. Pages will be removed before the Level 2: Proposal Review. The removed page(s) will not be made available to reviewers.

Unless explicitly requested in Section IX. Required Documents below, please do not embed hyperlinks in your proposal documents. Any hyperlink included in proposal documents will be deactivated before the Level 2: Proposal Review and will not be made available to reviewers.

1. **Online Application:** In order to respond to this RFP, proposers must complete an online application form and submit all required documents specified below through the online application system. Proposers must set-up an online account in order to access the application form. Instructions on setting up the account and access the online application may be found at https://www.GrantRequest.com/SID_725?SA=SNA&FID=35355
2. **Cover Letter:** Please submit a cover letter (3 pages maximum) expressing interest in responding to the RFQ and signed by an individual authorized to bind the proposing entity. Clearly include the legal name of the firm, business address, contact information including e-mail address of the executive official and the person responsible for preparing the proposal (if different). Please address the lead attorney's availability in attending the meetings listed under Section V.H.
3. **Disclosures:** Proposer must disclose if the firm, or any of the attorneys employed by the firm, have ever been successfully sued for malpractice, been the subject of complaints filed with the State Bar, or had discipline imposed by the State Bar. Please provide information on the nature of the incident and the dates of which the matter began and was concluded and the outcome. In addition, the firm must disclose any perceived or potential conflict of interest.
4. **Narrative:** Please include a narrative (6 pages maximum) with answers to the prompts listed below:
 - a. **Overview and History:** Provide a general overview of the firm's history including:
 - i. Date established
 - ii. Number and location of employees
 - iii. Description of types of services/areas of expertise offered.

- iv. If subcontractors are proposed, the same information should be included for all subcontractors.
- b. **Qualifications:** Describe the law firm’s experience and expertise:
- i. Identify by name (address and telephone if different from above) the proposed attorneys who will serve on this engagement, including the lead attorney and other qualified attorneys.
 - ii. Include the names of the individuals proposed and a thorough description of the skill, education, knowledge, and relevant experience as well as certifications or other professional credentials that clearly demonstrate how the individuals are experts in the area(s) identified.
 - iii. Address how the firm and proposed attorneys meet the needs outlined in the Section IV – Scope of Work of this RFQ.
 - iv. Describe the specific relevant experience of each proposed attorney within the areas of expertise listed in Section IV.F – Scope of Work.
 - v. Identify any areas of the law where you restrict your practice, or are not certified. For any such areas of the law, describe how you will solicit expertise externally.
 - vi. Describe the firm’s experience with Proposition 10 related issues, if applicable, or clearly explain how the proposer plans to support a public entity such as First 5 LA.
5. **Résumés:** Please attach résumés or curriculum vitae for each attorney identified in the Narrative.
6. **Proposed Budget:** Please provide the following information:
- a. List the names and hourly rates for all proposed attorneys who will serve on this engagement.
 - b. List the names and hourly rates for all proposed attorneys who will serve on this engagement.
 - c. If you propose to bill for services provided by paralegals, clerical staff, or other non-attorney personnel, list by title and by hourly rate for each position for whom you may bill.
 - d. Provide a complete listing of all charges you intend to impose as incurred costs (e.g., copy charges, telephone charges, fax charges, mileage charges and the like).
 - e. Indicate the increments of time for billing.
 - f. If the firm would like to propose an alternative fee arrangement, please describe and explain the proposed fee arrangement.
7. **References:** A list of *at least three* (3) current or former references for which the bidder has performed similar work.
8. **Litigation and Contract Compliance Form (Appendix D):** Please read the information on the required Litigation and Contract Compliance form thoroughly and include a signed copy by the proposal deadline. If you checked “Yes” to any of the questions on this form, please explain whether this will impact the project on this solicitation. Omission of the form will constitute an incomplete proposal and may be grounds for disqualification.

9. **Business License:** Please attach a copy of your business license as required by law.

Failure to submit all required attachments may constitute an incomplete proposal and may be grounds for disqualification. Proposers are responsible for any errors and omissions in their proposals and applications. In order to respond to this RFP, please complete and submit your proposal and all required documents to First 5 LA no later than **5:00 p.m. PST on August 27 2021.** **Proposals received after this deadline will not be considered.** It is the responsibility of the proposer to ensure, prior to submission, that its proposal reflects the requirements of this solicitation. Proposers should not wait to submit documents through the online application system minutes before the closing time. First 5 LA will not be responsible for any delays proposers may encounter with the online application system due to multiple proposers uploading documents before the closing time.

X. TERMS OF THE RFP

First 5 LA has the right to amend this solicitation by written addendum. First 5 LA is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Such addenda shall be made available via the online funding center. Failure to address the requirements of an addendum may result in the proposal not being considered, at the sole discretion of First 5 LA. It is the responsibility of proposers to ensure, prior to submission, that their application reflects the most recent addenda information and RFP requirements. Addenda to this solicitation, if any, will be posted on First 5 LA's website at <http://www.first5la.org/Funding-Center>.

First 5 LA reserves the right to reject all proposals and re-solicit for proposals. Failure to comply with proposal specifications shall be grounds for disqualification of proposals. Each proposer shall be required to honor the price and specifications quoted for a minimum of sixty (60) calendar days following submission of the proposal. First 5 LA also reserves the right to cancel this RFP, in its sole discretion, at any time before execution of a contract.

First 5 LA shall not be liable for any costs incurred in connection with a proposer's preparation of a proposal in response to this RFP. Any cover letters, résumés and curriculum vita, including attached materials, submitted in response to this RFP shall become First 5 LA's property and subject to public disclosure.

Each proposal shall be retained for official files and will become public record upon submittal unless the proposal or specific parts of the proposal can be shown to be exempt from disclosure by law. The budget, scope of work and other contractual information may be included in board materials which are made public if the contract requires board approval. Each proposer may clearly label parts of a proposal as "CONFIDENTIAL" if the proposer thereby agrees to indemnify and defend First 5 LA for honoring such a designation. The failure to so label any information that is released by First 5 LA shall constitute a complete waiver of all claims for damages caused by any release of the information. If a public records request for information labeled confidential is received by First 5 LA, First 5 LA will notify the proposer of the request. Within seven (7) calendar days after First 5 LA's notification to the proposer, it will be the proposer's duty to act in protection of the labeled information. The proposer's failure to so act shall constitute a complete waiver.

The proposer agrees that, by submitting an application proposal, the proposer authorizes First 5 LA to verify any or all information and/or references submitted in the proposal.

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False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal at any time. The evaluation and determination in this area shall be at First 5 LA's sole judgment.

First 5 LA may elect to waive any minor irregularity in a proposal if the sum and substance of the proposal is present.

First 5 LA may, at its discretion, request that the Contractor undertake additional, unanticipated, activities that are aligned to the project objectives of this RFP and incorporate such activities into the final Scope of Work/Performance Matrix and Budget, if applicable.

XI. CONTRACTUAL CONSIDERATIONS

The successful proposer must sign and adhere to the provisions of the First 5 LA Contract (see sample Contract - Appendix E). The successful proposer must execute the Contract without substantive alteration. All proposers must review the sample Contract in detail and fully understand the contractual obligations described in the Contract, including all insurance requirements. If a satisfactory agreement cannot be negotiated within 30 days of award, First 5 LA may, at its sole discretion, begin negotiations with the next qualified proposer, as determined by First 5 LA. First 5 LA may, after contract award, amend the awarded contract, scope of work and any other exhibits in accordance with the terms of the contract and as needed throughout the contract term to best meet the needs of First 5 LA.

Current and former First 5 LA grantees, contractors and vendors must be in good standing and compliant with all aspects of current and former agreements with First 5 LA in order to be eligible to respond to this RFP. First 5 LA may deem a proposer ineligible to respond to this RFP if it finds, in its sole discretion, that the proposer has done any of the following: (1) violated any term or condition of a First 5 LA agreement; (2) committed any act or omission, or engaged in a pattern or practice, that negatively reflects on the proposer's quality, fitness or capacity to perform services listed in this RFP; (3) committed an act or offense that indicates a lack of business integrity or business dishonesty; or (4) made or submitted a false claim to First 5 LA or any other public entity.

As stewards of public funds [First 5 LA's Funding Guidelines](#) are intended to provide information about the restrictions on the use of First 5 LA funds. Although these Funding Guidelines are applicable generally, the terms of individual funding agreements will always take precedence over these guidelines.

The award of a contract by First 5 LA to an individual/agency/organization that proposes to use subcontractors for the performance of work under the contract resulting from this RFP process shall not limit First 5 LA's right to approve subcontractors, assemble teams and/or assign leads. Each proposer will be evaluated independently for added value to the overall team. A copy of executed subcontract(s) related to Program funding must be provided to First 5 LA.

First 5 LA, in its sole discretion, may conduct an evaluation of this project. Contractors will be required to comply with First 5 LA's evaluation and any requests for information arising out of such evaluations within the timeframe specified by First 5 LA.

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If the awarded contract is not signed prior to the intended start date, the commencement of any activities under the contract's Scope of Work/Performance Matrix (Exhibit A) will not begin until the contract execution date (the date all parties have signed and delivered the contract) and the successful proposer will not be eligible to obtain reimbursement for any costs incurred prior to the contract execution date, unless otherwise approved in writing by First 5 LA. If the awarded contract is not signed by the successful proposer within thirty (30) calendar days from the proposed intended start date, First 5 LA may withdraw the contract award. First 5 LA may revise the proposed effective date prior to final execution of the awarded contract.

If the final contract amount requires board approval, the award and execution of the contract is subject to First 5 LA's Board approval. Any performance of services commenced prior to obtaining all written approvals by First 5 LA shall be considered voluntary.

The Contractor shall ensure that the Contractor, its employees and subcontractors, as well as the participants in any program or service conducted hereunder, comply with all applicable federal, State and local public health orders to protect against the spread of the COVID-19 virus or other public health threat, including, without limitation, maintaining social distancing requirements, avoiding unnecessary or non-essential gatherings, and providing or requiring personal protective devices such as face masks, gloves and cleaning supplies.

Unless otherwise submitted during the RFP process, the successful proposer will be required to submit additional required documentation including, but not limited to, the following documents before the awarded contract can be fully executed:

- Litigation and Contract Compliance Form
- By-laws (if applicable)
- Articles of Incorporation (if applicable)
- Board of Directors or List of Partners (as applicable)
- Signature Authorization Form
- Annual Independent Audit for prior fiscal year or calendar year (if applicable)
- Appropriate business licenses (for vendors or private organizations)
- IRS Determination Letter for non-profit status (if applicable)
- Completed IRS Form W-9
- Memorandums of Understanding and Subcontracts (for any sub-contractors, collaborators, and/or partners)
- Certificates of Insurance for all insurance requirements outlined in the sample Contract.

It is First 5 LA's intent to contract with independent contractors as defined under California's AB 5 and not to create an employer/employee relationship.

XII. APPEALS POLICY

First 5 LA reserves the right, without prejudice, to reject any or all submitted proposals. An appeal shall be permitted only on the grounds that the decision violated applicable law, First 5 LA policies and procedures, or the terms of this RFP. Appeals challenging First 5 LA's decision on the merits or qualifications of proposers, or the scoring of proposals shall not be permitted. An appeal of a First 5 LA decision shall be in writing and filed with the office of the Executive Director, or his or her designee,

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within ten (10) business days following the date the notification of decision is made by First 5 LA. For more information, please refer to the Appeals Policy located at <https://www.first5la.org/policies/>.

XIII. APPENDICES

For Informative Purposes:

- Appendix A – Proposal Checklist
- Appendix B – 2020-2028 Strategic Plan
- Appendix C – Level 2 Review: Proposal Scoring Criteria
- Appendix E – Sample Contract
- Appendix F – Bylaws
- Appendix G – Governance Guidelines

For Submission:

- Appendix D – Litigation and Contract Compliance Form