

APPENDIX D

Organizational Conflict of Interest

Prohibited Conflicts of Interest

First 5 LA shall not contract with, and shall reject any responses submitted by, the persons or entities specified below unless First 5 LA finds that special circumstances exist which would allow for the award of such contract:

1. First 5 LA employees;
2. Profit-making firms or businesses in which First 5 LA employees serve as officers, principals, partners, or major shareholders;
3. Persons who, within the immediately preceding 12 months, came within the provisions of number 1, and who:
 - a. Were employed in positions of substantial responsibility in the area of service to be performed by the contract; or
 - b. Participated in any way in developing the solicitation or contract or its service specifications/scope of work; and
4. Profit-making firms or businesses in which the former employees, described in number 3, serve as officers, principals, partners, or major shareholders.

By checking this box, you, the proposer, _____, hereby represent that you ARE NOT any of the persons or entities specified above.

Name: _____

Date: _____

Title: _____

Organizational Conflict of Interest Disclosure Statement or Representation

It is First 5 LA's policy to avoid situations that place a proposer (or any of its affiliates or proposed consultants or subcontractors of any tier) in a position where its judgment may be biased because of any past, present, or currently planned interest (financial, contractual, or otherwise), the proposer may have that relates to the work to be performed or services to be provided pursuant to this RFP, or where the proposer's performance of such work or services may provide it with an unfair competitive advantage (collectively, "actual or potential organizational conflicts of interest").

Any proposer with an actual or potential organizational conflict of interest shall review the instructions below and attach a statement disclosing such actual or potential organizational conflicts of interest. If a proposer has determined that it has no actual or potential organizational conflict of interest to report, please complete and sign the representation below.

The refusal to provide the disclosure statement or representation shall result in the proposer's disqualification for award. The nondisclosure or misrepresentation of any relevant interest may also result in the proposer's disqualification for award, or if such nondisclosure or misrepresentation is discovered after award, First 5 LA may terminate the contract for default, and the proposer may be disqualified by First 5 LA from subsequent contracts.

First 5 LA will not make an award until First 5 LA has evaluated the proposer's disclosure statement or representation. Failure to provide a disclosure statement or representation will be deemed to be a minor informality and the proposer or contractor shall be required to promptly correct the omission.

Disclosure Statement

The proposer shall attach a signed and dated statement that describes in a concise manner all relevant facts concerning any actual or potential organizational conflicts of interest that may prevent the proposer from being able to render impartial, technically sound, and other objective assistance or advise, or that has given the proposer an unfair competitive advantage.

The proposal shall provide enough information to allow First 5 LA's meaningful evaluation of the potential effect of the actual or potential conflict of interest in the performance of the work or services.

The proposer may also provide relevant facts that show how the proposer intends to avoid or mitigate an actual or potential organizational conflict of interest.

First 5 LA will review each proposer's submitted disclosure statement and may require additional relevant information from the proposer. All such information, and any other relevant information will be used by First 5 LA to determine whether an award to the proposer may create an actual or potential organizational conflict of interest. If found to exist, First 5 LA may (1) impose appropriate conditions that avoid such conflict(s), or (2) disqualify the proposer if no conditions can be imposed to avoid such conflict(s).

Depending on the nature of the contract activities, the proposer may, because of actual or potential organizational conflicts of interest, propose to exclude specific kinds of work or services from the proposal, unless the RFP specifically prohibits such exclusion. Any such proposed exclusion by a proposer shall be considered by First 5 LA in the evaluation of proposals, and if First 5 LA considers the proposed excluded work to be an essential or integral part of the required work or services, First 5 LA may reject the proposal as nonresponsive even if the RFP did not specifically prohibit such exclusion.

Representation

In the absence of any relevant interest referred to above, the proposer shall certify below that to its best knowledge and belief no such facts exist relevant to possible organizational conflicts of interest.

By checking this box, you, the proposer, _____, hereby represent that you ARE NOT aware of any actual or potential organizational conflicts of interest relating to the work or services to be performed under the contract resulting from the RFP/Q titled _____ that will prevent your ability to render impartial, technically sound, and objective assistance or advice or that will result in you being given an unfair advantage. This representation applies to all your affiliates and your proposed consultants and subcontractors of any tier.

Name: _____

Date: _____

Title: _____

By checking this box, you, the proposer, _____, hereby represent that you ARE aware of actual or potential organizational conflicts of interest relating to the work or services to be performed under the contract resulting from the RFP/Q titled _____ and have attached an Organizational Conflict of Interest Disclosure Statement to your proposal.

Name: _____

Date: _____

Title: _____