To: Interested Parties

From: UCLA Community Based Learning Program

Re: Request for Proposals for Subcontracts

Due Date: ~~December, 7, 2011~~ **Tuesday, January 3, 2012**

Background

The UCLA Community Based Learning Program (CBL), a unit of UCLA's Office of Instructional Development is submitting proposals to the City of Los Angeles Community Development Department to operate a Youth WorkSource Center in the West and Central areas of Los Angeles. The RFP to which CBL is responding is available at http://cdd.lacity.org/bids. Funding is from the Workforce Investment Act and requires that all youth enrolled must have the right to work in the United States.

The Youth WorkSource (formerly OneSource) will provide services to youth ages 14-21. At least 70% will be out of school youth, 17-21 year olds with an emphasis on dropouts. In-school youth will be those who may be in danger of dropping out of school or not completing high school and have chronic absenteeism, function below grade level, are credit deficient and/or have not passed the Californina High School Exit Exam (CAHSEE). All services will be provided in the Central and West Planning Areas of Los Angeles.

Sucessful bidders will be expected to enter into an agreement to formally collaborate and to participate actively in the completion of CBL's proposal to the City. In the event that CBL is awarded a contract by the City, subcontracts will be negotiated with the successful bidders. All clients served will be enrolled in the Youth WorkSource program by CBL and referred to subcontractors for specific services.

Services Solicited

- Turtoring
- Study skills training
- Instruction leading to completion of secondary school
- Comprehensive occupational and intrapersonal assessment
- Occupational skill training
- Leadership development opportunites
- Supportive service

- Adult mentoring
- Comprehensive guidance and counseling, including drug and alcohol conseling
- Specific workshops or courses such as financial literacy, computer literacy and/or anger management.

Program and Contract term

Upon notification of funding by the City of Los Angeles. UCLA will negotiate sub-contracts with successful bidders. The anticipted term of the contract is July 1, 2012 through June 30, 2013. The contract my be extended or renewed based on the performance and availability of funds at the sole option of UCLA CBL.

Eligible Proposer

- Qualified to conduct business in the State of California
- If a corporation or limited liability company, must be in good standing with Secretary of State of California
- Must not have been determined to to be non-responsible or debarred by the City of Los Angeles, State of California, or federal government
- Must have a appropriate license/s, if any, to provide services being proposed
- Must have a successfully completed contracts similar in size and scope during the past two years
- Must have experience with the target population
- Must be able to provide services within the Central planning area of Los Angeles

Proposal Contents

Cover Letter

A cover letter must be submitted briefly describing the services to be provided, commitment to participate in proposal development and intent to sign the required Formal Collaboration exhibit. The letter must indicate the title, address, telephone and e-mail of the person authorized to represent the organization for this application and must be signed by the person authorized to bind the entity to all commitments made in the proposal. The letter should also indicated the proposed unit cost for the services e.g. $/hour or $/class of up to xxx participants of $/mentoring match.

Narrative

The Narrative must be limited to a maximum of 10 pages, double-spaced, one-sided 12-point type. Additional pages will not be read and will not be considered in scoring. The narrative should include the following information:

Proposed Services

- The service/services to be provided including the length/intensity of the service
- Specific demographic/special populations to whom you will provide this service
- Your assessment process, if any, including type of assessment and specific assessment tools used
- Locations in the Central and/or West Regions where services have been provided Including the feasibiltity of providing services at the UCLA Youth WorkSource Centers.
- Existing relationships with specific secondary/post secondary educational entities
- Hours during which you are available to provide such services, including evenings and weekends
- Names of staff that will be involved in this project, their roles, their qualifications, language abilities other than English, and experience. Resumes may be attached and will not count towards the page limit.

Demonstrated Ability

- Type of organization (e.g. private for profit, private nonprofit, etc.)
- Size, scope, and funding source of similar contracts completed in the past two years
- Description of experience providing similar services during the past two years, including the number of youth 14-16 and 17-21 receiving proposed service(s), and experience working with any specific demographic groups/special populations, such as foster youth or youth with disabilities
- Describe your successes and explain how these successes have been measured. Include customer satisfaction results, if any.

Budget (does not count against page limit)

Provide a one-page budget and a one-page narrative. What is the cost per participant by service/group of services? How did you arrive at this amount? Identify any direct (non-WIA) and in-kind resources you can commit as leverage. Indicate the method used to calculate the value of the leveraged funds.

Technical Assistance: All technical assistance questions must be e-mailed to mkeipp@oid.ucla.edu and must include the name, entity and e-mail address of the person asking the question.

Proposal Evaluation

Proposals shall be evaluated on Proposed Services, Demonstrated Ability and Cost Reasonablllenes. At CBL's sole discretion, any or all of the following factors may be

considered.

Proposed Services – 50 Points

- Completeness and accuracy in describing services to be provided.
- Efficiency and effectiveness of the proposed services in achieving the program objectives
- Accessibility and adequacy of propsed services
- Understanding the complex needs of youth with barriers
- Staff qualifications and adequacy fo staffing patterns
- Measures of success

Demonstrated Ability – 30 points

- Experience working with the target population
- Successful performance in providing services similar in scope and size to those sought by this RFP
- Success factors/outcomes from prior work
- Cost Reasonableness- 20 points
- Accuracy and completenes of submitted budget
- Allowableness, reasonableness and necessity of costs
- Proportion of funds that will be leveraged
- Proposed costs as compared to other proposers and/or to independent cost estimates
- The lowest cost proposer may not be deemed to be the best proposer when all the evaluation factors have been considered

Proposal Review Process

The proposal review process shall include the following major activities to ensure that the procurement meets audit standards:

- All proposals shall be reviewed to determine that the minimum eligibility requirements have been met. Ineligible proposers will be informed in writing
- All eligible proposals shall be reviewed, scored, and ranked.
- Each proposal scoring over 56 on sections 1 and 2 shall be reviewed for costs that are resonable, allowable, necessary and competitive, as measured by a review of the line-itme budget, the project design, and its competitive stadning as compared to all other proposals.
- Proposers shall be notified in writing of their scores
- All bids may be rejected if CBL determines it is in the best interest to do so.

Appeal Process

All applicants shall have the opportunity to appeal funding recommendations. Information on the appeals process and timeline will be specifed in a written notice to all bidders

Submission Requirments

The original proposal, together with 3 complete copies must be hand or courier delivered in a sealed envelope to the CBL receptionist in 70 Powell Library Building on the UCLA Campus. UCLA's address is 405 Hilgard Avenue, Los Angeles, CA 90095. **Please note: The UCLA campus will be closed beginning Thursday, December 22, 2011, and will not open until Tuesday, January 3, 2012.**

The deadline for submission is 12 noon on Tuesday, January 3, 2012.

The following information is flow down subcontract from the City of Los Angeles and all subcontracts are subject to the following:

SUBCONTRACTS

A. For the purpose of this Agreement, subcontracts shall include, but not be limited to, purchase agreements, lease or rental agreements (excluding real property agreements), third party agreements, consultant services subcontracts, and construction subcontracts.

B. Subcontracts entered into in the performance of this Agreement shall:

   1. Be subject to the terms and conditions set forth in of this Agreement. City may require incorporation of the applicable provisions in a written agreement;
   2. Specifically prohibit assignment or transfer of interest without prior written approval by the City;
   3. Contractor must specifically provide proof, when applicable, of the appropriate permits and/or business licenses.

C. A copy of each executed subcontract, or amendment(s) thereto, shall be submitted to the City prior to payment.

PROCUREMENT PROCEDURES

D. It is the policy of the City of Los Angeles (City) to encourage fair and open competition in its procurement for goods and services. The requirements for a fair and open competition include the development of written procurement policies that include, but are not limited to, all of the following subsections. It is the City's intent that the following rules be binding upon the City and its subcontractors. Several of the provisions herein include City mandated rules and procedures in addition to the other grant requirements. Such policies are applicable to subcontractors to the extent permitted by law.

E. Purpose. It is the intent of these rules that these procedures shall apply to all subcontracts including, but not limited to, purchase agreements, lease or rental agreements (excluding real property agreements), third party agreements, and consultant services subcontracts. All contractors are required to prepare written procurement procedures. All written procedures and policies for procurement activities are to be available for public inspection.

F. Competition. The City and each of its contractors shall conduct procurement in a manner that provides full and open competition. Some of the situations considered to be restrictive of competition include, but are not limited to:

1. Placing unreasonable requirements on firms or organizations in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or organizations or between affiliated companies or organizations;
4. Noncompetitive awards to consultants that are on retainer contracts;
5. Organizational conflicts of interest;
6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement;
7. Overly restrictive specifications; and
8. Any arbitrary action in the procurement process.

G. Responsibilities.

1. The following procedures shall apply to all procurement under this Agreement in order to ensure that all solicitations:
   a. Incorporate a clear and accurate description of the technical requirements for the material, product or service to be procured. Such description shall not, in competitive procurement, contain features which unduly restrict competition; and
   b. Identify all requirements that the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
2. Issue a Public Notification. The notification must be made through an announcement in a local public medium (e.g., newspaper) or other media that covers the entire service area.
3. All steps of each procurement must be documented, including a description of the documentation process and where the documentation will be located.
4. Contractor shall provide a copy of the RFP/RFQ to anyone who requests it. Contractor shall compile a list of everyone requesting a copy of the RFP/RFQ.

5. The Contractor shall ensure that all pre-qualified lists of persons, firms or other organizations that are used to acquire goods and services are current and include sufficient numbers of qualified sources to ensure maximum open and free competition. The agencies listed on the bidder's list may be individually notified.
6. The Contractor shall not use funds provided under this Agreement to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources, unless it is demonstrated that the Agreement-funded alternative services or facilities would be more effective or more likely to achieve performance goals.
7. The Contractor shall maintain records that are sufficient to detail the significant history of a procurement procedure in compliance with 29 CFR 97.36. These records shall include, but are not limited to, the following: rationale for the method of procurement, the selection of contract type, contractor selection or rejection, rationale and reasonable rating criteria and the basis for the contract type. Records regarding the history of a procurement procedure shall comply with 29 CFR 7.36.
8. The Contractor shall keep records sufficient to insure that funds have not been spent unlawfully.
9. The Contractor shall retain all records pertinent to any procurement agreement/contract within the County of Los Angeles for a period of five years following termination of the Agreement and after final disposition of all pending matters. "Pending Matters" include, but are not limited to, an audit, litigation, or other activities involving records. Prior to destruction of records retained under this Agreement, the Contractor shall notify the City and request instructions on disposition of said records.
10. The Contractor shall not contract with any party which is debarred, suspended or otherwise excluded from participation in Federal assistance programs in accordance with Department of Labor regulations at 29 CFR Part 98. All contracts shall include a self-certification from the contractor that it is not a debarred party.
    a. The federal government prohibits awards to any party that is debarred. The federal government compiles a list of debarred parties. The federal list is published by the General Services Administration; a copy may be obtained by telephoning the Superintendent of Documents (202/512-1600). The list will be issued as an information Bulletin in May of each year. It is the Contractor's responsibility to ensure that funds are not awarded to entities on the debarment lists.
11. Procurement shall be conducted at least once every three years.
12. Procurement activities must be conducted in a confidential manner. Staff involved in procurement must not divulge advance purchasing information, specific proposal/offer evaluation criteria, negotiations with bidders or in-

house discussions regarding a procurement until such time as this information is released to all parties.

13. Contractor shall receive and log in proposals and establish a method for recording the date and time of arrival of proposals using either a login sheet or a date/time stamp. Contractor shall establish a single location for receipt of proposals. Contractor shall ensure that only proposals received by the deadline specified in the RFP/RFQ qualify for the evaluation process unless there is a valid legal reason for otherwise considering a late proposal.

14. Contractor shall establish proposal evaluation procedures that shall include, but not be limited to, the following:

    a. Clear staff responsibilities. A procurement specialist shall be designated for each bid/ proposal process. It shall be the responsibility of the specialist to ensure compliance with these procurement rules.

    b. Develop a standard worksheet or check list for determining responsiveness of each proposal.

    c. Establish and use evaluation criteria and a standard evaluation worksheet to be used in recording the evaluations of each proposal.

    d. Prepare an analysis of costs to verify allowability and to determine reasonableness.

    e. Identify staff responsibilities for completing proposal evaluation and for summarizing evaluation results.

    f. Develop a description of methods for ensuring independence of ratings by those involved in the evaluation process (i.e., prohibit discussion among staff, sequestered evaluators).

    g. Identify policy and process by which selection of awardee(s) will be made.

    h. Provide an opportunity for bidders to appeal staff recommendations.

    i. Items a-c should be sufficiently completed before issuance of the RFP so relevant parts can be included.

15. Contractor shall identify complete and timely proposals. Contractor shall review the technical merits of these proposals based on the rating criteria contained in the RFP/RFQ. Contractor shall review the cost proposals based on applicable cost principles and the technical proposal. For participant service RFPs/RFQs demonstrated performance and ability must be documented and should include independently verified information and data.

16. Contractor shall determine which proposals are in the competitive range for technical response and based on the cost and price analysis conducted prior to the RFP/RFQ are within the cost and price criteria.

17. Contractor shall negotiate with organization(s) in the competitive range. Contractor shall establish policies and procedures governing face-to-face negotiations. Contractor shall include in the criteria that all responsive offerors in the competitive range are given fair and equal consideration based on the merits of their proposals. Contractor shall document these negotiations in writing.
18. Contractor shall determine for participant service RFPs the demonstrated performance and ability of the highest rated offeror(s). This determination must be documented and should include independently verified information and data.
19. Private for-profit entities must obtain prior written approval from the City for purchases of personal property (other than supplies) using Agreement funds.
20. Contractor shall conduct and document oversight to ensure compliance with these procurement procedures.
21. City may procure goods and services from other governmental entities in accordance with Agreement procurement regulations. Contracts may not charge higher prices than that available to the general public. All such contracts are subject to cost reasonableness requirements.
    a. In-school youth programs may be sole sourced to public and nonprofit private secondary schools.
    b. City may use as the basis for selecting a provider a procurement process from another government in its market area upon review of the procurement process and City determination that such process complies with this Agreement and local law.
    c. City may use the Central City Purchasing agent in order to procure office supplies, basic equipment and other similar goods.
    d. The City may authorize its Contractor to use a vendor subcontractor who has been already selected through the City's procurement process without requiring an additional procurement process.
22. If the State of California or the City of Los Angeles has established a debt against an Agreement service provider that has not been repaid or a repayment agreement plan has not been implemented, then the service provider shall be barred from receiving any future grant funds.
23. The City will use the definition of a private postsecondary education institute as defined in the California Education Code Section 94302(w) as any person doing business in California that offers to provide or provides, for a tuition, fee, or other charge, any instruction, training, or education primarily to people who completed or terminated their secondary education or are beyond the age of compulsory high school attendance. Information Bulletin B95-83 provides further guidance regarding post secondary education.

24. Participation of Minorities, Women and Small Businesses

    a. To the fullest extent possible in the administration of this Agreement, Contractor agrees to provide opportunities for minorities, women and small businesses to participate in procurement under this Agreement.

H. Cost or Price Analysis.

1. Contractor shall establish standards for the performance of cost or price analysis.

2. Contractor shall perform a cost or price analysis in connection with every procurement action, including contract modifications to determine that the expenditure is reasonable. The method and degree of analysis depends on the facts surrounding the particular procurement and pricing situation, but at a minimum, the Contractor shall make independent estimates before receiving bids or proposals.

    a. A cost analysis is necessary when the offeror is required to submit the elements of the estimated cost, when adequate price competition is lacking, and for sole source procurement, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. As part of its bid the offeror shall certify that to the best of its knowledge and belief, the cost data are accurate, complete and current at the time of agreement on price.

    b. Contracts or modifications negotiated in reliance on such data should provide the awarding agency a right to a price adjustment to exclude any significant sum by which the price was increased because the contractor had submitted data that were not accurate, complete or current as certified.

    c. Any indirect costs in a proposal must be carefully reviewed to ensure that the costs are not duplicated by direct costs. Indirect costs must be allocated in accordance with an approved cost allocation plan.

    d. If a bidder proposes to use a subcontractor as part of its proposal, all costs in the proposed subcontract must also be evaluated in the same manner as for the primary proposal.

    e. Cost analysis must carefully evaluate salaries of owners of sole proprietorships or partnerships who submit offers to ensure that they are in line with the services to be performed.

3. A price analysis shall be used in all other instances to determine the reasonableness of the proposed contract price. The following price analysis techniques shall be used: i) comparison of proposed prices received; ii) comparison of prior prices received and current contract proposed prices for the same or similar requirement; iii) application of rough yardsticks (e.g., dollars per square foot, dollars per placement); iv)

comparison with competitive published price lists and published market prices, and v) comparison with agency's independently developed cost estimates.

4. The following cost analysis steps shall be used 1) verify cost or pricing data and evaluate cost elements; 2) evaluate the effect of the offeror's current practices on future costs; 3) compare proposed costs for individual cost elements; 4) verify that offeror's cost submissions are in accordance with cost principles (allowable/allocable), and 5) review to determine that all necessary cost or pricing data have been submitted.

5. Agreement procurement shall not permit excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities). If profit or program income is included in the price, the City or the Contractor shall negotiate profit or program income as a separate element of the price for each contract/subcontract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration shall be given to:

    a. The complexity of the work to be performed;

    b. The risk borne by the contractor;

    c. The Contractor's investment;

    d. The amount of subcontracting;

    e. The quality of the Contractor's record of past performance;

    f. Industry profit rates in the surrounding geographical area for similar work; and

    g. Market conditions in the surrounding geographical area.

6. The cost plus a percentage of cost method of contracting shall not be used.

7. All Contractors must comply with 24 CFR section 85.25 income regulations and City contract provisions regarding program income.

8. All goods and services procured pursuant to the Agreement must be in compliance with the allowable cost provisions in 29 CFR §97.27, 29 CFR 97.22 and 20 CFR 667.200, and any State or Federal directives on allowable costs.

I. Awarding of Agreement/Contract.

1. Prior to an award of a contract, the City shall make a determination that the Contractor has demonstrated effectiveness in providing RFP documented services. Agreements/Contracts shall be made only with responsible subcontractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. The selected proposer must be a responsive entity that has submitted a

proposal or bid which meets all requirements of the solicitation adequately, which includes responding to the Request for Proposal (RFP)/ Request for Qualification (RFQ) within the required time frames, and completing all forms and documents. A responsible entity is one that has been determined to: 1) have a satisfactory record of integrity and business ethics; 2) have a satisfactory performance record; 3) have adequate financial resources to perform the contract or the ability to obtain such resources; 4) be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and business commitments; 5) have the needed organization, experience, accounting, operational control and technical skills or ability to obtain them; 6) have adequate production, construction or technical equipment and needed facilities or the ability to obtain them; 7) be able to meet the program design specifications; 8) be able to meet performance goals which includes a showing of demonstrated effectiveness in providing employment and training services; 9) be able to provide services that can lead to the achievement of competency standards for participants, and 10) be both qualified and eligible to receive the award under applicable law and regulation. Contractor shall make the award(s) and finalize the contract(s). Contractor shall follow established procedures for formal notification of offerors of the results of the evaluations and selection process.

2. The City and its Contractors shall make positive efforts to utilize small business and minority-owned business as sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

3. Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the grantee, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid. No points shall be given for status as a sub-contractor or a contractor with an approved childcare policy within existing delivery systems. However, if a bid results in a tie score, preference may be given to the Contractor or a subcontractor with an approved childcare policy.

4. Any or all bids may be rejected when it is in the City/Contractor's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

J. Funding Restrictions for High Risk Contracts.

1. Contractor may be considered "high-risk" if an awarding agency determines that the Contractor is otherwise responsible but:

   a. Has a history of unsatisfactory performance;

b. Is not financially stable;

c. Has a management system which does not meet the management standards set forth in this part; or

d. Has not conformed to terms and conditions of a previously awarded grant or sub-grant.

2. If the City/Contractor agency determines that a grant or sub-grant will be made to a "high-risk" Contractor or subcontractor, then special funding restrictions that address the "high-risk" status may be included in the contract or subcontract. Funding restrictions may include but are not limited to:

a. Use of reimbursements rather than advances or payment upon completion of the project;

b. Requiring additional and/or more detailed financial or performance reports;

c. Additional monitoring;

d. Requiring the Contractor or subcontractor to obtain specific technical or management assistance; and/or

e. Establishing additional prior approvals (e.g. requiring awarding agency approval prior to hiring/firing, award of small purchase contracts).

3. If the City/Contractor decides to impose such funding restrictions, the awarding official will notify the Contractor or subcontractor as early as possible, in writing, of:

a. The nature of the funding restrictions;

b. The reason(s) for imposing them;

c. The corrective actions which must be taken before they will be removed and the time allowed for completing the corrective actions;

d. The method of requesting reconsideration of the restrictions imposed, and

e. Additional prior approvals.

K. City Code of Conduct

1. The Contractor shall comply with the Conflict of Interest provisions found in Section 513 of this Agreement.

L. Methods of Procurement

1. Contractor shall use one of the following methods of procurement, as appropriate for each procurement action. When any purchase is made, it can only be for an allowable cost. Invitations for bids shall clearly set forth all requirements that the bidder must fulfill in order for his bid to be

evaluated by the grantee. Complaint process procedures shall be included in each of the following methods of advertised procurement.

a. Small Purchase Procedures: Small purchases are made from vendors for goods or services under $50,000. Following the procedures for small purchase will constitute justification of the procurement method chosen. The requirements are:

b.

Dollar Range of Purchase	Contacts and Method
$0 to $24,999	2 written quotes or telephone bids[1]
$25,000 - $50,000	3 bids with proposers submitting bids with original signatures†

(1) Documentation: Each procurement must be documented. For the "2 written quotes or telephone bids," the documentation can include product or service catalogs, current price lists, or telephone contact with the vendors to obtain quotes (i.e., a memorandum that reflects the oral quotations by source and dated and signed by a staff person of the OneSource Center obtaining the bids). Catalogs and price lists should be updated annually.

(2) For "3 written or telephone bids," the Request for Quotation (RFQ) must either be provided in writing to the vendors or transmitted as uniformly as possible over the telephone. To be considered, the response must be signed and dated by the vendor responding to the RFQ.

(3) A cost/price analysis must be conducted prior to purchase. Lowest price is the normal criteria for selecting goods and services. Qualifications of the vendor, availability of the goods or services, service to be provided, quality and location are some additional factors that could influence the procurement. The documentation must contain the basis for vendor selection. If the basis is something other than the price, the subrecipient must prepare written documentation describing the additional criteria for selection, its relevance to the need and benefit, and the relative advantage of the offering from the selected vendor. Documentation should be retained as described in the procurement procedures.

(4) Many governmentally linked subrecipients purchase office supplies and basic office equipment through their central

[1] Unless sole source justification exists

governmental supply house or procurement administration. Items procured for subrecipient use in this manner will be assumed, for the purposes of WIA, to be purchased competitively by the central governmental purchasing agency and to meet the requirements of these regulations. Any item purchased solely for WIA use must be purchased following Information Bulletin 98-69, the WIA, and its regulations.

c. Sealed Bids—Formal Advertising

(1) Contractor shall prepare an Invitation for Bid (IFB) or similar solicitation document that includes full and clear definitions and descriptions of the items to be procured and essential performance criteria, dimensions or specifications. Sealed bids shall be solicited publicly for procurement for a firm-fixed-price contract (lump sum or unit price) or other fixed-price arrangement. Contractor shall distribute the IFB to vendors on established bidders' lists (if available). Contractor shall publicly advertise the procurement in a local newspaper with Workforce Investment area-wide circulation and shall solicit from an adequate number of organizations, allowing sufficient time before the bid opening to permit adequate responses to the solicitation. Contractor shall notify the bidders of the dispute resolution process. The bids must be received and opened publicly at the time and place stated in the solicitation. Contracts shall be awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. Contractor shall determine the demonstrated performance and ability of the lowest bidder who meets the technical requirements (for service providers).

(2) Contractor reserves the right to reject any or all bids when the bid is non-responsive. However, Contractor must state this in the solicitation and the specific reasons must be fully described and documented in the procurement file. Contractor may award a firm fixed-price or fixed-unit price contract by written notice to the responsible offeror whose bid represents the lowest price and conforms with all of the specifications in the IFB. Contractor shall also provide written notification of the awarding of the contract to the bidders who were not accepted. Contractor shall document the procurement in the procurement file.

d. Competitive Proposals

(1) Proposals shall normally be conducted with more than one source submitting an offer. Either a fixed-price or a cost-reimbursement contract should be awarded. Contractors shall

ensure that they use a documented methodology for technical evaluations and shall award the contract to the responsible offeror whose proposals are most advantageous to the program with price, technical, and other factors considered. Requests for proposals must be formally advertised for all contracts above $50,000.

(2) This method is typically used when the nature of the goods or services to be acquired cannot be defined as precisely as required by the sealed bid method; and, specifically, when factors other than price are important in the selection decision.

(3) The subrecipient must indicate in the Request for Proposals (RFP) the scope of work and service area, the method for scoring the proposals, the deadline for receipt, and the dispute process. The various components of the request will be valued and the value assigned should be reasonable in relation to the entire request. The subrecipient can reserve the right to reject any or all bids when the bid is not responsive. However, the subrecipient must state this in the solicitation and the specific reasons must be fully described and documented in the procurement file. The subrecipient must establish a method for recording the date and time that proposals were received. This process must ensure that only proposals received in accordance with the date and time specified in the RFP qualify for the evaluation process. A log is an acceptable method for recording date and time of receipt. The subrecipient must conduct a cost or a price analysis of the proposals selected for consideration.

e. Noncompetitive Proposals – Sole Source

(1) To conduct a noncompetitive procurement, the criteria established here must be met. Sole source contracts shall be procured through solicitation of a proposal from only one source, the funding of an unsolicited proposal, or, after solicitation of a number of sources, when competition is determined inadequate. All sole source contracts require prior City approval. All sole source procurements must be documented, and the Contractor must have demonstrated performance in supplying the goods or services. Contractor shall minimize the use of sole source procurements to the extent practicable, but in every case, the use of sole source procurements shall be justified and documented.

(2) Purchases of goods and services for the general administration of the administrative entity should follow normal business practices to ensure receipt and quality of the goods and services. Procurement by noncompetitive proposals may be

used only when the award of a contract is unfeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:

(a) The item or service is available only from a single source;

(b) The public exigency or emergency need for the item or service does not permit a delay resulting from competitive solicitation and the procurement is for a limited time only;

(c) The awarding agency authorizes noncompetitive proposals;

(d) After solicitation of a number of sources, competition is determined inadequate;

(e) On-the-Job (OJT) training contracts, except OJT brokering contracts, which shall be selected competitively, or enrollment of individual customers in classroom training.

(i) Individual referral to classroom training and OJT procurements require special considerations. For every procurement from a training provider, school, or employer, a determination of demonstrated performance must be conducted. Prior to the enrollment of any customer, a school or training institution must meet the state requirements for conducting training (Private Post-secondary certification, Department of Health Services approval, business license, etc.). The catalog used for course selection must be updated at least annually and a copy must be retained for documentation. The Individual Service Strategy may be used to document the reasons for selection of the classroom training provider or the OJT employer.

(ii) The subrecipients may not place customers in OJT with employers who are debarred by the federal or state government.

(iii) Classroom training may be provided by either vendors or subrecipients. The type of organization (community college, adult school, high school, private school, etc.) does not determine the vendor or subrecipient designation. The determination is made based on the relationship between the service provider and the program using the definitions found in the regulations.

(iv) When purchasing training from an institution or OJT employer, the demonstrated performance of the vendor must be assured using prior history and documenting the source of the data. The LWIA or subrecipient placing a customer in training will need to ensure access to all records regarding the customer. Agreements with vendors and OJT employers must include statements that permit monitoring of the customer's financial and attendance records. For OJT employers the customer's financial records include time sheets, payroll records, and canceled checks. For training provided by vendors, customer's financial records include student loan, grant, and tuition information.

(v) The formal agreement between the vendor or OJT employer and the SDA or subrecipient must include language to ensure access to the above referenced records by the responsible entities. The responsible entities include the SDA, the subrecipient, the state, the Department of Labor, the Comptroller General of the United States, or any of their duly authorized representatives. The records include any books, documents, papers, and computer data directly pertinent to the records of the customer. The right to the records includes the right to make excerpts, transcripts, and photocopies. The right also includes the reasonable and timely access to personnel for the purpose of interviews and discussions related to the records of the customer.

M. Appeal and Dispute Procedures

1. Contractor shall have protest procedures to handle and resolve disputes relating to their procurements. A protester shall exhaust all administrative remedies with the Contractor before pursuing a protest at a higher level. Notice of appeal rights and procedures must be given to all bidders. WIA bidders who are dissatisfied may file a complaint in accordance with City WIA complaint procedures.

2. The selected bidders are offered contracts after the evaluation and negotiation process is competed. The contracts with subcontractors must contain all provisions set forth in S702K below, and the requirements of 29 CFR Part 97. The provisions listed under Section 627.420(h)(4)(ii) and (iii) are to be included only in applicable agreements. Agreements, with vendors who are not involved with carrying out the program, are not required to contain the clauses in Section 627.420(4). When purchasing

material subject to copyright law, the subrecipient must include the copyright provisions in 29 CFR 97.34.

3. Regardless of the amount of the award, all subrecipients shall certify to a Drug Free Workplace. All awards to subrecipients in excess of $100,000 shall certify that no funds shall be used for lobbying. All contracts and awards to vendors and subrecipients in excess of $25,000 shall include debarment certifications.

N. RFP/RFQ Procedures.

1. It is a City policy to contract for services on the basis of demonstrated competence and reasonable price by obtaining bids or proposals. Before preparing a RFP for the procurement of services, several preliminary activities should be performed including the determination of the City's/Contractor's needs, consulting with contractors and other local governments, and developing an approach to the procurement process. Excluding small purchases, the Contractors must justify the procurement method used for each purchase. Once these activities are completed, the development of a RFP can begin.

2. The following guidelines apply to the preparation of written RFPs or RFQs. These provisions apply to this Agreement and to City Contractors who will need to make some modification to the language, which clarifies that the solicitation is from the Contractor and not the City. In the RFP process, cost is usually one of several selection criteria that proposers must address in their proposals. By contrast in the RFQ process, cost becomes a selection criterion only after qualified proposers have been identified from a review of their qualifications. RFQs are usually reserved for the selection of engineers, architects, or other highly specialized, technical providers.

3. The purpose of the guidelines is to present ideas and material that are characteristic of well prepared solicitations. The guidelines are not intended to provide total coverage of any topic. While the guidelines apply generally, exceptional circumstances may call for modifying or excluding one or more of the suggested provisions. In any case, the RFP or RFQ should be tailored to the job that needs to be done. The arrangement, adequacy, clarity, simplicity and appeal of the solicitation document shall remain the responsibility of the administering agency. To be most effective, a solicitation document should be clear and complete but avoid repetition, legalism or extraneous information. RFPs must be publicly advertised.

   a. Standard RFP Format.

      (1) Cover Page. The cover page should describe briefly the scope of services requested, the format, the issuance date and the deadline of date and time for submission of proposals, and the Contractor contact for further information about the RFP.

Include the name, address, telephone number and location of the person to whom the submission is to be made. Exhibit A depicts a sample cover page. If a proposers conference is appropriate, include information on the location, time and date of the event. All RFPs should include a deadline for receipt. Contractors shall have procedures to ensure that only proposals received in accordance with the date and time specified will be reviewed. All RFPs shall include the approximate date of the award notification.

(2) Contents. The RFP should contain the following standard items which are discussed below:

(a) Introduction

(b) RFP Provisions

(c) Statement of Work and Evaluation Criteria

(d) Proposal Specifications

(e) RFP Items Not Covered

(f) References

(g) Standard Contract Provisions

(h) Indemnity and Insurance

(i) Signatures and Declarations

(j) Cover letter of proposal

(k) Proposers Conference

(l) Proposal evaluation for Request for Proposals

(m) Disposition of Proposals

(n) Description of failed competition and the rights and options in the event of a failure

(o) RFP Revisions

(p) Staff Reassignments

(q) Complaint procedures to handle and resolve disputes relating to the procurement

(r) Inclusion of Contractual Provisions Required by External Funding Source

(s) City/Contractor Policy Issue Summaries

(i) Affirmative Action

(ii) MBE, WBE and Other Business Enterprise Outreach Program.

(iii) Sample Policy Statement

(iv) Supplementary Instructions to Proposers and Proposer's Affidavit

(v) Contractual Provisions and Certifications, including, but not limited to, a Certification Regarding Drug-Free Workplace Requirements, only if Contractor receives State CSBG or WIA funds as a funding source under this Agreement; Certification Regarding Lobbying; Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transaction; Certification Regarding Compliance With Service Contract Worker Retention and Living Wage Ordinances; Certification of Compliance With Equal Benefits Ordinance/Reasonable Measures Application for Equal Benefits Ordinance.

(3) Introduction

(a) Describe in general terms the nature, scope and schedule of the work to be contracted, and the Contractor that will be responsible for administering the contract, including name and address of contracting agency.

(b) Describe the Contractor's organizational structure that is in place or will be established to facilitate the types of relationships and interactions which will be required to successfully complete the engagement. Present sufficient background and historical information about the project and the Contractor or other agency involved to permit a full understanding of the work to be contracted. State that as a rule all proposals must be submitted in the English language, and that all numerical data must be the dollar-foot-pound-seconds units of measurement.

(c) Describe the minimum and maximum amount of funding for the contract.

(d) Request that proposals be prepared simply and economically, avoiding the use of unnecessary promotional materials. Proposals shall include a Table of Contents and a signature and date block for the offeror. Specify the number of copies of the proposal to be submitted to the Contractor. State that the Contractor shall accept no responsibility for the cost of preparing any proposal.

(e) Request that proposals be enclosed in a single, sealed package plainly marked with the words "Proposal for (name of project as referenced in the RFP)." Declare that

proposals shall be made as firm offers for a set period of time following the deadline for submittal. To ensure that the release of a RFP and receipt of any proposals are properly coordinated, contact the Purchasing Division, Department of General Services for assistance.

(f) Direct proposers to address all questions regarding the RFP and their proposals to the assigned Contractor proposal administrator only. State that failure to comply with this requirement, other than as specifically permitted in the RFP, may disqualify a proposer from further consideration.

(g) Contractor shall direct staff to respond to questions regarding the RFP and the submission requirements. Contractor shall record all responses, except those that are clearly answered in the RFP. Contractor shall provide a written copy of the responses to all parties to whom the RFP has been distributed, including those who attended the proposers' conference. This should be provided in a timely and frequent manner to ensure that all proposers are aware of the responses when preparing their proposal.

(h) State that it is the Contractor's intent to award a contract, in a form approved by the Contractor, to the selected proposer. Indicate that the RFP and the Contractor's proposal or any part there of may be incorporated into and made a part of the contract. State that the Contractor reserves the right to further negotiate the terms and conditions of the contract. State that the Contractor, however, shall reserve the right to withdraw the RFP, to reject any proposal for noncompliance with RFP provisions, or not to award a contract at any time because of unforeseen circumstances or if it is determined to be in the best interest of the Contractor.

(4) Statement of Work.

(a) Describe the tasks that the subcontractor will be responsible to perform. Clearly define the type, scope, schedule, and other relevant characteristics of each task. Use quantitative language whenever possible to establish an objective basis from which to evaluate responses. Describe the status and/or progress reporting that will be required of the subcontractor. Specify any other items that proposers should address, including, but not limited to, the following:

(i) Background or project content

1) General requirement description
2) Related projects
3) Problem statement
4) Statutory or regulatory foundation

(ii) *Project objectives
1) *Purpose
2) *How results will be used

(iii) *Scope of work
1) *Population to be served
2) *Number to be served
3) *Training or services to be provided

(iv) *Period of Performance

(v) *Performance Standards

(vi) *Reporting Requirements

*Must be included in the proposal

(b) Generally RFP based contracts are awarded on the basis of several criteria, such as the level of effort and method proposed to do the work, the credentials and related work experience of subcontractor personnel assigned to do the work, City/Contractor policy issues and price. Describe in the RFP the general criteria the Contractor intends to use to evaluate the written responses, and the assigned weight of each criterion.

(c) Proposed evaluation criteria can be complicated by the varying degrees to which the proposals meet, exceed, or fall below the specific requirements of the RFP. Scale the evaluation process to manageable proportions. The more complete and specific the RFP, the better it serves as a standard for measuring and evaluating proposals. Include a statement that the Contractor shall reserve the right to use such other criteria as may be deemed appropriate in evaluating the proposals, even if such criteria are not mentioned in the RFP. State that proposers submitting the highest-rated written responses may be called for an oral interview to further assess their qualifications. Describe the evaluation criteria that will be used in the interview if different from the written criteria in the RFP. A description of assigned weights may be included if appropriate.

(d) If technical services are to be procured, a technical requirements section should be prepared. The technical requirements section should organize information in a form understandable to potential bidders and Contractor staff. For example, items that might be included in a

technical requirements section to procure an automated system include:

(i) Description of current hardware and software operating environment;
(ii) Detailed description of all hardware and software requirements;
(iii) Indication of need for data conversion assistance;
(iv) Outline of orientation and training requirements; and,
(v) Indication of the need for a benchmark demonstration of system capabilities.

(5) Proposal Specifications.

(a) Request proposers to demonstrate their capability to fulfill the work to be contracted. Proposers should provide specific information about the personnel, including subcontractors, if possible, who will be assigned to perform the work; past performance on projects of a similar nature including a client list, if possible; the proposed price to complete the work; adequate documentation on the financial status of the firm which will permit the Contractor to evaluate the proposer's ability to complete the work; and other work elements deemed necessary to evaluate the proposals.

(b) State that responses to the RFP must be made in accordance with the format set forth in the RFP. Indicate that a comprehensive index which includes a clear definition of the content of the proposal and which identifies the information set forth therein by sequential page number and appropriate reference number is required. State that failure to meet this requirement may be cause for rejection of the proposal as non-responsive. Generally, each proposer should be requested to address the following specifications:

(i) Assigned Personnel. The names of the key personnel, whom the proposer employs or plans to employ or hire through subcontract, to perform the requested services. For each person listed, the following information should be provided:
1) Description of the work he or she will perform;
2) Amount of time he or she will be assigned to work on the project;

3) Academic achievements, including all college undergraduate and graduate education;

4) Relevant work experience in years and level of responsibility.

5) An organization chart depicting the lines of authority, the relationships of the organizational units and the names of the key personnel who will be doing the work.

(ii) Project Cost.

1) The total cost to the Contractor, broken down in salaries, expenses, equipment, and in hours and total dollar amount by deliverable task.

2) Salary, or wage; billing rate for each employee.

3) The proposed schedule of payment.

4) All resources proposed to be supplied by the Contractor.

(iii) Deliverables.

1) The products that the subcontractor will deliver to the Contractor according to a set schedule, including the nature of the deliverables, e.g., oral or written reports, videotapes, or architectural models and, if applicable, number of copies to be provided of written products.

(6) RFP Items Not Covered.

(a) Proposals should cover the statement of work and all the RFP specifications. Otherwise, proposers should state why the RFP requirements are not being addressed. If proposers wish to present qualifications in addition to the required items such information should be presented under the heading "Additional Qualifications We Wish To Present". Proposers who do not wish to present such information should state: "There are no additional qualifications we wish to present".

(7) References.

(a) Request proposers to support their presentations by listing successfully completed projects that resemble the work to be done and the dates of completion. Request the name, title, address and phone numbers of a contact for each project.

(8) Standard Contract Provisions.

(a) Sample standard contract provisions have been provided by the City of Los Angeles for Contractor's use. The document, which is available from the City, is updated periodically. Check with the City to ascertain use of the latest version. Unless the standard provisions are incorporated by reference and attached to the RFP, the general contract provisions that are expected to be included in the contract should be excerpted from the standard provisions document and provided to prospective proposers.

(9) Indemnity and Insurance.

(a) The standard City of Los Angeles insurance conditions are incorporated into the sample standard subcontract provisions. The specific insurance coverages and limits shall be described by contractor in the RFP. These coverages and limits should be tailored to the individual subcontract. For City contracts, ***Required Insurance and Minimum Limits*** are set by the City Risk Management staff in the Office of the City Administrative Officer of the City of Los Angeles on the Form Gen.146. Electronic submission is the preferred method of submitting your evidence of insurance documents. **Track4LA™** is the CITY's online insurance compliance system and is designed to make the experience of submitting and retrieving insurance information quick and easy. The system is designed to be used primarily by insurance brokers and agents as they submit client insurance certificates directly to the City. It uses the standard insurance industry form known as the **ACORD 25 Certificate of Liability Insurance** in electronic format. The easiest and quickest way to obtain approval of your insurance is to have your insurance broker or agent access **Track4LA™** at *http://track4la.lacity.org* and follow the instructions to register and submit the appropriate proof of insurance on your behalf. Additional instructions and information on complying with City of Los Angeles insurance requirements can be found at: *http://cao.lacity.org/risk/Submitting_proof_of_Insurance.pdf*

(10) Signatures and Declarations.

(a) Each proposal must be signed on behalf of the proposer by an officer authorized to bind the proposer, and must include the following declaration:

(i) This proposal is genuine, and not sham or collusive, nor made in the interest or in behalf of any person not herein named; the proposer has not directly or indirectly induced or solicited any other proposer to put in a sham bid, or any other person, firm or corporation to refrain from submitting a proposal; and the proposer has not in any manner sought by collusion to secure for himself an advantage over any other proposer.

(11) Cover Letter of Proposal.

(a) The cover letter of each proposal should be limited to one page. The letter must include the title, address and telephone number of the person or persons who will be authorized to represent the proposer. The letter must be signed by a company officer authorized to bind the company to all commitments made in the proposal.

(12) Proposers Conference.

(a) Determine if a proposers' conference will be conducted. A proposers' conference may be appropriate especially if the work to be contracted has not previously been done by contract or not done at all. If a proposers' conference is to be scheduled, designate a date, time and place at which proposers will be given the opportunity to pose questions about the RFP and notify all parties to whom the RFP has been distributed. The notification can be included in the RFP. Invite proposers to submit their questions in writing prior to the conference, and arrange, to the extent possible, for all questions to be answered at the conference. A memorandum for the proposers listing attendees, documenting in writing each question answered at the conference, any actions taken during the conference, etc. shall be prepared to document the conference and conveyed to the participants. Contractors shall provide this information directly to the proposers who received the RFP but were unable to attend the conference or as an addendum to the RFP for any subsequent requesters. The memorandum should be filed with the record set of contractual documents retained by the Contractor. Materials handed out at the proposer's conference shall be available to all other parties following the conference. If a proposers' conference was not initially planned but the number or extent of questions regarding the RFP indicates a need for one, a separate notice should be mailed and the RFP due date extended if necessary.

(13) Proposal Evaluation for Request for Proposals (RFP).

(a) Contractor/City shall develop proposal evaluation procedures in accordance with the requirements of Section D.14 above.

(14) Failed Competition.

(a) The RFP shall provide that it is the Contractor's/City's authority to determine that the procurement process has failed. The basis for failure should include a lack of response to RFP; not enough bidders; a determination that the responses do not agree with mandatory requirements of the RFP; a determination that no proposer demonstrated effectiveness in providing the services solicited, and/or a determination that the award of a contract at this time to any proposer would not be cost effective, responsible or prudent. In the event that the City/Contractor determines that the procurement has failed, it may elect to negotiate a sole source agreement or develop and issue a new Request for Proposals.

(15) Disposition of Proposals.

(a) State that all proposals submitted in response to the RFP shall become the property of the Contractor/City and a matter of public record. Also, proposers must identify all copyrighted material, trade secrets or other proprietary information that they claim are exempt from disclosure under the Public Records Act (California Code Sections 6250 et seq.). In the event such an exemption is claimed, the proposer shall be requested to state in the proposal that he or she will defend any action brought against the Contractor/City for its refusal to disclose such material, trade secrets or other proprietary information to any party making a request therefore.

(16) RFP Revisions.

(a) Any revision made to an issued RFP shall be sent to all parties known to have received a copy of the original RFP.

(17) Staff Reassignments.

(a) If the original selection of a subcontractor will be based in part on the qualifications of specific key individuals named in the proposal, state that the Contractor/City must approve in advance any changes in individuals or levels of commitment to the project. State that the Contractor will reserve the right to have the subcontractor replace any subcontractor project personnel.

(18) Inclusion of Contractual Provision Required by External Funding Source.

(a) Federal, state and other funding agencies typically impose requirements on recipients of funds that apply to subcontractors. Such requirements should be reflected in RFPs and related contracts.

(19) City Policy Issue Summaries.

(a) 1) Affirmative Action. The City of Los Angeles' Administrative Code (Division 10, Chapter 1, Article 1, Section 10.8) establishes an affirmative action program for vendors doing business with the City. State that as a condition of contract award, the selected proposer shall be required to comply with the provisions of the City's Affirmative Action program, including the submission of one of the following affirmative action plans: a) a trade association affirmative action plan, b) the proposer's own affirmative action plan, or c) an executed copy of the Los Angeles City Affirmative Action Plan. Refer to the provisions herein regarding nondiscrimination and affirmative action and recite the text of this provision in the RFP. Urge proposers to include an affirmative action plan in their proposals. Attach as an appendix to the RFP the City forms (GSS-AA 1) instructing prospective subcontractors about compliance with the City's Affirmative Action Program.

(b) MBE, WBE and Other Business Enterprise Outreach Program. It is the policy of the City to provide minority business enterprises (MBEs), women business enterprises (WBEs) and all other business enterprises an equal opportunity to participate in the performance of all Contractor contracts, including procurement, construction and personal services. This policy applies to all Contractors. Be sure to comply with the provisions of City Executive Directive I-B and 1-C to ensure that MBEs, WBEs, and all other businesses are offered the greatest opportunity to compete for and perform subcontracts and provide personal services to the Contractor.

(i) Include a statement that proposers are to assist the Contractor in implementing this policy by taking all reasonable steps to ensure that all available business enterprises, including MBEs and WBEs, have an equal opportunity to compete for and participate in Contractor subcontracts. Inform proposers that equal opportunity will be

determined by their good faith efforts comply with the Contractor's outreach program. Advise proposers that participation by MBEs, WBEs, and all other businesses may be in the form of joint ventures or subcontracting. Contractor is responsible for the implementation of MBE/WBE procedures.

(c) Child Care Policy. It is the policy of the City to encourage all its vendors to adopt a stated policy on child- care. This policy acknowledges the importance of quality, affordable and accessible child care and commits the Contractor to use its resources as an educator, employer, role model and facilitator to act as a catalyst in expanding the supply of quality, affordable and accessible child care.

4. Consultant Directory. To assist Contractors in identifying potential subcontractors, the Office of the City Administrative Officer of the City of Los Angeles (CAO) maintains a computerized consultant directory. Firms are listed according to their fields of expertise, e.g., bond counsel, CPA, and human resources. Contact the CAO Productivity Group for access to the directory and for lists of firms in the form of mailing labels, hard copy reports or both.

O. Contract Provisions

1. All contracts must contain at a minimum the following provisions:

   a. Specific deliverables and the basis for payment;

   b. Provisions requiring compliance with grant regulations;

   c. Provisions that describe remedies for breach;

   d. Provisions that describe Agreement’s patent and copyright rules;

   e. Provisions for termination for cause and convenience;

   f. Access to records for audit purposes;

   g. Audit requirements;

   h. Provisions for payment and delivery;

   i. Provisions describing contract amendment procedures;

   j. Provisions against assignment;

   k. Provisions for equal opportunity and non-discrimination;

   l. Provisions prohibiting conflicts of interest.