



# City of Los Angeles

Department of Recreation and Parks

## Request for Proposals

### FOR THE MANAGEMENT AND OPERATION OF A RECREATIONAL CHILD DEVELOPMENT AND CHILDCARE CENTER AT BELLEVUE RECREATION CENTER

3625 Marathon Street  
Los Angeles, CA 90026



**Release Date:** July 20, 2016  
**Pre-Proposal Conference:** August 3, 2016 (see Exhibit B)  
**Due Date:** September 13, 2016 (see Exhibit B)

**Deliver To:** City of Los Angeles  
Department of Recreation and Parks  
Board of Recreation and Park Commissioners  
221 N. Figueroa Street, 3<sup>rd</sup> Floor, Rm. 300  
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**REQUEST FOR PROPOSALS  
FOR MANAGEMENT AND OPERATION OF  
A RECREATIONAL CHILD DEVELOPMENT AND CHILDCARE CENTER  
AT BELLEVUE RECREATION CENTER**

**I. INTRODUCTION**

The City of Los Angeles (hereinafter “City”) Department of Recreation and Parks (hereinafter “RAP”) is pleased to offer an opportunity for a well-qualified and experienced, licensed childcare, business entity, or non-profit organization, to manage and operate a Recreational Child Development and Childcare Center (hereinafter “Center”), located at 3625 Marathon Street, Los Angeles, CA 90026, within park property commonly known as Bellevue Recreation Center, located at 826 Lucile Avenue, Los Angeles, CA 90026 (hereinafter “Park”).

The Center shall provide licensed childcare and recreational development services through recreational play activities for children ages two (2) through five (5), primarily from households located in the surrounding communities of Echo Park and Silver Lake. The Center’s program schedule shall be year-round, and normal days and hours of operation shall be 7:00 am to 6:00 pm; Monday through Friday (excluding City of Los Angeles observed holidays).

The proposing business entity or nonprofit organization (hereinafter “Proposer”) shall demonstrate the ability to perform the types of services described herein, at a level of high-quality, demonstrate financial sustainability, clearly articulate achievable plans for the Center’s management and operation, and document compliance with appropriate laws and regulations.

The selected proposer (hereinafter “Contractor”) shall demonstrate the ability to implement a Recreational Child Development and Childcare Center through recreational programming and licensed childcare services, to meet or exceed the City’s objectives while servicing the developmental needs of children from the surrounding community(ies), including the integration of children with special needs, and promoting the Center to maximize enrollment.

The City’s goals for the proposed contract resulting from this Request for Proposals (hereinafter “RFP”) are to ensure that the Contractor: (1) manages and operates a recreational development and childcare center that ensures a safe, caring, nurturing, and consistent environment for enrolled participants; and, 2) that the services offered are affordable and accessible to the surrounding community, including scholarship opportunities for low-income families.

**II. OBJECTIVE OF THE REQUEST FOR PROPOSALS**

The objective of this RFP is to award a five (5) year contract with two (2) five-year renewal options exercisable at the sole discretion of the Board of Recreation and Park Commissioners (hereinafter “Board”), subject to the approval of the Mayor and City Council, to a responsible operator who will accomplish the following:

- Ensure that current enrollees and their siblings have first right of refusal per the price and terms of the Selected Contractor to enroll into the Center under the proposed contract;

- Operate and maintain a high-quality recreational development and childcare center at Contractor's sole cost and expense, including utilities, maintenance and repair, and in accordance with RAP childcare criteria and practices, and RAP's philosophy on child development and childcare through recreation;
- Obtain and maintain all necessary certifications related to the operation of a licensed childcare center, including licenses, permits, background checks and finger printing for employees, volunteers, contractors and subcontractors engaging in Center operations;
- Provide a safe, caring, nurturing and consistent environment for enrolled participants;
- Provide services at reasonable prices comparable within the surrounding community, and offering scholarship opportunities to qualified low-income families, with priority given to prospective low-income applicants and/or enrollees, who reside within a five (5) mile radius of the Center;
- Promote the Center to maximize participant enrollment;
- Provide quarterly operational and financial report to RAP;
- Provide annual performance reports (annual budget and report of expenditures, data on participation and program results, copies of marketing, recruitment, and press materials, discussion of program changes and/or challenges);
- Display awareness and responsiveness to the demographics and special needs of the Center's enrolled participants;
- Comply with the City's Good Food Purchasing Guidelines for Food Service Institutions;
- Maintain good communication and a professional relationship with RAP staff;
- Reimburse City for operational impacts (Cost Recovery Reimbursement Fees for utilities, maintenance, and solid waste disposal) otherwise not paid directly to applicable service providers during the contract term(s);
- Maintain appropriate insurance coverage acceptable to City Risk Management, listing the City as an additional insured; and
- Create and maintain a Parent Advisory Board to provide parent perspectives and oversight of center operations.

### **III. DESCRIPTION OF THE RECREATIONAL CHILD DEVELOPMENT AND CHILDCARE CENTER**

The Center, with a street address of 3625 Marathon Street, Los Angeles, CA 90026, is located within the grounds of Bellevue Recreation Center ("Park"). The Center includes approximately 7,500 square feet of fence-enclosed area containing two (2) connecting octagonal shaped modular classroom structures and outdoor area with play equipment and storage shed. The interior of the buildings include two (2) classrooms (approximately 787.55 sq. ft. each), two (2) children's restrooms and one (1) adult restroom, office space and storage space, a kitchen, teacher's area, and classroom supplies area. Parking is shared with Park patrons and the public. A Site Map of the Center and Park is attached as Exhibit A.

The Center was purchased and installed in 1982 through Community Development Block Grant (CDBG) funds providing for licensed childcare and extended care services for the Silver Lake and Echo Park communities. Additionally, the purpose of the CDBG funds was to integrate families with "special needs" into the childcare program, serving "high need" areas in the surrounding

community. In accordance with RAP recreational program and childcare practices and guidelines, Center operations shall include, but not be limited to the following minimum operating criteria:

- Children currently enrolled under the existing facility's operation as of the date of the Board's award of the proposed contract, and their siblings, shall have the right of first refusal under the Selected Contractor's operation and price and terms for admittance to the Center through the proposed contract ;
- Center admission applications shall be processed on a first-come, first-served basis, in accordance with RAP recreation program and childcare admittance practices, and shall further adhere to the Enrollment Policy mandated by the California Department of Social Services, Community Care Licensing Division's Title 22 Regulations, under Division 12, Section #101218 (with current enrollees and their siblings having first right of refusal per the price and terms of the Selected Contractor);
- It is recommended that a majority of children enrolled at the Center must reside within a five (5) mile radius of the Center;
- Low-income eligible scholarships must be provided, specifying the criteria and minimum number of scholarships per year, for each year throughout the term of the proposed contract, with priority given to prospective low-income applicants and/or enrollees who reside within a five (5) mile radius of the Center;
- The Center shall not discriminate on the basis of sex, sexual orientation, sexual identity gender, ethnic group identification, race, ancestry, national origin, religion, color, and/or mental or physical disability in determining which children are served;
- Opportunities shall be provided to all children in compliance with the Americans with Disabilities Act (ADA), and reasonable accommodations shall be provided accordingly;
- The Center shall not advocate for any religion's beliefs or profess any type of religious training or prayer in its curriculum or recreational activities.

The Center shall be licensed for children ages two (2) through five (5), allowing for part-time and full-day sessions. The selected Contractor shall be responsible for obtaining a childcare license reflective of the operations at the Center under the State of California Department of Social Services, Community Care Licensing Division and maintaining licensing requirements throughout the term of the Contract.

#### **IV. RAP PHILOSOPHY ON RECREATIONAL CHILD DEVELOPMENT AND CHILDCARE**

Real property under the jurisdiction of RAP is dedicated parkland subject to City Charter and Administrative Code requirements. The City's philosophy regarding child development and childcare is to provide children with a safe, caring, nurturing, and consistent environment to develop through recreational activities that help them to grow in a positive unrestricted manner. Children should be treated with respect to their interests and allowed to grow and develop according to their own schedule and needs. The overall experience that the children receive at the Center should enrich their lives socially, physically, and emotionally.

The selected Contractor will manage and operate the Center in a manner consistent with the City's philosophy on child development and childcare through recreation, as set forth herein, so as to

maintain a high-quality recreational development Center. In addition to the services set forth in the proposed contract resulting from this RFP, the Contractor will be responsible for maintaining the Center's operating income through the collection of all Center fees pre-approved by the Board, and must fully accept any and all risks of any operating losses associated with the operation of the Center. The selected Contractor may not use the facility for any other purpose than child development and childcare services through recreation.

## **V. PROPOSAL ITEMS**

In the written proposal, proposers should include explicit, detailed responses to each of the Proposal Items. The selected proposer must be willing and able to commit to the responses to the Proposal Items, the general content of the Sample Contract (Exhibit E), and the Standard Provisions for City Contracts (Rev. 03/09) (Exhibit H).

The following Proposal Items, in part, will comprise the fundamentals of the proposed Contract. Proposers must provide a written response to each of the following Proposal Items, which are explained in further detail here:

- Executive Summary - Section V.1
- Background and Experience (30 Points) - Section V.2
- Proposed Operating Budget (20 Points) - Section V.3
- Proposed Participant Client Fee Schedule (20 Points) - Section V.4
- Proposed Operations Plan (30 Points) - Section V.5

Keeping in mind the needs of the Center, the demographics of the consumer-parents and prospective children to be enrolled at the Center, the objectives and requirements of RAP set forth in this RFP, the Proposers are encouraged to offer sound, practical, and sustainable ideas to provide first-rate, high-quality, recreational child development programs.

Proposers must respond to each of the following items in their written proposal. Each response must correspond with each of the items contained herein.

### **1. EXECUTIVE SUMMARY**

The Executive Summary must be limited to three (3) typed pages (single-space, Times Roman - 12 font, or similar) and must provide a comprehensive but concise summary of the Proposer's understanding of the requirements of this RFP, a description of the Proposer's approach to providing the services requested in this RFP, and clearly state why the Proposer is the best qualified entity to perform the programs and services outlined in this RFP. Also, include the name and address of the proposing business entity or nonprofit organizations, and the point of contact name, telephone number and e-mail address.

### **2. BACKGROUND AND EXPERIENCE**

The Proposer must clearly demonstrate its background and experience in providing recreational child development programs and additionally, the ability to provide the licensed childcare services requested in this RFP. If this is a new company, partnership, joint venture, or nonprofit organization formed for the purpose of responding to this RFP,

and if awarded, for the operation of Center under the proposed contract, describe the background and qualifications of each of the partners or principal members of the business entity or nonprofit organization, as they pertain to satisfying the requirements of this RFP.

## **2.1 Ownership Description**

Proposers must include a response to each proposal item listed below:

- Address of Administrative Offices.
- Time in Business (in years and months).
- Type: Sole Proprietorship, Partnership, Joint Venture, Corporation, or Limited Liability Company (LLC), etc.
- Size of Company (number of employees).
- Business Entity or Non-profit Organization Organizational Chart.
- List of other Operational Locations (if applicable)
- Names of Site Management Staff.
- Any Pending Mergers with other business entities (if none, so state in response to this section).

## **2.2 Experience**

Description of proposing entity's experience in and knowledge of operating a recreational child development and licensed childcare facility, specifically including experience with children ages 2 to 5 years old. Proposers must include a response to each item listed below (if none, so state in response to each item):

- Description of similar recreational child development operations or programs, and/or licensed childcare center operations with recreational activities, performed for a period up to three (3) consecutive years between 2010 and 2016. Description must include operations and enrollment levels for children ages 2 to 5 years of age.
- Provide a copy of the business entity's or non-profit organization's State of California Department of Social Services Childcare License.
- Additional information which demonstrates Proposer's experience and qualifications.

## **2.3 Contracts History**

Proposers must include a response to each proposal item listed below, and provide information for each contract. (If none, so state in response to each item):

- List of all similar contracts between 2012 through 2016.
- List of all similar contracts terminated between 2012 through 2016, with an explanation of reason(s) for termination.

## **2.4 References**

Proposers must include a minimum of three (3) business references with whom the business entity or nonprofit organization has conducted recreational child development and licensed childcare services involving recreational activities, which RAP may contact to verify relevant past performance. Include company names, contact names, addresses, telephone numbers, and the nature and scope of the business relationship.

## **3. PROPOSED OPERATING BUDGET**

Each proposer must demonstrate the financial means and resources to finance, operate, and sustain center operations as proposed, including all proposed improvements, start-up and pre-opening costs, inventory and sufficient working capital, and access to additional capital. To this end, each proposer must provide with the proposal, the following items which shall be subject to verification by RAP.

### **3.1 Amount of Investment Required**

State the amount of investment you estimate to be required to begin and sustain proposed operations. This amount must be itemized in accordance with the items listed below, and include Start-Up Costs (Proposers must include a response to each proposal item listed):

- Rent and/or other valuable consideration, such as services provided to the public, maintenance, repair, or other;
- Inventory;
- Equipment;
- Operating Supplies;
- Marketing & Advertising;
- Payroll;
- Insurance; and
- Others (list individually).

### **3.2 Source(s) of Funding for Operation**

Provide a list of existing and/or proposed funding sources. Proposers must include a response to each item listed below:

- Indicate whether the proposed source of funding in the above amount in Section 3.1 is cash reserves, financing from a commercial lender, other sources, or a combination thereof.
- Of the total amount required, indicate the amount that is to be funded through each source.

### **3.3 Financial Documentation**

Each proposer must provide the following written verification of its ability and commitment to provide adequate funding in the amount indicated above. Proposers must include a response to each proposal item listed:



- Bank Statements for the proposing entity for the past two years (2015 and 2016).
- Audited financial statements reviewed by a certified public accountant for the past two years (2015 and 2016).
- Copies of current credit rating.

### **3.4 Financial Pro-Forma**

Each proposer must provide a Financial Pro-Forma spreadsheet, which details the anticipated revenue and expenditures for Center operation over the term of the first five (5) years of the contract. Such Financial Pro-Forma will be the basis for the initial Annual Operating Budget for the Center, and incorporated into the proposed contract should the submitted proposal be recommended for award.

## **4. PROPOSED CLIENT FEE SCHEDULE**

Submit a proposed Client Fee Schedule for the initial start of the contract term, including tuition and all other proposed charges and fees. State when other charges and fees are applicable and provide all pertinent supporting information. Should the submitted proposal be selected for award of a contract, the proposed Client Fee Schedule will be the basis for the initial fees the Contractor will be authorized to charge, and will not be revised without the prior written approval of the Board

Proposed Charges and Fees (not limited to):

- Service Fee (tuition)
- Waiting List Application Fee
- Enrollment/Registration Fee
- Late Fee

## **5. PROPOSED RECREATIONAL CHILD DEVELOPMENT AND CHILDCARE CENTER OPERATIONS PLAN**

This and the following sections pertain to the Proposer's PROPOSED operation for the Center, not the Proposer's PAST experience operating other facilities. It is highly recommended that Proposers prepare a response that reflects RAP's philosophy on recreational child development and childcare, as stated in Section IV of this RFP. The proposer's Operations Plan must include, but shall not be limited to, the following items (Proposers must include a response to each proposal item listed below):

### **5.1 Staffing Plan:**

- Submit a proposed staffing plan for the Center, to include position descriptions, position titles and assignments for each position; a brief description of position duties, minimum qualifications and educational requirements, and salary ranges.
- Staffing should include a plan to address overlap at the Center for different shifts to ensure continuity of care and appropriate number of staff floaters for use as needed at the Center.

- Submit resumes for Key Personnel for positions, or equivalent positions, such as: Executive Director, Chief Operating Officer, Director, and Assistant Director.
- Include an organizational chart for the operation of the Center.

**5.2 Staffing Ratio:**

Describe the proposed staffing level, at minimum, for the following age ranges. The staffing ratio must meet or exceed State requirements:

\_\_\_\_:1 - (Ages 2 to 3 years)  
 \_\_\_\_:1 - (Ages 4 to 5 years)

**5.3 Admissions Policy**

With the understanding that children currently enrolled under existing Center operations as of the date of the Board’s award of the proposed contract, and their siblings, shall have right of first refusal per the Selected Contractor’s price and terms for admittance under the Selected Contractor’s operation of the Center, describe the proposed admission policy for the Center that will be implemented following the establishment of the initial child enrollment list at commencement of new operations at the Center under the proposed contract.

In order to adhere to RAP recreation program and childcare enrollment guidelines, and Operations Criteria listed in Section III of this RFP, the proposed Admission Policy must include the following as mandatory minimum requirements:

- First right of refusal exception for existing enrollees and their siblings;
- Admittance of eligible applicants on a first-come, first-served basis;
- The Admission Policy must adhere to the enrollment policy mandated by the California Department of Social Services, Community Care Licensing Division’s Title 22 Regulations, under Division 12, Section #101218
- Must include qualified low-income scholarships, with priority given to prospective low-income applicants and/or enrollees who reside within a five (5) mile radius of the Center;
- A majority of children admitted must reside in the local community, within a five (5) mile radius of the Center; and,
- Admission practices shall not discriminate on the basis of sex, sexual orientation, gender, ethnic group identification, race, ancestry, national origin, religion, color, and/or mental or physical disability in determining which children are served.

Proposers are encouraged to include additional information as needed to best describe the proposed Admission Policy for the Center.

**5.4 Program Schedule**

With the understanding that the objective of this RFP is to award a contract for the operation and management of a recreational child development and childcare center

offering year-round programming and services to the community, excluding City of Los Angeles observed holidays, describe the proposed Program Schedule specifying programming days and closure days (holidays, staff training, or other). The current City-recognized holidays are: New Year's Day; Martin Luther King Jr. Birthday; Washington's Birthday; Cesar Chavez Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans Day; Thanksgiving; Friday after Thanksgiving; and, Christmas Day.

### **5.5 Recreational Activities**

With RAP's philosophy on recreational child development in mind, describe the proposed programs and services to be provided to meet the recreational child development needs of the community, specifically including such activities to be incorporated into the daily/weekly program(s) to meet the goals and objectives of this RFP. The description of recreational programs, services, and related activities must be differentiated between the two (2) age groups stipulated in this RFP; Ages 2 to 3 and 4 to 5.

### **5.6 Advertising / Promotion / Marketing**

Describe the proposed method to be used to promote maximum enrollment. The method should include appropriate marketing of the Center within a five (5) mile radius of the Center.

### **5.7 Customer Satisfaction**

Describe the methods used to both gather information on customer satisfaction and methods used to implement changes and/or improvements to the Center in order to maximize participant satisfaction.

### **5.8 Emergencies**

Describe your plan to ensure the safety of the children and employees during emergencies and other disruptive occurrences. Response should include contingencies to clothe, feed, and shelter children and employees for a period of forty-eight (48) hours.

### **5.9 Maintenance**

Describe your plan on providing maintenance during daily operations in order to ensure that a sanitary and safe facility is maintained, and to ensure the grounds are well maintained, sanitary, and free of debris.

### **5.10 Repair(s)**

Describe your plan on providing needed repairs to the Center during daily operations, in order to maintain a safe and functional facility. The response should include a plan for major and minor repairs of the Center.

### **5.11 Proposed Equipment and Equipment Replacement Plan**

Include a list of equipment that will be used to successfully operate the Center and a plan to maintain the quality and/or replacement of each item throughout the life of the proposed contract.

### **5.12 Additional Services and/or Amenities**

Proposers are encouraged to consider and propose additional amenities and activities to enhance the recreational experience.

## **VI. COMPLIANCE DOCUMENTS**

Previous compliance document submittals for other prior or current City contracts and/or waivers do not apply. The appropriate forms must be completed and processed.

As part of the RFP process, all proposers are to review, complete, and submit the compliance documents attached hereto as Exhibit D. Information, related forms, and instructions are located in Exhibit D of this RFP.

Additional information regarding some compliance documents may be available at the Pre-Proposal Conference, on the City's Bureau of Contract Administration (BCA) website (<http://bca.lacity.org/index.cfm>), and/or by phone with the administering City department or agency of a given ordinance or compliance document. Exemptions from certain ordinances may also apply. RAP reserves the right to request additional information and/or clarification regarding submitted compliance documents during the evaluation process.

## **VII. CONTRACTUAL AND OPERATING RESPONSIBILITIES (No Written Response Required)**

If awarded a contract, the Contractor will be contractually obligated to perform the responsibilities as described in:

- 1) This RFP;
- 2) The submitted proposal in response to this RFP;
- 3) The Sample Contract for the Management and Operation of the Childcare Center at Bellevue Recreation Center (Exhibit B). *Please note that the Sample Contract will be modified to include general and specific contractual and operating responsibilities based on the submitted proposal accepted by the City; and,*
- 4) Compliance documents as described in Section VI.
- 5) The Standard Provisions for City Contracts (Rev. 03/09 or latest version) (Exhibit E).
- 6) Insurance Coverage acceptable to the CAO Risk Manager listing the City as an

additional insured. (Exhibit F)

## VIII. EVALUATION AND AWARD

### A. **Evaluation Process and Scoring Criteria**

The City reserves the right to request additional information to verify or clarify information included in a submitted proposal. The evaluation of proposals will consist of two levels. **Each proposer must pass Level I in order to advance to Level II.**

#### **Level I – Compliance with RFP Submission Requirements:** (Section VI)

The City will conduct a preliminary evaluation of all proposals submitted by the deadline to determine compliance with proposal requirements and mandatory document submissions.

In order to be found responsive to the RFP under Level I Evaluations, Proposals must include:

- Proposal Submission Letter (Exhibit G)
- Proposal Items - referenced Section V (Page 4) of this RFP
- Compliance Documents (Exhibit D) - referenced Section VI (Page 9) of this RFP
- Proof of Insurance (Exhibit F)

#### **Level II – Evaluation and Scoring Criteria of Proposal Items:**

For the purposes of Level II evaluation, the responsive proposals will be evaluated, ranked and scored based on the criteria below:

Background and Experience (30 points possible): RFP Section V.2.

Proposed Operating Budget (20 points possible): RFP Section V.3.

Proposed Participant Client Fee Schedule (20 points possible): RFP Section V.4.

Proposed Operations Plan (30 points possible): RFP Section V.5.

### B. **Evaluation and Recommendation**

Responsive proposals will be scored in each of the criteria above and ranked according to scores by a panel comprised of qualified persons, which may include individuals outside RAP.

The City reserves the right to conduct such investigations as the City considers appropriate with respect to the qualifications of each Proposer and any information contained in its proposal.

All proposals will be evaluated on the basis of the criteria listed above and the ranking of any review panel will serve as a basis to formulate the RAP General Manager's

written recommendation to the Board of Recreation and Park Commissioners (referred to herein as, “Board”).

**C. Award**

The General Manager of RAP recommends contract and agreement awards to the Board. RAP shall notify all proposers of the RAP General Manager’s recommendation.

The Board will consider the General Manager's recommendation during a public Board Meeting and may accept or reject the General Manager's recommendation in making their decision as to the selection.

Section 10.5 of the Los Angeles Administrative Code requires approval by the City Council of contracts and agreements for periods of longer than three (3) years. Contracts and agreements are deemed to be executed upon the date of signature by the selected Contractor, the Board President and Board Secretary, and the City Attorney.

Once the award of contract is approved, the selected Contractor will complete and submit the additional documents as required by this RFP, City Ordinance, State and/or Federal laws, within sixty (60) days of written notification by RAP. If Contractor does not execute the awarded contract and any other necessary documents, within sixty (60) calendar days of Board, Mayor, Council and City Attorney’s approval of the awarded contract, RAP may unilaterally rescind the contract award at its sole discretion.

**D. Protest to RFP or RFP Provision:**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, or any addendum to the RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to RAP, setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

**E. City’s Right to Reject Proposals and to Waive Informalities**

Notwithstanding any other provisions of this RFP, the City reserves the right to withdraw this RFP at any time without prior notice. The City also reserves the right to reject any and all proposals submitted or to waive any minor administrative irregularities contained in any proposal, when to do so would be in the best interest of the City and pursuant to Los Angeles City Charter Section 371 (c): “The City shall reserve the right to reject any and all bids or proposal and to waive any informality in the bid or proposal when to do so would be to the advantage of the City.”

**F. Constitutional and Other Limits on Contractor’s Rights to Exclusivity**

Notwithstanding exclusivity granted to the Contractor by the terms of the awarded Contract, the City in its discretion may require Contractor, without any reduction in

cost recovery reimbursement fees or other valuable consideration to Contractor, to accommodate the rights of persons to access and engage in expressive activities, as guaranteed by the first amendment to the United States constitution, the California constitution, and other laws, as these laws are interpreted by the City. Expressive activities include, but are not limited to, protesting, picketing, proselytizing, soliciting, begging, and vending of certain expressive, message-bearing items.

**IMPORTANT:**

**Charter Section 371(e)(10)**

**In approving this RFP, the Board, in its capacity as the contract awarding authority for the Department, finds, pursuant to Charter Section 371(e)(10), that the use of competitive bidding would be undesirable, impractical or otherwise excused by the common law and the Charter because, unlike the purchase of a specified product, there is no single criterion, such as price comparison, that will determine which proposer can best provide the services required by the Department for the improvement, operation and maintenance of the Department's concession. To select the best proposer for this concession, the Board finds it is necessary to utilize a standard Request for Proposals process and to evaluate proposals received based upon the criteria included in this RFP. The Board specifically finds that the narrower and more specialized competitive sealed proposal process authorized but not required by Charter Section 371, subsection (b), would not meet the Department's needs and therefore opts to utilize the standard request for proposals process.**

**IX. EXHIBITS**

- A Center Site Map
- B Instructions to Proposers
- C Level I Requirements
- D Compliance Documents
- E Sample Contract for the Management and Operation of a Recreational Child Development and Childcare Center
- F Insurance Requirements
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