

RFP #2225-03

The Orange County School Readiness Coalition, Inc. DBA:
THE EARLY LEARNING COALITION OF ORANGE COUNTY

Request for Proposals for:
LEGAL SERVICES

ISSUED ON DECEMBER 13, 2022
SERVICES STARTING FEBRUARY 1, 2023

RESPONSES DUE BY: JANUARY 9, 2023 @ 3:00 P.M., LOCAL TIME

Responses due to:

EARLY LEARNING COALITION OF ORANGE COUNTY

ATTN: Procurement Re: RFP #2225-03

PHYSICAL ADDRESS: 7700 Southland Blvd. Suite 100 | Orlando, FL | 32809

Any alteration of the language of this RFP or any representation of modified language as the officially released RFP will not be permitted and will be sufficient cause for rejection of a Qualifications. In case of any dispute concerning the terms or language in this document, the Coalition printed file copy of this RFP will prevail.

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SECTION 1: GENERAL INFORMATION

1.1 BACKGROUND

The Early Learning Coalition of Orange County (hereinafter referred to as "Coalition"), is a 501(c) (3), not-for-profit, formed to establish and improve early education programs for more than 18,000 children birth through age five in Orange County.

In 1999, the Legislature enacted the School Readiness Act (s. 411.01, Florida Statutes (FS)), which consolidated the state's early childhood education and child care programs into one integrated program of school readiness services. The Act directed that school readiness programs would be administered by school readiness coalitions (now known as the Early Learning Coalitions) at the county or multi-county level. The Coalition is coordinated by the State of Florida's Division of Early Learning and is one of 31 Coalitions in the state.

The Coalition plans and implements the coordination of school readiness services throughout Orange County. The Coalition's goal is to improve the quality of services administered by early education and childcare providers that care for children under the age of five. The Coalition also works to raise awareness of the importance of quality early education and directs resources to income-eligible parents.

1.2 PURPOSE

The purpose of this Request for Proposals (hereinafter referred to as "RFP") is to identify a qualified firm for Legal Services. The selected firm shall be able to provide an array of services regarding legal services in Non-Profit rules and regulations, Government Affairs, and Human Resources. This RFP is being used as a method of solicitation to seek and assure the greatest degree of open competition and to obtain the best qualifications responses and services at the best possible price.

1.3 RENEWALS

The initial Agreement shall be for a period of eleven-month effective February 1, 2023, through December 31, 2023, and may be renewed on an annual basis. The Agreement will be awarded through written notice to the qualified and responsive Firm whose Qualifications are determined to be most advantageous to the Coalition, taking into consideration price, quality, and other criteria as indicated within this document. The Firm must demonstrate the ability to meet all or most of the requirements defined in this document.

Renewal of an Agreement for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial Agreement. If the commodity or contractual service is purchased as a result of the solicitation of bids, Qualifications, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, Qualifications, or reply to this solicitation. A renewal Agreement may not include any compensation for costs associated with the renewal.

Renewals shall be contingent upon:

- a) satisfactory performance evaluations by the Coalition
- b) availability of funds as determined by the Coalition Board of Directors
- c) changes in programmatic or service-related needs as determined by the sole discretion of the Coalition.

The Agreement may also be affected by any changes in statute, funding or rule that may arise during the Agreement period.

1.4 WARRANT OF ABILITY TO PERFORM

The Submitting Firm warrants that, to the best of its knowledge, there is no pending or threatened action, proceeding, or investigation, or any other legal or financial condition, that would in any way prohibit, restrain, or diminish the Submitting Firm's ability to satisfy its agreement obligations. The Submitting Firm warrants that neither it nor any affiliate is currently on the convicted vendor list maintained pursuant to section 287.133 of the Florida Statutes, or on any similar list maintained by any other state or the federal government. The Submitting Firm shall immediately notify the Coalition in writing if its ability to perform is compromised in any manner during the term of the Agreement.

SECTION 2. RFP PROCESS

2.1 POINT OF CONTACT

The sole point of contact with the Coalition for purposes of this RFP is:

Jamie Lopez, Procurement and Grants Manager
Early Learning Coalition of Orange County
7700 Southland Blvd Ste 100 | Orlando, FL 32809
Email: jlopez@elcoc.org

2.2. SUBMITTING FIRM DISQUALIFICATION

- A. **Convicted Vendor**. In accordance with § 287.133, F.S., persons and affiliates who have been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, Qualifications, or reply on a contract to provide any goods or services and may not transact business with any public entity in excess of the threshold amount provided in § 287.017, F.S., for Category Two for a period of thirty-six (36) months following the date of being placed on the convicted vendor list. Any Qualifications received from a person, entity or affiliate who has been placed on the convicted vendor list shall be rejected by the Coalition as an unresponsive Qualifications and shall not be further evaluated.
- B. **Discriminatory Vendor**. In accordance with § 287.134, F.S., an entity or affiliate who has been placed on the discriminatory vendor list may not submit a Qualifications for a period of 36 months following the date of being placed on the discriminatory vendor list, whether as a Submitting Firm, a member of a Submitting Firm, or a subcontractor of a Submitting Firm. Any Qualifications received from a person, entity or affiliate who has been placed on the discriminatory vendor list shall be rejected by the Coalition as an unresponsive Qualifications and shall not be further evaluated.
- C. **Failure to Perform Prior Contracts**. Failure to have performed any contractual obligations with the Coalition in a manner satisfactory to the Coalition will be a sufficient cause for disqualification.
- D. To be disqualified as a Submitting Firm under this provision, the Submitting Firm must have:
 1. Previously failed to satisfactorily perform in a contract with the Coalition, been notified by the Coalition of the unsatisfactory performance, and failed to correct the unsatisfactory performance to the satisfaction of the Coalition; or,
 2. Had a contract terminated for cause by the Coalition, by any agency of the State of Florida, or by any Children’s Services Council.
 3. The Submitting Firm or any of its staff have participated in the development and review of the RFP documents for this Solicitation.

2.3. LIMITATIONS ON CONTACTING COALITION PERSONNEL

Effective on the release of this solicitation, and ending at the end of the 72-hour period following the Coalition’s posting the Notice of Intended Award excluding Saturdays, Sundays and State holidays, no person, entity or other organization (or any person, entity or organization acting on his/her/its behalf) that anticipates submitting Qualifications pursuant to this solicitation shall discuss with any member of the Coalition’s Board of Directors or members of the RFP Procurement Committee, or any coalition staff or any member of the executive or legislative branch regarding any matter that pertains to this solicitation. Any person, entity, or other organization that knowingly violates this “no contact provision” may be disqualified from responding to this solicitation.

Allowable Communications. The following communications are allowable during the “No contact provision” period:

- A. Written Communications are allowable at any time, but only if addressed to the designated contact person in Section 2.1 Such communication is limited to matters of process and procedure already contained in the corresponding solicitation document and should be conducted by the due date on **Section 2.4**.
- B. Oral communications before Procurement Committee meetings provided such communication is limited to matters of process or procedure already contained in the corresponding solicitation document and/or clarification related to Submitting Firm's response.

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2.4. SCHEDULE OF EVENTS AND DEADLINES

All times listed reflect Eastern Standard Time (EST)-Coalition’s Clock. Coalition’s website:

<http://elcoforangecounty.org/about/procurement/>.

ACTIVITY	DATE	TIME	ADDRESS/METHOD
Request for Proposals Released	December 13, 2022	10:00 am	Headquarters: 7700 Southland Blvd Ste 100 Orlando, FL 32809 Coalition website: www.elcoc.org
Signed “ <i>Notice of Intent to Submit a Qualifications</i> ” due no later than	December 16, 2022	3:00 pm	7700 Southland Blvd Ste 100 Orlando, FL 32809 Or emailed to: jlopez@elcoc.org
Last day to submit written inquiries to the Coalition	December 20, 2022	12:00 Noon	7700 Southland Blvd Ste 100 Orlando, FL 32809, or via email: jlopez@elcoc.org
Coalition posts answers to written inquiries on the website	December 22, 2022	3:00 pm	www.elcoc.org
Sealed Qualifications must be received by the Coalition	January 9, 2023	3:00 pm	7700 Southland Blvd Ste 100 Orlando, FL 32809 <u>OR</u> Hand delivered
Opening of Qualifications	January 10, 2023	No later than 3:00PM	7700 Southland Blvd Ste 100 Orlando, FL 32809
Meeting of Procurement Committee (as their availability allows)	TBD	TBD	7700 Southland Blvd Ste 100 Orlando, FL 32809
Posting/Protest Period (72 hours)	Immediately after Decision	TBD	7700 Southland Blvd Ste 100 Orlando, FL 32809 www.elcoc.org
*Anticipated effective date of Agreement	February 1, 2023	N/A	N/A

*Times and locations are subject to change at Coalition’s discretion. Submitting Firms who have submitted a “*Notice of Intent to Submit*” will be notified electronically of any changes made to the schedule of events. Changes will be posted at www.elcoforangecounty.org/about/procurement.

2.5. NOTICE OF INTENT TO SUBMIT QUALIFICATIONS

- A. As a condition of submitting qualifications, Firms are requested to submit a *Notice of Intent to Submit Qualifications Form* (Exhibit 1) bearing the original signature of an authorized agent of the Firm no later than the date on the Schedule of Events, Section 2.4 to the point of contact and address listed in *Section 2.1*. Please be advised that submissions of the Notice of Intent

Form by facsimile will not be accepted.

- B. The *Notice of Intent to Submit Qualifications Form* is to provide the Coalition with the proper address and contact person for each Firm so that any notices of action or changes can be forwarded appropriately. Failure to submit a Notice of Intent to Submit Qualifications Form by the deadline on Section 2.4 shall result in no further notices about this RFP being sent to the Firm.

2.6. WRITTEN INQUIRIES

- A. There will be one (1) time period within which Firms may submit written inquiries to the Coalition for the purpose of obtaining clarification or responses to questions concerning any matter relating to this solicitation. The time periods are set forth in the **Schedule of Events** (*Section 2.4*). No further questions or requests for clarification regarding this RFP will be entertained after 12:00 NOON (EST) on the last day for receipt of written inquiries set forth in the Schedule of Events for the Final Round of Written Inquiries to the Coalition.
- B. To ensure that sufficient analysis can be made before answers are supplied, all inquiries requesting clarification regarding this RFP must be made ***in writing***, electronically or by certified mail to the contact person identified in Section 2.1., by the date posted in Section 2.4, Schedule of Events. *Facsimiles will not be accepted.*
- C. ***INFORMATION WILL NOT BE PROVIDED BY TELEPHONE.*** Any information received through oral communication shall not be binding on the Coalition and shall not be relied upon by any respondent.
- D. *All questions submitted will be answered in writing and during the scheduled inquiry rounds. Answers will be posted on the Coalition's website at www.elcoc.org/about/procurement.*

2.7 ADDENDA

Any changes to the RFP will be done by addendum. Any Qualifications that fails to incorporate all addenda will be deemed non-responsive. The Coalition has the absolute right to cancel, amend, modify, supplement or clarify this solicitation at any time at its sole discretion. If any solicitation revisions become necessary or appropriate, as determined by the Coalition, the Coalition will email a notice to those Firms who submitted a Notice of Intent to Submit Qualifications to the Coalition. Any additions to this document issued by the Coalition will be posted in the Coalition's website. Firms are responsible for checking the Coalition website and contacting the Coalition's Point of Contact for this solicitation before the RFP deadline to ascertain whether any addenda has been issued.

2.8 ACCEPTANCE/REJECTION OF QUALIFICATIONS AND WAIVER OF MINOR IRREGULARITIES

- A. The Coalition reserves the right to reject any and all Submissions of Qualifications, and/or to re-advertise, to waive any defects, irregularities, informalities or technicalities therein, to negotiate Agreement terms with the successful Firm, to disregard all non-conforming or non-responsive parts of a submission, or to accept any submission which, in the Coalition's sole judgment will best serve its interests, as determined in its sole and absolute discretion.
- B. A minor irregularity is defined as a variation from the RFP terms and conditions that do not affect the cost of the submission or does not give the Firm an advantage or benefit not enjoyed by other Firms or does not adversely impact the interest of the Coalition or the entities expressed above.
- C. The Coalition may supplement, amend, modify and/or expand the solicitation requirements, accept Submissions in whole or in part, and award only a portion of this solicitation. The Coalition reserves the right to cancel this RFP solicitation at any time without any liability and to cancel the award of any Agreement at any time before execution of said Agreement by all parties without any liability to the Coalition. In consideration of the Coalition's evaluation of submissions, the

Firm, by submitting its Qualifications, expressly waives any claim to damages, of any kind whatsoever, in the event the Coalition exercises its rights provided for in this section.

2.9 WITHDRAWAL OF QUALIFICATIONS

A written request for withdrawal, signed by the Firm, may be considered if received by the Coalition within 72 hours after the Qualifications opening time and date indicated in ***the Schedule of Events***. A request received in accordance with this provision may be granted by the Coalition upon proof of the impossibility to perform based upon an obvious error on the part of the Firm.

2.10 ELECTRONIC POSTING OF NOTICE OF INTENDED AWARD

If any Agreements are awarded as a result of this RFP, they will be awarded to the most responsive Submission which is determined to be advantageous to the Coalition, taking into consideration price and the technical merits. Based on the evaluation, the Coalition shall electronically post a notice of intended award NOT LATER THAN **January 25, 2023** at www.elcoc.org/about/procurement. Any person who is adversely affected by the decision shall file with the Coalition a notice of protest within 72 hours after the electronic posting and failure to file a protest within the time prescribed in Section 120.57(3), FS, 72 hours, shall constitute a waiver of proceedings under Chapter 120, F.S. The Coalition shall not provide tabulations or notices of award by telephone.

2.11 PUBLIC RECORDS/TRADE SECRETS

Article 1, Section 24 of the Florida Constitution and Chapter 119, F.S., guarantees every person access to all public records. All information contained within each Submission to the Coalition pursuant to this RFP is part of the public domain after the Agreement is awarded. Firms must invoke the exemptions to disclosure provided by law, in their Submissions by providing the specific statutory authority for the claimed exemption, identifying the data or other materials to be protected, and state the reason, in writing, why the exclusion from public disclosure is necessary. Such claimed exempt information shall be segregated from the remainder of the Submission. Firm agrees that no right or remedy for damages shall be had against the Coalition that arises from any disclosure made by Coalition herein, in good faith. Further, Firm agrees that it shall indemnify, defend and hold the Coalition harmless from and against any losses, expenses, liabilities, costs, (including court costs and reasonable attorney's fee).

2.12 NO DISCRIMINATION/IDENTICAL OR TIE RESPONSES

The Coalition, in accordance with Title VII of the Civil Rights Act of 1964, ensures that in any Agreement entered pursuant to this solicitation, minority business enterprises will be afforded full opportunity to submit Qualifications and will not be discriminated against on the grounds of race, color, or national origin in consideration of award.

The Coalition will follow the laws set forth in §287.057, F.S., when evaluating identical responses from multiple Firms. If two equal responses to an RFP are received and only one response is from a certified minority business enterprise, the Agreement shall be awarded to the certified minority business enterprise pursuant to § 287.057(12), F.S.

2.13 PROTESTS AND DISPUTES

Any unsuccessful Firm who is adversely affected by the Coalition's decision concerning a procurement solicitation or Agreement award under this RFP may protest such decision by filing a protest in compliance with Section 120.57(3), F.S. The protest must be filed in writing within 72 hours after the

posting of the notice of decision (or intended decision) and may file a formal written protest within 10 days after the date the notice of protest is filed as required by s. 120.57(3), F.S. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

Any Applicant who desires to file a formal protest to this RFP, must accompany that protest with a bond payable to the Coalition in an amount equal to one percent (1%) of the Coalition estimate of the total volume of the Agreement amount in accordance with s. 287.042(2)(C), F.S. The bond shall be conditioned upon the payments of all costs which may be adjudged against the Firm in any administrative hearing in which the action is brought and in any subsequent appellate court proceedings. In lieu of a bond, the Coalition may accept a cashier's check or a money order in the amount of the bond. Failure to file the proper bond at the time of filing the formal protest will result in a denial of the protest.

The notice of protest must be submitted to the Coalition's CEO at 7700 Southland Blvd Suite 100 Orlando, FL 32809 in writing within 72 hours of the Notification of Intent to Award. The formal written protest must be submitted within ten (10) days after the date of the notice of protest is filed and must fully identify the facts resulting in the contested issues. The protest procedure shall be governed by s. 120.57(3), F.S.

2.14 APPEALS

- A. Unsuccessful Firms affected by the denial, determination of eligibility, or ineligibility for Agreement award by the Coalition with respect to any federal or state funded program or activity may appeal if the action or decision of the Coalition is alleged by the Firm to be:
 - 1) In violation of applicable federal or state law;
 - 2) Based upon an error of material and relevant facts; or
 - 3) Invalid because of an alleged denial of procedural due process.
- B. Unsuccessful Firms affected by the denial, determination of eligibility, or ineligibility for Agreement award by the Coalition with respect to any federal or state funded program or activity may not appeal if:
 - 1.1 The Firm agrees that the procurement process was fair;
 - 2.1 The Firm's score was acceptable for funding but budget limitations, due to program allocations or the availability of funds, prevented the Submission from being funded;
 - 3.1 No error of material and relevant fact occurred, but the Firm does not agree that the proposed services failed to satisfy the technical requirements of the competitive solicitation process; and/or
 - 4.1 The Firm was awarded funding, but the Firm does not agree with the amount awarded.

2.15 COMPLIANCE WITH LAWS/RULES/REGULATIONS

- A. The Successful Firm shall for itself, and it shall cause each of its employees, agents, representatives, contractors and subcontractors to continuously comply with any and all federal, state, and local laws, rules, regulations, codes, ordinances, statutes and orders of any public authority bearing on the performance of the awarded Agreement by Firm. The Successful Firm shall ensure throughout the duration of the Agreement that it, and all of its contractors and subcontractors of any tier, shall be properly licensed and certified continuously throughout the duration of all work performed and services provided in accordance with the resulting Agreement. All such licensing and certification shall be at the sole cost of each contractor and subcontractor. Upon request, Firm shall furnish to the Coalition copies of any licenses, permits or certifications required to comply with any law, rule, regulation, code, ordinance, statute and order referenced herein.

- B. The successful Firm must also comply with all applicable Division of Early Learning, Florida Department of Education and Coalition regulations, action transmittals, program instructions, review guides and similar documentation, including but not limited to all applicable regulations cited in the Coalition's Core Contract, and all aforementioned organizational websites.

2.16 EMPLOYMENT OF UNAUTHORIZED ALIENS

The Coalition shall consider the employment or retention by any Firm of unauthorized aliens a violation of section 274A(e) of the Immigration and Nationality Act. Such violation shall be cause for rejection of the Submission or unilateral cancellation of the Agreement without any liability to the Coalition.

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SECTION 3. MINIMUM REQUIREMENTS

3.1 GENERAL STATEMENT OF SERVICES

The purpose of this Request for Proposals (hereinafter referred to as “RFP”) is to identify a qualified firm for **Legal Services**. The selected firm shall be able to provide an array of services regarding legal services in Non-Profit rules and regulations, Government Affairs, and Human Resources. This RFP is being used as a method of solicitation to seek and assure the greatest degree of open competition and to obtain the best qualifications, responses, and services at the best possible price.

3.2 SCOPE OF SERVICES

Each respondent, must provide a Submission of Qualifications that includes, at a minimum, details regarding the following:

The Legal Services/Board Attorney Firm will provide cost effective, high quality, and accurate legal advice, specifically related to Non-Profit rules and regulations, Government Affairs, and Human Resources by the Early Learning Coalition.

The Early Learning Coalition’s Chief Executive Officer and/or designee will be the primary users of the legal services contracted.

The Law F will provide the following:

- A. Shall provide timely legal advice and serve as a trusted advisor to the Chief Executive Officer or designee while ensuring all requests for legal services are promptly addressed with the highest priority.
- B. Shall be able to attend all requested meetings in Orange County in the most formal business attire either virtual or in-person.
- C. Upon request, attend the Early Learning Coalition’s following meetings:
 - 1) Board of Director’s meetings
 - 2) Governance Committee Meetings
 - 3) Human Resources Committee Meetings
 - 4) Executive Committee Meetings
 - 5) Actively participate in Reviews and Debriefing Meetings at the request of the Early Learning Coalition
- D. Respond to questions of a legal nature
- E. Conducts research and analysis of specific legal questions, prepares memoranda, and provide comments on documents submitted for review from a legal perspective
- F. Shall work, as needed, with appropriate department heads in the interpretation, implementation, and adherence to all laws, regulations, and any other applicable policies to ensure compliance with all the Early Learning Coalition grants funding requirements.
- G. Participate in conference calls as requested.
- H. Draft and revise email correspondence regarding legal issues.
- I. Review documents in preparation for participation in conference calls with outside agencies.
- J. Assist with general legal advice, opinions and representation in different areas of law including provider’s claims, employment, corporate, public law and civil litigation and any other contract matters, and administrative and regulatory matters;
- K. Declare any potential conflict of interest with the Early Learning Coalition’s staff and/or vendors.

- L. Perform related duties in special projects, as requested by the Early Learning Coalition's Loss Prevention Unit concerning fraudulent activity by providers; and perform related duties as needed.
- M. Attends quarterly meetings with Chief Executive Officer or designee, as needed.

3.3. SUBCONTRACTORS

The Core Services under the resulting Agreement to this RFP may not be subcontracted as provided in this Section and as set forth in the resulting Agreement.

3.4. CHANGES IN LOCATION

The Agency shall notify the Coalition's Chief Executive Officer and Procurement and Grants Manager, in writing, at least thirty (30) days prior to any anticipated change in the location of its offices or service facilities.

3.5 EQUIPMENT

The Submitting Firm shall maintain sufficient equipment as needed or required and agreed upon with the Coalition to deliver the agreed upon services.

3.6 REPORTS

- A. Where the resulting Agreement requires the delivery of reports to the Coalition, mere receipt by the Coalition shall not be construed to mean or imply acceptance of those reports. It is specifically intended by the parties that acceptance of required reports shall constitute a separate act. The Coalition reserves the right to reject reports as incomplete, inadequate, or unacceptable according to the parameters set forth in the resulting Agreement. The Coalition, at its option, may allow additional time within which the Submitting Firm may remedy the objections noted by the Coalition or the Coalition may declare the Agreement to be in default.
- B. The Submitter shall complete and submit reports in accordance with specifications requested by the Coalition. The Submitter shall provide additional ad hoc reports as requested by the Coalition.

3.7 RECORDS AND DOCUMENTATION

- A. During the term of the resulting Agreement, the Submitting Firm shall maintain written records as deemed necessary or as required by federal, state, and local laws, rules and regulations and policies and requirements of DEL and the Coalition. After termination of the Agreement, the Submitting Firm shall be required to keep all records for the period required by law.
- B. The Submitting Firm further agrees to hold harmless, defend, and indemnify the Coalition from and against any claim or damage, including reasonable attorney's fees and costs or from any fine or penalty imposed as a result of an improper disclosure by the Firm of confidential records at its sole expense.
- C. The Submitting Firm shall maintain all records required to be maintained pursuant to the resulting Agreement in such manner as to be accessible by the Coalition upon demand. Where permitted under applicable law, access by the public shall be permitted without delay.

3.8. SUBMITTING FIRMS OTHER OBLIGATIONS

- A. The Submitting Firm is solely responsible for the satisfactory performance of the tasks described in this section. By execution of the resulting Agreement, the Submitting Firm recognizes its singular responsibility for the tasks, activities, and deliverables described therein and warrants

that it has fully informed itself of all relevant factors affecting accomplishment of the tasks, activities, and deliverables and agrees to be fully accountable for the performance thereof.

- B. The Submitting Firm and the Coalition, in the performance of the Agreement, shall be acting as separate parties and not as agents, employees, partners, joint ventures or associates of one another. Any employee or agent of one party shall not be construed to be the employee or agent of the other party for any purpose.
- C. The Submitting Firm shall be knowledgeable of, and in full compliance with, all State and Federal laws, rules, and regulations, as amended from time to time, that affect or may affect the subject areas of the resulting Agreement. The Submitting Firm shall request technical assistance from the Coalition when deemed necessary to facilitate compliance with these authorities. The Coalition's failure to provide such technical assistance does not relieve the Submitting Firm of its responsibilities to ensure compliance with all State and Federal laws, rules and regulations and all rules, policies and guidance established.

3.9 COALITION DETERMINATIONS

The Coalition reserves the right to make any and all determinations relative to all aspects of the service. The absence of the Coalition setting forth a specific reservation of rights does not subject other areas of the Agreement resulting from this RFP to mutual agreement.

SECTION 4. INSTRUCTIONS TO CONTRACTORS

4.1 QUALIFICATIONS CONTENT

- A. A completed Qualifications consists of the following:
 - 1) Title Page containing the following:
 - a) Early Learning Coalition of Orange County
 - b) Title of RFP For Legal Services
 - c) RFP #2225-03
 - d) Submitting the Firm's Name address and all persons and entities having an interest in the Qualifications. Title Page must be signed in **blue ink by an authorized** representative of the Submitting Firm.
 - e) All the Required Exhibits
- B. Response should include:
 - 1) Description of Proposer's expertise in Legal Services.
 - 2) Description of Proposer's relevant work history in Central Florida with non-profit organizations.
 - 3) Description of Proposer's knowledge of the rules and regulations that govern non-profit funding.
 - 4) Description of Proposer's experience in governmental and administrative/regulatory matters, including representation of a Board of Directors on Early Learning Coalition matters.
 - 5) Description of Proposer's experience in human resources, including litigation.
 - 6) Description of the Proposer's tools already in place that will be used to provide the services requested and internal capacity to provide specialized legal advice/representation in the different areas of the law.

- 7) Description of Proposer's plan on how it will render the services requested described in **Section 3.2**
- 8) Five (5) professional references: preferably from the current calendar year (2022), at the most two calendar years (2021, 2022).
- 9) Proposed Budget and budget narrative for each year of the Contract term (2023, 2024, and 2025).
- 10) Request for Initial Screening - Fatal Criteria Checklist (**Exhibit 2**)
- 11) Request for Proposer's Representation (**Exhibit 3**)
- 12) Request for Proposal Acknowledgement Form (**Exhibit 4**)
- 13) Request for Non-Collusive Affidavit (**Exhibit 5**)
- 14) Request for Statement of Non-Involvement Form (**Exhibit 6**)
- 15) Request for Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transaction Form (**Exhibit 7**)
- 16) Sworn Statement Pursuant to s. 287.133(3)(a), F.S., on Public Entity Crimes Form (**Exhibit 8**)
- 17) Request for Non-Discrimination Statement Form (**Exhibit 9**)
- 18) Request for Certification Regarding Lobbying Form (**Exhibit 10**)
- 19) Request for Certification Regarding Drug-Free Workplace Form (**Exhibit 11**)
- 20) Request for Financial and Compliance Audit Requirements (**Exhibit 12**)
- 21) Request for Assurance of Equal Employment Opportunity and Disbarment (**Exhibit 13**)
- 22) Articles of Incorporation/Organization
- 23) Good Standing Certificate issued by the Florida Department of State
- 24) A certificate of general liability insurance coverage listing the Early Learning Coalition of Orange County as an additional named insured.

4.2 FORMAT

To be considered for evaluation, the Submission must conform to the content and format requirements described herein. All responses must be in both electronic format as well as hard copy format as follows: both electronic version (program and budget) and the hard copies must be submitted in a sealed 3-ring binder, double spaced, in no smaller than 11-point font type and on 8.5"x11" white paper; and submitted in tabbed sections, the first being the Title Page. Pages must be numbered consecutively within each section. Each question or statement must be reprinted in its entirety and followed by the response. All supporting documentation or exhibits shall be bound separately and clearly referenced.

The original response must contain **original signatures in blue ink** on the required forms. The original signature must be of the designated agent officially authorized to act as the contractual agent for the organization or collaborative partnership.

4.3 SUBMISSION

To be considered, the following **must be received by the** Early Learning Coalition of Orange County, **Attention: Procurement | 7700 Southland Blvd Ste 100, Orlando, FL 32809 on or before 3:00 p.m. (EST)** on the date noted in the Schedule of Events. The outside cover of the original shall be clearly marked as "**ORIGINAL.**"

- **ONE (1) ORIGINAL SEALED PROPOSAL (with separate file/binder for the budget) and the documents requested);**
- **SIX (6) SEALED COPIES OF the PROPOSAL; and**

- **ONE (1) ELECTRONIC COPY (USB's or CD's) of the PROPOSAL.**

The Coalition cautions Firms to assure actual delivery of their Qualifications either hand delivered or mailed via U.S. mail or overnight courier, directly to the address and contact above, no later than the deadline set for submission of the Qualifications. Qualifications and modifications to Qualifications received after the time and date specified herein for Qualifications submission will not be considered. Submissions by e-mail or facsimile will not be accepted.

QUALIFICATIONS RECEIVED AFTER THE SUBMISSION DEADLINE SHALL NOT BE CONSIDERED. NO CHANGES, MODIFICATIONS, OR ADDITIONS TO THE QUALIFICATIONS SUBMITTED WILL BE ACCEPTED BY THE COALITION AFTER THE SUBMISSION DEADLINE HAS PASSED.

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Exhibit 1

**NOTICE OF INTENT TO SUBMIT A QUALIFICATIONS FORM
FOR LEGAL SERVICES**

Request for Proposals #RFP 2225-03

Date: _____

Name of Submitting Firm

Submitting Firm Contact Person

Title

Submitting Firm Address (includes street address, suite numbers, city, state, zip code)

Telephone: _____

Alternate Telephone: _____

E-mail: _____

Fax: _____

Name of Submitting Firm's Project Director (if known)

Signature of Authorized Official

Print Name/Title

“Authorized Official” means an officer of Submitting Firm’s organization who has legal authority to bind the Submitting Firm to the provisions of the RFP. This is usually the President, Chair of the Board, Executive Director or owner of the entity.

Exhibit 2

INITIAL SCREENING for Solicitation Number: # RFP 2225-03

Proposer

Proposer Contact Person (must sign below)

Title

Telephone: _____ Fax: _____ e-mail address: _____

FATAL CRITERIA CHECKLIST	Proposer Check (√)	Coalition (√)
1. Did the Proposer submit one (1) original, six (6) copies, one (1) electronic copy of the programmatic proposal and one (1) electronic copy of the budget proposal saved in word/excel format (other than for documents requiring signatures) USB Flash Drive?		
2. Was the Proposal (including all accompanying forms requiring signature) signed by a duly authorized officer of the applying organization, and was proof of authorization included, if needed?		
3. Did the Proposer submit a timely Notice of Intent to Submit a Proposal in accordance with the Calendar of Events for this solicitation? (Exhibit 1)		
4. Did the Proposer submit an original, signed and dated Initial Screening – Fatal Criteria Check List? (Exhibit 2)		
5. Does the Proposal include an original, signed and dated Proposer’s Representations? (Exhibit 3)		
6. Does the Proposal include an original, signed and dated Proposer’s Acknowledgement Form? (Exhibit 4)		
7. Does the Proposal include an original, signed and dated Non-Collusive Affidavit? (Exhibit 5)		
8. Does the Proposal include an original, signed and dated Proposer’s Statement of Non-Involvement Form? (Exhibit 6)		
9. Does the Proposal include the original, signed and dated Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transaction? (Exhibit 7)		
10. Does the Proposal include an original, signed and dated Sworn Statement Pursuant to Section 287.133(3)(A), F.S., on Public Entity Crimes? (Exhibit 8)		
11. Does the Proposal include an original, signed and dated Discrimination Statement? (Exhibit 9)		
12. Does the Proposal include an original, signed and dated Certification Regarding Lobbying Form? (Exhibit 10)		
13. Does the Proposal include a completed original, signed and dated, Certification Regarding Drug-Free Workplace? (Exhibit 11)		
14. Does the Proposal include the original, signed and dated Financial and Compliance Audit Statement of Assurances? (Exhibit 12)		
15. Does the Proposal include a completed signed and dated Assurances Regarding Equal Employment Opportunity and Debarment and Suspension? (Exhibit 13)		

Signature of Authorized Official (blue ink only)

Date

Exhibit 3

PROPOSER'S REPRESENTATIONS

In submitting a Proposal, the Proposer understands, represents, and acknowledges the following (if the Proposer cannot so certify to any of the following, the Proposer shall submit with its Proposal a written explanation of why it cannot do so):

1. The Proposer is not currently under suspension or debarment by the State or any other governmental entity.
2. To the best of the knowledge of the person signing the Proposal, the Proposer, its affiliates, subsidiaries, directors, officers, and employees are not currently under investigation by any governmental authority and have not in the last ten (10) years been convicted or found liable for any act prohibited by law in any jurisdiction, involving conspiracy or collusion with respect to bidding or otherwise responding on any public contract.
3. If awarded the Contract, Proposer agrees that all shareholders, officers, directors, senior management members and employees, agents, and representatives of the Proposer or any of its subcontractors or agents, at the discretion of the Coalition or as required by law, shall undergo a Level I or Level II background screening investigation (which findings shall be favorable) in order to provide any services or act in any capacity in connection with the RFP and the resulting Contract.
4. Proposer currently has no delinquent obligations to the Coalition or the State of Florida, including a claim by the Coalition or the State for liquidated damages under any other contract.
5. The submission of a Proposal is made in good faith and not pursuant to any agreement or discussion with, or inducement from, any firm or person to submit a complementary or other noncompetitive response.
6. The prices and amounts have been arrived at independently and without consultation, communication, or agreement with any other Proposer or potential Proposer; neither the prices nor amounts, actual or approximate, have been disclosed to any Proposer or potential Proposer, and they will not be disclosed before the solicitation opening.
7. The Proposer has fully informed the Coalition, in writing, of all convictions of the firm, its affiliates, and all directors, officers, and employees of the firm and its affiliates for violation of state or federal antitrust laws with respect to a public contract for violation of any state or federal law involving fraud, bribery, collusion, conspiracy or material misrepresentation with respect to a public contract. This includes disclosure of the names of current employees who were convicted of contract crimes while in the employment of another company.
8. Neither the Proposer nor any person associated with it in the capacity of owner, partner, director, officer, principal, investigator, project director, manager, auditor, or position involving the administration of federal funds:
 - (i) Has within the preceding three (3) years been convicted of or had a civil judgment rendered against them or is presently indicted for or otherwise criminally or civilly charged for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or public contract; violation of federal or state antitrust statutes; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property; or
 - (ii) Has within a three (3) year period preceding this certification had one or more federal, state, or local government contracts terminated for cause or default.
9. The Proposer has read and understands the Contract terms and conditions, and the submission is made in conformance with those terms and conditions.
10. If an award is made to the Proposer, the Proposer agrees that it intends to be legally bound to the Contract that is formed with the Coalition.
11. By submitting a Proposal herein, the Successful Proposer agrees that it shall comply, at all times, with all relevant federal, state, and local confidentiality laws, rules and regulations, in addition to all confidentiality policies of the Coalition and Florida's Division of Early Learning.
12. That certain records that relate to the School Readiness Program and the Voluntary Prekindergarten Program are confidential pursuant to Sections 1002 Part V and Section 1002 Part VI, Florida Statutes,

and confidential and exempt from the provisions of the Florida Public Records Law, Section 119.07(1), Florida Statutes. If awarded the Contract, Proposer agrees it shall protect all such records and the data contained therein that it receives from the Coalition or from any other source in a manner that will not permit the personal identification of students and their parents by persons other than those authorized to receive the records.

13. The Proposer has made a diligent inquiry of its employees and agents responsible for preparing, approving, or submitting its Proposal, and has been advised by each of them that he or she has not participated in any communication, consultation, discussion, agreement, collusion, act, or other conduct inconsistent with any of the statements and representations made in the Proposal.
14. The Proposer agrees that it shall indemnify, defend, and hold harmless the Coalition and its employees against any cost, damage, or expense which may be incurred or be caused by any error in the Proposer's preparation of its Proposal.
15. All information provided by, and representations made by, the Proposer are material and important and will be relied upon by the Coalition in awarding the Contract. Any misstatement shall be treated as fraudulent concealment from the Coalition of the true facts relating to submission of the Proposal.

Name of Proposer

Signature of Authorized Official (in blue ink)

Print Name/Title

Date

Exhibit 4

Request for Proposal Acknowledgement Form for RFP 2225-03

Name of Proposer

Authorize Contact Person Name and Title

Mailing Address:

City/ State/ Zip

(_____) _____ and (_____) _____
Telephone Number Fax Number:

Web Page, and Email Address:

Total Number of Pages in the Proposal _____ Total Number of Pages submitted as Attachments _____

As signatory on this proposal, I hereby certify that I have the authority to submit this application and that this proposal has been submitted without prior understanding, agreement, or connection with any other corporation or firm or entity submitting a proposal in response to this Request for Proposal and has been prepared and submitted without collusion or fraud. I agree to abide by all conditions of this Proposal, and I certify that I had the authority to execute this proposal.

In conducting negotiations with the Early Learning Coalition of Orange County, the Proposer offers and agrees that if this negotiation is accepted, the Proposer will convey, sell, assign, or transfer to the Coalition all rights, title and interest in and to all causes of action it may now or hereafter acquire under the Anti-trust laws of the United States and the State of Florida for price fixing relating to the particular commodities or services purchased or acquired by the Coalition. At the Coalition's discretion, such assignment shall be made and become effective at the time the Coalition tender's final payment to the Proposer.

I further acknowledge that I know I had the right to object to the form of the RFP, but I have submitted without objection.

Authorized Signature

Date

Name (typed)

Title (typed)

Exhibit 5

NON-COLLUSIVE AFFIDAVIT

State of Florida County of _____.

_____ (Name of Official) being first duly sworn,
deposes and says that:

1. He/she is the [CIRCLE ONE]: (Owner, Partner, Officer, Representative or Agent) of the Proposer that has submitted the attached Proposal;
2. He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
3. Such Proposal is genuine and is not a collusive or sham Proposal;
4. Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Proposer, firm, or person to fix the price or prices in the attached Proposal or of any other Proposer or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against any other Proposer, or any person interested in the proposed Work;
5. The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents, representatives, owners, employees, or parties in interest, including this affiant.

Signature of Authorized Official (blue ink): _____

Date: _____

Title: _____

Name of Proposer: _____

SWORN TO and subscribed before me this ____ day of _____, 20____, by the afore mentioned individual, who is personally, known to me: _____ or Produced his _____ as identification.

WITNESS my hand and official seal.

 NOTARY PUBLIC, STATE OF FLORIDA
 NOTARY PUBLIC SEAL OF OFFICE/Stamp
 My Commission expires: _____



Exhibit 6

STATEMENT OF NO INVOLVEMENT

Proposer Name: _____

Proposer Mailing Address: _____

City: _____ State: _____ Zip: _____

Telephone Number: _____

Total number of pages in the Proposal: _____

I certify that this Proposal is made without prior understanding, agreement, or connection with any corporation, firm, or person submitting an offer for the same material, supplies, equipment, or services and in all respects this Proposal is fair and without collusion or fraud. I agree to abide by all terms and conditions of RFP #2225-03 and certify that I am authorized* to sign the Proposal and that the offer complies will all requirements of the RFP including, but not limited to, all certification requirements.

In addition, no member of this company has been:

1. Awarded a Contract by the Early Learning Coalition of Orange County on a noncompetitive basis to perform a feasibility study concerning the scope of work contained in this Solicitation, or
2. Participated in drafting this Solicitation

THE EXECUTION OF THIS FORM CONSTITUTES THE UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED BELOW BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE PROPOSAL NON-RESPONSIVE. THE COALITION MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF ITS OFFER.

Signature of Authorized Official (blue ink only)

Date

Print Name and Title

Exhibit 7

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTION**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211).

- (1) The prospective recipient of federal assistance funds ("Proposer") certifies to the best of its knowledge and belief, that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding submission of this Proposal been convicted of, or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or Contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for, or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - d. Have not within a three-year period preceding this application/Proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
- (2) Where the Proposer is unable to certify to any of the statements in this certification, such Proposer shall attach a written explanation to this Proposal.

Name of Proposer

Print Name and Title of Authorized Official

Signature of Authorized Official (in blue ink)

Date

Exhibit 8**SWORN STATEMENT PURSUANT TO SECTIONS 287.133(3) (A),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted by _____
on behalf of _____ whose business address is _____ and (if applicable) its Federal Employer Identification Number (FEIN) is _____ (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____).
2. I understand that a “public entity crime” as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state and federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or Contract for goods and services to be provided to any public entity or any agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy or material misrepresentation.
3. I understand the “convicted” or “conviction” as defined in Paragraph 287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that an “affiliate” as defined in Paragraph 287.133(1)(a), Florida Statutes, means:
 - a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. an entity under the control of any natural person who is active in the management of the entity who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value an arm’s length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
5. I understand that a “person” as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding Contract and which bids or applies to bid on Contracts for the provision of goods and services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Indicate which statement applies).

_____ Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate or the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

_____ The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity, has been charged with and convicted of a public entity crime subsequent to July 1,

1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the Final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list. [Attach a copy of the final order]

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED PARAGRAPH 1 (ONE) ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND, THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES, FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Name of Authorized Official (in blue ink)

Signature (in blue ink)

Sworn to and subscribed before me this ____ day of _____ 20__.

Personally know _____ Or produced identification _____.

Name of Notary: _____

Notary Public - State of: _____

My commission expires _____

Printed typed or stamped



(Commissioned name of notary public)

Exhibit 9

NON-DISCRIMINATION STATEMENT

Public Law 105-220, Sec. 188 Nondiscrimination

(a) *In General.* —

- (1) Federal financial assistance.—For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.
- (2) Prohibitions of discrimination regarding participation, benefits, and employment.—No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education amendments of 1972), national origin, age, disability, or political affiliation or belief.
- (3) Prohibition on assistance for facilities for sectarian instruction or religious worship.—Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).
- (4) Prohibition on discrimination on basis of participant status.—No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.
- (5) Prohibition on discrimination against certain non-citizens.—Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

The undersigned has read and agreed to the statements described above.

Name of Company/Organization

Print Name and Title of Authorized Official

Authorized Signatory (in blue ink)

Date

Exhibit 10

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans and Cooperative Agreements.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or an employee of any agency, a member of congress, an officer or employee of congress, or an employee or member of congress in connection with the awarding of any federal Contract, the making of any federal grant, the making of any federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal Contract, grant, loan, or cooperative agreement.
2. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of congress, or an employee of a member of congress in connection with this federal Contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
3. The undersigned agrees that he/she/it shall require that the language of this certification be included in the award documents for all* subawards at all tiers (including subcontracts, subgrants, and Contracts under grants, loans, and cooperative agreements) and that all* subrecipients shall certify and disclose accordingly.

This certification is a material representation of facts upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Name of Company/Organization

Name and Title of Authorized Official

Signature (in blue ink) Date

Exhibit 11**CERTIFICATION REGARDING DRUG-FREE WORKPLACE**

Pursuant to the Drug-Free Workplace Act of 1988 and its implementing regulations codified at 29 CFR 98, Subpart F and 45 CFR part 82,

The undersigned Authorized Official, in representation of the Proposer, attest and certify that the Provider will provide a drug-free workplace by the following actions.

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Proposer's workplace and specifying the actions that will be taken against employees for violation of such prohibition.
- B. Establishing an ongoing drug-free awareness program to inform employees concerning:
 1. The dangers of drug abuse in the workplace.
 2. The policy of maintaining a drug-free workplace.
 3. Any available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. Making it a requirement that each employee to be engaged in the performance of the Contract be given a copy of the statement required by paragraph A.
- D. Notifying the employee in the statement required by paragraph A that, as a condition of employment, the employee will:
 1. Abide by the terms of the statement.
 2. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- E. Notifying the agency, in writing, ten (10) calendar days after receiving notice under subparagraph D.2. from an employee or otherwise receiving actual notice of such conviction. We will provide such notice of convicted employees, including position title, to every Grant officer on whose grant activity the convicted employee was working. The notice shall include the identification number (s) of each affected Contract/Grant.
- F. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph D.2., with respect to any employee who is so convicted:
 1. Taking appropriate personnel action against such an employee, up to and including, termination consistent with the requirements of the Rehabilitation Act of 1973 as amended.
 2. Requiring such employee(s) to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local, health, law enforcement or other appropriate agency.
- G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs A - F.

It is not required to provide the workplace address. As of today, the specific sites are known and we have decided to provide the specific addresses with the understanding that if any of the identified places change during the performance of the Contract, we will inform the agency of the changes. The following are the sites for the performance of work done in connection with the specific Contract including street addresses, city, county, state, and zip code:

Check () if there are workplaces on files that are not identified here.
Check () if any additional page was required for the listing of the workplaces.

CERTIFICATION

I declare under penalty of perjury under the laws of the United States and under the penalties set forth by the Drug-Free Workplace Act of 1988, that this certification is true and correct.

Name of Company/Organization

Print Name and Title

Signature of Authorized Official (in blue ink)

Date

Exhibit 12

FINANCIAL AND COMPLIANCE AUDIT

Relationship: The Coalition has identified the selected Proposer as a sub recipient. For all sub recipients, the described audit requirements will apply as described here. Based on estimated funding for this grant, the following audit requirements apply:

Federal Single Audit Act (**2 CFR §200**) Florida Single Audit Act (s. 215.97, F.S.)

The administration of resources awarded by the Division of Early Learning (DEL) and of all related public, private funds and local resources received and expended for the state's early learning programs will be subject to audits and monitoring by the Office as described in this attachment.

Monitoring: In addition to reviews of audits conducted in accordance with 2 CFR §200 and s. 215.97, F.S., as revised, the Coalition and/or OEL may conduct or arrange for monitoring of the Proposer's activities. Such monitoring activities may include, but are not limited to, onsite visits by Coalition staff or contracted consultants, limited scope audits as defined by 2 CFR §200, and/or other procedures. By entering into the agreement, the Proposer agrees to comply and cooperate with any monitoring procedures/processes the Coalition deems appropriate. The Proposer further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the USDHHS, the Florida DFS or the Florida Auditor General.

For State or local government entities, a Single Audit performed by the Auditor General shall satisfy the requirements of this attachment.

PART I: FEDERALLY FUNDED

This part is applicable if the Contractor is a state or local government or a non-profit organization as defined in Code of Federal Regulations (CFR) Title 2, Subtitle A, Chapter II, Part 200, Subpart F Part 200-Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, Subpart F- Audit Requirements (AKA Super Circular), as revised. The CFR can be found in: http://www.ecfr.gov/cgi-bin/text-id?SID=2067a16fcd86574fb24bbac8f7bb4f2&mc=true&node=se2.1.200_1501&rgn=div8

Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with 2 CFR §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph c of this section.

Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a subrecipient, approves in advance a program-specific audit.

Exemption. When Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

Federally Funded Research and Development Centers (FFRDC). Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.

Sub recipients and Contractors. An auditee may simultaneously be a recipient, a sub recipient, and a contractor. Federal awards expended as a recipient or a sub recipient is subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Sub recipient and contractor determinations sets forth the considerations in determining whether payments

constitute a Federal award or a payment for goods or services provided as a contractor.

Compliance responsibility for contractors. In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions are in compliance with Federal statutes, regulations, and the terms and conditions of Federal awards.

A website that provides links to several Federal Single Audit Act resources can be found at: <https://harvester.census.gov/facweb>.

PART II: STATE FUNDED

The provisions of this part are applicable if the Contractor is a non-state entity as defined by section 215.97(2), Florida Statutes (the Florida Single Audit Act).

In the event the Contractor expends \$500,000 or more of state financial assistance in any fiscal year, the Contractor must have a state single or project-specific audit conducted in compliance with s. 215.97, F.S.; applicable rules of DFS and chapter(s) 10.550 (Local Governmental Entities) or 10.650 (Nonprofit and For-Profit Organizations), Rules of the Auditor General. In determining the state financial assistance expended in its fiscal year, the recipient shall consider all sources of state financial assistance, including state financial assistance received from DOE, other state agencies and other non-state entities. State financial assistance does not include federal direct or pass-through awards and resources received by a non-state entity for federal program matching requirements.

In connection with the state-funded audit requirements above, the Contractor shall ensure the audit complies with the requirements outlined in s. 215.97(8), Florida Statutes. This includes submission of a financial reporting package as defined by section 215.97(2), Florida Statutes, and Chapters 10.550 (local governmental entities) or 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.

If the Contractor expends less than \$500,000 in state financial assistance in its fiscal year, an audit conducted in accordance with the provisions of section 215.97, Florida Statutes, is not required. In the event that the Contractor expends less than \$500,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, Florida Statutes, the cost of the audit must be paid from the non-state entity's resources (i.e., the cost of such an audit must be paid from the Contractor's resources obtained from other than state entities).

Pursuant to s. 215.97(8), F.S., state agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with s. 215.97, F.S. In such an event, the state awarding agency must arrange for funding the full cost of such additional audits.

Additional information regarding the Florida Single Audit Act can be found at: <https://apps.fldfs.com/fsaa/>.

PART III: REPORT SUBMISSION

The Contractor shall submit copies of reporting packages (including proof for the receipt date by the Contractor, any management letter(s) issued by the auditor and corrective action plan responses prepared by the Contractor) for audits conducted in accordance with 2 CFR §200 Subpart F, directly to the address indicated below.

Note: For the address noted with an asterisk (*) below, copies of reporting packages shall include the internal control work papers from the auditor(s) performing their annual independent financial statement audit.

Submit one paper copy by mail and one electronic copy by email of the financial reporting package to the Coalition at the following address:

Early Learning Coalition of Orange County
Attn: Procurement and Grants Manager
7700 Southland Blvd., Suite 100
Orlando, FL 32809
email: jlopez@elcoc.org

The Federal Audit Clearinghouse (FAC), in 2 CFR §200, requires the auditee to electronically submit the data collection form described in §200.512(b) and the reporting package described in §200.512(c), to FAC at: Federal Audit Clearinghouse's Internet Data Entry System.

The Contractor shall indicate in correspondence accompanying the reporting packages the date the auditors to the Contractor delivered the reporting package to the Contractor.

All items Auditor General Rule 10.656(3) requires, as described on the Auditor General's Financial Reporting Package Submittal Checklist and the related checklist instructions, must be included for a reporting package to be considered complete.

By signing below, the Proposer, through the duly appointed undersigned representative, certifies, and assures that it shall fully comply with the applicable audit requirements outlined in this attachment.

Name of Proposer

Signature of Authorized Official (blue ink only)

Date

Print Name and Title

Exhibit 13

ASSURANCES REGARDING EQUAL EMPLOYMENT OPPORTUNITY AND DEBARMENT AND SUSPENSION

At all times during my Contract/agreement with the Early Learning Coalition of Orange County (Coalition) I agree to comply with Executive Order 11246, Equal Employment Opportunity (30 Federal Register (F.R.) 12319, 12935.3 CFR, 1964-1965 comp.p.339), Sept. 24,1965, and Executive Order 11375, Amending Executive Order 11246 Relating to Equal Employment Opportunity, of Oct.13,1967, amended, and the Department of Labor regulations (41CFR part 60) Office of Federal Compliance Programs, Equal Opportunity, Department of Labor supplements. See 45 CFR part 92.36(i)(3).

In addition, I hereby certify that I:

Am not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

Have never been convicted of or had a civil judgment rendered against me for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

Am not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) above; and

Have never had one or more public transactions (Federal, State, or local) terminated for cause or default.

Entity: _____

Name: _____

Signature: _____

Date: _____

APPENDIX a

For Coalition use Only**RFP EVALUATION AND SELECTION TOOL****Solicitation Number: RFP 2225-03**

Name of Proposer Company/Organization _____

(Legal Name from Request for Proposal Acknowledgement form)

Proposal Review Committee Member _____

(Name printed)

Scoring Criteria and Procedure

1. A Proposal Review Committee will assess each response utilizing the evaluation tool contained in Appendix A of this RFP.
2. Section A of the criteria lists the minimum requirements (Preliminary Criteria) that all proposals must satisfy. Points are **not** awarded for this section. However, a proposal with a "NO" response to one or more of these requirements will automatically disqualify a Proposer from further consideration.
3. Proposers' responses to each criterion will be assessed and awarded a point value as follows:
4. Each proposal will be awarded a total point value by each committee member by either evaluating the entire proposal or evaluating either the Programmatic sections or the Administrative/Fiscal sections.
5. The quantitative evaluation criteria are based on the minimum programmatic requirements set forth in Section 3 and assigns a maximum point value to a series of questions that ensure the respondents have satisfactorily addressed each and all requirements.
6. Responses should be concise and comply with RFP page limit of 40 pages (Excluding budget proposal and Exhibits).
7. Each section of the scoring tool includes a maximum (possible) score for informational purposes only.
8. The Total Possible Score is 90 for the entire response/proposal.

APPENDIX A CONTINUED**PRELIMINARY CRITERIA***(If any are not met, the response cannot be considered further.)***Name of Proposer Organization which is subject of this review** _____Coalition Staff Reviewer (Section A only): _____ **(Name printed)**

FATAL CRITERIA CHECKLIST	Proposer Check (√)	Coalition (√)
1. Did the Proposer submit one (1) original, six (6) copies, one (1) electronic copy of the programmatic proposal and one (1) electronic copy of the budget proposal saved in word/excel format (other than for documents requiring signatures) USB Flash Drive?		
2. Was the Proposal (including all accompanying forms requiring signature) signed by a duly authorized officer of the applying organization, and was proof of authorization included, if needed?		
3. Did the Proposer submit a timely Notice of Intent to Submit a Proposal in accordance with the Calendar of Events for this solicitation? (Exhibit 1)		
4. Did the Proposer submit an original, signed and dated Initial Screening – Fatal Criteria Check List? (Exhibit 2)		
5. Does the Proposal include an original, signed and dated Proposer’s Representations? (Exhibit 3)		
6. Does the Proposal include an original, signed and dated Proposer’s Acknowledgement Form? (Exhibit 4)		
7. Does the Proposal include an original, signed and dated Non-Collusive Affidavit? (Exhibit 5)		
8. Does the Proposal include an original, signed and dated Proposer’s Statement of Non-Involvement Form? (Exhibit 6)		
9. Does the Proposal include the original, signed and dated Certification Regarding Debarment, Suspension and Other Responsibility Matters Primary Covered Transaction? (Exhibit 7)		
10. Does the Proposal include an original, signed and dated Sworn Statement Pursuant to Section 287.133(3)(A), F.S., on Public Entity Crimes? (Exhibit 8)		
11. Does the Proposal include an original, signed and dated Discrimination Statement? (Exhibit 9)		
12. Does the Proposal include an original, signed and dated Certification Regarding Lobbying Form? (Exhibit 10)		
13. Does the Proposal include a completed original, signed and dated, Certification Regarding Drug-Free Workplace? (Exhibit 11)		
14. Does the Proposal include the original, signed and dated Financial and Compliance Audit Statement of Assurances? (Exhibit 12)		
15. Does the Proposal include a completed original signed and dated Assurances Regarding Equal Employment Opportunity and Debarment and Suspension? (Exhibit 13)		

If all responses are “yes”, continue to next section. If one or more are “no”, the response/proposal is disqualified. No further evaluation is to be done.

APPENDIX A CONTINUED
FOR COALITION USE ONLY
QUANTITATIVE EVALUATION CRITERIA

Scoring Responses: Each evaluator is to assign a score for each evaluation criteria based upon his/her assessment of the solicitation response. The assignment of any individual score should be based upon the factors described below.

Name of Proposer Organization for response which is subject of this review:

REVIEWER: _____

Criteria	Indicators	Maximum Score = 10	Score:
1. Is the Attorney/Firm located in Central Florida counties?		10	
2. Does the Proposal include Attorney/Firm's background information regarding the general legal services provided?		10	
3. Does the Attorney/Firm have extensive Experience in non-profit rules and regulations?		10	
4. Does the Attorney/Firm have experience with governmental and administrative/regulatory matters, including representation of a Board of Directors?		10	
5. Does the Attorney/Firm have experience with human resources rule and regulations, including litigation?		10	
6. Does the Attorney/Firm have internal capacity to provide legal advice/representation in the different areas of the law as requested in the scope of work (Section 3)?		10	
7. Does the proposal include at least five (5) professional references preferable from the calendar year 2021 or 2022? (Anything outside those calendar years will not count towards this proposal)		10	
8. Does the proposal clearly demonstrate prior experience and job performance?		10	
9. Does the proposal meet the rates for each calendar year 2023, 2024, 2025?		10	
10. BONUS: Does the Attorney/Firm provide any additional services that could benefit the organization?		5	