

# **SUPPLEMENTAL DOCUMENT 9**

**GENERAL LACDA REQUIREMENTS**

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The Los Angeles County Development Authority (LACDA) imposes the following reservations and requirements with respect to this NOFA and any applications made hereunder:

1. The LACDA reserves the right to retain all submitted applications, and the applications shall become the property of the LACDA. Any department or agency of the County shall have the right to use any or all ideas presented in applications submitted in response to this NOFA without any change or limitation. Selection or rejection of a proposal does not affect these rights.

2. The LACDA reserves the right to cancel the NOFA or shorten or extend the NOFA submission deadline should such actions be in the best interest of the LACDA. Applicants may revise their applications in the event the deadline is extended.

3. All applications submitted will be subject to a threshold and completeness screening. Applications passing this initial screening will then be subject to further technical review. During this technical review, applications found to be non-responsive to any of the requirements of the NOFA may be rejected at that time. The LACDA reserves the right to reject any or all applications received in answer to this NOFA if they are deemed inappropriate, incomplete, or are not in the best interest of the LACDA.

4. The LACDA reserves the right to withdraw this NOFA at any time without prior notice. Further, the LACDA makes no representation that any contract will be awarded to any applicant responding to this NOFA.

**5. Lobbyist Ordinance Compliance Certification.** Each applicant submitting a response to this NOFA certifies that each County lobbyist, as defined by Los Angeles Code Section 2.160.010, retained by the applicant is in full compliance with Chapter 2.160 or the Los Angeles County Code.

**6. Gratuities.** It is improper for any officer, employee, or agent of the LACDA to solicit consideration, in any form, from an applicant with the implication, suggestion or statement that the application's provision of the consideration may secure more favorable treatment for the propose in the award of the contract or that the application's failure to provide such consideration may negatively affect the LACDA's consideration of the applicant's submission. An applicant shall not offer or give, either directly or through an intermediary, consideration, in any form, to an officer, employee or agent of the LACDA for the purpose of securing favorable treatment with respect to the award of the contract.

An applicant shall immediately report any attempt by an officer, employee, or agent of the LACDA to solicit such improper consideration. The report shall be made either to the LACDA's Executive Director or designee. Failure to report such a solicitation may result in rejection of the application.

Examples of such improper consideration include cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

**7. Request for Taxpayer Identification Number Certification.** The person, firm or corporation selected to enter into a contract with the LACDA shall be required to provide the LACDA with a completed Federal W-9 form, including taxpayer identification number, or social security number, in order to comply with Federal Tax information regulations. If this document is not supplied, the LACDA retains the right to withhold payment on invoices in accordance with IRS Guidelines as outlined in Publication 1281 (Rev. 8-93). The LACDA has the right to withhold payment without being charged late charges or fees.

**8. EEO Certification.** Each applicant submitting a response to this NOFA shall certify and agree that all persons employed by or seeking employment with the applicant, its affiliates, subsidiaries, or holding companies are and will be treated equally by the firm without regard to or because of race, religion, ancestry, national origin, or sex and in compliance with all federal, State and local anti-discrimination laws. Copies of the firm's current non-discrimination and equal employment policy are required to be submitted with the proposal.

**9. Consideration of GAIN/GROW Participants for Employment.** In compliance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the LACDA seeks to assist recipients of CalWorks benefits to make the transition from welfare to employment. The Greater Avenues for Independence (GAIN) Program and the General Relief Opportunity for Work (GROW) Program, developed by the County Department of Public Social Services (DPSS) provides job skills workshops for GAIN/GROW participants and employment counselors to support and monitor GAIN/GROW participants' progress. The LACDA encourages the utilization of GAIN/GROW participants in the delivery of contracted services.

As a threshold requirement for consideration for selection, applicants shall demonstrate a proven record of hiring GAIN/GROW participants or shall agree to consider GAIN/GROW participants for any future employment opening if they meet the minimum qualifications for that opening. Additionally, applicants shall agree to provide employed GAIN/GROW participants access to the applicants' employee mentoring programs, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities. Applicants who do not agree to meet this requirement shall not be considered for selection.

**10. Continued Truthfulness of Certifications and Representations.** All representations, certifications, and information provided by Applicant to the LACDA shall have been true when made/delivered, do not omit any material facts, and shall continue to be true and not omit any material facts at all times up to and including the date of any funding award and the closing of such funding award.

**11. No Material Changes.** From the date the application is submitted and at all times up to and including the date of any funding award and the closing of such funding award, no material adverse change shall have occurred with respect to applicant or the project, including but not limited to: the financial condition, working capital, assets, liabilities, management, business, operations, good standing of applicant; the financial feasibility of the project; the physical, environmental and title conditions to the project site; availability and timeliness of government approvals, land use approvals, permits and licenses; appointment of a receiver, foreclosure, general assignment for the benefit of creditors, bankruptcy filing with regard to or affecting all or any of the assets of applicant or its owners; and community support for the project.

12. In the event funds become unavailable due to unforeseeable circumstances and the LACDA, at its sole discretion, terminates its obligations under this NOFA, such an event shall not constitute a “material change” as defined above.

The LACDA also imposes the following requirements on all applicants who receive a funding award under this NOFA:

**13. Contract Requirements**

The initial recommendation for funding should not be construed as a finding that the application complies with all requirements and conditions for a loan. A funding recommendation or offer to contract may be withdrawn upon failure of reasonable attempts to negotiate a Loan Agreement and all documents related thereto, including but not limited to security instruments and collateral assignments, subordination and intercreditor agreements, certifications, title insurance requirements, and surety bonds.

Successful applicants will be required to satisfy the LACDA’s and other participating agency or entity’s insurance requirements. Additionally, all applicants must comply with all contractual requirements.

**14. Child Support Compliance Requirements**

Funding award recipients shall: 1) fully comply with all applicable State and Federal reporting requirements relating to employment reporting for its employees; and 2) comply with all lawfully served Wage and Earnings Assignment Orders and Notice of Assignment and continue to maintain compliance during the term of any Agreement that may be executed pursuant to this solicitation. Failure to comply may be cause for termination of an Agreement or initiation of debarment proceedings against the non-compliant Developer.

**15. Safely Surrendered Baby Law**

Funding award recipients shall notify and provide to their employees, and shall require each subcontractor to notify and provide to its employees, a fact sheet regarding the Safely Surrendered Baby Law, its implementation in Los Angeles County, and where and how to safely surrender a baby. For more information, visit <https://lacounty.gov/residents/public-safety/baby-safe-surrender-program/>.

**16. LACDA’s Insurance Requirements**

The LACDA’s standard insurance requirements are included under separate cover in the NOFA Supplemental Documents.