



**Request for Qualifications (RFQ) – 2007 / 06
Preschool for All Data System**

Contract Amount:	Up to \$175,000
Anticipated Contract Period:	November 19, 2007 – November 19, 2008
Non-Mandatory Bidders Conference	October 1, 2007
Proposal Due Date:	October 12, 2007
Contact Person: Wei-min Wang, PFA Program Coordinator, (415) 934-4874	

The due date for the submission of applications is October 12, 2007 at 5:00 p.m. All applications received after 5:00 p.m. will be considered late and will **not** be accepted. No electronic or faxed submissions will be accepted.

Applicants are responsible for checking for updates, corrections, clarifications and other changes to this RFQ at www.first5sf.org.

Mail or Hand-deliver one (1) original and six (6) copies of the application to:

First 5 San Francisco
1390 Market Street, Suite 318
San Francisco, CA 94102
Attn: Wei-min Wang

ESTIMATED TIMELINE	
RFQ Issued	September 21, 2007
Bidders' Conference	October 1, 2007
Letter of Intent Due	October 5, 2007
Proposals Due	October 12, 2007
Anticipated Notice of Recommendation for Funding	October 19, 2007
Tentative Commission Approval	November 7, 2007
Anticipated Contract Start	November 19, 2007
First Year of Contract Ends	November 19, 2008

PURPOSE OF THIS REQUEST FOR QUALIFICATIONS (RFQ)

First 5 San Francisco's vision is that all children will grow up in supportive, nurturing, and loving families and communities, and that they will be supported in their cognitive, physical and emotional development. Under Proposition H, passed by San Francisco voters in March 2004, First 5 San Francisco is charged with implementing the Preschool for All (PFA) program, which aims to make available free, part-day, high-quality preschool to every four-year-old child residing in San Francisco. Now in the third year of implementing PFA, First 5 San Francisco has built a system that will serve as many as 1,800 children at more than 30 agencies and 75 sites in 2007-08. Participating sites include the school district, other public agencies, Head Start, private and nonprofit centers, and family child care homes. Upon full implementation, as many as 4,800 children are projected to participate in PFA.

First 5 San Francisco is the administrating agency of PFA, allocating funding from the city's general fund (\$10 million in 2007-08) to grantees and contractors. PFA relies on two important intermediaries to help oversee and administer funding to the numerous participating sites throughout the city: the Provider and Enrollment Agency (PEA) and the San Francisco Unified School District (SFUSD). SFUSD receives funding for school district operated sites, while the PEA manages funding for all non-district sites. The two intermediaries, in turn, administer funding to the sites. First 5 San Francisco also provides funding for a number of additional program supports and enhancements, including classroom quality assessments, technical assistance, arts, science, and early literacy enrichment, developmental screening and services for children with special needs, and mental health consultation.

To ensure First 5 San Francisco and its partner agencies' ability to administer, monitor, evaluate, and report on PFA funded programs, First 5 San Francisco has allocated up to \$175,000 in 2007-08 to develop and implement a comprehensive data system to organize program and child information. This system would capture and organize administrative data, enable routine updates, and create multiple reports which would include the following data elements: demographic, administrative, financial, and performance data about participating children, families, teachers, classrooms, sessions, sites, and agencies. The system is envisioned as providing real-time information to First 5 San Francisco with vital statistics of the PFA program; facilitating administrative functions such as monitoring and compliance, budget development, expenditure reporting, and determination of per-child reimbursements; and managing day-to-day operations with respect to PFA, such as classroom attendance, but ultimately extending to state requirements, including California Department of Education child development reporting.

This RFQ seeks to identify a vendor to plan, develop, implement, and maintain a comprehensive data system satisfying the data and reporting needs of First 5 San Francisco.

FUNDING

The funds available through this RFQ are up to \$175,000. The lead contracting entity will be First 5 San Francisco. The funds available through this RFQ are for planning, development, and implementation activities. As the data system would become an essential part of the PFA administrative infrastructure and operations, necessitating maintenance and updating, funding would be renewable.

The allocated funding is intended to cover all planning and initial implementation expenses including (but not limited to) compensation of vendor personnel and staff, consultants, programming and development costs, technology and other equipment needed to maintain the data system, materials and supplies, and administrative and indirect costs.

SCOPE OF SERVICES

The vendor will plan, design, and implement a PFA data system. The vendor will report to First 5 San Francisco staff. The vendor will undertake the following activities:

Planning and Development Phase

- Convene and facilitate planning meetings of key stakeholders who will contribute, maintain, and utilize data in the new data system including, but not limited to, First 5 San Francisco, SFUSD, the PEA, Head Start, early care and education program directors and/or site managers, and other City agencies.
- Identify required data system needs, data elements, and relationships between data, including information on children and families, teachers, classrooms/sessions, sites, and agencies needed for effective program administration and local and state reporting.
- Determine extent of need for and feasibility of interoperability with other information systems, including import of data from Child Plus, which is in widespread use among Head Start programs, and historical and current program data from systems currently employed by the PEA, SFUSD, and other City agencies.
- Design and develop a comprehensive data system responding to stakeholder input, including components for data entry and retrieval, data import and export, simple and complex queries, and reporting.
- Coordinate development of data system with concurrent efforts by First 5 San Francisco to support a citywide child care geomapping system, and by First 5 San Francisco and SFUSD to pilot use of statewide K-12 student identifiers in San Francisco child development programs.

- Establish protocols for creating user and administrator accounts, assigning access privileges, and protecting confidential information.
- Document input from each stakeholder meetings and iteratively incorporate accumulated input into data system development and implementation.

Initial Implementation Phase

- Launch data system, primarily for use by funding agencies, intermediaries, and a number of pilot agencies.
- Train and provide technical assistance on the new data system to funders and intermediaries, including First 5 San Francisco, the provider and enrollment agency, the school district, and San Francisco Head Start.
- Train and provide technical assistance on the new data system to early care and education staff at pilot agencies.
- Monitor data system to ensure effective operation.
- Safeguard data system and contained data against system failure.
- Convene regular and ad hoc meetings to solicit feedback for improvements and to troubleshoot the system.
- Update and fix data system, as needed, to respond to policy changes, user feedback, and technical glitches.
- Develop training and technical assistance plan, with particular attention to scalability and staff turnover/succession, for funders, intermediaries, early care and education staff who will interact with the data system in the 2008-09 program year and beyond.
- Prepare the data system for general availability and full implementation phase in 2008-09 program year.

Note this list may not be exhaustive of all the activities vendor will need to accomplish to complete the planning and initial implementation phases of the data system.

REQUIRED QUALIFICATIONS

First 5 San Francisco will select a vendor that demonstrates the following qualifications:

- Maintain a primary place of business in San Francisco

- Demonstrated experience assisting funding agencies to conceptualize and plan new data systems through iterative processes
- Demonstrated experience and success developing and implementing new data systems for early care and education providers, local educational agencies, and their funding agencies
- Demonstrated experience facilitating interoperability with other common early childhood data management systems
- Demonstrated experience with resolving program glitches in a timely manner and responding to policy changes and continuously evolving data needs in the field
- Demonstrated ability to provide technical assistance and training to data system users, including novice users, through a variety of means (*e.g.*, written instructions, phone calls, online tutorials, in-person meetings)
- Demonstrated experience developing data systems for other universal preschool initiatives in California
- Demonstrated familiarity with of First 5 and California Department of Education child development programs and associated evaluation and reporting requirements
- Demonstrated experience with project management and timely delivery of work products.

BIDDERS' CONFERENCE

A bidders' conference will be held on October 1, 2007 from 10:00 a.m. to 11:00 a.m. at First 5 San Francisco, 1390 Market Street, Suite 318, San Francisco. The purpose of the bidders' conference is to review the program scope with applicants and answer questions about the RFQ process. The meeting will give participants the opportunity to seek clarification from Commission staff. Applicants are strongly encouraged to attend.

MANDATORY LETTER OF INTENT

First 5 San Francisco requests vendors intending to apply for funding through this RFQ to submit a Mandatory Letter of Intent on letterhead by October 5, 2007.

REVIEW OF PROPOSALS

The number of proposals received will determine the review process used by First 5 San Francisco to select a contractor for this project.

If three or fewer proposals are received, a panel will review the submitted proposals and may interview applicants. If the panel elects to conduct interviews, applicants should be

prepared to provide a live demonstration of current or past data systems work as evidence of the applicant's ability to develop and implement a PFA data system as described in this RFQ. The panel will develop a funding recommendation to First 5 San Francisco.

If more than four proposals are received, proposal submissions will be reviewed by a panel. The panel will recommend applicants that may be qualified to complete the requested scope of work. First 5 San Francisco may chose to award this contract to the highest scored proposal or may elect to interview the highest scorers to determine the award of the contract.

The proposals will be scored using the following scale:

Qualifications & Experience	50 points
Proposed Activities and Timeline	20 points
Budget & Budget Narrative	10 points
Work Samples	20 points

The staff funding recommendation to the Commission is final.

If a mutual agreed to grant cannot be negotiated with the recommended applicant, First 5 San Francisco staff may recommend funding an alternate proposal.

PROPOSAL CONTENTS & INSTRUCTIONS

Proposal Content

Interested parties should submit 1 original and six (6) copies of the proposal. The proposal must include the following components *in the order* outlined below:

1. **Coversheet** Complete the information requested in the Coversheet. The contact information provided will be used by the Commission staff to communicate with applicants. (**Attachment 1**)
2. **Qualifications and Experience (no more than 4 pages)**

Describe the qualifications, expertise and experience that will contribute to the successful development and implementation of a PFA data system. You may wish to reference specific past projects to demonstrate your qualifications. Be sure to address:

- Your experience assisting funding agencies to conceptualize and plan new data systems through iterative processes
- Your experience and success developing and implementing new data systems for early care and education providers, local educational agencies, and their funding agencies

- Your experience facilitating interoperability with other common early childhood data management systems
- Your experience with resolving program glitches in a timely manner and responding to policy changes and continuously evolving data needs in the field
- Your ability to provide technical assistance and training to data system users, including novice users, through a variety of means (*e.g.*, written instructions, phone calls, online tutorials, in-person meetings)
- Your experience developing data systems for other universal preschool initiatives in California
- Your knowledge of First 5 and California Department of Education child development programs and associated evaluation and reporting requirements

Provide a rationale explaining how the qualifications, expertise, experience, etc. described in this section will ensure achievement of the RFQ scope of work.

3. **Proposed Activities and Timeline (no more than 4 pages)**

Use **Attachment 2** to respond to this item.

Describe the activities that will be implemented to develop and implement a PFA data system. List the major activities, the timeframe for achieving them, anticipated deliverables and rationale for significant items. Use the attached chart to describe proposed activities.

4. **Budget & Budget Narrative (no more than 2 pages)**

Provide a budget and budget narrative. Create a line item project budget showing the amount and purpose of requested funds. Provide a narrative for any item in the budget whose purpose may not be obvious or immediately clear. A suggested budget format is attached (**Attachment 3**). Attach the budget narrative after the budget form. A final budget will be negotiated with the selected partner.

5. **Required Attachments**

- A. Resumes/Position Descriptions – Include resumes of key staff who will be involved in the contract, if available. These documents should provide sufficient detail to permit the Commission to assess how their experience will contribute to the project’s objectives.
- B. Attachment 3 - Budget and Narrative
- C. One work sample.

Please provide one work sample of a project of similar scope and purpose to the project of this RFQ. Please include only materials that are printable on 8 1/2 x 11 inch paper and that can be photocopied. Do not include disks, DVDs or other media.

For each work sample, provide a coversheet to indicate.

- 1) Applicant's role in completion of the work sample
- 2) Identify and describe role of any collaborators on the project
- 3) Budget of project
- 4) Project funder
- 5) The length of time allowed for the project.

Work samples are to be illustrative of applicant's ability to conduct and complete a project of similar scope to this project. The materials may not be read in their entirety for the purpose of reviewing an applicant's qualifications for this project.

SUBMISSION INSTRUCTIONS

Proposal Format

All proposals must:

- Be typed, with a minimum of one-inch margins on each page;
- Use no less than 12-point font;
- Be double spaced;
- Have the page number and program name listed at the bottom of each page; and
- Be within the stated page limits for each section.

Staple or clasp each copy of the proposal set (narrative plus attachments) in the upper left-hand corner. It is not necessary to bind or use or a 3-ring binder.

Proposals can be mailed or hand delivered but regardless of the postmark date must be received by the Commission by **5:00 p.m., on October 12, 2007**.

Mail or hand deliver one original and six (6) copies of the proposal sets to:

RFQ – 2007- 06
First 5 San Francisco
Attn: Wei-min Wang
1390 Market Street, Suite 318
San Francisco, CA 94102

MISCELLANEOUS INFORMATION

Failure to meet the following requirements will eliminate the applicant from consideration:

- If awarded a grant, the applicant must be certified as a City-approved vendor and compliant with the City's insurance requirements within 45 days of award notice or First 5 San Francisco reserves the right to revoke the grant award.
- Applicant must follow all guidelines (formatting, page limitations, required attachments, etc.) detailed in the **Proposal Contents and Instructions section of this RFQ**.

Other Requirements

Below is a partial list of significant requirements that will be part of each funded contractor's contract.

1. Contractor must be a City-approved vendor.
2. Contractor must comply with the monitoring and evaluation requirements. These requirements will be detailed in the contracting process
3. Contractor must have current insurance coverage (workers compensation, general liability, fidelity bond and automobile, if applicable).

For projects sponsored by a fiscal agent, the fiscal agent must meet Contractor and Applicant requirements described in this RFQ.

Applicants that are not yet City-approved vendors should begin the certification process as soon as possible, in order to ensure that they are able to meet this requirement if awarded a grant. The City's Office of Contract Administration offers all of the necessary forms on its website, which can be found at www.sfgov.org/oca/purchasing/forms.htm. Subcontractors are not required to be City-approved vendors; only the lead organization must be.

The City and County of San Francisco requires all agencies receiving grant funding to comply with a number of regulatory and legal requirements. Some of these requirements are described below.

Criminal Screening Requirement

The City and County of San Francisco requires that all contractors and subcontractors comply with California Penal Code section 11105.3 and request from the Department of Justice records of all convictions or any arrest pending adjudication involving the offenses specified in Welfare and Institution Code section 15660(a) for any person who applies for a paid or volunteer position with the organization, or any subcontractor, in

which the individual would have supervisory or disciplinary authority over a minor under his or her care.

If the contractor, or any subcontractor, is providing services at a City park, playground, recreational center or beach (separately and collectively known as "Recreational Site"), the organization shall not hire, and shall prevent its subcontractors from hiring, any person for employment or a volunteer position if that person has been convicted of any offense that was listed in former Penal Code section 11105.3 (h)(1) or 11105.3(h)(3).

If the organization, or any of its subcontractor, hires an employee or volunteer to provide services to minors at any location other than a Recreational Site, and that employee or volunteer has been convicted of an offense specified in Penal Code section 11105.3(c), then the contractor or its subcontractor must comply with that section and provide written notice to the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer not less than ten (10) days prior to the day the employee or volunteer begins his or her duties or tasks. The contractor shall provide, or make its subcontractors provide, First 5 San Francisco with a copy of any such notice at the same time that it provides notice to any parent or guardian.

The contractor must expressly require all of its subcontractors with supervisory or disciplinary authority over a minor to comply with this requirement as a condition of its contract with the subcontractor.

Other requirements of agencies receiving grant funds include:

- The contractor must comply with the Domestic Partners or Equal Benefits Ordinance. For further information regarding compliance, respondents are encouraged to consult the Human Rights Commission at (415) 252-2500.
- The contractor must comply with the first source hiring program including developing agreements with the City to consider hiring economically disadvantaged individuals for entry-level positions.
- The contractor must comply with the Sunshine Ordinance. In accordance with San Francisco Administrative Code section 67.24(e), contracts, contractors' bids, responses to requests for proposals and all other records of communications between City and persons or firms seeking contracts, shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organizations net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. Information provided that is covered by this paragraph will be made available to the public upon request.
- The contractor must comply with a provision of the Sunshine Ordinance that affects non-profits with at least \$250,000 in City funding and at least one

applicable contract. The ordinance requires the non-profit to hold at least 2 open board meetings, to allow public access to financial records, and to promote community representation on their Board of Directors or equivalent, and to describe in its RFP response all complaints regarding compliance with the Sunshine Ordinance in the last two years, and the resolutions of these complaints.

- The contractor must comply with the San Francisco Children and Families Commission Tobacco-Free Policy – Attachment 4.

Reservations of Rights by First 5 San Francisco

- Issuance of this RFQ does not constitute a commitment by First 5 San Francisco to award a contract. First 5 San Francisco reserves the right to reject any or all proposals received in response to this RFQ, or to cancel this RFQ if it is in the best interest of the funding agencies to do so.
- Actual award of funding is dependent on a successful grant negotiation. During the grant negotiation, First 5 San Francisco may seek modifications to the proposed activities and budget. If a grant agreement cannot be completed within a reasonable time frame, determined by First 5 San Francisco, First 5 San Francisco may terminate negotiations and pursue an agreement with a different applicant.
- Applicants submitting a proposal agree that by submitting a proposal they authorize First 5 San Francisco to verify any or all information contained in the proposal.
- First 5 San Francisco's decision to award a grant to an organization that proposes to use subcontractors to perform the work funded by the grant does not waive First 5 San Francisco's right to approve or disapprove the subcontractors selected.
- First 5 San Francisco reserves the right, after grant award, to amend the resulting contract as needed throughout the term of the contract to best meet the needs of all parties.
- The applicant will comply with all requirements of the City and County of San Francisco and the Funding Agencies.

Allowable Grant Costs

First 5 San Francisco awards are cost reimbursement grants for expenditures described in pre-approved budgets. Except for advances of funds, agencies must incur expenses in pursuit of grant activities prior to reimbursement by First 5 San Francisco.

- Requested funding must be used to implement the types of activities described in the Scope of Work.
- This grant shall be used only to supplement, enhance, or augment existing levels of service or create new services. Funds may be used to continue First 5 San Francisco funded programming.

Unallowable Grant Costs

- Indirect and Administrative costs may not exceed an amount equal to 12% of the total grant amount. In addition, indirect costs may not exceed an amount equal to 15% of the total identified Personnel costs.
- No grant funds shall be used to supplant state or local general fund money for any purpose. In other words, this funding cannot replace other federal, state, or local funds currently used or already planned and committed for expansion activities, nor may grant funds be used to replace existing program revenues.
- Funds cannot be used for activities outside the Scope of Work.
- Funds cannot be used for capital expenditures.
- Funds cannot be used for reimbursement of accruals of employee paid time off (e.g., vacation and sick time accruals)

PROPOSAL COVER SHEET

Please use this form for your front cover.

SAN FRANCISCO CHILDREN AND FAMILIES COMMISSION

RFQ 2007 / 06

Preschool for All Data System

FY 2007 - 2008

Complete the Proposal Cover Sheet
This will serve as the front cover of your proposal.
An official authorized to bind the entity must sign it.

Name of Agency/Organization	
Agency Address	Telephone Number
Program Contact/Title	Telephone Number
Alternate Contact/Title	Telephone Number
	FAX Number
Amount of Grant Application Request	\$
Name of Agency Director	
Signature of Agency Director	
Name of the President of the Board of Directors	
Signature of President of the Board of Directors	

Application Deadline:

October 12, 5:00 p.m.

First 5 San Francisco
San Francisco Children and Families Commission
1390 Market Street, Suite 318
San Francisco, CA 94102

Attachment 2 – Page 1

RFQ 2007- 06 – Preschool for All Data System

Activity Summary Worksheet

Activity or Project Milestone	Timeframe	Output or Deliverable	Rationale

Attachment 4

**SAN FRANCISCO CHILDREN AND FAMILIES COMMISSION
TOBACCO – FREE POLICY**

Section 1. Definitions.

As used in this Policy the term:

“City” shall mean the City and County of San Francisco.

“Commission” shall mean the San Francisco Children and Families Commission.

“Contract” shall mean an agreement for grants to be provided, or for goods or services to be purchased out of the San Francisco Children and Families Trust Fund under the control of the Commission and does not include property grants, agreements entered into pursuant to settlement of legal proceedings, or contracts for a cumulative amount of \$5,000 or less per vendor in each fiscal year.

“Contractor” means any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract all or part of the funding of which comes from the San Francisco Children and Families Trust Fund.

“Director” shall mean the Executive Director of the San Francisco Children and Families Commission.

“Subcontract” shall mean an agreement to provide goods and/or services, including construction, labor, materials or equipment, to a contractor, if such goods or services are procured or used in the fulfillment of the contractor's obligations arising from a contract subject to this Policy.

“Subcontractor” means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a subcontract with a contractor. Such term shall include any person or entity who enters into an agreement with any subcontractor for the performance of 10 percent or more of any subcontract.

Section 3. Tobacco-Free Policy

(a) Policy

Every contract awarded by the Commission shall incorporate by reference and require contractor to comply with the provisions of this section. In addition, all contractors must include or incorporate by reference in all subcontracts and require subcontractors to comply with the requirements of this Policy; failure to do so shall constitute a material breach of contract.

In the performance of a contract, the contractor or subcontractor shall agree as follows:

(1) Smoke-Free Workplaces

The Contractor shall prohibit smoking in its offices, automobiles or at Contractor-sponsored events located in the City and County of San Francisco.

(2) Tobacco Hazards Education and Smoking Cessation Referrals

The Contractor shall make available to clients, employees and community members educational materials, provided by the Commission, on the health hazards of tobacco.

The Contractor shall make available to clients, employees and community members, at the Contractor's offices and service delivery and event sites, information provided by the Commission, regarding smoking cessation services.

(3) Divestment

The Contractor shall divest from any investment in companies that, at the time the Contractor responds to a solicitation of bids from the Commission, derive more than 15 percent of their revenues from tobacco products.

(4) Disclosure of Tobacco Industry Funding

The Contractor shall report annually to the Commission the receipt of any moneys from a person, persons, firm, partnership, corporation, or combination thereof that derives more than 15 percent of its revenue from the production or sales of tobacco products. The report shall include the name of the entity, the amount received, the percentage of the agency's total budget the amount represents, the purpose of the contribution, and any efforts made to obtain alternative funding.

(b) Penalties

(1) Whenever the Director determines that a person or entity under contract with the Commission has violated any provision of the Tobacco-Free Policy described in section, the Director shall have the authority to impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this Policy which shall include, but are not limited to:

(A) Suspension or termination of a contract;

(B) Ordering the withholding of funds due the contractor under any contract with the Commission;

(C) Disqualification of a bidder or contractor from eligibility for providing commodities or services to the Commission for a period not to exceed five years, with a right to review and reconsideration by the Commission after two years upon a showing of corrective action indicating violations are not likely to reoccur.

(2) All contracts shall provide that in the event any contractor fails to comply in good faith with any of the provisions of this Article the contractor shall be liable for liquidated damages in an amount up to five percent of the contractor's net profit under the contract, or ten percent of the total amount of the contract dollars whichever is greater. All contracts shall also contain a provision whereby the contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the Commission upon demand and may be set off against any monies due to the contractor from any contract with the Commission.

Section Four. Waivers and Exceptions

(a) Sole source.

The Director may waive the requirements of this Policy whenever the Director finds that the needed goods or services are available only from a sole source and the prospective contractor is not otherwise currently disqualified from doing business with the City, or from doing business with any governmental agency based on any contract compliance requirements.

(b) No qualified bidders who comply and service/project is essential to City/residents.

After taking all reasonable measures to find an entity that complies with the Policy, the Director may waive any or all of the requirements of this Policy for any contract or bid package advertised and made available to the public, or any competitive or sealed bids received by the Commission as of the date of the enactment of this Policy where the Director determines that there are no qualified responsive bidders or prospective contractors who could be certified by the Commission as being in compliance with the requirements of this Policy and that the contract is for goods, a service or a project that is essential to the City or City residents.

(c) Bulk purchasing arrangements through federal, state, regional or City entities.

The Director may waive the requirements of this Policy where the Director determines that transactions entered into pursuant to bulk purchasing arrangements through federal, State, regional or City entities that actually reduce the Commission's purchasing costs would be in the best interest of the Commission.

(d) Contract serves public benefit.

The Director may waive the requirements of this Policy where the Director determines that the benefit of the contract to the public and the Commission's ability to carry out its charge pursuant to state and local law outweigh the harm in the contractor's noncompliance with the Policy.

(e) Contractor is a public entity.

This Policy shall not apply where the prospective contractor is a public entity or City Commission and the Director finds that the proposed contract is necessary to serve a substantial public interest.

(f) Requirements violate public agency grant and good faith attempt has been made to change conditions of grant.

This Policy shall not apply where the Director finds that the requirements of this Policy would violate or be inconsistent with the terms or conditions of a grant, subvention or agreement with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or agreement, provided that the Director has made a good faith attempt to change the terms or conditions of any such grant, subvention or agreement to authorize application of this Policy.

(g) Retirement and Pension Plans

This Policy shall not apply to a contractor or subcontractor's investment of funds where the funds are held in trust for the benefit of employees or third parties.

(h) Federal or State law

This Policy shall be construed and applied so as not to conflict with applicable federal or State laws, rules or regulations.

Section 5. Effective Date

This policy shall apply to all contracts entered into on or after July 1, 2001.