



Request for Proposals

Services for LGBTQ Families

**Availability of Funds from:
First 5 San Francisco**

August 20, 2007

**Request for Proposals
Services for LGBTQ Families**

Contract Amount:	Up to \$100,000 annually, prorated in first year
Contract Period:	November 15, 2007 to June 30, 2008; Renewable annually to FY 2011/12
Non-Mandatory Bidders Conference	August 30th, 2:30 p.m. – 3:30 p.m. 1390 Market St., Ste. 318, San Francisco, CA
Proposal Due Date:	September 26 th at 5:00 p.m.
Contact Person:	Derik Aoki 415.557.9912

Introduction

First 5 San Francisco is committed to ensuring that all San Francisco children ages 0-5 and their families have access to family support services to enhance child health and safety and strengthen family nurturing and stability. In order to reach this goal, First 5 San Francisco has allocated up to \$100,000 per year to implement activities to support Lesbian, Gay, Bisexual, Transgendered and Queer (LGBTQ) headed families in San Francisco.

The closing date for the submission of applications is 5:00 p.m. SHARP on September 26, 2007. 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.

Hand-deliver one (1) original and nine (9) copies of the application to:

First 5 San Francisco
1390 Market Street, Suite 318
San Francisco, CA 94102
Attn: Derik Aoki

ESTIMATED TIMELINE	
RFP Issued	August 20, 2007
Bidders' Conference	August 30, 2007
Letter of Intent Due	September 6, 2007
Proposals Due	September 26, 2007
Notice of Recommendation for Funding	October 18, 2007 – estimated
Tentative Commission Approval	November 7, 2007
Anticipated Contract Start	November 15, 2007

Minimum Eligibility Requirements

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

- Applicant must be a community-based organization that is nonprofit and tax-exempt under Section 501(c)(3) of the Internal Revenue Code, a part of the San Francisco

Unified School District, City College of San Francisco, San Francisco State University or other educational institution or a professional corporation or partnership.

- Services must be provided to residents of the City and County of San Francisco.
- 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 Content and Instructions section of this RFP**.

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, but include, at minimum, quarterly program reporting via an on-line system and participation in evaluation activities.
3. Contractor must have current insurance coverage (workers compensation, general liability, fidelity bond and automobile, if applicable).
4. Contractor must comply with the criminal screening requirement set forth below.
5. Contractor must prepare monthly online invoices through the Contract Management System for reimbursement of actual expenses.
6. Contractor must be available two times per year for fiscal site visits.
7. Contractor must be available at least two times per year for program site visits.
8. Appropriate contractor staff members must attend all mandatory meetings.

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 – Form G.

Reservations of Rights by First 5 San Francisco

- Issuance of this RFP 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 RFP, or to cancel this RFP 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.
- The funds shall only be used for services to children 0 -5 years old, their families or caregivers, or expecting parents.

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.
- Accruals for staff vacation and sick time off

Purpose of the RFP

The purpose of this RFP is to create activities and services to support LGBTQ headed families in San Francisco.

In its recently approved strategic plan, First 5 San Francisco allocated funds to develop activities to support targeted groups of families to develop communities of mutual support and activities that address those families' unique needs. The communities prioritized by this part of the strategic plan were LGBTQ headed, Asian and Pacific Islander immigrant and homeless families.

LGBTQ headed families have become increasingly visible in San Francisco and the Bay Area. LGBTQ families have diverse family formation experiences – including adoption, kin care giving, parenthood from past heterosexual relationships and use of reproductive technologies. LGBTQ family community represents a broad diversity of ethnic and social economic backgrounds. Researchers and demographers are only just beginning to describe these families. The Human Services Agency reports a high level of interest by LGBTQ individuals to participate in its foster care adoption programs, suggesting LGBTQ families will be a growing community in San Francisco.

In recognition of this developing phenomenon among San Francisco families, First 5 San Francisco convened stakeholder groups of family support service providers and LGBTQ families to obtain a better understanding of the LGBTQ family community and its strengths and needs. This RFP seeks to fund activities in response to their input.

The activities funded by this RFP will address the Improved Family Functioning Desired Outcomes of the First 5 San Francisco Strategic Plan:

- 1) *Families provide nurturing and positive emotional support to their children*
- 2) *Families support their children's social, emotional, cognitive and physical development*
- 3) *Families are connected to a supportive community*

Funding

Available Funding

The allocated funding for this project is up to \$100,000 per year. The initial grant period is estimated to be November 15, 2007 to June 30, 2008 at the prorated funding level of \$62,500. Starting FY 2008/09, the funding available is up to \$100,000 per year. The grant is annually renewable through FY 2011/12. Grant renewal and award amounts are subject to First 5 San Francisco staff review of the project, annual negotiation of grant award and scope of work and continued availability of funds.

Scope of Work

The successful proposal will develop parent education and parent support activities for LGBTQ headed families. The services will address both the unique experiences of LGBTQ families and the universal experience of parenting in a LGBTQ sensitive and safe environment. Through the

development of these services, First 5 San Francisco seeks to support the development of a funded partner agency that will begin to build internal capacity, expertise, and specialization delivering direct services to LGBTQ headed families.

An initial planning period of up to three months will be supported. A service plan design should be developed and delivered to First 5 San Francisco prior to implementation. First 5 San Francisco recognizes that outreach and assessment of need for LGBTQ families may be challenging. However, the opportunity to initiate services for more visible populations that have expressed needs should not be sacrificed in order to gain a complete understanding of populations that are more difficult to assess. As the needs of less visible populations become better understood, amendments to the service plan can be discussed.

The activities described below are required. However, agencies are not limited to these services, and may propose additional services.

All funded agencies will participate in First 5 San Francisco and First 5 California evaluation activities as requested. This activity requires funded agency staff to obtain consent from families to enter their personal information into a secure on-line system.

Planning and Program Development

- Assess the needs of LGBTQ families to determine what supports they would like to access. Assessment should recognize the diversity that exists within the community of LGBTQ families with children – e.g., families formed through adoption, single parents/moms/dads, communities of color, families of mixed cultural heritage, etc.
- Implementation of parent support/education curriculum based on evidence based or promising practices. The curriculum should be adapted to be LGBTQ family appropriate, meet participating family's stated desires and needs, and be available at a frequency and in a format to maximize participation. Curriculum delivery structure should consider developmental age of children and possible parent-child activities.
- Identification and recruitment of staff, other service providers and referral resources that are LGBTQ family competent, including family and child mental health professionals

Program Implementation

- Offer parent education and facilitated peer-to-peer support activities to LGBTQ families on issues that they identify as important. E.g. speaking to children about their origins, support development of cultural heritage in children of multi-ethnic families; provide support in preparing children for forms of discrimination.
- Offer education and support to address the unique experience of LGBTQ families participating in trans-racial adoptions
- Offer parent education and support to address the unique experience of foster care and adoptive LGBTQ families
- Offer parent education and support to LGBTQ families on child development and other parenting topics relevant to families raising children birth to five using an adapted evidence based or promising practice curriculum.

- Ensure referral and linkage to competent mental health professionals for families that would benefit from mental health services.
- Develop outreach, identification and recruitment strategies to facilitate the participation of new families to program activities
- Ensure implementation of diverse outreach strategies including advertisement and other awareness raising strategies.
- Availability of support should be accessible and ongoing, including assessment and consideration of delivering services of this RFP at agencies trained through DCYF's and Our Family Coalition's Cultural Competency Program.
- Partner should have referral relationships with providers who can address issues of families that are beyond the experience and capacity of the funded partner. Referral providers should be available to families of all economic means.

Preferred Qualifications

Agencies funded through this initiative should demonstrate the following qualifications:

1. Demonstrated experience providing direct service to LGBTQ families with young children
2. Demonstrated expertise providing service to families formed through adoption
3. Expertise in creating environments of peer to peer support and community building for individuals that share common experiences
4. Experience providing family support services and parent education, particularly on issues relating to parenting.
5. Ability and capacity to leverage family support activities funded through this initiative with existing agency services.
6. Proven experience in linking families with services and resources of other agencies.
7. Demonstrated ability to implement collection of evaluation data and client feedback to inform program improvement efforts.

Request for Proposal Process and Requirements

Proposal Content and Instructions

To apply for funds, you must hand-deliver one (1) original and nine (9) copies of your proposal to First 5 San Francisco's office at 1390 Market Street, Ste. 318 San Francisco, CA **by 5:00 p.m. on September 26, 2007**. Any proposal that arrives later than the specified deadline, fails to meet the minimum eligibility requirements or fails to follow submission instructions **WILL NOT** be considered for funding.

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.

Copying

Original proposals must be printed only on one side of the paper, while all ten copies must be printed on **both** sides of the paper.

Review Process and Timeline

A proposal review panel(s), consisting of individuals appointed by First 5 San Francisco will review all completed applications that meet the minimum eligibility requirements. Members of the proposal review panel(s) will evaluate and score each proposal, and make a funding recommendation to First 5 San Francisco. First 5 San Francisco will then make the final selection and conduct contract negotiations.

All proposals will be scored on the following requirements:

- ⇒ Agency Experience and Qualifications – 40 points
- ⇒ Program Design – 40 points
- ⇒ Reasonable Budget – 20 points

As part of its proposal evaluation process, First 5 San Francisco staff may elect to visit agency sites and meet with agency staff to discuss elements of the proposal. Staff may also contact others in the community regarding the applicant’s past history and performance.

Pre-Proposal Conference

Agencies intending to submit a proposal are encouraged to attend a pre-proposal conference on August 30, 2:30 p.m. – 3:30 p.m. at 1390 Market St., Room 318. The pre-proposal conference will be an opportunity for agencies to seek clarification on the contents of this RFP.

Letter of Intent

Organizations intending to submit a proposal are requested to submit a Letter of Intent, so that it is received by First 5 San Francisco by September 6, 2007. The Letter of Intent should be on agency letterhead and indicate the agency intent to apply for Family Support Initiative funds. The letter should indicate the specific neighborhood group the proposed services will cover or that the proposal is to provide citywide services. The letters of intent are not binding and are used by First 5 San Francisco staff to anticipate the number of proposal reviewers needed.

The letters of intent are to be mailed or hand delivered to the following address:

*Derik Aoki
First 5 San Francisco
1390 Market Street, Ste. 318*

Proposal Format

Proposal Components and Instructions for Each Page:

All proposals must include the following components in this order:

- **Cover Sheet - Form A:** Fill in all boxes. Not to exceed one (1) page.
- **Check List - Form B:** All applicants must check off each item listed and submit this form with its application. Not to exceed one (1) page.
- **Program Narrative - Form C:** Provide all requested information in a narrative format. See Form C for section page limits.
- **Scope of Work Summary – Form D:** Complete the form as instructed.
- **Budget - Form E:** Complete the Budget Summary and Budget Detail spreadsheets by using the instructions provided for Form E.
- **Proposal Attachments to All Proposal Copies:** The following listed attachments should accompany all copies of the proposal.
 - a. Organization chart for the proposal that shows placement of this project in the lead agency and diagrams relationships with any subcontractors.
 - b. Resumes of key staff and consultants and position descriptions of positions to be hired
 - c. Letters of commitment from key partners, if appropriate.
- **Proposal Attachments to ORIGINAL Proposal Copy:** All requested attachments are related to the lead organization. You need only provide one copy of each requested attachment as part of the original application.
 - a. IRS determination letter of 501(c)(3) status
 - b. Most recently filed Form 990 tax return with attachments (Schedule A)
 - c. Most recent financial statement (audited, if available)
 - d. Current agency global budget
 - e. List of current government grants ending beginning June 2005. List funding agency, grant term and brief description of funded services.

Do not bind proposals with any type of cover, cover page, three ring binder or folder. A binder clip and/or staple(s) are acceptable.

Do not include anything that cannot be photocopied or is folded or oversized. Do not include videotape, audiotape or other multi-media.

APPEAL PROCESS

The decision of First 5 San Francisco is final, and there is no appeal process.

FORM A –COVERSHEET

RFP – LGBTQ Family Services

First 5 San Francisco

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	
Program Contact/Title	Telephone Number
Alternate Contact/Title	Telephone Number
Agency Address	FAX Number
Amount of Grant Application Request- Three year budget	\$
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:
September 26, 5:00 p.m.
at
First 5 San Francisco
1390 Market Street, Ste. 318
San Francisco, CA 94102**

FORM B – CHECK LIST – RFP – FAMILY SUPPORT

Submit one (1) original and ten (10) copies of the following:

FORMS

- _____ Form A: Cover Sheet
- _____ Form B: Check List
- _____ Form C: Program Narrative
- _____ Form D: Scope of Work Summary
- _____ Form E: Budget

ATTACHMENTS TO ALL COPIES OF PROPOSAL

- _____ Organization chart for the proposal that shows placement of this project in the lead agency and diagrams relationships with any subcontractors
- _____ Resumes of key staff and consultants and position descriptions of positions to be hired
- _____ Letters of commitment from key partners, if appropriate

ATTACHMENTS TO ORIGINAL

All requested attachments are related to the lead organization. You need only provide one copy of each requested attachment as part of the original application, not the ten (10) additional copies required for all other forms.

- _____ IRS determination letter of 501(c)(3) status
- _____ Most recently filed Form 990 tax return with attachments (Schedule A)
- _____ Most recent financial statement (audited, if available)
- _____ Agency Current Global Budget
- _____ Listing of government funded grants terminating starting June 2007 and a brief description of the activities funded.

Do not include any materials or attachments other than those listed above. Additional materials will be discarded, and they will not be provided to the proposal review panel.

FORM C – PROGRAM NARRATIVE

Instructions: Please provide the following information in narrative format. Your response will be read and scored by outside reviewers, so please be clear and concise in your answers. In order to make your proposal easier to read and score, your narrative should follow the structure outlined on the following pages, and each section should include the titles listed below in bold. Be sure to stay within the page limits listed for each section.

Agency Experience and Qualifications (7 page limit)

- Describe the mission and of your agency
- Describe the existing programs and expertise of your agency that would be available to leverage the activities of this RFP
- Describe your experience providing service to LGBTQ families with young children and/or families formed through adoption
- Describe your agency experience incorporating programming utilizing professionally licensed behavior professionals (e.g., psychologist, MFT, etc.) How does the agency ensure these services are family friendly?
- Identify the key staff and their relevant experience who will be responsible for management and implementation of the proposed activities
- Identify any other unique experience or qualifications that may facilitate achievement of the requested activities

Program Design (7 page limit)

The RFP describes the programmatic framework for the activities to be funded by the LGBTQ Family Services project. In this section, describe the program to be implemented through this proposal.

For each component, describe the proposed activities that will be created to satisfy the required activities and non-required proposed activities and the responsible staff. Provide a rationale for program design. Please make note of any partnership arrangements that have been made pending confirmation of funding and/or program elements, staff, etc. that have been identified as needed, but not yet specifically defined or identified. Estimate the frequency of program offerings and the number of families and children to be served.

I. Planning and Program Development

II. Program Implementation

Complete Form D to provide a summary timeline of the first year of funded activities.

FORM E – BUDGET INSTRUCTIONS and BUDGET REQUEST FORM

Use Attachment 3 to create a line item budget for 1) an initial planning and ramp up period and 2) a full year of operation.

Please provide the amount being requested from the funding agencies in the amount requested column. If there is other funding being leveraged for a budget line, report that amount in the “Funding from other Sources – Cash” column. If there are other resources being leveraged for a budget line, report the value of those resources in the “Funding from other Sources – In-Kind” column. Provide a total of the resources committed to the project in the “Total” column.

This contract will be cost-reimbursable, meaning it is based on actual expenditures. Grantees are required to maintain documentation of all program expenses billed to the activities funded through this RFP, and you will be asked to produce receipts, cancelled checks and supporting documents during the fiscal site visit.

A. Personnel: List the position titles, percentage full-time equivalent (FTE, e.g., 100 for 1FTE, 50% for .5FTE) for the entire program personnel, and the hourly pay rate for all staff members. Listing the hourly pay rate is particularly important because all funded programs should be in compliance with San Francisco’s Minimum Compensation Ordinance. The text of the Minimum Compensation Ordinance can be found online at <http://www.sfgov.org/oca/lwlh.htm>.

B. Fringe Benefits/Taxes: While you are not required to show calculations for fringe benefits and taxes related to each employee on the budget form, you are required to show these calculations as part of the budget narrative.

C. Professionals/Consultants: This category should include payments made to individuals who provide special services in order to help you operate your program, but who are not employees, such as consultants, trainers or evaluators. Outside consultants that are paid to provide staff development services should also be included here. Please follow the instructions provided on Form F for this section and show all calculations.

D. Subcontractors: This refers to subcontractors who provide services to your target population to help enhance your program. Subcontractors are usually other nonprofit, community-based organizations. The total listed here should only reflect the subcontractor’s program expenses; the subcontractor’s administrative expenses should be listed on a separate line in the Administrative Expenses portion of the budget spreadsheet.

E. Program Materials and Supplies: List all materials and supplies used by your program. This includes paper and pencils, books, arts and crafts supplies and recreational equipment, for example. This category should also include reproduction costs for program materials. Please show all calculations.

F. Other Program Expenses: This category is for items that do not fit into any of the above categories. For example, costs for criminal screening and fingerprinting can be shown here. Other examples include youth stipends, field trips, special events, mileage, MUNI fast passes, bus rentals, graduation ceremonies and food for participants.

Please break out your program's other expenses, and do not include a line item titled "Other Program Expenses" with a lump sum amount.

G. Administrative or Indirect Costs: The total indirect cost allocation to a grant may not exceed 15% of total personnel costs (salary and benefit). In addition, the total administrative and indirect costs may not exceed 12% of the total grant budget.

Indirect Costs

Allowed prorated indirect costs include audit, insurance, bookkeepers, accounting services, payroll, the executive director's salary and other administrative support salaries. In addition, this category includes the prorated cost of administrative postage, rent, equipment lease, utilities, pagers, phone bills, cellular phone bills, janitorial services, insurance, Internet lines, etc.

Administrative Costs

List the position titles, percentage full-time equivalent (FTE, e.g., 100 for 1FTE, 50% for .5FTE) for administrative personnel charged to this grant, and the hourly pay rate for all staff members. Listing the hourly pay rate is particularly important because all funded programs should be in compliance with San Francisco's Minimum Compensation Ordinance. The text of the Minimum Compensation Ordinance can be found online at <http://www.sfgov.org/oca/lwlh.htm>.

Form G

**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.