



SHERIFF'S DEPARTMENT

REQUEST FOR PROPOSALS FOR INMATE COMMISSARY AND VENDING SERVICES RFP NO. 525-SH

REVISED UNDER BULLETIN #2

**January 2024
Prepared By
County of Los Angeles**

These guidelines are intended to provide general information only and are subject to revision. The rights and obligations of any party contracting with the County will be determined in accordance with the terms of the applicable contract and applicable law.

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1.0 INTRODUCTION

- 1.1 The Los Angeles County (County) Sheriff's Department (Department) is issuing this Request for Proposals (RFP) to enter into a revenue-sharing Contract with an organization that can provide commissary and vending services to inmate residents of the Department's custody facilities. These services generate revenue that is deposited into the Inmate Welfare Fund (IWF) and spent on inmate educational programs, vocational training and other services.

The County's Board of Supervisors (Board) has enacted a motion to minimize the financial burden to the County's justice-involved population and their families. The County finds that the visible and hidden costs of incarceration excessively impact low-income communities and communities of color. Additionally, the County has found that the purchase of commissary items to supplement meals takes an unnecessary financial toll on these families. It is the Department's intent to help alleviate the financial burden by contracting with a vendor who can provide commissary and vending goods at the same average price of local retailers.

Currently, inmates may order commissary products once per week. Orders are processed within 12 hours of being collected by Contractor. Concurrently, vending machines are provided within the Department's custody facilities to supplement commissary products made available to inmates.

The average daily inmate population under the care of the Department is 13,886. The Department currently processes approximately 450,000 orders annually. An inmate's maximum spending limit is set at \$300 per week, not inclusive of web orders. The average inmate order is approximately \$58.44 per week for commissary products, exclusive of vending machine debit cards. The average inmate vending machine transaction is approximately \$3.77 per week. **These statistics are provided to give potential Proposers estimates which may be used at the complete discretion of Proposer. The County makes no representation or guarantee as to future sales or revenue, as actual total commissary sales depend upon multiple factors outside the control of the County. These statistics shall not be construed by Proposer or any selected Contractor as a guarantee of any minimum amount of commissary or vending sales.**

- 1.2 Titles, captions and headings contained in this solicitation are inserted as a matter of convenience and for reference and are not intended and shall not be deemed or construed to define, limit, extend or otherwise describe the scope or any provision of this solicitation.

2.0 PURPOSE-CONTRACT FOR INMATE COMMISSARY AND VENDING SERVICES

2.1 Statement of Work (SOW)

2.1.1 The Department's commissary and vending services operation provides inmates with an opportunity to purchase a variety of commissary-style products via commissary orders and vending machines located within the Department's custody facilities.

2.1.2 Commissary and vending services are currently provided at the eight Department custody facilities listed in Paragraph 2.1 of Exhibit A (Statement of Work) to this RFP.

2.1.3 The County, in its sole discretion, reserves the right to open, close, and/or combine housing locations.

2.2 Sample Contract: County Terms and Conditions

Contractor will be expected to implement the requirements outlined in Appendix A (Sample Contract), Exhibit A (Statement of Work), and Exhibit 10 (Business and Technical Requirements Response Matrix) to Appendix B (Required Forms).

2.2.1 Anticipated Contract Term

The term of the resultant contract will commence upon execution of the contract by the County and the selected Contractor and will continue for a period of six years.

The County will have the option to extend the term of the contract for up to four one-year option periods, for a total contract term not to exceed ten years. Each one-year option period shall be exercised utilizing an amendment pursuant to Paragraph 8.1 (Amendments and Change Notices) of Appendix A (Sample Contract), to this RFP.

2.2.2 Contract Rates

2.2.2.1 The County's percentage of revenue will remain firm and fixed for the initial term and any option periods exercised by the County. It is the responsibility of Proposer, in calculating commissary and vending menu proposal prices, to take into consideration the possible escalation of materials and other costs throughout the entire term of the contract.

2.2.2.2 Contractor must assume all costs associated with the purchase, installation and maintenance of all required vending machines [refer to Attachment C (Equipment Location and Specifications) to Exhibit A

(Statement of Work)], and any subsequent relocation and/or removal of vending machines requested by the County throughout the entire term of the contract.

2.2.3 Days of Operation

Contractor must provide services Monday through Friday (business days) as further detailed in Exhibit A (Statement of Work) to Appendix A (Sample Contract). Contractor is not required to provide services on County-recognized holidays. A list of County-recognized holidays can be found in Paragraph 3.1.3 (County Holidays) of Exhibit A (Statement of Work) to Appendix A (Sample Contract).

2.2.4 Indemnification and Insurance

Contractor must comply with all provisions contained in Paragraph 8.23 (Indemnification) of Appendix A (Sample Contract). For the duration of the contract, including the option extensions, Contractor must procure, maintain and provide the County with certificates of insurance for all programs listed in Paragraphs 8.24 (General Provisions for all Insurance Coverage) and 8.25 (Insurance Coverage) of Appendix A (Sample Contract) to this RFP.

3.0 PROPOSER'S MINIMUM MANDATORY REQUIREMENTS

Interested and qualified Proposers that can demonstrate their ability and qualifications to successfully provide the required services outlined in Exhibit A (Statement of Work) to Appendix A (Sample Contract), are invited to submit a proposal(s), provided they: (a) meet the following Minimum Mandatory Requirements, and (b) meet, or will meet all business and functional requirements listed in Exhibit 10 (Business and Technical Requirements Response Matrix) to Appendix B (Required Forms) by the contract effective date.

3.1 Proposer's Minimum Mandatory Requirements

3.1.1 Proposer must have a minimum of three consecutive years of experience, within the last five years, providing inmate commissary and vending machine* services comparable to the services identified in Exhibit A (Statement of Work) to Appendix A (Sample Contract) to this RFP, to at least one federal, state, or county correctional system under one single governmental agency consisting of one or more jails with a minimum average daily inmate population of 4,000.

*Proposer may subcontract vending machine services, see Minimum Mandatory Requirement 3.2 (Proposer's Subcontracted Vending Services Requirements (If Applicable)) below.

Proposer must provide references and complete and submit Exhibit 8 (Proposer's List of References) of Appendix B (Required Forms) to verify this Minimum Mandatory Requirement.

- 3.1.2 Proposer must have earned an overall minimum gross revenue of at least \$9,000,000 per year for a minimum of three consecutive years, within the last five years, from commissary sales. Of the \$9,000,000, Proposer must have earned at least \$1,000,000 per year from vending machine* gross sales.

*Proposer may subcontract vending machine services, see Minimum Mandatory Requirement 3.2 (Proposer's Subcontracted Vending Services Requirements (If Applicable)) below.

Proposer must provide documentation to verify this Minimum Mandatory Requirement.

- 3.1.3 Proposer must have experience providing vending machine* services to five different physical street addresses simultaneously, for a one-year period, within the past five years.

*Proposer may subcontract vending machine services, see Minimum Mandatory Requirement 3.2 (Proposer's Subcontracted Vending Services Requirements (If Applicable)) below.

Proposer must provide references and complete and submit Exhibit 8 (Proposer's List of References) to Appendix B (Required Forms), to verify this Minimum Mandatory Requirement.

- 3.1.4 If Proposer's compliance with a County contract has been reviewed by the Department of the Auditor-Controller within the last ten years, Proposer must not have unresolved questioned costs that have been identified by the Auditor-Controller, in an amount over \$100,000.00, that are confirmed to be disallowed costs by the contracting County department, and remain unpaid for six months or more from the date of disallowance, unless such disallowed costs are the subject of current good faith negotiations to resolve the disallowed costs, in the opinion of the County.

3.2 Proposer's Subcontracted Vending Services Requirements (If Applicable)

- 3.2.1 If vending machine services are to be subcontracted, subcontractor must have a minimum of three consecutive years of experience, within the past five years, providing vending machine services comparable to the services identified in Exhibit A (Statement of Work) and Appendix A (Sample Contract), to at least one federal, state, or county correctional system under one single governmental agency.

Proposer must provide subcontractors' references and complete and submit Exhibit 8 (Proposer's List of References) to Appendix B (Required Forms) to verify that subcontractor meets this Minimum Mandatory Requirement.

- 3.2.2 If vending machine services are to be subcontracted, subcontractor must have earned at least \$1,000,000 per year for a minimum of three consecutive years, within the last five years, from vending machine gross sales.

Proposer must provide documentation to verify that subcontractor meets this Minimum Mandatory Requirement.

- 3.2.3 If vending machine services are to be subcontracted, subcontractor must have experience providing vending machine services to five different physical street addresses simultaneously, for a one-year period, within the past five years.

Proposer must provide subcontractors references and complete and submit Exhibit 8 (Proposer's List of References) to Appendix B (Required Forms), to verify that subcontractor meets this Minimum Mandatory Requirement.

- 3.2.4 If vending machine services are to be subcontracted, the selected Contractor must bear complete responsibility for all aspects of the vending service.

Proposer must provide a statement affirming this Minimum Mandatory Requirement in writing as part of their proposal.

- 3.2.5 If vending machine services are to be subcontracted, the selected Contractor is responsible for all vending machine equipment acquisitions, installations, maintenance, and repairs.

Proposer must provide a statement affirming this Minimum Mandatory Requirement in writing as part of their proposal.

4.0 COUNTY'S RIGHTS AND RESPONSIBILITIES

4.1 Representations Made Prior to Contract Execution

The County is not responsible for representations made by any of its officers or employees prior to the execution of the contract unless such understanding or representation is included in the final, executed contract.

4.2 Final Contract Award by the Board of Supervisors

Notwithstanding a recommendation of a department, agency, individual, or other, the Board retains the right to exercise its judgment concerning the selection of a proposal, the terms of any resultant contract, and to determine which proposal best serves the

interests of the County. The Board, as the ultimate decision-making body, makes the final determinations necessary to arrive at a decision to award or not award a contract.

4.3 County's Option to Reject Proposals

Proposers are hereby advised that this RFP is a solicitation for proposals only, and is not intended, and is not to be construed as, an offer to enter into a contract or as a promise to engage in any formal competitive bidding or negotiations pursuant to any statute, ordinance, rule, or regulation. The County may, at its sole discretion, reject any or all proposals submitted in response to this RFP or may, in its sole discretion, reject all proposals and cancel this RFP in its entirety. The County will not be liable for any costs incurred by a Proposer in connection with the preparation and submission of any proposal. The County reserves the right to waive inconsequential disparities in a submitted proposal.

4.4 County's Right to Amend Request for Proposals

The County has the right to amend this RFP by written addenda. The County is responsible only for that which is expressly stated in the solicitation document and any authorized written addenda thereto. Addenda will be made available to each person or organization that County records indicate has received or responded with their intent to submit a proposal to this RFP. Should an addendum require additional information not previously requested, failure to address the requirements of such addendum may result in the proposal being found non-responsive and not being considered, as determined in the sole discretion of the County. The County is not responsible for and will not be bound by any representations otherwise made by any individual acting or purporting to act on its behalf.

4.5 Background and Security Investigations

At any time prior to or during the term of the contract, all Contractor staff, including subcontractors performing services under the contract, will be required to undergo and pass a background investigation to the satisfaction of the County as a condition of beginning and continuing services under the contract, see Paragraph 7.5 (Background and Security Investigations) of Appendix A (Sample Contract) and Paragraph 3.2.2.2 (Background and Security Clearance) of Exhibit A (Statement of Work) to this RFP.

5.0 NOTIFICATION TO PROPOSERS

5.1 Notice to Proposers Concerning the Public Records Act

5.1.1 Responses to this solicitation will become the exclusive property of the County. Absent extraordinary circumstances, the recommended Proposer's proposal will become a matter of public record when: (a) contract negotiations are complete, (b) the Department receives a letter from the recommended Proposer's authorized officer that the negotiated contract is the firm offer of the recommended Proposer,

and (c) the Department releases a copy of the recommended Proposer's proposal in response to a Notice of Intent to Request a Proposed Contractor Selection Review under Board Policy No. 5.055 ([Services Contract Solicitation Protest](#)).

Notwithstanding the above, absent extraordinary circumstances, all proposals will become a matter of public record when the Department's Proposer recommendation appears on the Board agenda.

Exceptions to disclosure are those parts or portions of all proposals that are justifiably defined as business or trade secrets, and plainly marked by Proposer as "Trade Secret," "Confidential," or "Proprietary."

5.1.2 The County will not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the California Public Records Act or otherwise by law. A blanket statement of confidentiality or the marking of each page of the proposal as confidential will not be deemed sufficient notice of exception. Proposers must specifically label only those provisions of their respective proposal which are "Trade Secrets," "Confidential," or "Proprietary," in nature.

5.1.3 In the event the County is required to defend an action on a Public Records Act request for any of the aforementioned documents, information, books, records, and/or contents of a proposal marked "Confidential," "Trade Secrets," or "Proprietary," Proposer agrees to defend and indemnify the County for all costs and expenses, including reasonable attorneys' fees, incurred in connection with any action, proceedings, or liability arising in connection with the Public Records Act request.

5.2 Contact with County Personnel

All contact regarding this RFP, or any matter relating thereto must be in writing and must be e-mailed to:

Contract Analyst: Steve Lopez
E-mail address: s7lopez@lasd.org

If it discovered that Proposer contacted and received information from any County personnel other than the person specified above regarding this solicitation, the County in its sole determination may disqualify their proposal from further consideration.

5.3 Mandatory Requirement to Register on County's WebVen

Prior to a contract award, all potential Contractors must register in the County's WebVen. WebVen contains Vendor's business profile and identifies the goods/services the business provides. Registration can be accomplished online via the internet by accessing the County's home page at:

5.4 Protest Policy Review Process

- 5.4.1 Under Board Policy No. 5.055 ([Services Contract Solicitation Protest](#)) any prospective Proposer may request a review of the requirements under a solicitation for a Board-approved services contract, as described in Paragraph 5.4.3 (Grounds for Review) below. Additionally, any actual Proposer may request a review of a disqualification or of a proposed contract award under such a solicitation, as described respectively in the Paragraphs below. It is the responsibility of Proposer challenging the decision of a County department to demonstrate that the department committed a sufficiently material error in the solicitation process to justify invalidation of a proposed contract award.
- 5.4.2 Throughout the review process, the County has no obligation to delay or otherwise postpone an award of contract based on a Proposer's protest. In all cases, the County reserves the right to make an award when it is determined to be in the best interest of the County to do so.

5.4.3 Grounds for Review

Unless state or federal statutes or regulations otherwise provide, the grounds for review of a solicitation for a Board-approved services contract provided for under Board Policy No. 5.055 ([Services Contract Solicitation Protest](#)) are limited to the following:

- 5.4.3.1 Solicitation Requirements Review [reference Paragraph 9.1 (Solicitation Requirements Review) below].
- 5.4.3.2 Disqualification Review [reference Paragraph 9.2 (Disqualification Review) below].
- 5.4.3.3 Department's Proposed Contractor Selection Review [reference Paragraph 9.3 (Department's Proposed Contractor Selection Review) below].

5.5 Conflict of Interest

No County employee whose position in the County enables them to influence the selection of a Contractor for this RFP, or any competing RFP, nor any spouse or economic dependent of such employees, will be employed in any capacity by a Proposer or have any other direct or indirect financial interest in the selection of a Contractor. Proposer must certify that they are aware of and have read [Section 2.180.010 of the Los Angeles County Code](#) as stated in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms) to this RFP.

5.6 Determination of Proposer Responsibility

- 5.6.1 A responsible Proposer is a Proposer who has demonstrated the attribute of trustworthiness, as well as quality, fitness, capacity and experience to satisfactorily perform the contract. It is the County's policy to conduct business only with responsible Proposers.
- 5.6.2 Proposers are hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may determine whether Proposer is responsible based on a review of Proposer's performance on any contracts, including but not limited to County contracts. Particular attention will be given to violations of labor laws related to employee compensation and benefits, and evidence of false claims made by Proposer against public entities. Labor law violations which are the fault of the subcontractors and of which Proposer had no knowledge, nor should have known, will not be the basis of a determination that Proposer is not responsible.
- 5.6.3 The County may declare a Proposer to be non-responsible for purposes of the contract if the Board, in its discretion, finds that Proposer has done any of the following: (a) violated a material term of a contract with the County or a nonprofit corporation created by the County, (b) committed an act or omission which negatively reflects on Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same, (c) committed an act or omission which indicates a lack of business integrity or business honesty, or (d) made or submitted a false claim against the County or any other public entity.
- 5.6.4 If there is evidence that the apparent highest ranked Proposer may not be responsible, the Department will notify Proposer in writing of the evidence relating to Proposer's responsibility, and its intention to recommend to the Board that Proposer be found not responsible. The Department will provide Proposer and/or Proposer's representative with an opportunity to present evidence as to why Proposer should be found to be responsible and to rebut evidence which is the basis for the Department's recommendation.
- 5.6.5 If Proposer presents evidence in rebuttal to the Department, the Department will evaluate the merits of such evidence, and based on that evaluation, make a recommendation to the Board. The final decision concerning the responsibility of Proposer will reside with the Board.
- 5.6.6 These terms will also apply to proposed subcontractors of Proposers on County contracts.

5.7 Proposer Debarment

- 5.7.1 Proposer is hereby notified that, in accordance with [Chapter 2.202 of the County Code](#), the County may debar Proposer from bidding or proposing on, or being awarded, and/or performing work on other County contracts for a specified period of time, which generally will not exceed five years but may exceed five years or be permanent if warranted by the circumstances, and the County may terminate any or all of Proposer's existing contracts with the County, if the Board finds, in its discretion, that Proposer has done any of the following: (a) violated a material term of a contract with the County or a nonprofit corporation created by the County, (b) committed an act or omission which negatively reflects on Proposer's quality, fitness or capacity to perform a contract with the County, any other public entity, or a nonprofit corporation created by the County, or engaged in a pattern or practice which negatively reflects on same, (c) committed an act or offense which indicates a lack of business integrity or business honesty, or (d) made or submitted a false claim against the County or any other public entity. These terms will also apply to proposed subcontractors of Proposers on County contracts.
- 5.7.2 A listing of contractors that are currently on the debarment list for the County may be obtained on the following website:
<https://doingbusiness.lacounty.gov/listing-of-contractors-debarred-in-los-angeles-county/>.

5.8 Gratuities

5.8.1 Attempt to Secure Favorable Treatment

It is improper for any County elected official, officer, employee or agent to solicit consideration, in any form, from a Proposer with the implication, suggestion or statement that Proposer's provision of the consideration may secure more favorable treatment for Proposer in the award of the Contract or that Proposer's failure to provide such consideration may negatively affect the County's consideration of Proposer's submission. Proposer must not offer or give either directly or through an intermediary, consideration, in any form, to a County elected official, officer, employee or agent for the purpose of securing favorable treatment with respect to the award of a contract.

5.8.2 Proposer Notification to County

Proposer must immediately report any attempt by a County elected official, officer, employee or agent to solicit such improper consideration. The report must be made either to the County manager charged with the supervision of the employee or to the County Auditor-Controller's Employee Fraud Hotline at (800) 544-6861. Failure to report such a solicitation may result in Proposer's submission being eliminated from consideration.

5.8.3 Form of Improper Consideration

Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts.

5.9 Notice to Proposers Regarding the County Lobbyist Ordinance

The Board has enacted an ordinance regulating the activities of persons who lobby County officials. This ordinance, referred to as the "Lobbyist Ordinance", defines a County Lobbyist and imposes certain registration requirements upon individuals meeting the definition. The complete text of the ordinance can be found in [County Code Chapter 2.160](#). In effect, each person, corporation or other entity that seeks a County permit, license, franchise or contract must certify compliance with the ordinance. As part of this solicitation process, it will be the responsibility of each Proposer to review the ordinance independently as the text of said ordinance is not contained within this RFP. Thereafter, each person, corporation or other entity submitting a response to this solicitation, must certify that each County Lobbyist, as defined by [Los Angeles County Code Section 2.160.010](#), retained by Proposer is in full compliance with [Chapter 2.160 of the Los Angeles County Code](#) and each such County Lobbyist is not on the County Chief Executive Office's List of Terminated Registered Lobbyists.

5.10 Consideration of GAIN-GROW Participants for Employment

5.10.1 As a threshold requirement for consideration for contract award, Proposers must demonstrate a proven record of hiring participants in the County's [Department of Public Social Services Greater Avenues for Independence \(GAIN\) or General Relief Opportunity for Work \(GROW\) Programs](#) or must attest to a willingness to consider GAIN-GROW participants for any future employment openings if they meet the minimum qualifications for that opening. Proposers must attest to a willingness to provide employed GAIN-GROW participants access to Proposers' employee mentoring program, if available, to assist these individuals in obtaining permanent employment and/or promotional opportunities.

5.10.2 Proposers who are unable to meet this requirement will not be considered for contract award. Proposers must submit a completed Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), along with their proposal.

5.11 Jury Service Program

5.11.1 The prospective contract is subject to the requirements of the County's Contractor Employee Jury Service Ordinance ("Jury Service Program") ([Los Angeles County Code, Chapter 2.203](#)) and Paragraph 8.8 (Compliance with the County's Jury Service Program) of Appendix A (Sample Contract), both of which are incorporated by reference into and made a part of this RFP. The Jury Service Program applies to both Contractors and their subcontractors.

5.11.2 Contractor must certify compliance with the County's Contractor Employee Jury Service Ordinance in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms). If a Contractor does not fall within the Jury Service Program's definition of "Contractor" or if it meets any of the exceptions to the Jury Service Program, then Contractor must so indicate in Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), and include with its submission all necessary documentation to support the claim such as tax returns or a collective bargaining agreement, if applicable. Upon reviewing Contractor's application, the County will determine, in its sole discretion, whether Contractor falls within the definition of Contractor or meets any of the exceptions to the Jury Service Program. The County's decision will be final.

5.12 Notification to County of Pending Acquisitions/Mergers by Proposing Company

Proposer must notify the County of any pending acquisitions/mergers of its company unless otherwise legally prohibited from doing so. If Proposer is restricted from legally notifying the County of pending acquisitions/mergers, then it should notify the County of the actual acquisitions/mergers as soon as the law allows and provide to the County the legal framework that restricted it from notifying the County prior to the actual acquisitions/mergers. This information must be provided by Proposer in Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix B (Required Forms). Failure of Proposer to provide this information may eliminate its proposal from any further consideration. Proposer will have a continuing obligation to notify the County and update any changes to its response in Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix B (Required Forms) during the solicitation.

5.13 Intentionally Omitted

5.14 Defaulted Property Tax Reduction Program

5.14.1 The prospective contract is subject to the requirements of the County's Defaulted Property Tax Reduction Program ("Defaulted Tax Program"), ([Los Angeles County Code, Chapter 2.206](#)). Prospective Contractors should reference the pertinent provisions in Paragraphs 8.53 (Warranty of Compliance with County's Defaulted Property Tax Reduction Program) and 8.54 (Termination for Breach of Warranty to Maintain Compliance with County's Defaulted Property Tax Reduction Program) of Appendix A (Sample Contract), both of which are incorporated by reference into and made a part of this solicitation. The Defaulted Tax Program applies to both Contractors and their subcontractors.

5.14.2 Proposers are required to certify that they are in full compliance with the provisions of the Defaulted Tax Program and must maintain compliance during the term of any contract that may be awarded pursuant to this solicitation or must certify that they are exempt from the Defaulted Tax Program by completing Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms). Failure to maintain compliance, or to timely cure defects, may be cause for termination of a contract

or initiation of debarment proceedings against the non-compliant Contractor or subcontractor ([Los Angeles County Code, Chapter 2.202](#)).

5.14.3 Proposals that fail to comply with the certification requirements of the Defaulted Tax Program will be considered non-responsive and excluded from further consideration.

5.15 Proposer's Acknowledgement of County's Commitment to Zero Tolerance Policy on Human Trafficking

5.15.1 On October 4, 2016, the Board approved a motion taking significant steps to protect victims of human trafficking by establishing a zero-tolerance policy on human trafficking. The policy prohibits Contractors engaged in human trafficking from receiving contract awards or performing services under a County contract.

5.15.2 Contractors are required to complete Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), certifying that they are in full compliance with the County's Zero Tolerance Policy on Human Trafficking provision as defined in Paragraph 8.56 (Compliance with County's Zero Tolerance Policy on Human Trafficking) of Appendix A (Sample Contract). Further, Contractors are required to comply with the requirements under said provision for the term of any contract awarded pursuant to this solicitation.

5.16 Intentionally Omitted

5.17 Default Method of Payment: Direct Deposit or Electronic Funds Transfer (EFT)

5.17.1 The County, at its sole discretion, has determined that the most efficient and secure default form of payment for goods and/or services provided under a contract with the County is Electronic Funds Transfer (EFT) or direct deposit, unless an alternative method of payment is deemed appropriate by the Auditor-Controller (A-C).

5.17.2 Upon contract award or at the request of the A-C and/or the contracting department, Contractor must submit a direct deposit authorization request with banking and vendor information, and any other information that the A-C determines is reasonably necessary to process the payment and comply with all accounting, record keeping, and tax reporting requirements.

5.17.3 Any provision of law, grant, or funding agreement requiring a specific form or method of payment other than EFT or direct deposit will supersede this requirement with respect to those payments.

5.17.4 Upon contract award or at any time during the duration of a contract, a Contractor may submit a written request for an exemption to this requirement. The A-C, in

consultation with the contracting department(s), will decide whether to approve exemption requests.

5.18 Proposer's Acknowledgement of County's Commitment to Fair Chance Employment Hiring Practices

5.18.1 On May 29, 2018, the Board approved a Fair Chance Employment Policy in an effort to remove job barriers for individuals with criminal records. The policy requires businesses that contract with the County to comply with fair chance employment hiring practices set forth in California Government Code [Section 12952](#).

5.18.2 Proposers are required to complete Exhibit 2 (Certification of Compliance) of Appendix B (Required Forms), certifying that they, and their subcontractors, are in full compliance with [Section 12952](#), as indicated in Appendix A (Sample Contract). Further, Contractors and their subcontractors are required to comply with the requirements under [Section 12952](#) for the term of any contract awarded pursuant to this solicitation.

5.19 Prohibition from Participation in Future Solicitation(s)

A Proposer, or a Contractor or its subsidiary or subcontractor ("Proposer/Contractor"), is prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has provided advice or consultation for the solicitation. A Proposer/Contractor is also prohibited from submitting a bid or proposal in a County solicitation if the Proposer/Contractor has developed or prepared any of the solicitation materials on behalf of, or in collaboration with the County. A violation of this provision will result in the disqualification of the Contractor/Proposer from participation in the County solicitation or the termination or cancellation of any resultant County contract ([Los Angeles County Code, Chapter 2.202](#)).

5.20 Intentionally Omitted

5.21 Community Business Enterprise (CBE) Participation

5.21.1 The County has adopted a CBE Program, which includes business enterprises owned by disabled veterans, disadvantaged business enterprises, minority and women-owned businesses, and lesbian, gay, bisexual, transgender, queer, and questioning-owned business enterprises. The County has established a 25% annual participation goal, County-wide and for other County contracting authorities. The program also maintains data on the types of businesses registered as CBEs and their utilization. Proposer's CBE participation must be reflected in Exhibit 5 (Community Business Enterprise (CBE) Information) of Appendix B (Required Forms).

5.21.2 All Proposers must document good faith efforts it has taken to assure that CBEs are utilized, when possible, to provide supplies, equipment, technical services, and other services under the contract. Proposer must make documents related to these good faith efforts available to the County upon request.

5.21.3 To obtain a list of firms that are certified by the County in the CBE Program, send an e-mail request to the County of Los Angeles Workforce Development Aging and Community Services (WDACS): CBESBE@wdacs.lacounty.gov with the subject "Request for CBE Listing." For additional information contact the Office of Small Business at: (844) 432-4900 or at OSB@wdacs.lacounty.gov.

5.21.4 The County strongly encourages participation by CBEs; however, the final selection will be made without regard to race, color, creed, or gender. The final selection will be based on Proposer's ability to provide the best service and value to the County.

6.0 COUNTY'S PREFERENCE PROGRAMS

6.1 Overview of County's Preference Programs

6.1.1 The County has three preference programs. The Local Small Business Enterprise (LSBE), Disabled Veteran Business Enterprise (DVBE), and Social Enterprise (SE). The Board encourages business participation in the County's contracting process by continually streamlining and simplifying our selection process and expanding opportunities for these businesses to compete for County opportunities.

6.1.2 The Preference Programs (LSBE, SE, and DVBE) require that a business complete certification prior to requesting a preference in a solicitation. This program and how to obtain certification are further explained in Paragraphs 6.2 (Local Small Business Enterprise (LSBE) Preference Program), 6.4 (Social Enterprise (SE) Preference Program), and 6.5 (Disabled Veteran Business Enterprise (DVBE) Preference Program) below. Additional information on the County's preference programs is also available on the Department of Consumer and Business Affairs (DCBA) website at: <http://dcba.lacounty.gov>.

6.1.3 In no case will the Preference Programs (LSBE, SE, and DVBE) price or scoring preference be combined with any other County preference program to exceed 15% in response to any County solicitation.

6.1.4 Sanctions and financial penalties may apply to a business that knowingly, and with intent to defraud, seeks to obtain or maintain certification as a certified LSBE, DVBE, or SE when not qualified.

6.2 Local Small Business Enterprise (LSBE) Preference Program

- 6.2.1 The County will give LSBE preference during the solicitation process to businesses that meet the definition of an LSBE for solicitations subject to the federal restriction on geographical preferences, consistent with [Chapter 2.204.030C.2 of the Los Angeles County Code](#).
- 6.2.2 The business must be certified by DCBA prior to requesting the LSBE Preference in a solicitation. To apply for certification as an LSBE, businesses should contact DCBA at <http://dcba.lacounty.gov>.
- 6.2.3 Certified LSBEs may only request the preference if the certification has been completed and affirmed. Businesses requesting the LSBE preference must complete and submit Exhibit 3 (Request for Preference Consideration) of Appendix B (Required Forms), and submit their LSBE certification approval letter ("Certification for Federally Funded Solicitations") from the DCBA with their proposal.

6.3 Local Small Business Enterprise (LSBE) Prompt Payment Program

It is the intent of the County that certified LSBEs receive prompt payment for services they provide to County departments. Prompt payment is defined as 15 calendar days after receipt of an undisputed invoice consistent with [Chapter 3.035 of the Los Angeles County Board of Supervisors Policy Manual](#).

6.4 Social Enterprise (SE) Preference Program

- 6.4.1 The County will give SE preference during the solicitation process to businesses that meet the definition of an SE for solicitations subject to the federal restriction on geographical preferences, consistent with [Chapter 2.205 of the Los Angeles County Code](#).
- 6.4.2 The business must be certified by DCBA, prior to requesting the SE preference in a solicitation. To apply for certification as an SE, businesses should contact DCBA at <http://dcba.lacounty.gov>.
- 6.4.3 Businesses requesting the SE preference, must complete and submit Exhibit 3 (Request for Preference Consideration) of Appendix B (Required Forms), and submit their SE certification approval letter ("Certification for Federally Funded Solicitations") from the DCBA with their proposal.

6.5 Disabled Veteran Business Enterprise (DVBE) Preference Program

- 6.5.1 The County will give DVBE preference during the solicitation process to businesses that meet the definition of a DVBE, consistent with [Chapter 2.211 of the Los Angeles County Code](#).

6.5.2 The business must be certified by DCBA, prior to requesting the DVBE preference in a solicitation. To apply for certification as a DVBE, businesses should contact DCBA at <http://dcba.lacounty.gov>.

6.5.3 Certified DVBEs may only request the preference if the certification has been completed and affirmed. Businesses requesting the DVBE preference must complete and submit Exhibit 3 (Request for Preference Consideration) of Appendix B (Required Forms), and submit their DVBE certification approval letter from the DCBA with their proposal.

7.0 BUSINESS PROPOSAL REQUIREMENTS AND EVALUATION

This Paragraph contains key project dates and activities, provides Proposers with proposal submission requirements and submittal instructions, and identifies evaluation criteria.

7.1 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal will be sufficient cause for rejection of the proposal. The evaluation and determination in this area will be at the Department’s sole judgment and its judgment will be final. All proposals must be firm and final offers and may not be withdrawn for a period of 180 days following the final proposal submission date.

7.2 RFP Timetable

EVENT	DATE/TIME
Release of RFP	01/11/24
Deadline to submit request for Solicitation Requirements Review [Refer to Paragraph 9.0 (Protest Process Overview)]	01/25/24
Deadline to Register for Mandatory Proposer’s Conference and Custody Facility Site Visits	02/07/24
Mandatory Proposer’s Conference (Refer to Paragraph 7.4 below)	03/26/24
Custody Facility Site Visits (Refer to Paragraph 7.4 below)	03/27/24
Written Questions Due	By 3:00 PM (Pacific Time) on 03/01/24
Questions and Answers Released	03/14/24
Proposals Due	By 3:00 PM (Pacific Time) on 04/19/24

7.3 Proposers' Questions

7.3.1 Proposers' written questions regarding this RFP must be submitted by e-mail to:

Contract Analyst: Steve Lopez
Email Address: s7lopez@lasd.org

All questions must be received by the date and time specified in Paragraph 7.2 (RFP Timetable). All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to this RFP.

7.3.2 When submitting questions, please specify RFP Section number, Paragraph number, page number, and quote the language that prompted the question. This will ensure that the question can be quickly found in this RFP. The County reserves the right to group similar questions when providing answers.

7.4 Mandatory Proposers' Conference and Custody Facility Site Visits

7.4.1 A **Mandatory Proposers' Conference** will be held to discuss this RFP. The County will provide an overview of the commissary and vending services and respond to questions from potential Proposers.

7.4.2 The **Mandatory Custody Facility Site Visits** will precede the Mandatory Proposers' Conference to allow potential Proposers to visit the County's Custody Facilities where commissary and vending services will be provided.

7.4.3 All potential Proposers **must** attend both the Mandatory Proposer's Conference and Custody Facility Site Visits in their entirety or their proposals will be rejected (disqualified) without review and eliminated from further consideration.

7.4.4 Potential Proposer's attendee(s) must be full time employee(s) of the potential Proposer. Proposers must notify Analyst, Steve Lopez (s7lopez@lasd.org) with the number of employees (maximum of three) attending the conference by the date and time specified in Paragraph 7.2 (RFP Timetable) above.

7.4.5 The Mandatory Proposers' Conference and Custody Facility Site Visits will be scheduled over two consecutive days, as follows:

Mandatory Proposer's Conference

Date: March 26, 2024*

Time: 9:00 A.M. (PST)

Custody Facility Site Visits

Date: March 27, 2024*

Time: 8:00 A.M. (PST)

* Only Potential Proposers who have successfully provided notice of attendance by the date and time specified in Paragraph 7.2 (RFP Timetable) above, will be notified of the location of the conference.

7.4.6 At County's sole discretion, a demonstration of Contractor's public facing website and Contractor's Tablet/URL/Application (If applicable) may be requested, as further described in Paragraph 7.6.4.2 below. The demonstration is intended to further assist in the Evaluation process.

7.5 Preparation of the Proposal

Two separate proposals must be submitted - a Business Proposal and a Cost Proposal. All proposals must be bound and submitted in the prescribed format. Any proposal that deviates from this format may be rejected as non-responsive without review at the County's sole discretion.

7.6 Business Proposal Requirements and Evaluation (50%)

Any reviews conducted during the evaluation of the proposal may result in a point reduction. The content and sequence of the proposal must be as follows:

Business Proposal Format:

7.6.1 Table of Contents

List all material included in the proposal. Include a clear definition of the material, identified by sequential page numbers and by Section and Paragraph reference numbers.

7.6.2 Executive Summary (Section A)

Condense and highlight the contents of Proposer's Business Proposal to provide the Department with a broad understanding of Proposer's approach, qualifications, experience, and staffing. This section of the Business Proposal must, to the extent not provided on Exhibit 1 (Proposer's Organization Questionnaire/Affidavit) of Appendix B (Required Forms), also include among others the following information:

- a. A statement attesting whether or not Proposer intends to perform and complete all services described in Exhibit A (Statement of Work) and Appendix A (Sample Contract) as a single Contractor. If not, list the names of all proposed subcontractors.
- b. The office name and location(s), including address(es) that Proposer intends to utilize throughout the term of the Contract.

- c. A statement identifying Proposer's company structure/organization, the origins of the firm, listing of the name(s) of the parent company, and any acquisitions and/or subsidiaries.
- d. A description in narrative format of how your organization, including any subcontractors, are organized to manage projects of the size and complexity of this project.
- e. Revenue, growth, years in business and market share, as applicable, for the products and services relevant to their proposal.
- f. Copies of business licenses, permits, and fictitious business name filings, as applicable.
- g. Listing and description of any other general company information, including subcontractor information that may be useful in evaluating the proposal.

7.6.3 Proposer's Qualifications (Section B)

Proposer will be evaluated on their experience and capacity as a corporation or other business entity to perform the required services based on information provided in this section.

7.6.3.1 Proposer's Background and Experience (Section B.1)

Provide a summary of relevant background information to demonstrate that Proposer meets or exceeds the Minimum Mandatory Requirements stated in Paragraph 3.0 (Proposer's Minimum Mandatory Requirements) above, and has the capability to perform the required services as a corporation or other business entity.

7.6.3.2 Proposer's Key Staff (Section B.2)

For Section B.2, Proposer must identify key staff responsible for implementing the services, namely:

- a. Proposer's Project Director,
- b. Proposer's Project Manager,
- c. Proposer's key staff (e.g., supervisors, help-desk staff), and
- d. Website developer(s).

For each proposed key staff listed, Proposer must provide complete name, current position, years with the firm, and level of education and experience. Proposer must include a resume for the proposed project director and project manager, and copies of both professional

licenses/certifications, as applicable, and resumes for each identified supervisory staff.

7.6.3.3 Proposer's List of References (Section B.3)

Each Proposer and its proposed subcontractors (if applicable) will be evaluated on the verification of references provided in Exhibit 8 (Proposer's List of References) of Appendix B (Required Forms). In addition to the references provided, the review will include the Contractor Alert Reporting Database, if applicable, reflecting past performance history on County or other contracts. This review may result in point deductions up to 100% of the total points awarded in this evaluation category.

Proposer must provide three references where the same or similar scope of services were provided and must include all public entities contracts for the last five years. Proposer's completed Exhibit 8 (Proposer's List of References) of Appendix B (Required Forms), must be provided in Section E (Business Proposal Required Forms and Corporate Documents) of Proposer's business proposal. Proposer may use additional sheets, if necessary.

It is Proposer's sole responsibility to ensure that information provided for each reference is accurate.

The County may disqualify a Proposer as non-responsive and/or non-responsible if:

- a. References fail to substantiate Proposer's description of the services provided, or
- b. References fail to support that Proposer has a continuing pattern of providing capable, productive and skilled personnel, or
- c. The Department is unable to reach the point of contact after reasonable effort. It is Proposer's responsibility to inform the point of contact that reference checks will be conducted during normal business hours.

7.6.3.4 Proposer's Debarment History and List of Terminated Contracts (Section B.4)

The County will conduct a review of Proposer's terminated contracts and debarment history. Proposer must include contracts terminated within the past three years with the reason(s) for termination in Exhibit 4 (Proposer's Debarment History and List of Terminated Contracts) of Appendix B

(Required Forms). Proposer's completed Exhibit 4 (Proposer's Debarment History and List of Terminated Contracts) must be provided in Section E (Business Proposal Required Forms and Corporate Documents) of Proposer's Business Proposal.

7.6.3.5 Proposer's Financial Capability (Section B.5)

The County will conduct a review of Proposer's financial capability. Proposer must provide copies of the company's most current and prior two fiscal years' financial statements. Statements should summarize the company's assets, liabilities and net worth, and at a minimum should include the Balance Sheet, Statement of Income, and the Statement of Cash Flows. It should be noted that depending on the nature of the entity (e.g., for-profit, non-profit, governmental), the title of these statements may differ. For example, for a non-profit entity the Balance Sheet is referred to as the Statement of Financial Position. If audited statements are available, these should be submitted to meet this requirement. Do not submit Income Tax Returns to meet this requirement. Financial statements will be kept confidential if so stamped on each page.

7.6.3.6 Proposer's Pending Litigation and Judgments (Section B.6)

The County will conduct a review of Proposer's pending litigation and judgements. Proposer must identify by name, case and court jurisdiction any pending litigation in which Proposer is involved, or judgments against Proposer in the past five years. Additionally, Proposer must provide a statement describing the size and scope of any pending or threatening litigation against Proposer or principals of Proposer.

A Proposer that fails to disclose litigation and judgements may be rejected as non-responsive or disqualified.

If a Proposer has no pending litigation, threatened litigation, or judgements, then a statement stating so must be provided in Section B.6 (Proposer's Pending Litigation and Judgements) of their Proposal.

7.6.4 Proposer's Approach to Providing Required Services (Section C)

7.6.4.1 Proposer's Approach and Methodology (Section C.1)

In Section C.1 of the Business Proposal, Proposer must address its management approach and methodology toward fulfilling the requirements of this RFP, including those set forth in Exhibit A (Statement of Work) and Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms), and any resultant contract, as

well as how Proposer intends to provide the services procured under this RFP.

Proposer's approach and methodology must clearly demonstrate that Proposer accepts and will meet all requirements of this RFP.

7.6.4.2 Statement of Work (Section C.2)

Proposer's response(s) to Exhibit A (Statement of Work) to Appendix A (Sample Contract), which must adhere to the instructions and requirements set forth in this RFP. In its response to Exhibit A (Statement of Work), Proposer must describe how it intends to provide services, sequentially addressing how Proposer will execute the following items:

a. Proposer's Commissary and Vending Hiring Process

Proposer must describe the vetting, hiring, training, and termination process for employees overseeing the delivery of goods. For this Section C.2, Proposer must describe, in detail, their process for employing qualified personnel who can successfully pass the Department's background investigation in accordance with Paragraph 3.2.2 (Requirements Before the Start of Work, Contractor Personnel) of Exhibit A (Statement of Work), and Paragraph 7.5 (Background and Security Investigations) of Appendix A (Sample Contract), to this RFP.

b. Proposer's Proposed Commissary Ordering Process

i. Order Fulfillment

Proposer must describe their process for collecting, processing and fulfilling commissary orders from inmates housed in custody facilities, inclusive of web order operations with quality name brand products.

ii. Inmate Ordering Restrictions

Proposer must describe their process for addressing various inmate classifications and inmate restrictions to adhere to each custody facility's safety requirements.

iii. Proposer's Proposed Inmate Tablet URL/application

Proposer must provide a detailed description of its proposed inmate tablet URL/application, including, but not limited to:

- Internet security features as specified in Paragraph 9.8.2 [Inmate Tablet URL/Application (Optional)] of Exhibit A (Statement of Work) and Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms).
- A web order homepage detailing how inmates will access and order commissary products, including order cancellation(s), modification(s), etc.

iv. Proposer's Proposed Public Website

Proposer must provide a detailed description of its public website available for use by friends and family ordering commissary items for inmates and depositing funds into an inmate's account, including, but not limited to, the following:

- Website implementation plan.
- Timeline and resources dedicated to implementation.
- Handling of non-sufficient funds payments.
- Inmate account deposit process, including flowchart and timeline from public website to inmate account.
- Security safeguards of personally identifiable information.
- Security features to be utilized on the website as specified in Paragraph 9.8.3 (Contractor Commissary Website) of Exhibit A (Statement of Work) and Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms).
- A proposed menu of products to be sold on the website.

c. Proposer's Commissary and Vending Delivery Plan/Strategy

Proposer must specify to what extent and how Proposer will ensure the secured delivery of all commissary orders to the Department's eight custody facilities as specified in Paragraphs 9.7 and 10.7 of Exhibit A (Statement of Work) to Appendix A (Sample Contract), including, but not limited to:

- Proper staffing at every level of the delivery process to ensure the efficient delivery of orders,

- Warehouse overview, which must include: merchandise logistics, vehicle delivery fleet, etc.,
- Warehouse security details (e.g., video cameras at entrances/exits, docks, and interior workspace),
- Plan to secure merchandise during loading and unloading, and vehicle inspections to protect against unauthorized contraband and/or persons (i.e., inmate stowaways),
- In conjunction with delivering inmate commissary orders, a vending machine restocking frequency schedule (i.e., deliver on same day, different day, etc.), and
- Logistical plan for transporting merchandise throughout housing locations with the use of rolling storage containers, which must include the manner in which containers will be secured (e.g., padlock, combination lock, etc.). Proposer must describe frequency and method of container inspections prior to leaving a custody facility.

d. Proposer's Proposed Vending Machine Installation Plan

Proposer must provide vending machine equipment specifications and the installation plan that Proposer will use, which must meet or exceed the specifications listed in Paragraphs 10.1 (Service Requirements, General), 3.2.1 (Service Implementation Plan), and 10.2 (Vending Machine Installations) of Exhibit A (Statement of Work), and Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms).

e. Proposer's Proposed Vending Machine Services

Proposer must provide a plan and schedule for the servicing and restocking of vending machines [refer to Paragraph 10.0 (Vending Services) of Exhibit A (Statement of Work)].

f. Proposer's Proposed Help Desk and Complaint Resolution Process

Proposer must describe their internal process for resolving Department and inmate complaints as specified in Paragraph 8.0 (Quality Control/Assurance Plan) of Exhibit A (Statement of Work) and Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms), including, but not limited to how Proposers' staff will:

- i. Respond to inmate order discrepancies.
- ii. Respond to web order complaints and issues.
- iii. Remove products deemed unnecessary, unsafe, and/or inappropriate, within a 24-hour period.

g. Proposer's Proposed Reporting Requirements

Proposer must describe their method(s) for producing all required commissary and vending reports as specified in Paragraphs 5.1 (Commissary Reports) and 5.2 (Vending Reports) of Exhibit A (Statement of Work) to Appendix A (Sample Contract).

7.6.4.3 Service Requirements (Section C.3)

As part of their proposal submission, Proposer must adhere to the instructions for, and provide a response to, Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms), to specify to what extent and how the proposed services meet each of the requirements specified within.

The County understands that some of the requirements listed in Exhibit B may not be readily available as part of the proposed services. Proposer is admonished to provide full disclosure for each function that will, or may, require modifications in order to achieve the requirement. For each such modification identified, Proposer must include estimated timeframes and resources needed to achieve each requirement.

7.6.4.4 Proposer's Quality Control Plan (Section C.4)

Proposer must be evaluated on its ability to establish and maintain a complete Quality Control Plan to ensure the requirements of the resultant contract are provided as specified. Evaluation of the Quality Control Plan must cover the proposed monitoring system of all services listed in Attachment B (Performance Requirements Summary (PRS) Chart) to Exhibit A (Statement of Work) to Appendix A (Sample Contract) based on information provided in this Section.

Proposer must present a comprehensive Quality Control Plan to be utilized by Proposer as a self-monitoring tool to ensure the required services are provided as specified in Exhibit A (Statement of Work) to Appendix A (Sample Contract).

The following factors may be included in the plan:

- a. Activities to be monitored to ensure compliance with all contract requirements,
- Inmate complaints with a timeline on response to the compliant,
 - Commissary item distribution accuracy,
 - Expiration date criteria on commissary and vending items,

- Warehouse storage condition and capacity,
 - Security measures to guard against employee theft, and
 - Maintenance of vending machines, including re-stocking and cleaning of vending machine(s) and its surrounding area.
- b. Monitoring methods to be used,
- c. Frequency of monitoring,
- d. Samples of forms to be used in monitoring, including, but not limited to:
- Maintenance tracking,
 - Personnel security issues,
 - Revenue reconciliation, and
 - Security measures to guard against employee theft.
- e. Title/level and qualifications of personnel performing monitoring functions, and
- f. Documentation methods of all monitoring results, including any corrective action taken.

7.6.5 Exceptions to Terms and Conditions of Sample Contract and/or Requirements of Statement of Work (Section D)

- 7.6.5.1 It is the duty of every Proposer to thoroughly review Appendix A (Sample Contract) and Exhibit A (Statement of Work) to ensure compliance with all terms, conditions, and requirements.

It is the County's expectation that in submitting a proposal Proposers will accept, as stated, the County's terms and conditions in Appendix A (Sample Contract) and the County's requirements in Exhibit A (Statement of Work). However, Proposers are provided the opportunity to take exceptions to the County's terms, conditions, and requirements. The County may deduct rating points or disqualify the proposal in its entirety if the exceptions are material enough to deem the proposal non-responsive.

Proposers are further notified that the County may, in its sole determination, disqualify any Proposer with whom the County cannot satisfactorily negotiate a contract.

7.6.5.2 Section D of Proposer's response must include:

- a. A statement offering Proposer's acceptance of or exceptions to all terms and conditions listed in Appendix A (Sample Contract) to this RFP, and
- b. A statement offering Proposer's acceptance of or exceptions to all requirements listed in Exhibit A (Statement of Work) to Appendix A (Sample Contract), and
- c. A statement offering Proposer's acceptance of, or exceptions to, all requirements listed in Exhibit 10 (Business and Technical Requirements Response Matrix) of Appendix B (Required Forms).

For each exception, Proposer must provide:

- An explanation of the reason(s) for the exception,
- the proposed alternative language, and
- a description of the impact, if any, to Proposer's price.

7.6.5.3 Indicate all exceptions to Appendix A (Sample Contract) and/or Exhibit A (Statement of Work) by providing a 'red-lined' Word version of the language in question. The County relies on this exceptions procedure and any Proposer who fails to make timely exceptions as required herein, may be barred, at the County's sole discretion, from later making such exceptions.

The County reserves the right to make changes to Appendix A (Sample Contract) and its Appendices, Attachments and Exhibits at its sole discretion, including during contract negotiations.

7.6.5.4 The County reserves the right to determine if Proposers' exceptions are material enough to deem the proposal non-responsive and not subject to further evaluation.

7.6.6 Business Proposal Required Forms and Corporate Documents (Section E)

7.6.6.1 Proposal must include all completed, signed, and dated forms identified in Appendix B (Required Forms).

- Exhibit 1 Proposer's Organization Questionnaire/Affidavit
- Exhibit 2 Certification of Compliance
- Exhibit 3 Request for Preference Consideration
- Exhibit 4 Proposer's Debarment History and List of Terminated Contracts
- Exhibit 5 Community Business Enterprise (CBE) Information

- Exhibit 6 Minimum Mandatory Requirements
- Exhibit 7 Declaration
- Exhibit 8 Proposer's List of References
- Exhibit 10 Business and Technical Requirements Response Matrix

7.6.6.2 Corporate Documents

a. Corporations or Limited Liability Company (LLC):

Proposer must submit the following documentation with its proposal:

- A copy of a "Certificate of Good Standing" with the state of incorporation/organization and a copy of such certificate with the California Secretary of State, if Proposer is incorporated outside of California.
- A conformed copy of the most recent "Statement of Information" as filed with the California Secretary of State listing corporate officers or managers and/or members (if applicable).

b. Limited Partnership:

Proposer must submit a conformed copy of the Certificate of Limited Partnership or Application for Registration of Foreign Limited Partnership as filed with the California Secretary of State, and any amendments.

7.7 Cost Proposal Requirements and Evaluation (50%)

The content and sequence of the proposal must be as follows:

7.7.1 Cover Page

Cover Page must identify, at a minimum, the RFP title, RFP number, and Proposer's name.

7.7.2 Cost Proposal

Proposer must complete Part I (Revenue Proposal) and Part II (Discount on Cost of Goods) of Exhibit 9 (Cost Proposal) of Appendix B (Required Forms). Cost Proposals must be realistic and not capable of being construed as unrealistically low for the goods and services proposed as part of their response to this RFP. Please refer to Paragraph 7.9 (Proposal Submission) below for Cost Proposal submission instructions.

Evaluation of Cost Proposals will be conducted as follows:

1. PART I: Revenue Split

Proposer must complete Part I (Revenue Proposal) of Exhibit 9 (Cost Proposal), providing its proposed commission rate to the County based on Proposer's review of Attachment 1 (Commissary Book of Sales - Perishable Items), Attachment 2 (Commissary Book of Sales - Non-Perishable Items), and Attachment 3 (Vending Book of Sales) to Exhibit 9 (Cost Proposal).

For this Part I, the maximum number of points will be awarded to the Cost Proposal with the highest proposed commission rate to the County. All other proposed commission rates will be compared to the highest commission rate and points will be awarded accordingly.

2. PART II: Discount on Cost of Goods

Proposer must complete Part II (Discount on Cost of Goods) of Exhibit 9 (Cost Proposal), providing its' proposed discounted price percentage to be applied to all final menu items after contract award. Attachment 1 (Commissary Book of Sales - Perishable Items), Attachment 2 (Commissary Book of Sales - Non-Perishable Items), and Attachment 3 (Vending Book of Sales) to Exhibit 9 (Cost Proposal) are provided for informational purposes only, to assist Proposers in determining their proposed discounted price percentage.

For this Part II, the maximum number of points will be awarded to the Cost Proposal with the highest discounted price percentage of goods. All other proposed discounted price percentages will be compared to the highest discounted price and points will be awarded accordingly.

Notwithstanding the above, should one or more Proposers provide certification under one of the County's three preference programs [refer to Paragraph 6.0 (County's Preference Programs) above] and be granted the preference, the cost component points will be determined as follows:

- 15% of the lowest cost proposed will be calculated, not to exceed \$150,000, and that amount will be deducted from the cost submitted by all Proposers who requested and were granted the preference.
- In no case will any preference be combined to exceed 15% of the lowest responsible bid meeting specifications.

7.8 Firm Offer-Withdrawal of Proposal

Until the proposal submission deadline, errors in proposals may be corrected by a request in writing to withdraw the proposal and by submission of another set of proposals with the mistakes corrected. Corrections will not be accepted once the deadline for submission of proposals has passed.

7.9 Proposal Submission

Proposals must be submitted as follows:

- 7.9.1 Business Proposal - The original Business Proposal, three numbered exact hard copies, and two electronic copies on two separate flash drives must be enclosed in a sealed envelope or box, with the name and address of Proposer and reference the solicitation as follows:

**“BUSINESS PROPOSAL FOR
INMATE COMMISSARY AND VENDING SERVICES
RFP 525-SH”**

- 7.9.2 Cost Proposal - The original Cost Proposal and two electronic copies on two separate flash drives must be submitted in a separate sealed package with the name and address of Proposer and reference the solicitation as follows:

**“COST PROPOSAL FOR
INMATE COMMISSARY AND VENDING SERVICES
RFP 525-SH”**

The proposal(s) must be delivered or mailed to:

Los Angeles County Sheriff's Department
Fiscal Administration Bureau – Contracts Unit
211 West Temple Street – 6th Floor West
Los Angeles, California 90012
Attention: Steve Lopez, Contract Analyst

- 7.9.3 Proposers must also include a redacted Business Proposal in searchable Adobe PDF format, with all confidential, proprietary and trade secret information redacted, as part of its proposal submission. With respect to this requirement, Proposer must submit one electronic copy in searchable Adobe PDF format, with confidential, proprietary and trade secret information redacted. Proposers must specifically redact only those parts of the Business Proposal that are actual trade secrets, confidential, or proprietary in nature. Blanket or categorical redactions and/or statements of confidentiality, or the marking of each page of the proposal as "Trade Secret," "Confidential," or "Proprietary," are not acceptable, and will be rejected in the sole discretion of the County.

- 7.9.4 It is the sole responsibility of the submitting Proposer to ensure that its proposal is received before the submission deadline. Submitting Proposers will bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any proposals received after the scheduled closing date and time for receipt of proposals, as listed in Paragraph 7.2 (RFP Timetable), will not be accepted and returned to the sender unopened. Timely hand delivered proposals are acceptable. No facsimile (fax) or electronic mail (e mail) copies will be accepted.
- 7.9.5 All proposals will be firm offers and may not be withdrawn for a period of 180 days following the last day to submit proposals.

8.0 SELECTION PROCESS OVERVIEW

8.1 Selection Process

The County reserves the sole right to judge the contents of the proposals submitted pursuant to this RFP and to review, evaluate and select the successful proposal(s). The selection process will begin with receipt of the proposal on the date outlined in Paragraph 7.2 (RFP Timetable).

Evaluation of the proposals will be made by an Evaluation Committee selected by the Department. The Committee will evaluate the proposals and will use the evaluation approach described in this RFP to select a prospective Contractor.

8.2 Adherence to Minimum Mandatory Requirements (Pass-Fail)

The County will review Exhibit 1 (Proposer's Organization Questionnaire/Affidavit), Exhibit 6 (Minimum Mandatory Requirements), and Exhibit 8 (Proposer's List of References), in Appendix B (Required Forms) to determine if Proposer meets the Minimum Mandatory Requirements as outlined in Paragraph 3.0 (Proposer's Minimum Mandatory Requirements) above.

Failure of Proposer to comply with the Minimum Mandatory Requirements will eliminate its proposal from any further consideration. The County may elect to waive any non-material informality in a proposal if the sum and substance of the proposal is present.

8.3 Evaluation of Business and Cost Proposals

All proposals will be evaluated based on the criteria listed in Paragraph 7.0 (Business Proposal Requirements and Evaluation) and will be scored and ranked in numerical sequence from high to low. The Evaluation Committee may utilize appropriate experts to assist in this evaluation. The evaluation criteria and corresponding percentages and weighting factors for the major categories that will be used to evaluate the proposals during the evaluation phase will be comprised of the factors itemized in the table below:

EVALUATION CRITERIA CATEGORY – PROPOSAL SECTION	SUBCATEGORY WEIGHT	CATEGORY WEIGHT (%)	MAXIMUM POINTS
BUSINESS PROPOSAL		50%	5,000
<i>Proposer’s Qualifications</i>	20%		
<i>Proposer’s Approach to Providing Required Services</i> <ul style="list-style-type: none"> • <i>Proposer’s Approach and Methodology</i> • <i>Statement of Work</i> • <i>Quality Control Plan</i> 	30%		
COST PROPOSAL		50%	5,000
Revenue Proposal	25%		
Cost of Goods	25%		
TOTAL		100%	10,000

8.4 Determination of Highest-Overall Rated Proposer

The County will combine each Proposer’s Business and Cost Proposal evaluation score to arrive at a total cumulative (or “final”) score, which will be used to determine and select the highest-overall rated Proposer.

After a prospective Contractor has been selected, the County and the prospective Contractor will negotiate a contract for submission to the Board for its consideration and possible approval. If a satisfactory contract cannot be negotiated, the County may, at its sole discretion, begin contract negotiations with the next qualified Proposer who submitted a proposal, as determined by the County.

The recommendation to award a contract will not bind the Board to award a contract to the prospective Contractor.

The County reserves the right to select a proposal other than the proposal receiving the highest number of points if the County determines, in its sole discretion, another proposal is the most overall qualified, cost-effective, responsive, responsible and in the best interests of the County.

9.0 PROTEST PROCESS OVERVIEW

9.1 Solicitation Requirements Review

Any person or entity may seek a Solicitation Requirements Review by submitting Appendix C (Transmittal Form to Request a Solicitation Requirements Review) to this RFP to the Department. A request for a Solicitation Requirements Review may be denied, in the Department's sole discretion, if the request does not satisfy all the following criteria:

- a. The request must be made within the time frame identified in the solicitation document (generally within ten business days of the issuance of the solicitation document), and
- b. The request must include documentation (e.g., letterhead, business card, etc.), which identifies the underlying authority of the person or entity to submit a proposal, and
- c. The request itemizes in appropriate detail, each matter contested and factual reasons for the requested review, and
- d. The request asserts either that:
 - i. application of the Minimum Mandatory Requirements evaluation criteria and/or business requirements unfairly disadvantages the person or entity, or
 - ii. due to unclear instructions the process may result in the County not receiving the best possible responses from prospective Proposers.

The Solicitation Requirements Review will be completed, and the Department's determination will be provided to the requesting person or entity in writing within a reasonable time prior to the proposal due date.

9.2 Disqualification Review

9.2.1 A proposal may be disqualified from consideration because the Department determined it was non-responsive at any time during the review/evaluation process. If the Department determines that a proposal is disqualified due to non-responsiveness, the Department will notify the proposer in writing.

9.2.2 Upon receipt of the written determination of non-responsiveness, Proposer may submit a written request for a Disqualification Review within the timeframe specified in the written determination.

9.2.3 A request for a Disqualification Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria:

- a. The request for a Disqualification Review must be submitted timely (i.e., by the date and time specified in the written determination), and

- b. The request for a Disqualification Review must assert that the Department's determination of disqualification due to non-responsiveness was erroneous and provides factual support on each ground asserted as well as copies of all documents and other material that support the assertions.

9.2.4 The Disqualification Review must be completed, and the determination will be provided to the requesting Proposer, in writing, prior to the conclusion of the evaluation process.

9.2.5 Proposer can also be disqualified for reasons described throughout this RFP.

9.3 Department's Proposed Contractor Selection Review

9.3.1 Departmental Debriefing Process

Upon completion of the evaluation, the Department will notify the remaining Proposers in writing that the Department is entering negotiations with another Proposer. Upon receipt of the letter, any non-selected Proposer may submit a written request for a debriefing within the timeframe specified in the letter. A request for a debriefing may, in the Department's sole discretion, be denied if the request is not received within the specified timeframe.

The purpose of the debriefing is to compare the requesting Proposer's response to the solicitation document with the evaluation document. The requesting Proposer will be debriefed only on its response. Because contract negotiations are not yet complete, responses from other Proposers will not be discussed, although the Department may inform the requesting Proposer of its relative ranking.

During or following the debriefing, the Department will instruct the requesting Proposer of the manner and timeframe in which the requesting Proposer must notify the Department of its intent to request a Proposed Contractor Selection Review [see Paragraph 9.3.2 (Proposed Contractor Selection Review) below], if the requesting Proposer is not satisfied with the results of the debriefing.

9.3.2 Proposed Contractor Selection Review

9.3.2.1 Any Proposer that has timely submitted a notice of its intent to request a Proposed Contractor Selection Review as described in this Paragraph may submit a written request for a Proposed Contractor Selection Review, in the manner and timeframe as will be specified by the Department.

9.3.2.2 A request for a Proposed Contractor Selection Review may, in the Department's sole discretion, be denied if the request does not satisfy all of the following criteria.

- a. The request for a Proposed Contractor Selection Review is submitted timely (i.e., by the date and time specified by the Department),
- b. The person or entity requesting a Proposed Contractor Selection Review asserts in appropriate detail with factual reasons one or more of the following grounds for review:
 - i. The Department materially failed to follow procedures specified in its solicitation document. This includes:
 - Failure to correctly apply the standards for reviewing the proposal format requirements.
 - Failure to correctly apply the standards, and/or follow the prescribed methods, for evaluating the proposals as specified in the solicitation document.
 - Use of evaluation criteria that were different from the evaluation criteria disclosed in the solicitation document.
 - ii. The Department made identifiable mathematical or other errors in evaluating proposals, resulting in Proposer receiving an incorrect score and not being selected as the recommended Contractor.
 - iii. A member of the Evaluation Committee demonstrated bias in the conduct of the evaluation.
 - iv. Another basis for review as provided by state or federal law, and
 - v. The request for a Proposed Contractor Selection Review sets forth sufficient detail to demonstrate that, but for the Department's alleged failure, Proposer would have been the lowest cost, responsive and responsible bid or the highest-scored proposal, as the case may be.
- c. Upon completing the Proposed Contractor Selection Review, the Department representative will issue a written decision to Proposer within a reasonable time following receipt of the request for a Proposed Contractor Selection Review, and always before the date the Contract award recommendation is to be heard by the Board. The written decision will additionally instruct Proposer of the manner and timeframe for requesting a County Independent Review [see Paragraph 9.4 (County Independent Review) below].

9.4 County Independent Review

Any Proposer that is not satisfied with the results of the Proposed Contractor Selection Review may submit a written request for a County Independent Review in the manner and timeframe specified by the Department in the Department's written decision regarding the Proposed Contractor Selection Review.

A request for County Independent Review may, in the County's sole discretion, be denied if the request does not satisfy all of the following criteria:

- a. The request for a County Independent Review is submitted timely (i.e., by the date and time specified by the Department), and
- b. The person or entity requesting review by a County Independent Review has limited the request to items raised in the Proposed Contractor Selection Review as listed in Paragraph 9.3.2 (Proposed Contractor Selection Review) above.

Upon completion of the County Independent Review, Internal Services Department will forward the report to the Department, which will provide a copy to Proposer.