

REQUEST FOR PROPOSALS (RFP)

For
The Civil Monetary Penalties component
of the

Long Term Care Ombudsman Program

Issued by:
CITY OF CHICAGO
(The Department of Family and Support Services)
On
Tuesday, November 9, 2010

**ONE (1) ORIGINAL and TWO COPIES
OF THE PROPOSAL PLUS AN ELECTRONIC COPY
TO BE SUBMITTED**

All proposals shall be submitted in sealed envelopes or packages addressed and
forwarded to:

Alexandra Cooney
Deputy Commissioner of Senior Services
Department of Family and Support Services
1615 West Chicago Avenue, 3rd Floor
Chicago, Illinois 60622

The outside of the envelope or package must clearly indicate the title of this RFP, the
name and address of the Respondent and the date and time the proposal is submitted.

**PROPOSALS MUST BE RECEIVED NO LATER THAN
4:30 P.M. CENTRAL TIME ON TUESDAY, NOVEMBER 23, 2010.**



Mary Ellen Caron, Ph.D.
Commissioner
Department of Family and Support Services

Richard M. Daley
Mayor
City of Chicago

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SECTION I. Invitation

A. Purpose of the RFP

The Chicago Department of Family and Support Services (DFSS) is soliciting applications from organizations interested and capable of providing regular Certified Ombudsman Volunteers (COV) to long term care facilities within the City of Chicago. The goal of the program is to protect and improve the quality of care and quality of life of residents of these facilities by expanding the services of the Long Term Care Ombudsman Program.

The Department will utilize the Civil Monetary Penalties funds to expand community education efforts and increased advocacy by increasing the number of visits to facilities, promotion of the development of resident and family councils, doing community education and promotion of volunteer presence in facilities. These efforts are to be in addition to the regular presence visits of the Community Ombudsmen (CO).

Services include visiting long term care facilities in order to:

1. build relationships with residents;
2. provide an independent presence in the facility;
3. provide information and advocacy to residents
4. receive, investigate and resolve complaints, in cooperation with the CO
5. attend and support resident and family council activities;
6. assist, to the extent determined appropriate by the Regional Ombudsman, with issue advocacy activities and public information and education with at least 50 % of the visits must be made on weekends and during evening hours.

B. Background

In 2009, Mayor Richard M. Daley created the Department of Family and Support Services and appointed Mary Ellen Caron, PhD, as the Commissioner, in order to provide more coordinated services for the city's most vulnerable citizens. The mission of DFSS is as follows:

"The Chicago Department of Family and Support Services is dedicated to supporting a continuum of coordinated services to enhance the lives of Chicago residents, particularly those most in need, from birth through the senior years. The department works to promote the independence and well-being of neighborhoods by providing direct assistance and administering resources to a network of community-based organizations, social service providers and institutions."

Mayor Richard J. Daley created the Department on Aging in 1965 as the Mayor's Office of Senior Citizens and Handicapped, in order to ensure that all seniors in the city have access to all the services and benefits entitled to them. In 2008, the Chicago Department on Aging changed its name to the Chicago Department of Senior Services. In 2009, the Chicago Department of Senior Services was consolidated into the Department of Family and Support Services. This division of DFSS is an Area Agency on Aging (AAA) for the US Administration on Aging and is one of thirteen Planning and Service Areas (PSAs), with in the State Unit on Aging, the Illinois Department on Aging.

Senior Services /Area Agency on Aging (SS/AAA) programs include: regional and satellite senior centers offering educational, recreational, fitness, and social activities; Information and Advocacy; Benefits Eligibility Check-up; In-Home Services accessed through comprehensive care coordination; Congregate Dining; Legal Assistance; Assistance; Senior Employment and Volunteer Programs; Long-Term Care Ombudsman, Caregiver Support, and assistance for Grandparents Raising Grandchildren.

For further information about these and the other opportunities offered through the Department of Family and Support Services, please visit the DFSS website:

www.cityofchicago.org/fss

C. Anticipated Term of Contract and Funding Source(s)

This initiative is administered by the Department of Family and Support Services through funding received from the Illinois Department on Aging. Funds are provided through the Civil Monetary Penalties (CMP) funding of the Illinois Department of Public Health. Consequently, all guidelines and requirements of the Department of Family and Support Services, the City of Chicago, the State of Illinois and the U.S. Administration on Aging, Department of Health and Human Services must be met. Additionally all delegate agencies must comply with the Single Audit Act if applicable

Funding is subject to the availability of funds. Delegate Agency should be aware that payment for services by the City will be made on a reimbursement basis. Delegate agency should not plan to receive their first payment until up to 120 days after the execution of the delegate agreement. **Respondent must be able to proceed with program operations upon award notification.**

The term of contract(s) executed under this RFP will be from December 1, 2010– September 30, 2011. Based on need, availability of funds, federal program regulation and design, and delegate agency performance, DFSS may extend this term for up to two years with each extension not to exceed one year.

D. Eligible Respondents

This is a competitive process open to all entities: non-profit, for-profit, faith-based, private and public.

Respondent whose existing contracts with DFSS are not in good standing will not be considered for a contract. Agencies not eligible include those that have had a City contract terminated for default; are currently debarred and/or have been issued a final determination by a City, State or Federal agency for performance of a criminal act, abridgement of human rights or illegal/fraudulent practices.

SECTION II. RFP and Submission Information

A. Proposal Deadline and Submittal Procedures

Please send one original and two paper copy by 4:30 P.M. on Tuesday, November 23, 2010 to:

Alexandra Cooney, Deputy Commissioner, Senior Services
Department of Family and Support Services
1615 W. Chicago Ave., 3rd Fl.
Chicago, Illinois 60622

Additionally, please e-mail an exact, and complete scanned copy of your proposal, budget and ALL attachments to: jtalbot@cityofchicago.org by Tuesday, November 23, 4:30 P.M. Both the paper original and e-mailed copies are required for the submission to be considered complete.

Proposals will be accepted prior to the due date, from 9:00 a.m. to 4:00 p.m. Monday – Friday at the same location. All proposals must be complete. Incomplete proposals may not be reviewed. In-person or bonded messenger delivery of proposals is encouraged. Time stamped receipts will be issued as proof of timely submittal.

No proposal will be considered complete and therefore reviewed unless the original copy is delivered and received at DFSS offices.

Proposals received after the due date and time may be deemed NON-RESPONSIVE and, therefore, subject to rejection.

B. Format of the Proposal

All Proposals must be prepared on 8 ½" x 11" letter size paper, typed, with page numbers, "1" margins, minimum 12 pt. font. It is the City's policy to encourage the use of reusable, recycled, recyclable and chlorine-free paper in the submission of all RFP documents. Proposals must be securely bound to ensure that the entire contents remain complete and intact. Submit one (1) complete original signature set (clearly marked) "originals" and two (2) copies of all RFP documents.

C. E-Mail Submissions

Often large files cannot be quickly or successfully electronically submitted to us. If your application packet consists of these files, we highly recommend the use of a file compression software such as Win Zip (which can be downloaded for a free trial period at <http://www.winzip.com/downwz.htm>) or any other similar software in order to keep your e-mail submissions to a single e-mail.

In addition to the requested information stated in accompanying application and budget files (constituting the narrative and budget portions of the response), Respondents must supply the following additional information in their response to this RFP identified in the

list below in items 4-7). The proposal should consist of the following items, in this order:

1. An application cover sheet signed by an authorized representative of the Respondent's organization (found in the accompanying application packet).
2. Written responses and supporting documentation to questions (found in the accompanying application packet).
3. An itemized budget request developed using the guidelines and budget forms (found in the accompanying application packet/files).
4. IRS Statement of tax exempt status, if applicable. (For Non-Profits Only.)
5. Copy of Official Articles of Incorporation.
6. A copy of the applicant's most recent fiscal audit report.
7. Certificate of Insurance
8. A Certificate of Economic Disclosure will be required for all awarded contracts but is **not** required at the time of submission.

D. Contact Person Information

Respondents are strongly encouraged to submit all questions and comments related to the RFP via e-mail. For answers to program-related questions please contact:

Alexandra Cooney, acooney@cityofchicago.org

All other questions regarding the administrative aspects of this RFP may be directed to: Julia Talbot, italbot@cityofchicago.org.

E. Timeline

Release Date of this Request for Proposals:	November 9, 2010
Bidders Conference:	<i>There is no bidders conference for this RFP</i>
Application Due:	November 23, 2010
Anticipated Contract Start Date:	December 1, 2010

Section III. Scope of Services

A. Purpose

The City of Chicago has been the Long Term Care Ombudsman Program (LTCOP) Provider Agency since 1980 when the Older American Act was amended to address the needs of the elderly in long term care facilities. The Ombudsman Program protects and advocates to improve the quality of care and the quality of life for residents of nursing homes, supportive living, assisted living and shared housing facilities within the City of Chicago through individual and systemic advocacy.

The Ombudsman Program is a resident-centered advocacy program. The resident of, or applicant to a long term care facility is the program's client, regardless of the source

of the complaint or request for service.

The service components of the LTCOP are divided into five categories: investigative services, regular presence in long term care facilities; public information and community education; issue advocacy; and resident and family council development and support. These are outlined below:

- a. **Investigative Services:** These are the highest priority of service for the LTCOP. All complaints are received and investigated in accordance to the LTCOP Standards Manual Chapter 500 (this can be found at: <http://www.state.il.us/aging/2rules/ombuds/index.htm>). A complaint is a concern or issue brought to, or initiated by the Ombudsman for investigation and action by, or on behalf of, one or more resident of a nursing home, supportive living, shared housing or assistive living facility. A complaint relates to the health, safety, welfare or rights of a resident. Complaints may be received by the City of Chicago Regional Ombudsman Program in several ways, letter, telephone, in person, by referrals, and electronically. DFSS investigated and resolved 868 complaints in 2009.
- b. **Regular Presence:** The Chicago Regional LTCOP is required to have a regular presence in all facilities. We provide a regular presence in all of the 121 nursing homes, by visiting each facility monthly. Additional visits are made for complaint investigations, resident council meetings, and various other reasons as needed. The four (4) full-time Community Ombudsmen that investigate complaints are responsible for these visits. Part-time Ombudsman Visitors are certified volunteer ombudsmen. They are assigned to visit facilities several times per week, including weekends, to ensure that residents have access to the Ombudsman. Individuals are recruited to be Ombudsman Volunteers to help provide regular presence in a Long Term Care Facility. Volunteers are assigned to make visits on weekends and after hours to extend the Ombudsman's services to residents, staff, and family members.
- c. **Public Information and Community Education:** The LTCOP provides information and assistance to questions regarding many areas of long term care. Inquiries range from how to select a nursing home, how to pay for your stay in a nursing home, and residents rights. The program provided information to 3,589 inquires in 2009. Inquiries are received in various methods, telephone, written requests for information, e-mail, and face to face.

The Community Ombudsmen also conduct presentation to community groups, such as faith-based organizations, facility staff, family council groups and others as requested to provide information about the long term care system. Topics frequently discussed include: How to resolve a complaint in the nursing home; How to protect the resident's home from Public Aid; How to file a complaint with Public Health; and What are the rights of resident and family members?

- d. **Issue Advocacy:** The LTCOP has the responsibility to assure that the interests of residents are represented to government agencies and policy makers. Issue advocacy activities include but are not limited to educating groups, government agencies, and policy makers regarding the impact of laws, policies, or practices on long term care facility residents. Advocacy can include seeking modification of laws, regulations, and other governmental policies or actions. The Ombudsman can assist residents' ability to facilitate change through the development of resident and family councils.

Confidentiality: All information, reports, and records, obtained by the Ombudsman Program are confidential information according to both Federal and state Law. It is the responsibility of this program to safeguard all information, by creating procedures and policies to ensure confidentiality.

B. Program Design

Respondents to this RFP will evidence their ability to provide up to 25 regular Certified Ombudsman Volunteers (COV) to long term care facilities. The goals of the program (as stated above) are provide expanded LTCO services through increased number of facility visits, at least 50% of which will occur during evening and weekend hours, resident and family council development , and community education sessions.

This is accomplished through increased community education efforts, increased advocacy services, and additional facility visits through this program.

Services include visits to long term care facilities in order to:

1. build relationships with residents;
2. provide an independent presence in the facility;
3. provide information advocacy on issues of resident rights;
4. receive, investigate and resolve complaints, in cooperation with the Community Ombudsman;
5. attend and support resident and family council activities; and
6. assist, to the extent determined appropriate by the Regional Ombudsman, with issue advocacy activities and public information and education

Respondents must administer services in accordance with the requirements outlined in the Illinois Department on Aging's "*Long Term Care Ombudsman Program Standards, Procedures and Practices Manual*", as currently stated or as amended during the delegate agency agreement period. The standards are available at <http://www.cbrx.il.gov/aging/2rules/ombuds/index.htm>

Reimbursement

Will be paid for per facility visit with case recording

Mileage will be reimbursed at .55 a mile/\$2.50 bus fare

C. Service Delivery

Successful Respondents will demonstrate their abilities provide a high level of service, meeting the following benchmarks as outlined below.

1. The delegate agency will recruit and retain at least 10 individuals as Certified Community Ombudsman Volunteers (COV). They will be background checked and be certified after attending Ombudsman Level I and Level II training. They will also be required to be trained on the Money Follows the Person resident transition program, and then be mentored by a Community Ombudsman (CO), before certification.

2. Facilities designated as high priority and needing special focus by DFSS-SS/AAA's Regional Ombudsman will be assigned for the additional expanded services of this program.

3. The program will be designed to have 100 volunteer visits occur each month.

- a. Each visit must be a minimum of one hour long.
- b. At least fifty per cent of the monthly visits must take place on weekends or during evening hours. (5:00 pm or later)

Visits do NOT include attending resident council meetings, providing community education sessions or facilitating family council meetings. These are separate activities.

4. Volunteers will participate in the monthly resident council meeting at assigned facilities. Their role is to promote the rights of residents in the facility. Written summary of each meeting shall be reported to DFSS-SS/AAA on a monthly basis.

- a. Community Education sessions will be assigned as needed by the CO and conducted by the delegate agency during the agreement period. Attendance sign-in sheets will be submitted to the CO.
- b. The COV will report and signs of abuse, neglect or exploitation in writing to the CO within 24 hours.
- c. Ombudsmanager software will be used for reporting program activities.

Certified Ombudsman Volunteer and Coordinator Requirements

All Certified Ombudsman Volunteers must:

1. Be at least 18 years of age.
2. Pass IDoA's Ombudsman Certification Level I and Level II training which will be offered in Chicago. Training days are three total, field mentorship (40 hours) is also required
3. Be screened through background checks in accordance with current Illinois regulations.

Written Policies and Procedures

Respondents shall observe written policies and procedures for the following:

1. Maintaining confidentiality of client records consistent with the requirements of the Long Term Care Ombudsman Program requirements.

2. Complying with the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.), the Civil Rights Act of 1964 (P.L. 88-352, 78 Stat. 241), the Rehabilitation Act of 1973 (P.L. 93-112, 87 Stat. 355), the Immigration Reform and Control Act of 1986 (P.L. 99-603, 100 Stat. 3359), the Immigration Reform and Control Act of 1986 (P.L. 99-603, 100 Stat. 3359), the Americans with Disabilities Act of 1990 (P.L. 101-336, 104 Stat. 327, codified at 42 U.S.C. secs. 12101-12213), the Freedom of Information Act (5 ILCS 140/1 et seq.), and the Illinois Department on Aging's Civil Rights Program.
3. Providing services to non-English speaking and hearing impaired residents through the CO.

Personnel

The delegate agency shall insure adequate supervision of all aspects of the program.

There shall be a written job description for each job category for all paid and non-paid positions which are part of program.

Personnel records shall be maintained for each employee and volunteer and shall include at least the following:

- An employee/volunteer proposal or resume;
- Annual performance evaluation;
- Supervisory reports;
- Documentation of the following items;
- That a copy of the particular employee/volunteer's job description has been provided to the employee/volunteer;
- Proof of satisfactory background check;
- Record of participation in Department provided/approved training for both paid and volunteer staff; and, all pre-service and in-service training.

The delegate agency shall perform, at a minimum an annual internal monitoring of paid and non-paid worker performance. The Community Ombudsman may have access to these documents for review, as necessary.

The delegate agency must submit a monthly update of all staff and volunteers working in the COV program. This update shall include: all members names, paid or volunteer status, office phone number, cell or alternative phone number, fax number and e-mail address, if available.

The delegate agency must notify DFSS-SS/AAA in writing, of any change in agency board members or staff involved with the delivery or supervision of service under this agreement, within five (5) days of such change. This notification includes temporary situations; such as sick leave, or vacations beyond one week in length. A copy of the resume of any new hire shall accompany this written notice.

The delegate agency must certify that staff members of the agency are not in default of an educational loan (as provided in Public Act 85-827).

Support and Assistance

Establish linkages with other service providers including DFSS-SS/AAA Information and Assessment (I&A) and DFSS-SS/AAA's funded Care Coordinators through their CO.

All phone messages requesting a call back will be returned within one day. When staff are out of the office for more than two consecutive days, then either (a) their voice mail should state day returning and a number to call for immediate assistance, or (b) incoming calls should be automatically transferred to another staff member.

The delegate agency must respond the same day to all calls from the Community Ombudsman (CO), in order to coordinate services and information.

Provisions for serving limited/non-English speaking clients, including those with hearing impairments, will be determined and approved by CO

Reports and Records

The delegate agency shall submit program and financial reports to the DFSS-SS/AAA. All invoices and monthly statistical reports are due no later than the 10th calendar day of the month. The delegate agency shall enter the appropriate data in the Ombudsmanager Information System Database creating case records in order to receive payment.

Along with the financial reports, the delegate agency shall submit a monthly program report, which includes summaries from resident council meetings, and family council meetings and sign-in sheets from community education sessions. This report is due by the 10th calendar day of the month.

The delegate agency must permit access, at reasonable times, to DFSS-SS/AAA and/or IDOA staff or its designees to all operations and records, for purposes of evaluation and audits related to the service agreement. All such records, information, and documentation shall be maintained by the Delegate agency for a minimum of five years after the grant agreement expires and until the program is audited by an independent auditing firm, unless transfer is authorized in writing from the Illinois Department on Aging. Federal and/or state auditors and any persons duly authorized by the Illinois Department on Aging shall have full access to and the right to examine any of said materials during the said period or until resolution of all financial matters unless prohibited by state law and/or regulations.

Public Awareness and Education

The delegate agency must participate in program promotion through the various news and public information media. All promotional activities must be cleared with the Chicago Department of Family and Support Services-Senior Services/Area Agency on

Aging and credit the Department, and any other funding sources specified in the grant agreement, as the source of funds for the service.

The delegate agency shall, when producing any public information for education materials on ombudsman issues, include in the materials the Central Information and Assistance number 312 -744-4016, Illinois Department of Aging (IDoA) 800 number (1-800-252-8966), the IDPH Nursing Home Hotline (1-800-252-4343) and reference to the fact that it is part of the Department on Aging's statewide LTC Ombudsman Program. Any written materials for the public on elder abuse shall also include the IDoA non-discrimination clause.

Section IV. Evaluation and Selection Procedures

A. Process for Evaluation of Proposals

Each application will be evaluated on the strengths of the application and the responsiveness to the selection criteria outlined below. DFSS reserves the right to consult with other city departments or public or private funders during the evaluation process. Potential grantees **must be ready to proceed** with training and certification in the time frame outlined below.

B. General Selection Criteria

The following criteria will be used in evaluating all applications:

1. Previous Programmatic Experience

Respondent should demonstrate knowledge of the populations to be served or similar populations and in the way in which these populations should be served as evidenced by previous or current operation of a successful program of a similar nature.

2. Administrative/Fiscal Capacity and Experience

Respondent will demonstrate the resources and expertise to assume and meet all administrative and fiscal requirements. This includes the Respondent's fiscal (including financial management systems), technological, management, administrative and staff capabilities

3. Program Design and Administration

Respondent will demonstrate program and administrative design specifically tailored to the goals of the program.

The Commissioner, upon review of recommended agencies, may reject, deny or recommend agencies that have applied for grants based on previous performance and/or area need.

C. Project Location and Accessibility to People with Disabilities

Respondent must be committed to achieving full physical and programmatic accessibility as defined by the Americans with Disabilities Act (ADA). Additionally, the

Department of Family and Support Services reserves the right to ensure that all mandated services is available in each geographic region, and provided in a linguistically and culturally appropriate manner.

Section V. Legal and Submittal Requirements

A description of the following required forms has been included for your information. ***Please note that most of these forms will be completed prior to grant agreement execution but are not necessary for the completion of this application.*** A complete list of what forms will be required at the time of contracting is listed at the end of this section.

A. City of Chicago Economic Disclosure Statement and Affidavit (EDS)

Respondents are required to execute and notarize the **Economic Disclosure Statement and Affidavit** annually. The EDS can be downloaded at the City of Chicago, Department of Procurement website <https://webapps.cityofchicago.org/EDSWeb/appmanager/OnlineEDS/desktop> under the Forms and Standard Agreement tab. **A signed EDS is not a required part of this application** but will be required for contracting.

B. Disclosure of Litigation and Economic Issues

Legal Actions: Respondent must provide a listing and brief description of all material legal actions, together with any fines and penalties, for the past five (5) years in which (i) Respondent or any division, subsidiary or parent company of Respondent, or (ii) any officer, director, member, partner, etc., of Respondent if Respondent is a business entity other than a corporation, has been:

1. A debtor in bankruptcy; or
2. A defendant in a legal action for deficient performance under a contract or in violation of a statute or related to service reliability; or
3. A Respondent in an administrative action for deficient performance on a project or in violation of a statute or related to service reliability; or
4. A defendant in any criminal action; or
5. A named insured of an insurance policy for which the insurer has paid a claim related to deficient performance under a contract or in violation of a statute or related to service reliability; or
6. A principal of a bond for which a surety has provided contract performance or compensation to an obligee of the bond due to deficient performance under a contract or in violation of a statute or related to service reliability; or
7. A defendant or Respondent in a governmental inquiry or action regarding accuracy of preparation of financial statements or disclosure documents.

Any Respondent having any recent, current or potential litigation, bankruptcy or court action and/or any current or pending investigation, audit, receivership, financial insolvency, merger, acquisition, or any other fiscal or legal circumstance which may affect their ability, in FY'10-11 or in the future, to successfully operate the requested program, must attach a letter to their proposals outlining the circumstances of these issues. Respondent letters should be included in a sealed envelope, directed to

Commissioner Mary Ellen Caron. Failure to disclose relevant information may result in a Respondent being determined ineligible or, if after selection, in termination of a contract.

C. Grant Agreement Obligations

The City intends to award grants to selected delegate agencies for an initial nine month period with the right to extend the agreement for up to two periods, each period not to exceed one year. Grant agreement extensions may be made by the City based on the availability of funds, the need to extend services, and the delegate agency's performance. By entering into a grant agreement with the City, the grant recipient is obliged to accept and implement any recommended technical assistance. The grant agreement will describe the payment methodology. Payment will be conditioned on the grant recipient's performance in accordance with the terms of its grant agreement.

D. Insurance Requirements

Successful Respondents will provide and maintain, at their expense, the insurance coverage and requirements specified by the City of Chicago in the "Insurance Requirements and Insurance Certificate". The Insurance Certificate of Coverage is only required for those Respondents who are selected for a grant agreement award at which time more information will be given. **This certificate MUST be provided when responding to the RFP.**

The delegate agency shall carry the insurance coverage listed below. The policies or current letters documenting all insurance coverage shall be available in the agency's files including: Worker's compensation, Unemployment compensation, and general liability in the single limit minimum amount of \$100,000 per occurrence.

The delegate agency must secure an annual audit of its Federal Funds and forward the findings of that audit to DFSS-SS/AAA within six months after the close of the agency's fiscal year. If the delegate agency is a not-for-profit organization, expending \$300,000.00 or more in federal awards in a year, then a single audit must be secured.

The following types of insurance will need to be provided:

- 1) Workers Compensation and Employers Liability
Workers Compensation Insurance, as prescribed by applicable law, covering all employees who are to provide a service under this Agreement and Employers Liability coverage with limits of not less than \$500,000 each accident, illness or disease.
- 2) Commercial General Liability (Primary and Umbrella)
Commercial General Liability Insurance or equivalent with limits of not less than \$2,000,000 per occurrence for bodily injury, personal injury and property damage liability. Coverage must include the following: All premises and operations, products/completed operations, separation of the insured, defense, sexual molestation/abuse and contractual liability (with no limitation endorsement). The City of Chicago is to be named as an additional insured on a primary, non-contributory basis for any liability arising directly or indirectly from the work.

Sub-delegate agency's performing work for Provider must maintain limits of not less than \$1,000,000 with the same terms in this subsection.

- 3) Automobile Liability (Primary and Umbrella)
When any motor vehicles (owned, non-owned and hired) are used in connection with work to be performed, Provider must provide or cause to be provided, Automobile Liability Insurance with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage. The City of Chicago is to be named as an additional insured on a primary, non-contributory basis.
- 4) Property
Provider and Delegate Agencies are responsible for any loss or damage to property of the Senior Homeowners/Recipients at replacement cost that results from this Agreement.

Provider and their Delegate Agencies are responsible for all loss or damage to personal property (including materials, equipment, tools and supplies) owned, rented or used by Provider and Delegate Agency.

E. Indemnity

The successful Respondent will be required to indemnify City of Chicago for any losses or damages arising from the delivery of services under the grant agreement that will be awarded. The City may require the successful Respondent to provide assurances of performance, including, but not limited to, performance bonds or letters of credit on which the City may draw in the event of default or other loss incurred by the City by reason of the Respondent's delivery or non-delivery of services under the grant agreement.

F. False Statements

- (1) 1-21-010 False Statements

Any person who knowingly makes a false statement of material fact to the city in violation of any statute, ordinance or regulation, or who knowingly falsifies any statement of material fact made in connection with an application, report, affidavit, oath, or attestation, including a statement of material fact made in connection with a bid, proposal, contract or economic disclosure statement or affidavit, is liable to the city for a civil penalty of not less than \$500.00 and not more than \$1,000.00, plus up to three times the amount of damages which the city sustains because of the person's violation of this section. A person who violates this section shall also be liable for the city's litigation and collection costs and attorney's fees.

The penalties imposed by this section shall be in addition to any other penalty provided for in the municipal code. (Added Coun. J. 12-15-04, p. 39915, § 1)

- (2) 1-21-020 Aiding and Abetting.

Any person who aids, abets, incites, compels or coerces the doing of any act prohibited by this chapter shall be liable to the city for the same penalties for the violation. (Added Coun. J. 12-15-04, p. 39915, § 1)

(3) 1-21-030 Enforcement.

In addition to any other means authorized by law, the corporation counsel may enforce this chapter by instituting an action with the department of administrative hearings. (Added Coun. J. 12-15-04, p. 39915, § 1)

G. Compliance with Laws, Statutes, Ordinances and Executive Orders

Grant awards will not be final until the City and the Respondent have fully negotiated and executed a grant agreement. All payments under grant agreements are subject to annual appropriation and availability of funds. The City assumes no liability for costs incurred in responding to this RFP or for costs incurred by the Respondent in anticipation of a grant agreement. As a condition of a grant award, Respondents must comply with the following and with each provision of the grant agreement, including any additional conditions and/or restrictions that the City may impose:

1. Conflict of Interest Clause: No member of the governing body of the City of Chicago or other unit of government and no other officer, employee, or agent of the City of Chicago or other government unit who exercises any functions or responsibilities in connection with the carrying out of the project shall have any personal interest, direct or indirect, in the grant agreement.

The Respondent covenants that he/she presently has no interest, and shall not acquire any interest, direct, or indirect, in the project to which the grant agreement pertains which would conflict in any manner or degree with the performance of his/her work hereunder. The Respondent further covenants that in the performance of the grant agreement no person having any such interest shall be employed.

2. Governmental Ethics Ordinance, Chapter 2-156: All Respondents agree to comply with the Governmental Ethics Ordinance, Chapter 2-156 which includes the following provisions: a) a representation by the Respondent that he/she has not procured the grant agreement in violation of this order; and b) a provision that any grant agreement which the Respondent has negotiated, entered into, or performed in violation of any of the provisions of this Ordinance shall be voidable by the City.

3. Selected Respondents shall establish procedures and policies to promote a Drug-free Workplace. The selected Respondent shall notify employees of its policy for maintaining a drug-free workplace, and the penalties that may be imposed for drug abuse violations occurring in the workplace. The selected Respondent shall notify the City if any of its employees are convicted of a criminal offense in the workplace no later than ten days after such conviction.

4. Business Relationships with Elected Officials - Pursuant to Section 2-156-030(b) of the Municipal code of the City of Chicago, it is illegal for any elected

official of the City, or any person acting at the direction of such official, to contact, either orally or in writing, any other City official or employee with respect to any matter involving any person with whom the elected official has a business relationship, or to participate in any discussion in any City Council committee hearing or in any City Council meeting or to vote on any matter involving the person with whom an elected official has a business relationship. **Violation of Section 2-156-030(b) by any elected official with respect to the grant agreement shall be grounds for termination of the grant agreement.** The term business relationship is defined as set forth in Section 2-156-080 of the Municipal Code of Chicago.

Section 2-156-080 defines a “business relationship” as any contractual or other private business dealing of an official, or his or her spouse or domestic partner, or of any entity in which an official or his or her spouse or domestic partner has a financial interest, with a person or entity which entitles an official to compensation or payment in the amount of \$2,500 or more in a calendar year; provided, however, a financial interest shall not include: (i) any ownership through purchase at fair market value or inheritance of less than one percent of the share of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (ii) the authorized compensation paid to an official or employee for his office or employment; (iii) any economic benefit provided equally to all residents of the City; (iv) a time or demand deposit in a financial institution; or (v) an endowment or insurance policy or annuity contract purchased from an insurance company. A “contractual or other private business dealing” shall not include any employment relationship of an official’s spouse or domestic partner with an entity when such spouse or domestic partner has no discretion concerning or input relating to the relationship between that entity and the City.

5. Compliance with Federal, State of Illinois and City of Chicago regulations, ordinances, policies, procedures, rules, executive orders and requirements, including Disclosure of Ownership Interests Ordinance (Chapter 2-154 of the Municipal Code of Chicago); the State of Illinois - Certification Affidavit Statute (Illinois Criminal Code); State Tax Delinquencies (65ILCS 5/11-42.1-1); Governmental Ethics Ordinance (Chapter 2-156 of the Municipal Code of Chicago); Office of the Inspector General Ordinance (Chapter 2-56 of the Municipal Code of Chicago); Child Support Arrearage Ordinance (Section 2-92-380 of the Municipal Code of Chicago); and Landscape Ordinance (Chapters 32 and 194A of the Chicago Municipal Code).

6. Pursuant to Mayoral Executive Order No. 05-1, from the date of public advertisement of this request for proposals through the date of award of an agreement pursuant to this request for proposals, the organization responding to this request for proposals (the “Respondent”), any person or entity who directly or

indirectly has an ownership or beneficial interest in Respondent of more than 7.5 percent ("Owners"), spouses and domestic partners of such Owners, Respondent's proposed subcontractors, any person or entity who directly or indirectly has an ownership or beneficial interest in any subcontractor of more than 7.5 percent ("Sub-owners") and spouses and domestic partners of such Sub-owners (Respondent and all the other preceding classes of persons and entities are together, the "Identified Parties") must not: (a) make a contribution of any amount to the Mayor of the City of Chicago (the "Mayor") or to his political fundraising committee; (b) coerce, compel or intimidate its employees to make a contribution of any amount to the Mayor or to the Mayor's political fundraising committee; (c) reimburse its employees for a contribution of any amount made to the Mayor or to the Mayor's political fundraising committee; or (d) bundle or solicit others to bundle contributions to the Mayor or to his political fundraising committee.

If Respondent violates this provision or Mayoral Executive Order No. 05-1 prior to the award of an agreement resulting from this request for qualifications/proposals/ information, the Commissioner may reject Respondent's proposal.

For purposes of this provision:

"Bundle" means to collect contributions from more than one source which are then delivered by one person to the Mayor or to his political fundraising committee.

"Contribution" means a "political contribution" as defined in Chapter 2-156 of the Municipal Code of Chicago, as amended.

For purposes of this provision only, individuals are "Domestic Partners" if they satisfy the following criteria: (A) they are each other's sole domestic partner, responsible for each other's common welfare; and (B) neither party is married, as marriage is defined under Illinois law; and (C) the partners are not related by blood closer than would bar marriage in the State of Illinois; and (D) each partner is at least 18 years of age, and the partners are the same sex, and the partners reside at the same residence; and (E) two of the following four conditions exist for the partners: (1) the partners have been residing together for at least 12 months; (2) the partners have common or joint ownership of a residence; (3) the partners have at least two of the following arrangements: (a) joint ownership of a motor vehicle, (b) a joint credit account, (c) a joint checking account, or (d) a lease for a residence identifying both domestic partners as tenants; and (4) each partner identifies the other partner as a primary beneficiary in a will.

"Political fundraising committee" means a "political fundraising committee" as defined in Chapter 2-156 of the Municipal code of Chicago, as amended.

Any agreement awarded pursuant to this solicitation will be subject to and contain provisions requiring continued compliance with Executive Order 2005-01.