

LATE SUBMISSION PENALTIES

First 5 Merced County

1. Contractors are required to comply with all submission requirements (e.g., invoices, reports, evaluation data, etc.) as required by First 5 and as identified in their executed contractual agreements with First 5 Merced County, according to the timelines set forth in such agreements.
2. Contractors who fail to adhere to the timelines will be imposed a 'late penalty' unless a written Extension Request or Emergency Waiver request is received and approved by First 5.
3. Extension Requests: If a Contractor anticipates being unable to meet submission requirements, an Extension Request must be written and submitted to First 5 Merced County no later than 15 calendar days prior to the submission requirement due date.
 - a. Requests must specifically reference:
 - i. the required document(s) for which an extension is requested;
 - ii. the proposed date by which First 5 will receive the document(s);
 - iii. the rationale for the extension request.
 - b. Submission of an Extension Request does not constitute approval of the request. The Executive Director will receive and act on submitted requests.
 - c. First 5 Merced County will notify Contractors of the outcome of their submitted request within two business days of receipt.
 - d. Allowable length of extension, if approved: Requests for extension shall be for no more than 15 calendar days beyond the regularly scheduled due date. No additional extensions beyond the initial approved extension will be granted for a specific submission requirement.
4. Emergency Waiver: If no Extension Request has been approved beyond the original due date, and an emergency situation or other unexpected circumstance occurs that could not be anticipated and avoided, an Emergency Waiver request may be submitted. The request must be received no later than noon on the date of the required submission deadline. The waiver request may extend the original due date by no longer than 3 business days beyond the original submission deadline. The Executive Director will receive and act on submitted waivers. Waivers for non-emergencies or avoidable circumstances will not be approved.
5. Contractors who do NOT request (and have approved) an Extension Request or Emergency Waiver, and fail to comply with submission requirement due dates will be assessed a penalty according to the prescribed schedule. Additionally, contractors failing to comply with submission requirement due dates as extended through an Extension

Request or Emergency Waiver, will be assessed a penalty according to the same prescribed schedule.

6. Penalty Schedule: For each instance in which a Contractor fails to comply with submission requirement due dates, Contractor will be assessed a penalty of:
 - a. \$50 per day: For EACH business day a submission is late during the FIRST calendar week beyond the submission requirements deadline.
 - b. \$100 / day: For EACH business day a submission is late during the SECOND calendar week beyond the submission requirements deadline.
 - c. \$250 / day: For EACH business day a submission is late during the THIRD calendar week beyond the submission requirements deadline.

If a Contractor fails to meet submission requirements within three calendar weeks beyond the submission deadline, the Executive Director shall agendaize for the subsequent monthly Commission meeting, an action item with recommendations for the Contractor that may include additional penalties, up to and including contract termination.

7. Late Submission: 'Late submission' is defined as the submission of all required documents at any time beyond 5:00 PM of the due date. If the required submission (due) date is not on a regular business day (i.e., Saturday or Sunday) or falls on a County-established/recognized holiday, then a submission is deemed 'late' if not received by 12:00 PM Monday, or subsequent workday (following a holiday).
8. Complete Submissions: A submission requirement is defined to be satisfactorily met when all required documents are received by First 5, in full and with all required supporting documentation.
9. All imposed penalties for Contractors will be reported to the Commission at its monthly Commission meetings.
10. Penalties will be applied to Contractors' Indirect Expenses line item. If no such line item exists for a particular Contractor, the penalty will be applied to a line item at the discretion of the Executive Director.
11. Appeals: If a Contractor does not agree with an imposed penalty, an appeal may be submitted. However, appeals will only be considered for instances in which a Contractor claims the imposition of a penalty was not done in accordance with the Commission's Procedure for Late Submission Penalties.
 - a. Mere disagreement with an imposed penalty does not constitute grounds for an appeal.
 - b. An imposed penalty may not be appealed in cases in which a late submission has occurred and neither an extension request nor an emergency waiver was submitted.