

City and County of San Francisco
Film SF | San Francisco Film Commission



Film Space Grant 2023-2027
Request for Proposals (RFP)

Issued by:	Film SF San Francisco Film Commission A Division of the Office of Economic and Workforce Development (OEWD)
Date issued:	Thursday, April 27, 2023
Proposals due:	Friday, May 19, 2023 by 5:00 P.M. Proposal submissions will be accepted online only. A link to the online application can be found at the following website: https://sf.gov/information/bid-opportunities
Questions about this RFP?	All technical assistance will be provided by phone or email in accordance with public health and accessibility guidelines. Please email: owd.procurement@sfgov.org
Need the RFP or application materials in alternative formats for persons with disabilities? Please send an e-mail to: owd.procurement@sfgov.org	

Film Space Grant 2023-2027

Request for Proposals

TABLE OF CONTENTS

(Hover mouse over Section Name, press “Ctrl”, then click on Section Name to navigate to that Section)

<u>Section</u>	<u>Section Name</u>	<u>Page #</u>
I.	Introduction, Overview and Schedule	3
II.	Program Area and Scope of Work	8
III.	Application Process	11
IV.	Proposal Review Process	14
V.	Protest Process	17

Appendices:

- A. Application Questions –For Reference Only
- B. Proposal Budget Template – Required Document
- C. City Grant Terms (Form G-100) – For Reference Only
- D. Applicant Requirements and Guidelines – For Reference Only
- E. Supplier Registration Instructions – For Reference Only

Introduction, Overview and Schedule

The funding in this **Request for Proposals (“RFP”)** provides critical resources to support San Francisco’s film industry. The total amount of funding anticipated for initial grant awards is **\$24,000 per year for up to 4 years**. Additional details regarding the funding awards, and the expected term of initial grant agreements, are summarized below and detailed in Section II of this document.

About the Film Commission

Film SF and San Francisco Film Commission champion filming in San Francisco to support a diversity of storytellers and our thriving production community. Film SF, a division of the Office of Economic Workforce Development, strives to:

- Attract filmmakers to the cinematic city of San Francisco and support our local storytellers to foster filming in order to stimulate economic development
- Create jobs and local spending
- Share the beauty of the City with the rest of the world, which attracts tourism and strengthens our economy

For more information about the Film Commission, please visit: <https://sf.gov/public-body/film-commission>

A. Eligible Applicants

You are eligible to apply if you:

- Are a nonprofit organization, registered with the Internal Revenue Service (IRS) and in good standing with State of California’s Registry of Charitable Trusts and the California Secretary of State (SOS), and eligible to do business with the City and County of San Francisco, and
- Are not debarred or suspended from participation in local, State or Federal programs, and
- Meet all minimum qualifications as described in Section II below. Failure to satisfy the minimum qualifications will eliminate the applicant from further consideration, and
- Can comply with all local, state or federal laws and regulations if funded. Please see **Appendix C** and **Appendix D** for more information about general terms and conditions of City funding opportunities, and
- Have a mission focused on the development and production of film in San Francisco through support and education of individual filmmakers, and
- Have at least 2 years providing support to the Film industry via a residency program for filmmakers, to ensure they have access to a physical space and/or programming (mentorship, professional development opportunities, etc) to advance their projects, and
- Maintain headquarters and primary operations in San Francisco in an owned or leased space that you will maintain for at least the next two fiscal years (July 2023-June 2025), and
- Have had ongoing operations for a minimum of two years, and
- Your three-year average annual operating budget (income or expense) is at least \$500,000.

You are **not** eligible to apply if you:

- Are leasing space from the City.
- Are a program of another City agency or department.

To receive a grant under this Solicitation, applicant must be in good standing with the California Secretary of State, the Franchise Tax Board and the Internal Revenue Service. Nonprofit organizations must also be in good standing with the California Attorney General’s Registry of Charitable Trusts. Applicant cannot be suspended or debarred by the City or any other governmental agency. Applicant must comply with all applicable legal requirements by the time of grant execution and must remain in good standing with these requirements during the term of the agreement. Upon request, applicant must provide documentation to the City demonstrating its good standing with applicable legal requirements. If applicant will use any subcontractors/subgrantees/subrecipients to perform the agreement, applicant will be responsible for ensuring they are also in compliance with all applicable legal requirements at the time of grant execution and for the duration of the agreement.

B. Available Funding

The initial round of funding is expected to be local City funds (“General Fund”). OEWD/ FILM SF may also award a variety of other funding to support these programs in future program years,

including other city, state, federal and non-government sources, such as contributions from private foundations.

Should any additional funding be identified to support these programs in future program years, OEWD/ FILM SF will disclose the terms and conditions related to those awards and grantees will be required to demonstrate the ability to comply with the terms.

The funding amounts listed in this RFP are anticipated initial funding awards, based on current budget availability. Actual awards will be determined by the number of responsive proposals that meet OEWD/ FILM SF strategies and objectives, and funding may be less or more. **Please submit budget requests according to the limits in this RFP;** however, OEWD/ FILM SF may negotiate different funding allocations, grant terms, and project goals before finalizing awards. Should additional funding become available, award amounts may be increased beyond the originally anticipated amount at a level commensurate to the cost-per-deliverable or cost-per-client detailed in the RFP and/or OEWD/ FILM SF may choose to fund additional proposals, in descending order in accordance with the ranking of the applicant pool.

This RFP, and the proposals received as a result of it, may be used to justify funding decisions for other similar services and/or other funding that becomes available through OEWD/ FILM SF or any other City department. OEWD/ FILM SF, or other City agencies, will disclose any additional regulations or requirements during the negotiation process for grants or contracts that are awarded through this RFP and funded by other local, state, federal or non-city sources.

Nonprofit organizations funded by OEWD/ FILM SF under this RFP may also be eligible to apply for funding under OEWD's nonprofit capacity fund. The goal of OEWD's nonprofit capacity fund is to maintain continuity of economic and workforce development services by potentially assisting nonprofit suppliers with one-time, as-needed funds to support administrative operations and organizational effectiveness (e.g. leadership transition, strategic partnership). The fund is dependent on funding availability, and limited to nonprofit organizations who are currently funded by OEWD for the specific purpose of providing economic and workforce development services. When funding becomes available, eligible nonprofit organizations currently funded by OEWD will be notified of the opportunity to apply for funding.

C. Technical Assistance

OEWD/ FILM SF is committed to ensuring all applicants have a fair chance to compete for this funding. In recognition of the current public health climate, all technical assistance will be provided online/by phone. OEWD/ FILM SF will host multiple online drop-in sessions for applicants to receive guidance and support on the application process (please visit the **RFP website** for details). If you have any questions about this RFP, or need assistance with the application, please get in touch with our office at the following email address:

owd.procurement@sfgov.org

D. Service Period

Unless otherwise noted, successful proposals are expected to be funded for **up to four (4) years**, concluding no later than June 30, 2027. Grants are expected to begin July 1, 2023 or later. Grants may be negotiated for shorter terms (e.g. 1, 2 or 3 years), and funding awards will be adjusted commensurate with the adjusted service period.

All decisions regarding the size, length, and scope of future funding awards are subject to OEWD/ FILM SF approval and budget availability. Some of the service areas may not be funded initially, but OEWD/ FILM SF may award unfunded proposals within the term of this RFP if funds become available that align with the services proposed. Future funding is not guaranteed, and funding amounts and terms will depend upon the performance of the grantee during the initial award period, as well as other policy considerations as determined by OEWD/ FILM SF. Grantees will be asked at a minimum to submit a final report of their activities and, if OEWD/ FILM SF elects to renew the award, a revised scope of work and budget for the renewal period(s) for OEWD/ FILM SF review. OEWD/ FILM SF reserves the right, in its sole discretion, to not renew funding awards.

E. Schedule

The anticipated schedule for awarding initial funding is as follows:

RFP Phase	Date
RFP is issued by the City	Thursday, April 27, 2023
Deadline for submission of written questions*	Tuesday, May 9, 2023 at 11:59PM
Answers to questions posted online	Final Posting: Thursday, May 11, 2023 by end of day
Proposals due	Friday, May 19, 2023 by 5:00 P.M.
Committee Proposal Review	May 22 through May 26, 2023
Grantee Selection and award notification	Award notifications (anticipated) by May 31, 2023
Protest period ends	5 business days following award notification
Projects begin	July 1, 2023 or later

Each date is subject to change. For the latest schedule, check the [RFP website](#).

*Note: Substantive questions regarding this RFP – such as clarifying questions regarding the eligibility of proposed projects – must be submitted by the above deadline. Purely technical questions regarding how to complete or submit the online RFP application will be answered until the proposal submission deadline. Send an email to oe wd.procurement@sfgov.org if you have technical assistance needs.

Additional Technical Assistance Offerings

In addition to the Technical Assistance Conference, OEWD/ FILM SF will host multiple drop-in technical assistance sessions online via Zoom, to provide support to applicants on navigating the RFP materials or online application. At sessions that take place prior to the Q&A deadline posted above, OEWD/ FILM SF may collect and/or answer some substantive questions in these sessions and will post the questions and responses on the Q&A log for transparency. Please visit <https://sf.gov/information/bid-opportunities> for more information on these drop-in sessions.

II. Program Area and Scope of Work

Program Area A: San Francisco Film Commission Film Space Grant 2023-2027

Anticipated Number of Awards: 1 or more

Initial Funding Awards: Total amount of funding available under this program area is currently anticipated to be \$24,000 per year. Applicants may propose budgets of up to **\$48,000** to cover 24 months of eligible activity within the project period.

Grant agreements are expected to be awarded for a term of 2 years, with options to renew for 1 or 2 additional years, ending no later than June 30, 2027. If additional funding is identified following the issuance of this RFP, award amounts may be adjusted commensurate with an increase in grant deliverables. All funding awards (including renewals) are subject to approval of the Film Commission and are contingent on available funding. Actual funding may be less or more on a year-to-year basis.

Expected Start Date: July 1, 2023

Scope of Work:

The San Francisco Film Commission Film Space (SFFCFS) grant is designed to provide financial assistance to one or more **nonprofit organizations** that assist independent filmmakers by providing low cost office and film production space, industry mentorship and/or curated professional development programming in San Francisco in order to facilitate film production activities in San Francisco.

Selected grantees must make available the following resources and supports to local filmmakers in delivering this grant program:

- Provide space within an **owned or leased** San Francisco-based facility suitable for ongoing use (at least 12 months) by five or more filmmakers (the "filmmaker residents") for film office and film production activities ("Qualified Film Space").
- Provide **professional development programming and industry mentorship** to filmmakers working on professional-quality projects that will be presented in public forums (e.g. film exhibitions or broadcast on screen/television), as opposed to personal or experimental projects.

Grant funds must support no less than **5 filmmakers** within the course of each fiscal year (July 1 through June 30). If the number of filmmaker residents falls below the required number of five in a fiscal year, grantee may provide another filmmaker space to maintain the grant award. Grantee must make best efforts to provide space for another filmmaker within 30 days of vacancy. Grantee can provide the space until the end of the fiscal year, 12 months or until the

end of the grant period. Grantee must immediately notify the Director of the San Francisco Film Commission if there is a vacancy.

Eligibility of Program Participants:

- The filmmakers supported by the applicant must be actively engaged in a film, video, television or other moving image project in any genre and in any stage of production -- from screenwriting to strategizing the project’s exhibition, distribution and outreach plan.
- At least one of the filmmakers supported by the applicant must be working on a film which will shoot 55% of its shoot days in San Francisco.
- At least two of the filmmakers who would be supported by the grant must be residents of San Francisco.

Conditions of Funding

Grantee(s) shall maintain their occupancy in the same qualified film space facility on a continuous basis during the grant term, unless otherwise approved in writing in advance by the Executive Director of the Film Commission. The Film Commission reserves the right to immediately withdraw grant funding or terminate the grant if a Grantee fails to maintain continuous occupancy for each filmmaker for 12 months per fiscal year in a qualified film space during the term of the grant.

Applicants who receive a grant award (“Grantee”) must enter into a written grant agreement with the City that, in addition to the terms and conditions of such grant, requires the Grantee to acknowledge the receipt of Film Space funding by using the following phrase in all materials produced as a result of this grant award, and in any interviews or during events:

“This event/activity/program is supported by Film SF, the San Francisco Film Commission.”

Additionally, Grantee shall use their best efforts to ensure that all filmmakers served through this program expressly credit the San Francisco Film Commission on all film productions that used space funded in whole or in part by the grant with the following credit line.

“This production was made possible in part by the San Francisco Film Commission Film Space Grant.”

Grantee must also display the Film SF logo on all printed and electronic matter for such interviews, events and film productions.

Preferred Qualifications

In addition to the Minimum Qualifications detailed on page 4, additional consideration will be given to proposals that meet the following Preferred Qualifications:

- Applicant can serve more than the minimum number of filmmakers (more than 5 per year), and/or provide longer-term or more robust professional development and mentorship support by leveraging other resources, staff, or space.
- Applicant has an active Board or Advisory Committee that can contribute industry knowledge, expertise, resources or relationships to support filmmakers.

Performance Measurement

In addition to providing the above activities, grantees will be asked to submit quarterly and annual reports. The format of these reports will be subject to the discretion of the Film Commission, however, reports should include details on the program's outcomes to demonstrate the impact of this investment on local filmmakers. The reports should include, at minimum, the following information:

- A list of filmmakers being served through the program
- Stage of development of each project
- Details on which productions are filming in San Francisco
- Type of production
- Short narrative highlighting other impacts, benefits, and key events which occurred in that reporting period/fiscal year.

At Film SF's discretion, grantees under this program may also be invited to provide recommendations to the Film Commission to further support filmmakers engaged in these projects, including leveraging other City and non-City resources.

III. Application Process

A. How to Apply

Complete applications shall include all of the items listed in the Proposal Package Checklist, below. Instructions and tips on completing all Proposal Package documents are included following the Checklist and all templates noted can be downloaded from <https://sf.gov/information/bid-opportunities>.

Proposal Package Checklist - The following items must be completed and included in the application package.

Templates provided as Appendices to RFP:

- Appendix B, Proposed Budget** template – Please list your proposed project budget on this template and upload it where prompted before you submit your application. Please do not convert this file to a PDF document before you upload it; the application will only accept Excel (.xls) file format.

Additional required attachments:

- Organizational Budget** (no template) – Organizational Budget for the current or last completed Fiscal Year for the entity that will hold the contractual obligation if awarded (no template provided).
- Organizational Chart** (no template) – Organizational Chart for the entity that will hold the contractual obligation if awarded (no template provided).
- Proof of good standing with the Internal Revenue Service (IRS)**. Search for your organization here: <https://apps.irs.gov/app/eos/>
- Proof of good standing as a tax-exempt entity with the State of California**. Search for your organization here: <https://bizfileonline.sos.ca.gov/search/business>
- Proof of San Francisco corporate address**
 - Most recent signed copy of your organization’s **IRS 990 or 990EX** from the last two (2) completed fiscal years
 - Up to three (3) samples** of your organization’s promotional materials, such as brochures, fliers, catalogues, etc. related to your film space/residents’ events.

Only Proposal Packages submitted using the approved templates with all required attachments will be considered for funding.

Alternative formats of templates may also be provided to individuals with disabilities by contacting owd.procurement@sfgov.org before the submission deadline.

Additional Reference Materials, Requirements and Guidelines

The following documents are for reference only.

Appendix A, Application template – This template includes the question set that all applicants must respond to, for each application. The same questions are in the online application form, which can be accessed on the RFP website at <https://sf.gov/information/bid-opportunities>. Appendix A can be used to draft your narrative response, which can be copied and pasted into the online application. **Please do not upload Appendix A with your application.**

Appendix C, City Grant Terms (Form G-100), contains the standard requirements that apply to all organizations doing business with the City.

Appendix D, Applicant Requirements and Guidelines

Appendix D is a reference document which outlines the standard administrative and compliance requirements, as well as providing additional details related to the following topics:

- Eligible Applicants
- Organizational Capacity
- Board of Directors/Leadership/Stability
- General City Grant Requirements
- Additional Local Requirements
- Collaborations
- Conditions of Proposal

Appendix E, Supplier Registration Instructions, provides registration instructions to applicants who are not current City Suppliers (vendors).

B. Proposal Package Submission

When all items are complete, submit the entire Proposal Package through the online system by the posted submission deadline. Complete proposal packages must be received in the online system by the deadline.

Upon successful submission, you will receive an e-mail response to confirm your submission was received by the deadline. Save this information for future reference.

If you discover an error in your submission and need to submit a revised proposal, compile all items on the Proposal Package Checklist, follow the same steps as outlined above, and ensure that the revised submission is submitted before the deadline. Please also contact owd.procurement@sfgov.org and confirm that you are replacing your prior submission so that OEWD/ FILM SF is able to identify the correct proposal that the Review Committee receives.

Again, all submissions, including all appendices, must be received by the deadline to be considered as part of the Proposal Review Process. **Early submission is highly encouraged.**

If you have any challenges with the application templates, please contact the Contracts and Grants Division at owd.procurement@sfgov.org. The team will assist with technical issues until the submission deadline.

C. Best Practice Tips

- Use the Proposal Package Checklist to ensure your proposal is complete.
- Carefully review the minimum qualifications.
- Write as clearly and succinctly as possible and respond directly to the questions as asked. Do not submit extra materials not requested.
- No links to outside materials should be included in proposals, as the Review Committee will not review any websites, articles, videos, or documents during the review process.
- Include all requested files as attachments with your proposal prior to submission; these attachments will not be accepted after the deadline.

IV. Proposal Review Process

First, OEWD/ FILM SF will review all proposals to determine if they are complete and eligible. Incomplete, late or otherwise ineligible proposals will not be considered and applicants will be notified if their proposals have been disqualified.

Next, a Review Committee will read and score all complete and eligible proposals. The Review Committee may consist of City and non-City staff and other individuals who have experience in the Program Area in this RFP. If applicants are current OEWD/ FILM SF grantees or contractors, OEWD/ FILM SF may consider prior performance in our review.

At the discretion of the City, the review process may require applicants to make an oral presentation before the panel and/or require the panel to conduct a site visit of the applicant's facility or proposed project area.

Selection Criteria

Applications will be reviewed and evaluated using the criteria described in this section. Point values indicate the relative importance placed on each section and points will be awarded based on the extent to which the application addresses the criteria listed. Applicants should prepare their proposals with these criteria in mind.

Proposals will be evaluated on a **100-point scale**, broken down as follows:

Category: Applicant Qualifications (10 points)

- The applicant meets all minimum qualifications established in this RFP.
- The applicant can support at least 5 filmmakers with space and services per fiscal year.

Category: Mission Alignment (30 points)

- The applicant's mission focuses on the development and production of film in San Francisco.
- The applicant has a history of at least 2 years providing support and education to filmmakers.
- The applicant has conducted routine, ongoing activities related to the services described in this RFP.

Category: Project Team (20 points)

- The applicant's project team has expertise in creating professional development programming and providing industry mentorship to filmmakers.
- The applicant provides a continuing and stable presence in the local film community.

Category: Approach and Activities (30 points)

- The proposed project will contribute to achieving the goals and objectives stated in the RFP.
- The application presents a clear description of the proposed project, including a clear statement of goals and objectives.
- The application presents a plan of action with details on the specific scope of services applicant(s) propose and how the proposed work will be accomplished.
- The design of the project reflects current knowledge on effective practices supported by applicants' experience.
- The proposed project reflects performance targets appropriate for the program.
- The proposal demonstrates the organization's capacity to carry out the proposed project by connecting current or previous experience with the proposed programming.

Category: Financial Management and Budget (10 Points)

- Applicant provides a budget narrative presenting reasonable costs that relate to activities proposed.
- The proposed budget is submitted on the required template and applicant's overall budget is of a size to reasonably expect successful delivery of the program.
- Applicant maintains strong fiscal controls and would ensure the prudent use, proper and timely disbursement and accurate accounting of funds awarded under this RFP.
- Additional resources are available to ensure implementation and sustainability of programming (preferred).

Please note: while applicants are being asked to provide a detailed cost-reimbursement budget with the application, please note that FILM SF/OEWD may elect to negotiate a different reimbursement model, which may include deliverables.

Depending on the number and quality of proposals, applicants may be invited to be interviewed by the Review Committee to make a final selection. Each application will be considered individually and the organization's overall capacity in relation to the number of projects proposed will also be considered when projects and proposals are recommended for funding.

Clarifications

The City may contact applicants to clarify any portion of the proposal. All questions to the applicants will be submitted in writing and the answers, in writing, will be submitted, along with the proposals, to the Review Committee for scoring. Any attempt by an applicant to contact a member of the Review Committee during the proposal review process (other than submitting

clarification questions or responding to any City-initiated contact) may result in the elimination of that proposal from consideration.

Selection

After the Review Committees have concluded the evaluation and scoring of the proposals, the results will be submitted to the Director of FILM SF, and the appropriate oversight bodies, if necessary, for review and determination of the award. The tentative awardees whose proposal(s) are determined to meet the needs of the City will be recommended to negotiate a grant. If an applicant submits multiple proposals, the organization's overall capacity in relation to the number of projects proposed will also be considered when proposals are recommended for funding. All applicants will be notified of the results of the evaluation.

Applicants acknowledge that OEWD/ FILM SF reserves the right to reject all proposals or cancel this RFP in whole or in part at any time prior to entering into a grant agreement and may republish the RFP.

The tentative award may be conditioned on inclusion of changes/additional terms. Negotiations over the specific terms and language may be required before submission to the Civil Service Commission for approval, if applicable. If the City is unable to negotiate a satisfactory agreement with the winning applicant(s), the City may terminate negotiations with that applicant and proceed to negotiate with other qualified applicants in the descending order of their ranking in the evaluation process. This process may be repeated until a satisfactory grant agreement has been reached. Final award of the grant may be subject to approval by the Civil Service Commission, Board of Supervisors, Mayor, or other governing body.

Applicants who do not receive an award may appeal the decision by filing a protest (described below). Applicants who receive a grant will be contacted to begin the grant negotiation process.

Negotiation Process

Following the conclusion of the protest process (described below), OEWD/ FILM SF will contact all awardees to begin scope and budget negotiations. During the negotiation period, OEWD/ FILM SF will provide additional details to include an offer of funding, the expected start date of the grant, a proposed scope of work and budget, and to disclose any fund source-specific criteria that the grantee will need to adhere to. OEWD/ FILM SF will also request necessary compliance documentation that is required for all City grants.

V. Protest Process

A. Protest of Non-Responsiveness Determination

If your proposal is deemed non-responsive, you will receive notice from the City explaining the reason for removing it from consideration. Within five (5) calendar days of the City's issuance of a notice of non-responsiveness, any respondent that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. The protest must be received by the City on or before the fifth business day following the City's issuance of the notice of non-responsiveness.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the applicant, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

B. Protest of Grant Award

Within five (5) business days of the City's issuance of a notice of intent to award the grant, any applicant that has submitted a responsive proposal and believes that the City has incorrectly selected another applicant for award may submit a written notice of protest. The notice of protest must be received by the City on or before the fifth business day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the applicant, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

C. Delivery of Protests

All protests must be received by 5:00 p.m. on the due date. OEWD/ FILM SF highly recommends submitting the protest via email. If a protest is mailed in hard copy, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) or fax will not be considered. Scanned signed protest letters may be submitted via email to OEWD/ Film SF.procurement@sfgov.org. Letters transmitted electronically must be sent in PDF format and be signed by an individual authorized to negotiate or sign agreements on behalf of the protesting organization.

Protests must be addressed to:

Contracts and Grants Director
Office of Economic and Workforce Development
One South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

Following the City's receipt of a timely protest, the City may decide to schedule a meeting to review and attempt to resolve the protest. The meeting will be scheduled within ten (10) calendar days of the receipt of the protest, in a format that follows public health and accessibility guidelines. If the City determines a meeting is not necessary to address the protest, the protestor can anticipate a written response from the City within 10 calendar days of submission of the letter of protest. **All protest determinations made by the Director of OEWD are final.**