

City and County of San Francisco
Sourcing Event ID 000008870 | Dept Contract ID: CAPSADP005

Formal Request for Qualifications for:
Organizational Services for San Francisco Adult Probation Department

This RFQ can be viewed on the City’s Supplier Portal at: <https://sfcitypartner.sfgov.org/pages/index.aspx>



Request for Qualifications Issuance	April 23, 2024
Pre-Proposal Conference (Optional)	May 3, 2024 at 11:30 AM Pacific Time via Microsoft Teams meeting
Deadline for Written Questions	May 10, 2024 by 5 PM Pacific Time
Deadline to Submit Proposals	May 20, 2024 by 5 PM Pacific Time
Notice of Intent to Establish Prequalified Pool	Week of June 3, 2024, or upon completion of proposal evaluation
Period for Protesting Notice of Intent to Establish Prequalified Pool	Within three (3) business days of the City's issuance of a Notice of Intent to Establish Prequalified Pool.
Pool Administrator:	Waleed Sadat Administrative Analyst Office of Contract Administration City Hall, 1 Dr. Carlton B. Goodlett Pl, Rm 430 Phone: (628) 652-1631 Email: waleed.sadat@sfgov.org

Attachments

- Attachment 1: Proposer Questionnaire and Required Documentation
- Attachment 2: Service Area Descriptions

**MANDATORY MINIMUM
QUALIFICATION
DOCUMENTATION**

Proposers must submit with their proposal documents in support of each Minimum Qualification (MQ) listed below. A proposal that fails to provide the following documentation will not be eligible for further consideration.

MQs Required for ALL SERVICE AREAS

The MQ listed in the table below is required of ALL Proposers wishing to qualify for any Service Area under this Request for Qualifications.

MQ #	Description
MQ 1	Completed Attachment 1, Proposer Questionnaire and Required Documentation.

* * * * *

Table of Contents

I.	Introduction	1
A.	General	1
B.	SFAPD Context/Background	1
C.	Governing Initiatives	1
D.	Expectations for a Successful Partnership	5
E.	Creation and Duration of the Prequalified Pool	5
F.	Resulting Contracts Awarded to Contractors Selected from the Prequalified Pool	5
G.	Cooperative Agreement	6
H.	RFQ Schedule	6
II.	Goods and Services Requested	7
A.	Goods and/or Services Requested	7
B.	Reserved.	8
C.	Green Purchasing Requirements	8
III.	Local Business Enterprise (LBE) Program Requirements	8
A.	Reserved.	8
B.	Application of LBE Rating Bonuses and/or Bid Discounts	8
C.	LBE Subcontracting Participation Requirements	9
IV.	Proposal Evaluation Criteria	9
V.	Minimum Qualifications Documentation Required with Proposal (Pass/Fail)	9
VI.	RESERVED.	10
VII.	RESERVED.	10
VIII.	RESERVED.	10
IX.	Supporting Documentation Required Prior to Selection For the Prequalified Pool	10
X.	City's Social and Economic Policy Requirements	10
A.	Administrative Code Chapter 12B	10
B.	Reserved.	10
C.	Health Care Accountability Ordinance	10
D.	Minimum Compensation Ordinance	10
E.	First Source Hiring Program	10
F.	Reserved.	11
G.	Non-Profit Entities	11
XI.	Terms and Conditions for Receipt of Proposals	11
A.	How to Register as a City Supplier	11
B.	Proposal Questions and Submissions	11
C.	Proposal Addenda	12
D.	Public Disclosure	12
E.	Limitation on Communications During Solicitation	13
F.	Proposal Selection Shall Not Imply Acceptance	13
G.	Cybersecurity Risk Assessment	13
H.	Solicitation Errors and Omissions	14
I.	Objections to Solicitation Terms	14
J.	Protest Procedures	14
K.	Proposal Term	15
L.	Revision to Proposal	15
M.	Proposal Errors and Omissions	15
N.	Financial Responsibility	15
O.	Proposer's Obligations under the Campaign Reform Ordinance	15

P. Reservations of Rights by the City 16
Q. No Waiver 16
R. Other..... 16

I. INTRODUCTION

A. General

This Request for Qualifications (hereinafter “RFQ” or “Solicitation”) is being issued by the City and County of San Francisco Adult Probation Department (hereinafter, “APD” “SFAPD” or “City”). APD, on behalf of all City Departments, is seeking qualified suppliers (“Proposers”) to provide proposals (“Proposal”) for one or more Service Areas for organizational development and strategic planning; professional development; nonprofit capacity building; research and evaluation; and Batterers’ Intervention Program Monitoring Services.

The City shall evaluate Proposals to create a Prequalified Pool of Proposers (“Prequalified Pool”). Proposers prequalified under this RFQ are not guaranteed a contract. The City may use the Prequalified Pool, at its sole and absolute discretion, on an as-needed basis.

Multiple Service Areas: The Prequalified Pool will consist of the following 5 Service Areas:

1. Organizational Development and Strategic Planning
2. Professional Development
3. Nonprofit Capacity Building
4. Research and Evaluation
5. Batterers’ Intervention Program Monitoring Services

Proposers may submit a proposal seeking qualification for any one or multiple Service Areas of this RFQ. APD is the primary City department for this RFQ, however, any City department may use the results of any Prequalified Pool that results from this RFQ.

B. SFAPD Context/Background

The City and County of San Francisco Adult Probation Department (SFAPD) supervises and supports adults sentenced to community supervision and diversion programs, and provides comprehensive reports to the Court to inform sentencing and community supervision decisions. The SFAPD achieves excellence in community corrections, public safety, and public service through the integration of evidence-based practices (EBPs) and victim centered supervision strategies. By prioritizing racial equity and collaboration with the Courts, community-based organizations, City partners, victim organizations, and justice system stakeholders, the SFAPD provides a unique blend of justice, community support, and treatment that is equitable for all. SFAPD is committed to addressing the complex behavioral health needs of individuals by providing holistic and client-centered reentry services, which promote autonomy and sustainable life changes. The SFAPD values the diversity of its clients and invests in their success by providing a continuum of reentry services designed to address their individual needs and help them permanently exit the criminal justice system.

SFAPD strives to create an environment in which staff and clients alike have access to culturally and linguistically appropriate services and opportunities. Through its policies, practices, and operations SFAPD demonstrates respect, awareness, and appreciation of clients’ and staff’s beliefs, practices, traditions, religions, history, languages, and justice-involvement histories.

C. Governing Initiatives

1. Governing Initiatives

The following state and local governing initiatives have greatly influenced the SFAPD, community corrections and supervision, and reentry efforts within San Francisco.

a. California Community Corrections Performance Incentive Act (2009)

Local criminal justice reform met statewide reform mandates at an unprecedented crossroads in the last decade. Senate Bill 678 (SB 678) was signed into law in October 2009. The purpose of the bill is to reduce recidivism amongst felony supervision clients by improving probation services using evidence-based practices. SB 678 required the formation of a Community Corrections Partnership (“CCP”), which advises the county on the use of evidence-based practices in sentencing and probation supervision and makes funding recommendations as related to this act and the Public Safety Realignment Act, outlined below. SB 678 also created the Community Corrections Performance Incentive Fund, which rewards county probation departments for decreasing the number of felony clients that are revoked and sentenced to state prison. From 2009 through 2018, SFAPD successfully decreased its commitments of felony clients to state prison by over 75 percent. For this remarkable success, SFAPD has incentive funding from the state to further support the implementation of evidence-based practices. SFAPD has dedicated 100 percent of these resources to services, housing, treatment, employment, and related services to support people on supervision through the implementation of evidence-based alternatives to state prison.

b. Public Safety Realignment Act (2011)

In an effort to address overcrowding in California’s prisons and assist in alleviating the state’s financial crisis, the Public Safety Realignment Act (AB 109) was signed into law on April 4, 2011. Amended by AB 117 (2011), SB 2021 (2012), and SB 1023 (2012), AB 109 transfers responsibility for supervising specified lower level inmates and parolees from the California Department of Corrections and Rehabilitation to counties. Implementation of the Public Safety Realignment Act began on October 1, 2011.

A summary of the four major changes enacted by Public Safety Realignment appears below:

1) Post-Release Community Supervision (PRCS): People released from State Prison on or after 10/11/2011 who were serving a sentence for a non-serious, non-violent, or non-sex offense are released to PRCS, which is administered in by county probation departments. Prior to 10/1/2011, individuals released from state prison for these offenses would have been placed on State Parole.

2) Mandatory Supervision (Redefining Felonies per California Penal Code § 1170(h)): Individuals convicted of certain felonies on or after 10/1/2011 may be sentenced to county jail or may be sentenced to serve time that is split between county jail and a period of community supervision called Mandatory Supervision. Mandatory Supervision is administered by county probation departments.

3) Parole Violations: People released from State Prison on or after 10/1/2011 who served a sentence for a serious, violent, or sex offense are released to State Parole. As of 7/1/2013, parole revocation hearings are heard in by superior courts and, if warranted, parole violation sentences, which were previously served in State Prison, are now served in county jails.

c. Reentry Council of the City and County of San Francisco (Reentry Council)

Established in 2008 by San Francisco Administrative Code 5.1, the Reentry Council initiates a broad-based effort to identify the range of reentry services that may best support a client's successful and permanent transition from the criminal justice system to the community. Efforts are largely driven by the Reentry Council's three subcommittees, Women 1st, Direct Services, and Legislation, Policy and Practices. These subcommittees include knowledgeable and committed city representatives, members of the community, formerly incarcerated individuals and other front line professionals that work tirelessly to help currently and formerly incarcerated people permanently exit the criminal justice system. The Reentry Council's due diligence also includes review of the existing reentry services stock and service capacity, focus groups with city and community partners, and focus groups with a wide range of consumers of reentry services.

In 2011, the Reentry Council of the City and County of San Francisco collaborated with the Bureau of Justice Assistance and the Justice Reinvestment Initiative to learn more about the impact of reentry services on the justice-involved population in San Francisco. Through data analysis, Justice Reinvestment sought to safely reduce corrections and related criminal justice spending and reinvest savings in efforts that effectively mitigate crime and support successful reintegration of previously incarcerated people into their communities.

In 2014, through JRI, the Reentry Council sought to delve deeper into racial and ethnic disparities within San Francisco's criminal justice system and advanced two efforts: 1) Community stakeholder conversations, and 2) collaboration with the W. Haywood Burns Institute for Justice, Fairness and Equity ("Burns Institute"). The Burns Institute gathered and analyzed available data from criminal justice partners, and facilitated several stakeholder conversations, which culminated in a report and presentation to the Reentry Council. The results of the Burn's Institute report underscored expansive criminal justice data issues, data systems silos, overrepresentation of African Americans at every point on the criminal justice system from arrest through sentencing. While San Francisco's African American population is less than six percent, the report concluded that African Americans represent 40 percent of people arrested, 44 percent of people booked into county jail, and 40 percent of people convicted in San Francisco.

In 2018, the Reentry Council took another proactive step and adopted the Criminal Justice Racial Equity Statement, as outlined below:

"The San Francisco Community Corrections Partnership, Juvenile Justice Coordinating Council, Reentry Council and Sentencing Commission prioritize racial equity so that all people may thrive. San Francisco's criminal justice policy bodies collectively acknowledge that communities of color have borne the burdens of inequitable social, environmental, economic and criminal justice policies, practices and investments. The legacy of these government actions has caused deep racial disparities throughout San Francisco's juvenile justice and criminal justice system. We further recognize that racial equity is realized when race can no longer be used to predict life outcomes. We commit to the elimination of racial disparities in the criminal justice system."

The Reentry Council hopes this Criminal Justice Racial Equity statement will be used in all Request for Proposals or Request for Qualifications and that contractors will create objectives that will help the Reentry Council of the City and County of San Francisco in the dismantling of racial disparities and inequities.

Reentry Council Focus Areas:

- 1) **Civil Rights and Civic Engagement:** Ensures that individuals with conviction histories are able to have their basic needs met so that individuals can fully function and thrive in their neighborhoods and the greater San Francisco community. The Council primary focus for this year has been around democracy and the power of voting and advocacy. The council believes as individuals learn to fully engage in community and government, they gain independence, self-empowerment and a healthy separation from the criminal justice system.
- 2) **Health and Well Being:** Ensures that individuals with conviction histories can have access to appropriate housing, physical health, behavioral health and other peer driven wellness strategies. One of the Direct Services Subcommittee's focus has been on the expansion of reentry services geared toward members of the gender non-confirming community. In addition, the Direct Services committee been interested in the creation of after-hours connections to mental health and substance abuse treatment.
- 3) **Self Sufficiency:** Ensures that individuals with conviction histories receive a breadth of education, employment, income support and financial empowerment services both in custody and in the community so that they can take full responsibility for financial obligations. Individuals are less likely to re-engage in criminal activity when they create and have the resources to sustain themselves. The Council has supported the launch of a web-based Getting Out and Staying Out Guide for individuals exiting custodial care.
- 4) **Welfare and Safety of Families, Victims and Communities:** Ensures a clear focus on the traumatic impact that criminal justice involvement has on families, victims and communities and seeks to ensure meaningful opportunities for families to stay connected during incarceration or to re-connect post incarceration. One of Legislation, Policy, and Practices Subcommittee focus has been on maintaining child/ guardian relationship and supporting in-custody family visitation.
- 5) **Community Justice and Alternatives to Incarceration:** Ensures that decision makers in the criminal justice system look beyond offense based disposition, isolation and containment options and towards integrating analysis of criminogenic needs into sentencing, custody and community corrections decisions. In 2018, the Direct Services Subcommittee form a working group around alternatives to incarceration.

d. San Francisco Office of Racial Equity

In 2019, San Francisco Administrative Code was amended to create an Office of Racial Equity (ORE) as a Division of the Human Rights Commission. ORE was tasked to create a citywide Racial Equity Framework, assist City departments with the development of Racial Equity Plans, and analyze and report on the Impact of ordinances on racial equity. City departments are required to provide annual updates on their Racial Equity Plans and to designate employees as racial equity leaders. The Department of Human Resources is required to produce an annual report concerning racial equity in the City workforce.

As required, SFAPD designated a number of racial equity leaders and established a Racial Equity Workgroup (REWG), which is charged with the development of the department's Racial Equity Plan. The REWG developed the department's Racial Equity Action Plan (REAP). The REWG is comprised of 15 members who were nominated by their peers and represent sworn and nonsworn staff within a wide variety of divisions or units within the department including: community, specialized, and intensive supervision; finance; human resources; investigations; IT; reentry, and research.

To learn more about the SFAPD Racial Equity Action Plan, please visit <https://sf.gov/information/sfapd-racial-equity-action-plan>.

D. Expectations for a Successful Partnership

In any contract awarded from this RFQ, SFAPD expects the awarded proposer to adhere to the following values and responsibilities:

1. Supports SFAPD’s Mission, Vision, Values, and Goals, as well as the governing initiatives discussed in Section C (Governing Initiatives) above.
2. Furthers SFAPD’s emphasis on EBPs, including incorporation of policies and approaches that are gender-responsive, trauma-informed, family-focused, and culturally competent. Data is used to drive decisions and develop innovative approaches to delivering services. For criminal justice organizations, this strengthens public safety by reducing recidivism. Ensuring that staff either have or acquire the skills necessary to implement EBPs is important.
3. Will assist SFAPD in becoming a national leader in delivering supervision and reentry services that increase victim safety and enhance the lives of individuals under SFAPD’s supervision, their families, and their communities.
4. Establish and maintain an effective working relationship with SFAPD liaisons.
5. As applicable, maintain confidentiality in accordance with Criminal Offender Record Information (“CORI”), as governed by California Penal Code § 13300, and/or enter into Data Use Agreements with the City describing all required measures to ensure the confidentiality of SFAPD records and other information as may be subject to privilege, insofar as is required and permitted by applicable law and accepted standards of ethical practice.
6. Attend required project status meetings with SFAPD staff, as requested by SFAPD.
7. Provide written status reports to SFAPD, as requested by SFAPD.

Have the ability to fulfill and complete project/job requirements and scopes remotely, as needed, and communicate remotely with SFAPD staff to share project/job updates (e.g., via telephone, video-conferencing, etc.), as needed.

E. Creation and Duration of the Prequalified Pool

Proposers meeting the Minimum Qualifications for any of the five Service Areas shall be added to the Prequalified Pool for that Service Area and eligible for potential contract negotiations (“Resulting Contract”) with the City, on an as-needed basis. A Prequalified Pool list is valid for 2 years, but may be extended for up to 2 additional years if re-opened by City in accordance with Section 21.4 of the San Francisco Administrative Code.

F. Resulting Contracts Awarded to Contractors Selected from the Prequalified Pool

1. Selection of Contractors from the Prequalified Pool

Pursuant to Section 21.4 of the San Francisco Administrative Code, City shall select contractors from the Prequalified Pool for Resulting Contracts pursuant to three options, as described below. Selections must be made prior to Pool expiration.

- a. City may select the highest available ranked contractor from the Prequalified Pool (if a ranking was done when the pool was created); OR
- b. City may request quotes or proposals from Prequalified Pool from which to select. Where applicable, the Department shall apply Chapter 14B LBE Rating Bonuses or Bid Discounts when evaluating quotes and proposals received from the Prequalified Pool. The request for quotes or proposals may also include an LBE Participation Requirement.
- c. For Resulting Contracts that are less than the Minimum Competitive Amount in effect when the selections is being made, City may select a contractor from the Prequalified Pool without any further solicitation. In choosing this option, City shall notify the Prequalified Pool of its selection. The Notice shall specify the commodities and/or services awarded; their cost; and the selected Contractor’s unique qualifications for having been selected without a further solicitation.

2. Notice of Intent to Award a Resulting Contract to the Prequalified Pool

Except where a contractor was selected without a further solicitation for a contract amount equal to or less than the Minimum Competitive Amount, City shall not issue a Notice of Intent to Award when awarding a Resulting Contract to a contractor from the Prequalified Pool. The City’s award of a Resulting Contract to a contractor from the Prequalified Pool is final and not subject to further review.

3. Anticipated Term of Resulting Contracts

A Resulting Contract awarded to the Prequalified Pool shall be non-exclusive, with an original term to be determined at the time of Contract award based on the awarding Department’s business needs, but shall not exceed ten (10) years.

4. Anticipated Not to Exceed Amount of Resulting Contracts

The Not-to-Exceed (NTE) amount of a Resulting Contract awarded to the Prequalified Pool shall be determined at the time of Contract award based on the awarding Department’s business needs.

G. Cooperative Agreement

Any other City department, public entity or non-profit made up of multiple public entities, may use the results of this RFQ to select Contractors from the Prequalified Pool under the same terms and conditions of this RFQ.

H. RFQ Schedule

The anticipated schedule for this RFQ is set forth below. These dates are tentative and subject to change. It is the responsibility of the Proposer to check for any Addenda to this RFQ or other pertinent information posted in the City’s Supplier Portal.

Proposal Phase	Tentative Date
Request for Qualifications Issued	April 23, 2024
Pre-Proposal Conference (Optional)	May 3, 2024 at 11:30 AM Pacific Time via Microsoft Teams meeting
Deadline for Written Questions	May 10, 2024 by 5 PM Pacific Time
Deadline to Submit Proposals	May 20, 2024 by 5 PM Pacific Time
Notice of Intent to Establish Prequalified Pool	Week of June 3, 2024, or upon completion of proposal evaluation

Period for Protesting Notice of Intent to Establish Prequalified Pool	Within three (3) business days of the City's issuance of a Notice of Intent to Establish Prequalified Pool.
<p>The Pre-Proposal Conference Details: The Pre-Proposal Conference will begin at the time specified. Proposers' representatives are urged to arrive on time. Topics already covered will not be repeated for the benefit of late arrivals. Failure to attend the Pre-Proposal Conference shall not excuse the awarded Proposer from any obligations of a Resulting Contract awarded pursuant to this RFQ. Any change or addition to the requirements contained in this RFQ as a result of the Pre-Proposal Conference will be executed by a written Addendum to this RFQ. It is the responsibility of the Proposer to check for any Addendum to this RFQ or other pertinent information posted on the City's Supplier Portal https://sfcitypartner.sfgov.org/pages/index.aspx.</p> <p>The Pre-Proposal Conference shall be held virtually by Microsoft Teams meeting:</p> <ul style="list-style-type: none"> • Microsoft Teams Meeting Link: https://teams.microsoft.com/l/meetup-join/19%3ameeting_YzliMmQwNjktY2YzYi00ZTZjLWFkNmItNDg4ZTFjNjYyN2M4%40thread.v2/0?context=%7b%22Tid%22%3a%2222d5c2cf-ce3e-443d-9a7f-dfcc0231f73f%22%2c%22Oid%22%3a%224f3800e0-33ff-40ca-a5c2-a7a2107d550c%22%7d • Call-in Phone #: 415-906-4659 • Call-in ID: 775 679 615# 	

II. GOODS AND SERVICES REQUESTED

A. Goods and/or Services Requested

This RFQ is being issued to create a Prequalified Pool of suppliers to provide services in one or more Service Areas.

Multiple Service Areas: The Prequalified Pool will consist of the following 5 Service Areas:

1) Service Area 1: Organizational Development and Strategic Planning

APD is seeking expertise to develop the department's new Strategic Plan. This may include a review and analysis of SFAPD's administration, organization, and programs to develop a Strategic Plan that identifies SFAPD's targets, goals and milestones over the next 5 years. For specific details please see Attachment 2 (Service Area Descriptions).

2) Service Area 2: Professional Development

APD is seeking expertise in the areas of professional development, coaching, and training with experience working with criminal justice, public safety and community corrections agencies to achieve a variety of objectives. For specific details please see Attachment 2.

3) Service Area 3: Nonprofit Capacity Building

APD seeks to enhance capacity through external funding sources, including private, state, and federal grant opportunities. SFAPD seeks expertise in guiding organizational diagnostic assessments, provide business counseling and identify capacity-building resources including service providers and/or training services. For specific details please see Attachment 2.

4) Service Area 4: Research and Evaluation

APD is seeking knowledge of, and experience with, administrative data, SQL development, and/or experience conducting policy and applied research and evaluation in community corrections, public safety, public health, supportive housing, workforce development, and related areas to work collaboratively and proactively on special projects with SFAPD staff and other justice partners. For specific details please see Attachment 2.

5) Service Area 5: Batterers' Intervention Program Monitoring Services

APD seeks expertise from nonprofit organizations able to assist SFAPD in performing departmental audits for compliance and certification of SFAPD certified Batterers' Intervention Programs (BIPs), and to develop, coordinate, and deliver BIP facilitator trainings in accordance with California Penal Code §§ 1203.097 & 1203.098. SFAPD anticipates the need for up to 20-30 audit-related visits and 1 to 2 eight-hour training session(s) per year for approximately 40 participants as determined by SFAPD. Further, SFAPD anticipates need for an annual comprehensive report with findings and recommendations from BIP audits. For specific details please see Attachment 2.

B. Reserved.

C. Green Purchasing Requirements

In preparation for any Proposal submitted in response to this Solicitation, Proposers are required to review the City [Mandatory Green Purchasing Requirements](#) to ensure all goods and services offered to City in response to this Solicitation comply with the City's Green Purchasing Requirements.

III. LOCAL BUSINESS ENTERPRISE (LBE) PROGRAM REQUIREMENTS

A. Reserved.

B. Application of LBE Rating Bonuses and/or Bid Discounts

LBE Rating Bonuses and/or Bid Discounts shall be applicable when selecting a Contractor from the resulting Prequalified Pool.

1. Reserved.

2. General and Professional Services

Estimated Contract Value	Small/Micro LBEs Rating Bonus	SBA LBEs Rating Bonus
Greater than \$10,000 but less than or equal to \$400,000.	10%	0%
Greater than \$400,000 but less than or equal to \$10,000,000.	10%	5% <i>So long as it does not adversely affect a Small or Micro-LBE Proposer's participation or, for Professional Services, an JV Proposer's participation.</i>
Greater than \$10,000,000 but less than or equal to \$20,000,000.	2%	2%

3. Professional Services by Joint Ventures

Estimated Contract Value	Small/Micro LBE Subcontracting Level	Rating Bonus
Greater than \$10,000 but less than or equal to \$10,000,000.	Equals or exceeds 35%, but less than 40%	5%
	Equals or exceeds 40%, but less than 100%	7.5%
	100%	10%
If applying for an LBE rating discount as a Joint Venture (JV), the Micro and /or Small-LBE must be an active partner in the JV and perform work, manage the job and take financial risks in proportion to the required level of participation stated in the Proposal, and must be responsible for a clearly defined portion of the work to be performed and share in the ownership, control, management responsibilities, risks, and profits of the JV. The portion of the Micro and/or Small-LBE JV's work shall be set forth in detail separately from the work to be performed by the non-LBE JV. The Micro and/or Small-LBE JV's portion of the contract must be assigned a commercially useful function.		

C. LBE Subcontracting Participation Requirements

There shall be no LBE Subcontracting Requirement for any Contract awarded to a Contractor selected from the Prequalified Pool because the LBE Subcontracting Requirements were waived by the Contract Monitoring Division.

IV. PROPOSAL EVALUATION CRITERIA

Evaluation Phase	Maximum Points
Minimum Qualifications Documentation	Pass/Fail

V. MINIMUM QUALIFICATIONS DOCUMENTATION REQUIRED WITH PROPOSAL (PASS/FAIL)

Proposers must provide documentation that clearly demonstrates each Minimum Qualification (MQ) listed below has been met. Minimum Qualification documentation should be clearly marked as "MQ1", MQ2", etc.... to indicate which MQ it supports. Each Proposal will be reviewed for initial determination on whether Proposer meets the MQs referenced in this section. **This screening is a pass or fail determination and a Proposal that fails to meet the Minimum Qualifications will not be eligible for further consideration in the evaluation process.** The City reserves the right to request clarifications from Proposers prior to rejecting a Proposal for failure to meet the Minimum Qualifications.

MQs Required for ALL SERVICE AREAS

The MQ listed in the table below is required of ALL Proposers wishing to qualify for any Service Area.

MQ #	Description
MQ 1	Completed Attachment 1, Proposer Questionnaire and Required Documentation.

VI. RESERVED.

VII. RESERVED.

VIII. RESERVED.

IX. SUPPORTING DOCUMENTATION REQUIRED PRIOR TO SELECTION FOR THE PREQUALIFIED POOL

Proposers must provide each Required Supporting Documentation (“RSD”) identified below prior to award of a contract resulting from this RFQ. Failure to do so may result in the Proposal being deemed Non-Responsive.

RSD 1	Evidence that Proposer is 12B compliant or likely to become compliant within 30 calendar days of the Proposal Due Date.
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X. CITY’S SOCIAL AND ECONOMIC POLICY REQUIREMENTS

The San Francisco Municipal Code establishes a number of requirements for people seeking to do business with the City (“Social and Economic Policy Requirements”). The Social and Economic Policy Requirements set forth below are not intended to be a complete list of all Social Policy Requirements applicable to this Solicitation and any contracts awarded from it.

A. Administrative Code Chapter 12B

If awarded a Resulting Contract when selected from the Prequalified Pool, Proposer may not, during the term of the Contract, in any of its operations in San Francisco, on real property owned by San Francisco, or where work is being performed for the City elsewhere in the United States, discriminate in the provision of bereavement leave, family medical leave, health benefits, membership or membership discounts, moving expenses, pension and retirement benefits or travel benefits, as well as any benefits other than the benefits specified above, between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of such employees, where the domestic partnership has been registered with a governmental entity pursuant to state or local law authorizing such registration, subject to the conditions set forth in §12B.2(b) of the San Francisco Administrative Code.

B. Reserved.

C. Health Care Accountability Ordinance

If awarded a Resulting Contract when selected from the Prequalified Pool, Proposer may be required to comply with the requirements of Chapter 12Q. For more information, visit: <http://sfgov.org/olse/hcao>.

D. Minimum Compensation Ordinance

If awarded a Resulting Contract when selected from the Prequalified Pool, Proposer may be required to comply with Administrative Code Chapter 12P. For more information, visit: <http://sfgov.org/olse/mco>.

E. First Source Hiring Program

If awarded a Resulting Contract when selected from the Prequalified Pool, Proposer may be required to comply with all of the applicable provisions of the First Source Hiring Program, Chapter 83 of the San Francisco Administrative Code. For more information, visit <https://oewd.org/first-source>

F. Reserved.

G. Non-Profit Entities

If awarded a Resulting Contract under this Solicitation, any nonprofit Proposer must be in good standing with the California Attorney General’s Registry of Charitable Trusts by the time of contract execution and must remain in good standing during the term of the agreement. Upon request, Proposer must provide documentation to the City demonstrating its good standing with applicable legal requirements. If Proposer will use any nonprofit subcontractors to perform the agreement, Proposer will be responsible for ensuring they are also in compliance with all requirements of the Attorney General’s Registry of Charitable Trusts at the time of Contract execution and for the duration of the agreement.

XI. TERMS AND CONDITIONS FOR RECEIPT OF PROPOSALS

A. How to Register as a City Supplier

The following requirements pertain only to Proposers not currently registered with the City as a Supplier.

Step 1: Register as a BIDDER at City’s Supplier Portal:

<https://sfcitypartner.sfgov.org/pages/index.aspx>

Step 2: Follow instructions for converting your BIDDER ID to a SUPPLIER ID. This will require you to register with the City Tax Collector’s Office and submit Chapter 12B and 12C forms through the Supplier portal. Once these forms have been completed, submitted, and processed, you will be notified via email with your organization’s new Supplier ID. That email will also provide instructions for completing your Supplier registration.

- **City Business Tax Registration Inquiries:** For questions regarding business tax registration procedures and requirements, contact the Tax Collector’s Office at (415) 554-4400 or, if calling from within the City and County of San Francisco, 311.
- **Chapter 12(B) and 12(C) Inquiries:** For questions concerning the City’s Chapter 12(B) and 12(C) Equal Benefits and Non-Discrimination in Contracting requirements, go to: www.sfgov.org/cmd.

B. Proposal Questions and Submissions

1. Proposer Questions and Requests for Clarification

Proposers shall address any questions regarding this Solicitation to the Contract Administrator whose name and contact information appears on the cover page of this Solicitation. Proposers who fail to submit questions concerning this Solicitation and its requirements will waive all further rights to protest based on the specifications and conditions herein. **Questions must be submitted by email to the Contract Administrator whose name and contact information appears on the cover page of this Solicitation no later than the Deadline for Written Questions.** A written Addendum will be executed addressing each question and answer and posted publicly. It is the responsibility of the Proposer to check for any Addenda and other updates that will be posted on the City’s Supplier Portal: <https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx>.

2. Proposal Format

Proposals must be created using a word processing software (e.g. Microsoft Word or Excel) and typed in a serif font (e.g.-Times New Roman). The document must have page margins of at

least .5” on all sides. Information must be provided at a level of detail that enables effective evaluation and comparison between Proposals. Failure to follow formatting, submission, or content requirements, as well as page limit restrictions (if any), may negatively impact the evaluation of your Proposal.

3. Time and Place for Submission of Proposals

Prior to the Proposal submission deadline, Proposers must upload their complete Proposals into the City’s Supplier Portal: <https://sfcitypartner.sfgov.org/pages/index.aspx>. Late submissions will not be considered. Each original Proposal received will be screened to ensure that all content required by this Solicitation is included. Partial or complete omission of any required content may disqualify Proposals from further consideration. Late Proposal submissions will not be considered and failure to adhere to the above requirements may result in the complete rejection of your Proposal.

Proposers are encouraged to upload their Proposals to the SF Supplier Portal as early as possible to address any technical issues that may arise during the submission process. In the event a Proposer is unable to upload its complete Proposal into the SF Supplier Portal, Proposer must email its Proposal to the Contract Administrator whose name and contact information appears on the cover page of this Solicitation prior to the Proposal submission deadline and request confirmation of receipt. Proposer must include in its email: (a) documentation (e.g. screenshots) verifying its inability to upload its Proposal into the SF Supplier Portal and (b) a detailed justification explaining why it was not able to have the issue addressed prior to the submission deadline.

C. Proposal Addenda

The City may modify this Solicitation, prior to the Proposal Due Date, by issuing an Addendum to the Solicitation, which will be posted on the San Francisco Supplier Portal. Every Addendum will create a new version of the Sourcing Event and Proposers must monitor the event for new versions. **The Proposer shall be responsible for ensuring that its Proposal reflects any and all Addenda issued by the City prior to the Proposal Due Date regardless of when the Proposal is submitted.** Therefore, the City recommends that the Proposer consult the website frequently, including shortly before the Proposal Due Date, to determine if the Proposer has downloaded all Solicitation Addenda. It is the responsibility of the Proposer to check for any Addenda, Questions and Answers documents, and updates, which may be posted to the subject Solicitation.

THE SUBMITTAL OF A RESPONSE TO THIS SOLICITATION SHALL EXPLICITLY STIPULATE ACCEPTANCE BY PROPOSERS OF THE TERMS FOUND IN THIS SOLICITATION, ANY AND ALL ADDENDA ISSUED TO THIS SOLICITATION, AND THE PROPOSED CONTRACT TERMS.

D. Public Disclosure

All documents under this solicitation process are subject to public disclosure per the California Public Records Act (California Government Code Section §6250 et. Seq) and the San Francisco Sunshine Ordinance (San Francisco Administrative Code Chapter 67). Contracts, Proposals, responses, and all other records of communications between the City and Proposers shall be open to inspection immediately after a contract has been awarded. Nothing in this Administrative Code provision requires the disclosure of a private person’s or organization’s net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit.

If the City receives a Public Records Request (“Request”) pertaining to this solicitation, City will use its best efforts to notify the affected Proposer(s) of the Request and to provide the Proposer with a description of the material that the City deems responsive and the due date for disclosure (“Response Date”). If the Proposer asserts that some or all of the material requested contains or reveals valuable trade secret or other information belonging to the Proposer that is exempt from disclosure and directs the City in writing to withhold such material from production (“Withholding Directive”), then the City will comply with the Withholding Directive on the condition that the Proposer seeks judicial relief on or before the Response Date. Should Proposer fail to seek judicial relief on or before the Response Date, the City shall proceed with the disclosure of responsive documents.

E. Limitation on Communications During Solicitation

From the date this Solicitation is issued until the date the competitive process of this Solicitation is completed (either by cancelation or final Award), Proposers and their subcontractors, vendors, representatives and/or other parties under Proposer’s control, shall communicate solely with the Contract Administrator whose name appears in this Solicitation. Any attempt to communicate with any party other than the Contract Administrator whose name appears in this Solicitation – including any City official, representative or employee – is strictly prohibited. Failure to comply with this communications protocol may, at the sole discretion of City, result in the disqualification of the Proposer or potential Proposer from the competitive process. This protocol does not apply to communications with the City regarding business not related to this Solicitation.

F. Proposal Selection Shall Not Imply Acceptance

The acceptance and/or selection of any Proposal(s) shall not imply acceptance by the City of all terms of the Proposal(s), which may be subject to further approvals before the City may be legally bound thereby.

G. Cybersecurity Risk Assessment

As part of City’s evaluation process, City may engage in Cybersecurity Risk Assessment (CRA). CRA may be performed for each entity manufacturing the product, performing technical functions related to the product’s performance, and/or accessing City’s networks and systems. Where a prime contractor or reseller plays an active role in each of these activities, CRA may also be required for the prime contractor or reseller.

To conduct a CRA, City may collect as part of this Solicitation process one of the following two reports:

- **SOC-2 Type 2 Report:** Report on Controls at a Service Organization Relevant to Security, Availability, Processing Integrity, Confidentiality or Privacy; or
- **City’s Cyber Risk Assessment Questionnaire:** Proposer’s responses to a City’s Cyber Risk Assessment Questionnaire.

The above reports may be requested at such time City has selected or is considering a potential Proposer. The reports will be evaluated by the soliciting Department and the City’s Department of Technology to identify existing or potential cyber risks to City. Should such risks be identified, City shall afford a potential Proposer an opportunity to cure such risk within a period of time deemed reasonable to City. Such remediation and continuing compliance shall be subject to City’s on-going review and audit through industry-standard methodologies, including but not limited to: on-site visits, review of the entities’ cybersecurity program, penetration testing, and/or code reviews.

H. Solicitation Errors and Omissions

Proposers are responsible for reviewing all portions of this Solicitation. Proposers are to promptly notify the City, in writing and to the Solicitation contact person if the Proposer discovers any ambiguity, discrepancy, omission, or other error in the Solicitation. Any such notification should be directed to the City promptly after discovery, but in no event later than the deadline for questions. Modifications and clarifications will be made by Addenda as provided below.

I. Objections to Solicitation Terms

Should a Proposer object on any ground to any provision or legal requirement set forth in this Solicitation, the Proposer must, no later than the deadline for questions, provide written notice to the City setting forth with specificity the grounds for the objection. The failure of a Proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

J. Protest Procedures

1. Protest of Non-Responsiveness Determination

Within three (3) business days of the City's issuance of a Notice of Non-Responsiveness, a Proposer may submit a written Notice of Protest 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 Notice of Protest must be signed by an individual authorized to represent the Proposer, and must cite the law, rule, local ordinance, procedure or Solicitation provision on which the protest is based. In addition, the Notice of Protest must specify facts and evidence sufficient for the City to determine the validity of the protest.

2. Protest of Non-Responsible Determination

Within three (3) business days of the City's issuance of a Notice of Non-Responsibility, a Proposer may submit a written Notice of Protest of Non-Responsibility. The Notice of Protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The Notice of Protest must be signed by an individual authorized to represent the Proposer, and must cite the law, rule, local ordinance, procedure or Solicitation provision on which the protest is based. In addition, the Notice of Protest must specify facts and evidence sufficient for the City to determine the validity of the protest.

3. Protest of Prequalified Pool Creation

Within three (3) business days of the City's issuance of a Notice of Intent to Award, a Proposer may submit a written Notice of Protest of Contract 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 Notice of Protest must be signed by an individual authorized to represent the Proposer, and must cite the law, rule, local ordinance, procedure or Solicitation provision on which the protest is based. In addition, the Notice of Protest must specify facts and evidence sufficient for the City to determine the validity of the protest.

4. Delivery of Protests

A Notice of Protest must be written. Protests made orally (e.g., by telephone) will not be considered. A Notice of Protest must be delivered by mail or email to the Contract Administrator whose name and contact information appears on the cover page to this Solicitation and received by the due dates stated above. A Notice of Protest shall be transmitted by a means that will objectively establish the date the City received the Notice of Protest. If a Notice of Protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein.

K. Proposal Term

Submission of a Proposal signifies that the proposed products, services and prices are valid for 180 calendar days from the Proposal Due Date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity. At Proposer's election, the Proposal may remain valid beyond the 180-day period in the circumstance of extended negotiations.

L. Revision to Proposal

A Proposer may revise a Proposal on the Proposer's own initiative at any time before the deadline for submission of Proposals. The Proposer must submit the revised Proposal in the same manner as the original. A revised Proposal must be received on or before, but no later than the Proposal Due Date and time. In no case will a statement of intent to submit a revised Proposal, or commencement of a revision process, extend the Proposal Due Date for any Proposer. At any time during the Proposal evaluation process, the City may require a Proposer to provide oral or written clarification of its Proposal. The City reserves the right to make an award without further clarifications of Proposals received.

M. Proposal Errors and Omissions

Failure by the City to object to an error, omission, or deviation in the Proposal will in no way modify the Solicitation or excuse the Proposer from full compliance with the specifications of this Solicitation or any contract awarded pursuant to this Solicitation.

N. Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a Proposer in responding to this Solicitation. Proposers acknowledge and agree that their submissions in response to this Solicitation will become the property of the City and may be used by the City in any way deemed appropriate.

O. Proposer's Obligations under the Campaign Reform Ordinance

If a Resulting Contract awarded to a Contractor from the Prequalified Pool has (A) a value of \$100,000 or more in a fiscal year and (B) requires the approval of an elected City official, Proposers are hereby advised:

1. Submission of a Proposal in response to this Solicitation may subject the Proposers to restrictions under Campaign and Governmental Conduct Code Section 1.126, which prohibits City contractors, Proposers, and their affiliates from making political contributions to certain City elective officers and candidates; and
2. Before submitting a Proposal in response to this Solicitation, Proposers are required to notify their affiliates and subcontractors listed in the awarded contract or Proposal of the political contribution restrictions set forth in Campaign and Governmental Conduct Code section 1.126.

This restriction applies to the party seeking the contract, the party's board of directors, chairperson, chief executive officer, chief financial officer, chief operating officer, any person with an ownership interest greater than ten percent, and any political committees controlled or sponsored by the party, as well as any subcontractors listed in the awarded contract or Proposal. The law both prohibits the donor from giving contributions and prohibits the elected official from soliciting or accepting them.

The people and entities listed in the preceding paragraph may not make a campaign contribution to the elected official at any time from the submission of a Proposal for a contract until either: (1) negotiations are terminated and no contract is awarded; or (2) twelve months have elapsed since the award of the contract.

A violation of Section 1.126 may result in criminal, civil, or administrative penalties. For further information, Proposers should contact the San Francisco Ethics Commission at [\(415\) 252-3100](tel:4152523100) or go to <https://sfethics.org/compliance/city-officers/city-contracts/city-departments/notifying-bidders-and-potential-bidders>.

P. Reservations of Rights by the City

The issuance of this Solicitation does not constitute a guarantee by the City that a contract will be awarded or executed by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, Proposal, or Proposal procedure;
2. Reject any or all Proposals;
3. Reissue the Solicitation;
4. Prior to submission deadline for Proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this Solicitation, or the requirements for contents or format of the Proposals;
5. Procure any materials, equipment or services specified in this Solicitation by any other means; or
6. Determine that the subject goods or services are no longer necessary.

Q. No Waiver

No waiver by the City of any provision of this Solicitation shall be implied from the City's failure to recognize or take action on account of a Proposer's failure to comply with this Solicitation.

R. Other

1. The City may make such investigation, as it deems necessary, prior to the award of this contract to determine the conditions under which the goods are to be delivered or the work is to be performed. Factors considered by the City shall include, but not be limited to:
 - a. Any condition set forth in this Solicitation;
 - b. Adequacy of Proposer's plant facilities and/or equipment, location and personnel location to properly perform all services called for under the Purchase Order; and
 - c. Delivery time(s).
2. City reserves the right to inspect an awarded Proposer's place of business prior to award of and/or at any time during the contract term (or any extension thereof) to aid City in determining an awarded Proposer's capabilities and qualifications.
3. Failure to timely execute a contract, or to furnish any and all insurance certificates and policy endorsements, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another Proposer and may proceed against the original selectee for damages.

4. City reserves the right to reject any Proposal on which the information submitted by Proposer fails to satisfy City and/or if Proposer is unable to supply the information and documentation required by this Solicitation within the period of time requested.

5. Any false statements made by a Proposer or any related communication/clarification may result in the disqualification of its Proposal from receiving further evaluation and a contract award.