

# **City and County of San Francisco**

## **Request for Proposals for**

**The Preparation of Environmental Site Assessments and Geotechnical  
Surveys for the Mayor's Office of Housing and Community Development  
Affordable Housing Program**



Date issued:

March 12, 2018

Pre-proposal conference:

10:00 a.m., March 26, 2018

Proposal due:

5:00 p.m., April 2, 2018

Request for Proposals for The Preparation of Environmental Site Assessments and Geotechnical  
Surveys for the Mayor’s Office of Housing and Community Development Affordable Housing  
Programs

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**Appendices:**

- A. Standard Forms: Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code.
- B. Agreement for Professional Services (form P-600) separate document

**Request for Proposals for the Preparation of Environmental Site Assessments and Geotechnical Surveys for the Mayor's Office of Housing and Community Development Affordable Housing Programs**

**1. Introduction and Schedule**

**A. General**

The Mayor's Office of Housing and Community Development (MOHCD) of the City and County of San Francisco is seeking proposals from qualified consultants to provide a range of services related to the acquisition of land for the development of affordable housing. The funds to be used for potential acquisition are subject to regulation by 24 CFR Part 58.

The services may include one or more of the following:

- Environmental Site Assessments (ESAs) Phase I, II and IIIs;
- Soil, air and groundwater testing and reporting to evaluate human health risk related to chemical contamination in any or all media;
- Design and implementation of hazardous chemicals and waste management programs in compliance with local, state and federal agencies;
- Obtain USA clearances and necessary permits, which may include encroachment permits, ACWD drilling permits or other permits;
- Field exploration: Classify and log subsurface soil conditions encountered in the test borings at the time of drilling; obtain bulk samples of substrata from borings; present findings in standard letter format;
- Laboratory testing to perform strength tests and index property tests, including soil classifications and gradation analysis as appropriate;
- Soil analysis and evaluation to develop design recommendations for proposed foundations, slabs, pavement, walls and other structures;
- Soil analysis and corrosive evaluation to determine design recommendations for underground piping;
- Evaluate seismic hazards including, but not limited to, ground movement near field sources, fault rupture, landslides and liquefaction potential;
- Evaluate expansion potential for near surface soil and its effect on slabs on grade;
- Estimate settlement of the ground surface from liquefaction or consolidation;
- Estimate settlement of compressible soil beneath the site;
- Prepare geotechnical letter report, including design recommendations, related to bearing capacity, soil lateral pressures, friction coefficient, pad preparation and other relevant design data as required by the landscape architect, civil, structural engineers or underground fire protection engineers.

These services would be provided on an as-needed basis.

The ESAs would support the potential acquisition of various properties. The scope of services includes but is not limited to the preparation of ESAs in accordance with the recommended formats ASTM Environmental Site Assessment Standard Practices for the Phase I Site Assessment (E 1527-05) and the Phase II Environmental Site Assessment (E 1903). Additionally, the environmental standards set by the United States Department of Housing and

## **RFP for the Preparation of ESAs and Geotechnical Surveys for MOHCD's Affordable Housing Program**

Urban Development (HUD) as set forth in 24 CFR §58.5(i) should be incorporated into the ASTM format.

Consultants may be required to perform studies and investigations, prepare plans, specifications and cost estimates, write reports, and perform field inspections for various types of regulatory, environmental, and health and safety issues.

All documents, reports and studies prepared under this RFQ/RFP must comply with all applicable laws, ordinances, rules, regulations and lawful orders of public authorities responsible for governing the subject matter of the intended report.

Through this RFQ/RFP, the City will select not more than three firms to provide services for a five year period commencing upon the successful completion of contract negotiations. The consultants will be selected in accordance with the City's applicable equal opportunity policies.

The contract shall have an original term of three years. In addition, the City shall have one option to extend the term for a period of two years, which the City may exercise in its sole, absolute discretion.

The contract total compensation for the original period is expected to not exceed \$250,000. Should the contract be extended, the annual compensation will increase at a rate similar to the per year costs of the original term. Proposers may submit proposals with greater or lesser value, and cost and reasonableness of rates will be considered as part of the evaluation.

### **B. Schedule**

The anticipated schedule for selecting a consultant is:

<u>Proposal Phase</u>	<u>Date</u>
RFP is issued by the City	March 12, 2018
Pre-proposal conference	March 126, 2018 at 10:00 AM PST
Deadline for submission of written questions or requests for clarification	March 26, 2018 at 5:00 PM PST
Proposals due	April 2, 2018

**C. Contractors Unable to do Business with the City**

**1. Generally**

Contractors that do not comply with laws set forth in San Francisco's Municipal Codes may be unable to enter into a contract with the City. Some of the laws are included in this RFP, or in the sample terms and conditions attached.

**2. Companies Headquartered in Certain States**

This Contract is subject to the requirements of Administrative Code Chapter 12X, which prohibits the City from entering into contracts with companies headquartered in states with laws that perpetuate discrimination against LGBT populations or where any or all of the work on the contract will be performed in any of those states. Proposers are hereby advised that Proposers which have their United States headquarters in a state on the Covered State List, as that term is defined in Administrative Code Section 12X.3, or where any or all of the work on the contract will be performed in a state on the Covered State List may not enter into contracts with the City. A list of states on the Covered State List is available at the website of the City Administrator.

## **II. Scope of Work**

This is an “as-needed” professional service contract. Work under this Master Agreement is project-driven, and no particular tasks have yet been specified. However, the Contractor should be aware that project work might consist of many smaller projects as well as a few large dollar value projects. Consultants may be required to perform studies and investigations; prepare plans, specifications and cost estimates; write reports; and perform field inspections for various types of regulatory, environmental, geotechnical, and health and safety issues. Below are some examples of work that may arise under the contract:

- Conduct on-site inspection to identify issues related to environmental concerns.
- Conduct environmental due diligence for real property transfers and acquisitions.
- Complete ESA Phase I site visits and investigations, in compliance with current regulations, codes and practices, providing detailed reports of findings, Recognized Environmental Conditions (RECs) and any subsequent recommendations.
- Complete ESA Phase II environmental onsite inspections, field investigation, and/or waste characterization (air, water, soil, soil vapor, and groundwater) to provide detailed reports and recommendations based on facility's present or past occupancy and use, and in compliance with current codes, standards and practices.
- Prepare Site Mitigation Plans in compliance with current regulations, codes and practices, providing detailed reports of findings and any subsequent recommendations.
- Coordinate and subcontract with sub-consultants as needed to conduct environmental work, e.g., hazardous materials/hazardous waste management, air/soil/water/ground water monitoring and clean up, underground storage tank (UST), aboveground storage tank (AST) management and reporting, Storm Water Pollution Prevention Plan (SWPPP), Spill Protection and Prevention Plan (SPPP), emergency response and worker's health and safety assessment and reporting, indoor air sampling and injury and illness prevention plans and report preparation and updates.
- Provide oversight of remedial clean-up activities that might be required on an emergency basis during construction.
- Prepare permit applications and/or plans as specified by the implementing agency for onsite equipment and materials (e.g. HVAC equipment, boilers, backup generator, UST/AST, elevators, pressure vessels, potable water, SWPPP, SPPP and Hazard Materials Business Plans).
- Provide third-party review and recommendations on the reports, documentation and deliverables originated by other consultants and sub-consultants.
- Prepare surveys and reports for asbestos-containing material (ACM), lead-based paint (LBP), and Polychlorinated Biphenyls (PCBs) identification and abatement. Complete all required tests/sampling in order to meet regulatory requirements.

The Consultant shall furnish, without limitation, all necessary labor, material, hardware, software, tools and equipment to complete the work as described. Consultant will conduct all work using applicable codes and standards providing the service to the level of professional care. The Scope of Work is to be used as a general guide and is not intended to be a complete list of all work necessary to complete the project. Proposing teams may suggest a modified scope as part of their proposal.

### **III. Submission Requirements**

#### **A. Time and Place for Submission of Proposals**

Proposals must be received by 5:00 p.m., on April 2, 2018. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered electronically via email to [Eugene.flannery@sfgov.org](mailto:Eugene.flannery@sfgov.org) or on a USB stick and delivered to Eugene T. Flannery, MOHCD, One South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103. Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

#### **B. Format**

##### **Electronic**

Submit an electronic version of the proposal on via email to [Eugene.Flannery@sfgov.org](mailto:Eugene.Flannery@sfgov.org) or on a USB stick to Eugene T. Flannery, MOHCD, One South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103. Email is preferred.

For word processing documents, the department prefers that text be unjustified (i.e., with a ragged-right margin) and use a serif font (e.g., Times Roman, and not Arial), and that pages have margins of at least 1" on all sides (excluding headers and footers).

Please include a Table of Contents.

#### **C. Content**

Firms interested in responding to this RFP must submit the following information, in the order specified below: Your proposal shall not exceed 20 pages.

##### **1. Introduction and Executive Summary (up to 1 page)**

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments contained in the proposal.

##### **2. Project Approach (up to 5 pages)**

Describe the services and activities that your firm proposes to provide to the City. Include the following information:

- a. Overall scope of work tasks; and
- b. Assignment of work within your firm's work team.

##### **3. Firm Qualifications (up to 5 pages)**

Provide information on your firm's background and qualifications which addresses the following:

- a. Name, address, and telephone number of a contact person; and
- b. A brief description of your firm, as well as how any joint venture or association would be structured; and

- c. A description of not more than five projects similar in size and scope prepared by your firm including client, reference and telephone numbers, staff members who worked on each project, budget, schedule and project summary. Descriptions should be limited to one page for each project. If joint consultants or sub-consultants are proposed provide the above information for each.

**4. Team Qualifications (up to 5 pages)**

- a. Provide a list identifying: (1) each key person on the project team, (2) the project manager, (3) the role each will play in the project, and (4) a written assurance that the key individuals listed and identified will be performing the work and will not be substituted with other personnel or reassigned to another project without the City's prior approval.
- b. Provide a description of the experience and qualifications of the project team members, including brief resumes. Resumes will **not** be included in the page count limitation.



**5. References**

Provide references for the projects that are included in your minimum qualifications. Proposer's references will be used to confirm and verify that proposer has met the minimum qualifications. Provide references for Phase I and II Environmental Site Assessments, as well as other related work your firm has completed. The references should include the name, address and telephone number of no more than 3 recent clients..

By including these references, proposers are representing that the references are familiar with proposer's work and experience, and references will be truthful in any representations.

**6. Price Proposal**

The City intends to award this contract to the firm that it considers will provide the best overall program services. The City reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

Please provide a fee proposal in a separate electronic file:

- a. Estimated total fees for each of the disciplines/deliverables identified in the Scope of Work with a not-to- exceed figure; and
- b. Hourly rates for all team members. Hourly rates and itemized costs may be used to negotiate changes in the Scope of Work if necessary.

**7. Certification of Headquarters in Accordance with Administrative Code Chapter 12X.**

Proposals should contain the following statement:

"I certify that my company is headquartered at the following address \_\_\_\_\_. I will notify the City if my company's headquarters moves."

#### **IV. Evaluation and Selection Criteria**

##### **A. Minimum Qualifications**

The following are the minimum necessary qualifications for Respondents to this RFQ/RFP. Failure to meet the minimum qualifications will result in disqualification of the respondent's proposal.

1. Relevant experience providing related environmental services for housing construction projects in California.
2. Key professional personnel and subconsultants with appropriate State of California licenses or other required licenses, registrations, or certification in the particular discipline.
3. Experience in California, in [RAI] dealing with the regulations of and personnel within various regulatory agencies such as the United States Department of Housing and Urban Development, City and County of San Francisco, U.S. Environmental Protection Agency, Department of Toxic Substances Control, Bay Area Air Quality Management District, San Francisco Department of Public Health, Environmental Health Division.

Proposals should clearly demonstrate that the qualifications are met. Insufficient or incomplete information may result in a proposal being considered non-responsive and may not be eligible for award of the contract. If required information is complete, but the department determines that the proposer does not meet minimum qualifications, proposer may be deemed non-responsive.

##### **B. Selection Criteria**

The proposals will be evaluated by a selection committee comprised of parties with expertise in the development of affordable housing, construction and project management. The City intends to evaluate the proposals generally in accordance with the criteria itemized below.

The cost of the proposal will be considered among the selection criteria. The points will be allocated among proposers. For example, if the most favorable fee proposal to the City is the lowest fee proposed, the lowest fee could receive the total number of points assigned to the fee evaluation criterion. The other fee proposals could then be scored by dividing the amount of the lowest fee by the fee proposal being scored and multiplying the result by the total number of points assigned to the fee evaluation criterion. Under that formula, if a total of 30 points are assigned to rate financial proposals responding to an RFP, the proposer who offers the lowest fee proposal of \$10,000 receives all 30 points. The next lowest proposal that offers \$15,000 receives a score of 20 points (\$10,000 divided by \$15,000, multiplied by 30 points).]

## **1. Overall Evaluation Process**

The evaluation process will consists of the phases specified below with the following allocation of points

<b>Evaluation Phase</b>	<b>Maximum Points</b>
Screening of Minimum Qualifications	Pass/Fail
Written Proposal	75
Price	25
<b>TOTAL</b>	<b>100</b>

### **Screening of Minimum Qualifications**

Each proposal will be reviewed for initial determinations on whether Proposer meets minimum qualifications referenced in Section IV of this RFP. Proposals will not be scored during the screening of Minimum Qualifications. This screening is simply a pass or fail determination as to whether the proposer has met the minimum qualifications. A proposal that fails to meet the minimum qualifications will not be eligible for 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. Clarifications are limited exchanges between the City and Proposer for the purpose of clarifying certain aspects of the proposal and will not provide a proposer the opportunity to revise or modify its proposals. Only proposals that meet the minimum qualifications can proceed to the next evaluation phases.

### **Written Proposal Evaluation**

The proposals will be evaluated by a selection committee comprised of parties with expertise in the needed services. The City intends to evaluate the proposals generally in accordance with the criteria itemized below.

- a. Project Approach (25 points)
  - i. Understanding of the project and the tasks to be performed, etc.
  - ii. Reasonableness of work schedule and project approach.
- b. Assigned Project Staff (25 points)
  - i. Recent experience of staff assigned to the project and a description of the tasks to be performed by each staff person; and
  - ii. Professional qualifications and education; and

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- iii. Workload, staff availability and accessibility.
- c. Experience of Firm and Sub-consultants (25 points)
  - i. Expertise of the firm and sub-consultants in the fields necessary to complete the tasks; and
  - ii. Quality of recently completed projects, including adherence to schedules, deadlines and budgets; and
  - iii. Experience with similar projects; and

### **Price Proposal (25 points)**

The City intends to award this contract to the firm that it considers will provide the best overall services. The City reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

The Price Proposal score will be determined by the equation below and will be based on the total price proposal.

$$\text{Score} = (\text{Lowest Proposed price} / \text{Proposer's price}) \times (\text{max Price points possible})$$

**V. Pre-proposal Conference and Contract award**

**A. Pre-Proposal Conference**

Proposers must attend the mandatory pre-proposal conference to be held on March 126, 2018 at MOHCD, One South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA. All questions will be addressed at this conference and any available new information will be provided at that time. If you have further questions regarding the RFP, please contact the individual designated in Section VI.B.

**Question and Answer Period**

Proposers shall submit all questions concerning this Request for Proposal in writing by email only during the Question and Answer Period, ending March 26, 2018, no later than 4:00 PM PST and directed to: [Eugene.flannery@sfgov.org](mailto:Eugene.flannery@sfgov.org). Questions and Answers will be posted publically. All questions concerning the RFP or process shall be submitted no later than 72 hours prior to the proposal deadline at: [Eugene.flannery@sfgov.org](mailto:Eugene.flannery@sfgov.org)

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The Pre-Proposal Conference will begin at the time specified, and company 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-bid Conference shall not excuse the successful Proposer from any obligations of the contract. Written Bid Addendum will execute any change or addition to the requirements contained in this RFP, as a result of the Pre-Proposal Conference. It is the responsibility of the Proposer to check for any RFP Addendums, Q&A postings, and other updates which will be posted on the City's Bid and Contracts website at <http://mission.sfgov.org/OCABidPublication> and at the MOHCD website <http://sfmohcd.org/environmental-reviews>

**B. Contract Award**

MOHCD will select a proposer with whom MOHCD staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiations and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time the MOHCD in its sole discretion, may terminate negotiations with the highest ranked proposer and begin contract negotiations with the next highest ranked proposer.

## **VI. Terms and Conditions for Receipt of Proposals**

### **A. Errors and Omissions in RFP**

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than 72 hours prior to the date that proposals are due. Modifications and clarifications will be made by addenda as provided below.

### **B. Inquiries Regarding RFP**

Proposers shall submit all questions concerning this Contract Proposal, scope of services or requirements in writing by email only during the Question and Answer Period, ending March 26, 2018 no later than 4:00 PM PST and directed to: Eugene.flannery@sfgov.org. All Proposer questions concerning the bid process shall be submitted no later than 72 hours prior to the bid deadline. Proposers who fail to do so will waive all further rights to protest, based on these specifications and conditions.

### **C. Objections to RFP Terms**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not less than 72 hours prior to the RFP deadline, provide written notice to the Department 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.

### **D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing an Addendum to the RFP, which will be posted on the MOHCD website at <http://sfmohcd.org/environmental-reviews>. The proposer shall be responsible for ensuring that its proposal reflects any and all Bid Addendum(s) issued by the Department 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 Bid Addendum(s). It is the responsibility of the proposer to check for any Addendum, Questions and Answers, and updates, which will be posted on the City's Bid and Contracts website: <http://mission.sfgov.org/OCABidPublication and the MOHCD website at http://sfmohcd.org/environmental-reviews>

### **E. Term of Proposal**

Submission of a proposal signifies that the proposed 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.

### **F. Revision of 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.

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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 Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

### **G. Errors and Omissions in Proposal**

Failure by the Department to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

### **H. Financial Responsibility**

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

### **I. Proposer's Obligations under the Campaign Reform Ordinance**

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.

If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. **Criminal.** Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.

2. Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

**J. Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this 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 benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

**K. Public Access to Meetings and Records**

If a proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.



**L. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into 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 a Request for Proposals;
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 RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

**M. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

**N. Small Business Enterprise Goals and Outreach**

**O. Outreach to Minority and Women Owned Businesses**

1. All proposers shall undertake adequate good faith outreach efforts to select minority and women owned businesses as subconsultants in accordance with 24 CFR 85.36.e:
2. Affirmative steps shall include:
  - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
  - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
  - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
  - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
  - e. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce;

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- f. Complete MOHCD MBE/WBE Outreach Form and include it as part of proposal.

**P. MOHCD Forms to be Submitted with Proposal**

1. All proposals submitted must include the following MOHCD Forms 1) MOHCD Consultant Participation Form, If these forms are not returned with the proposal, the proposal may be determined to be non-responsive and may be rejected.
2. Please submit only two copies of the above forms with your proposal. The forms should be placed in a separate, sealed envelope labeled MOHCD Forms

**7. CMD Contact**

If you have any questions concerning the CMD Forms and to ensure that your response is not rejected for failing to comply with S.F. Administrative Code Chapter 14B requirements, please call **Romulus Asenloo, the CMD Contract Compliance Officer for this solicitation at 415/581-2320 or by e-mail at [romulus.asenloo@sfgov.org](mailto:romulus.asenloo@sfgov.org)** . The forms will be reviewed prior to the evaluation process.

## **VII. Contract Requirements**

### **A. Standard Contract Provisions**

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix B. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, 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 firm and may proceed against the original selectee for damages.

### **B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the CMD's website at <http://sfgov.org/cmd/>.

### **C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

Additional information regarding the MCO is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco).

### **D. Health Care Accountability Ordinance (HCAO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgov.org/olse/hcao](http://www.sfgov.org/olse/hcao).

### **E. First Source Hiring Program (FSHP)**

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at <http://oewd.org/first-source> and from the First Source Hiring Administrator, (415) 701-4848.

**F. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

## **VIII. Protest Procedures**

### **A. Protest of Non-Responsiveness Determination**

Within five working days of the City's issuance of a notice of non-responsiveness, any firm 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. Such notice of protest must be received by the City on or before the fifth working 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 proposer, 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 Non-Responsible Determination**

Within five working days of the City's issuance of a notice of a determination of non-responsibility, a vendor that would otherwise be the lowest responsive proposer may submit a written notice of protest. The vendor will be notified of any evidence reflecting upon their responsibility received from others or adduced as a result of independent investigation. The vendor will be afforded an opportunity to rebut such adverse evidence, and will be permitted to present evidence that they are qualified to perform the contract. Such notice of protest must be received by the City on or before the fifth working day following the City's issuance of the notice 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 protest must be signed by an individual authorized to represent the proposer, 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. Protest of Contract Award**

Within five working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working 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 proposer, 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.

### **D. Delivery of Protests**

All protests must be received by the due date. If a protest is mailed, 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) will not be considered. Protests must be delivered to:

Eugene T. Flannery, MOHCD, One South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA

## **Appendix A**

### **Standard Forms**

#### **A. How to become Eligible to Do Business with the City:**

Before the City can award any award any contract to a contractor, all vendors must meet the minimum requirements described below. There may be additional requirements placed upon a vendor depending on the type of good or service to be purchased.

#### **B. Mandatory Forms:**

At a minimum, in order to become eligible to do business with the City, a vendor must submit the following documents to the Vendor Support Division via the City's supplier portal located at <https://sfcitypartner.sfgov.org/> :

1. [Vendor Application Packet](#) (includes *New Vendor Number Request Form* and *IRS Form W-9*)
2. [CCSF Vendor - Business Registration \(Electronic Submission - you must have a vendor number to complete\)](#)
3. [CMD 12B-101 Declaration](#) of Nondiscrimination in Contracts and Benefits

#### **C. Vendor Eligibility and Invoice Payment:**

Vendors must have a City-issued vendor number, have all compliance paperwork submitted and approved by the City, and have an executed contract or purchase order before payments can be made. Once a vendor number has been assigned, an email notification will be provided by the City's Vendor File Support Division. This notification will include instructions on how to sign up to receive payments through the City's supplier portal located at <https://sfcitypartner.sfgov.org/> .



#### **D. Vendor Eligibility Forms:**

<u><b>Form</b></u>	<u><b>Purpose/Info</b></u>	<u><b>Routing</b></u>
<a href="#">CCSF Vendor - Business Registration (Electronic Submission - you must have a vendor number to complete)</a>	This declaration is required for city vendors to determine if you are required to obtain a Business Registration Certificate.	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>
<a href="#">Declaration of Nondiscrimination in Contracts and Benefits</a> <i>with supporting documentation</i> (Form CMD-12B-101)	This Declaration is used by the City's Contract Monitoring Division to determine if a vendor offers benefits to employees. When a vendor offers benefits, it must be verified that all benefits, including insurance plans and leaves, are offered equally to employees with spouses and employees with	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>

## RFP for the Preparation of ESAs and Geotechnical Surveys for MOHCD's Affordable Housing Program

	domestic partners. For more information and assistance, please visit the City Administrator's <b>Contract Monitoring Division Equal Benefits</b> web page.	
<a href="#">Vendor Profile Application</a>	Includes New Vendor Number Request Form and IRS Form W-9.	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>

### E. Supplemental Forms:

Form:	Required If:
Minimum Compensation Ordinance (MCO) Declaration (  pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 5 employees, including employees of any parent, subsidiaries and subcontractors.
Health Care Accountability Ordinance (HCAO) Declaration (  pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 20 employees (more than 50 employees for nonprofit organizations), including employees of any parent, subsidiaries or subcontractors.
Insurance Requirements ( <a href="#">pdf</a> )	The solicitation requires the successful proposer to demonstrate proof of insurance.
Payment (Labor and Material) Bond ( <a href="#">pdf</a> )	The solicitation requires the awarded vendor to post a Payment (Labor and Material) bond.
Performance Bond ( <a href="#">pdf</a> )	The solicitation requires the awarded vendor to post a Performance bond.
Local Business Enterprise Program Application ( <a href="#">Contract Monitoring Division</a> )	You desire to participate in the City's Local Business Enterprise Program which helps certain financially disadvantaged businesses increase their ability to compete effectively for City contracts

For further guidance, refer to the City's supplier training videos that are located online at: <https://sfcitypartner.sfgov.org/> .