



# City and County of San Francisco

## MAYOR'S OFFICE OF HOUSING AND COMMUNITY DEVELOPMENT

**REQUEST FOR QUALIFICATIONS FOR  
RESIDENTIAL REAL ESTATE BROKERAGE SERVICES**  
Solicitation # 2019 Residential Real Estate Brokerage Services  
CONTACT: Ffely Charun, [ffely.charun@sfgov.org](mailto:ffely.charun@sfgov.org), 415-701-5211

**Background**

San Francisco is the fourth largest city in California and serves as a center for business, commerce and culture for the West Coast. The City and County of San Francisco (the "City") established by Charter in 1850, is a legal subdivision of the State of California with the governmental powers of both a city and a county under California law. The City's powers are exercised through a Board of Supervisors serving as the legislative authority, and a Mayor and other independent elected officials serving as the executive authority.

The Mayor's Office of Housing and Community Development (MOHCD) is seeking qualified and licensed residential Real Estate Brokers to market, represent the City in the acquisition, sale and perform all real estate sales-related tasks for residential real estate property including property acquired through foreclosure that is restricted through one of the programs administered by the Department, including the following programs: Inclusionary Below Market Rate, Condo Conversion, Limited Equity Homeownership, City Second, and the suite of Downpayment Assistance Loan programs

**Intent of this Request for Qualification (RFQ)**

It is the intent of MOHCD to create a pre-qualified list of 2 to 5 consultant firms from which it may choose prospective contractors on an as-needed basis.

Selected Respondents will remain eligible for consideration and contract negotiation on an as-needed basis through June 30, 2029. Selected Respondents are not guaranteed a contract.

**Anticipated Contract Term**

The anticipated contract term for contracts resulting from this RFQ may last up to 5 years, with the option to extend the contract for up to 5 additional years. Actual contract terms may vary, depending upon service and project needs at the City's sole, absolute discretion. Respondents selected for resulting contract(s) must be available to commence work on or before July 10, 2019.

**Anticipated Contract Budget**

For each contract resulting from this RFQ, the anticipated not-to-exceed contract budget is \$20,000. Actual contract budget may vary, depending upon service and project needs at the City's sole and absolute discretion.

**Important City's Supplier and Bidder Resources**

City Supplier and Bidder Portal:

<https://sfcitypartner.sfgov.org/>

Bidder & Supplier Registration:

<https://sfcitypartner.sfgov.org/Vendor/Login>

Job Aids for Response Submission via City Portal:

[https://sfcitypartnersupport.sfgov.org/support/search?term=bid&authenticity\\_token=egAx%2FIZwyPsAjyDIggpmWzve1PpE9GL8uZW1qpHcvSg%3D](https://sfcitypartnersupport.sfgov.org/support/search?term=bid&authenticity_token=egAx%2FIZwyPsAjyDIggpmWzve1PpE9GL8uZW1qpHcvSg%3D)

City's Sourcing Events (Bid Opportunities):

<https://sfsupplierportal.sfgov.org/psp/supplier/SUPPLIER/ERP/h/?tab=DEFAULT>

Supplier Compliance Questions:

[sfcitypartnersupport@sfgov.org](mailto:sfcitypartnersupport@sfgov.org)

User Support tel. (415) 944-2442

**Submission of Responses Requirements**

Responses and all related materials, including all CMD forms, must be received by Deadline for RFQ Responses. Responses must be submitted electronically using the following method:

- (1) Via ShareFile upload using this RFQ Submission Link [RFQ Response Link](#)

Check link for updates: <https://sfmohcd.org/housing-development-nofas-rfp-rfq>

**Schedule\***

RFQ Issued	06/17/2019
Deadline for RFQ Questions	06/21/2019 (2pm PT)
RFQ Answers available online	06/25/2019 (2pm PT)
CMD Technical Assistance Period	06/17/2019 to 07/01/2019 (via <a href="mailto:ian.fernando@sfgov.org">ian.fernando@sfgov.org</a> , tel. 415-581-2307)
<b>Deadline for RFQ Responses</b>	<b>07/01/2019 (2pm PT)</b>
Notice of Intent to Establish a Prequalified List	07/08/2019

\*Each date subject to change. All hours are Pacific time Zone.

# 1. Introduction

## 1.1 General terms used in this Request for Qualifications (RFQ)

Terms and abbreviations used throughout this RFQ include:

- **The City** – The City and County of San Francisco.
- **MOHCD** – Mayor’s Office of Housing and Community Development, a department of the City and County of San Francisco.
- **Contractor** – The “Respondent” refers to any entity submitting a response to this Request for Qualifications (“RFQ”) to be considered for inclusion on a pre-qualified consultant list. The “Contractor” refers to the Respondent(s) awarded contracts for services under this RFQ.
- **Firm** – Any business entity including, but not limited to, companies, nonprofit organizations, educational institutions, and individuals.
- **Respondent/Proposer** – Any entity submitting a response to this Request for Qualifications
- **Response/Proposal** – A Respondent’s proposal submitted in response to this RFQ
- **REO** – Real Estate Owned property

## 1.2 Statement of Need and Intent

What Does the City Seek? The City and County of San Francisco’s Mayor’s Office of Housing and Community Development (MOHCD) seeks responses from Real Estate Brokerage firms with experience, active membership in the San Francisco Real Estate Association and proper licenses in residential real estate brokerage services to market, sell and perform all real estate sales-related tasks for residential real estate property including property acquired through foreclosure that is restricted through one of the programs administered by MOHCD, including the following programs; Inclusionary below market rate, condo conversion, below market rate units produced by former San Francisco Redevelopment Agency and the Office of Community Investment and Infrastructure, City Second, and the suite of downpayment assistance loan programs.

This RFQ is not directed at one specific project. To make its pre-qualification determination, the City will review qualifications, including prior project information, lead staff qualifications, and other information.

With Whom Will Consultants Work? Selected Contractor(s) will work closely with staff of MOHCD.

What is the City’s Intent with this RFQ? Based on responses to this RFQ, it is MOHCD’s intent to create a pre-qualified list of two to five Real Estate Broker firms from which the City will negotiate agreements for individual projects on an as-needed basis. Respondents that are pre-qualified will remain on the list for consideration for contractor selection and negotiations through June 30, 2029. At the City’s sole discretion, contracts may be extended by an additional 5 years. This list may be used by the City, at its sole and absolute discretion. While no selected Respondent is guaranteed a contract, depending on the amount of work that is available, MOHCD will make an effort to utilize each selected Respondent on the list on a rotation basis. To maintain a qualified list of two to five firms, City may open RFQ.

### 1.3 Background of the City and County of San Francisco

#### What is the City?

San Francisco is the fourth largest city in California and serves as a center for business, commerce and culture for the West Coast. The City and County of San Francisco, known as the "City", was established by Charter in 1850. It is a legal subdivision of the State of California with the governmental powers of both a city and a county under California law. The City's powers are exercised through a Board of Supervisors serving as the legislative authority, and a Mayor and other independent elected officials serving as the executive authority. The services provided by the City include public protection, public transportation, construction and maintenance of all public facilities, water, parks, public health systems, social services, planning, tax collection, and many others.

What are the Roles and Responsibilities of the Mayor's Office of Housing and Community Development? The Mayor's Office of Housing and Community Development has two main divisions, a Housing Division and a Community Development Division.

The mission of the Housing Division is to provide financing for the development, rehabilitation and purchase of affordable housing in San Francisco. MOHCD also guides and coordinates the City's housing policy. MOHCD administers a variety of programs to finance the development of affordable housing by non-profit and for profit developers, provides financial and educational assistance to first-time homebuyers, and finances housing rehabilitation costs for low-to-moderate income homeowners. MOHCD is also responsible for monitoring and ensuring the long-term affordability and physical viability of the City's stock of affordable housing.

The Community Development Division's mission is to partner with the community to strengthen the social, physical and economic infrastructure of San Francisco's low-income neighborhoods and communities in need.

Contractors that will be selected through this RFQ will assist MOHCD staff to sell residential real estate property including property acquired through foreclosure that is restricted through one of the programs administered by MOHCD, including the following programs: Inclusionary Below Market Rate, Condo Conversion, Limited Equity Homeownership, City Second, and the suite of Downpayment Assistance Loan programs.

Each program may have different requirements and restrictions. But in general, to be eligible for these programs, homebuyers must meet the following requirements:

- First-time Homebuyer: Homebuyer cannot have owned any residence property in the past three years.
- Homebuyer Education: Homebuyer must complete homebuyer education from a MOHCD-approved housing counseling agency prior to application.
- First Mortgage Approval: Homebuyer must be able to qualify for and obtain a first mortgage from a MOHCD-approved lender prior to application.
- Income Eligibility: Total household income cannot be more than the designated percentage of Area Median Income ("AMI") for the property or the program. Household income includes all sources of income for each household member aged 18 and over.

- Down Payment: Homebuyer must make a minimum down payment in accordance to program requirements and which will vary based on the program and sales price of the home. Total down payment cannot exceed 50% of the sales price.
- Occupancy: Homebuyer must live in the property as primary residence, and comply with annual occupancy certification requirement.
- Household Size: A minimum of one person per bedroom is required. Some programs may have different rules.
- Program Restrictions: Homebuyer must read and sign all MOHCD documents, and agree to the program restrictions.

#### 1.4 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. Respondents are hereby advised that Respondents 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 <http://sfgov.org/oca/qualify-do-business> .

## 2. Scope of Work

This scope of work is a general guide to the work the City expects to be performed, and is not a complete listing of all services that may be required or desired. The City is soliciting qualifications to create a prequalified list of consultant firms that may be selected for the services described below.

To minimize duplication of effort and to allow the City to coordinate data requests and data available for the multiple projects solicited within this RFQ, as well as for previous and future projects, the selected Contractors' findings and data may be shared by the City with other City Contractors, as deemed appropriate by the City.

#### What if My Firm is Interested in Being Considered for More than One Service Area?

This request for qualifications for Residential Real Estate Brokerage Services only involves one service area and therefore this section does not apply.

#### Is My Firm Expected to Propose for a Specific Project?

No. MOHCD will create a list of prequalified consultant firms. Each Respondent should demonstrate its capabilities by providing concise, but comprehensive responses in RFQ Attachment V, Response Template. MOHCD will negotiate the specific scope of services, budget, deliverables and timeline with prequalified firms selected for contract negotiations. There is no guarantee of a minimum amount of work or compensation for any Respondent(s) selected for contract negotiations. MOHCD may select Contractors from the prequalified list in its sole and absolute discretion. Depending on the amount of work that is available, MOHCD will make an effort to enter into contract with each selected Respondent on the list at least once and on a rotation basis.

Does the City prefer firms to form a large group or consortium to cover more services, or to focus on an area of expertise and respond individually?

The City prefers individual firm responses focused on the Service Areas that the firm and its lead staff can demonstrate possession of appropriate qualifications. For any proposed Respondent partnerships, at least 50% of proposed work effort on the City's projects must come from the lead Respondent firm.

Possible Contract Deliverables include, but are not limited to:

- Financial and financial-related audit reports;
- Audit report on basic financial statements;
- Financial and internal control reviews;
- Disclosures of fraud, illegal acts, non-compliance, and abuse.

**2.1 Demonstrated expertise is requested, but is not limited to, the following.**

- Listing the property for sale to the public, on San Francisco Multiple Listing Service, in addition to other methods required by MOHCD;
- Providing MOHCD, the seller, with a real property condition disclosure form and other forms that may be needed;
- Preparing necessary papers describing the property for advertising, pamphlets, open houses, informational sessions, etc.;
- Generally placing a "For Sale" sign on the property indicating how to contact the real estate broker;
- Marketing/advertising the property, including outreach to low and moderate-income and program qualified buyers;
- Preparing the property for sale;
- Holding open houses to show the property;
- Being a contact person available to answer any questions about the property and to schedule showing appointments;
- Assisting buyers in submitting applications as appropriate;
- Preparing a standard real estate purchase contract by filling in the blanks in the contract form; and,  
Working with MOHCD staff on the MOHCD program application and escrow closing process.

Please note that fees for the transaction-related real estate brokerage services under this RFQ will be paid from funds generated by the transactions on an actual sale basis only. The maximum brokerage commission offered is 5% of the affordable sales or base price set by MOHCD depending on property. The selected broker must be willing to work with other brokers on a cooperative basis to allow flexibility for buyers who would like to use their own licensed real estate sales agent supervised by another broker.

To be pre-qualified to perform these services for MOHCD, firms must meet the following minimum qualifications:

- Must have at least five years of residential real estate brokerage experience;
- Must be licensed to conduct business in the State of California; and,
- Must be an active member of the San Francisco Association of Realtors.

Preferred qualifications include:

- Three years of experience working with City homeownership programs or similar programs that are administered by other government agencies, non-profit organizations and financial institutions.
- Strong knowledge of first-time homebuyer programs and community lending programs.
- Experience working with Real Estate Owned (REO) properties.
- Experience in providing eviction services.

### **3. City-Respondent Communications**

*There will not be a Pre-Response Conference for this RFQ. Respondents are specifically directed NOT to contact any employees or officials of the City other than those specifically designated in this RFQ and its Attachments. Unauthorized contact may be cause for rejection of responses at the City's sole and absolute discretion.*

#### **3.1 Deadline for RFQ Questions**

Please email any questions to [ffely.charun@sfgov.org](mailto:ffely.charun@sfgov.org). No oral questions will be accepted. Questions, in accordance with the below schedule, must be in writing and received before the **Deadline for RFQ Questions on June 21, 2019 by 2pm PT**. No questions will be accepted after this time with the exception of those concerning City vendor compliance. All inquiries should include the number and title of the RFQ. Substantive replies will be memorialized in written addenda to be made part of this RFQ. This RFQ will only be governed by information provided through written addenda.

#### **3.2 Summary of Information Requested and Presented**

A summary of all addenda, questions and answers pertaining to this RFQ will be posted on the City's website <https://sfmohcd.org/housing-development-nofas-rfp-rfq> under For Professional Services Providers – 2019 Residential Real Estate Brokerage Services. It is the Respondents' responsibility to check this Website for any updates. The City recommends that Respondents check the Website for updates on a daily basis at a minimum.

#### **3.3 City Communication Following Receipt of Responses**

The City may contact the Respondents for clarification or correction of minor errors or deficiencies in their Responses prior to deeming a Response as non-responsive. Clarifications are "limited exchanges" between the City and a Respondent for the purpose of clarifying certain aspects of the Responses, and do not give a Respondent the opportunity to revise or modify its Response. Minor errors or deficiencies are defined as those that do not materially impact the City's evaluation of the Proposal; for example, failing to label the "original" Response as an "original". For information regarding the City's Evaluation Process, see RFQ Section 5 - Evaluation Criteria.

### **4. Response Submission Requirements**

#### **4.1 Time and Place for Submission of Responses**

(Electronic Submission Only)

Responses and all related materials, including all CMD forms, must be received by **2:00pm PT on Monday, July 1, 2019**. Responses must be submitted electronically via this secure ShareFile link [RFQ Response Link](#)

Late submissions will not be considered.

### 4.3 Content

Firms interested in responding to this RFQ must submit the information required in Section 5, in the order specified in Attachment V: Response Template. Even if using an alternative format for your response, the information in Attachment V must be included in the order specified to be scored appropriately.

The following items must be included in your response:

- [RFQ Attachment I, Acknowledgement of RFQ Terms and Conditions](#)
- [RFQ Attachment II, Local Business Enterprise Forms](#)
- [RFQ Attachment III, City's Administrative Requirements](#)
- [RFQ Attachment IV, City's Agreement Terms & Conditions](#)
- [RFQ Attachment V, Response Template](#)

Responses received under this RFQ that fail to address each of the requested items in sufficient and complete detail to substantiate that the Respondent can meet the City's minimum qualifications, will be deemed non-responsive and will not be considered for prequalification. Note that responses stating, "to be provided upon request" or "to be determined" or the like, or that do not otherwise provide the information requested (left blank) are not acceptable and shall be deemed non-responsive.

### 4.4 Redact Confidential or Proprietary Information

All documents under this solicitation process are subject to public disclosure per section 67.24 of the San Francisco Administrative Code, "The San Francisco Sunshine Ordinance of 1999."

**4.4.1** Responses to RFQs, contracts, and all other records of communications between the City and Respondents 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*.

**4.4.2** Respondents may redact any confidential or proprietary information, as appropriate, prior to submitting a response to this RFQ.

**4.4.3** Respondents should clearly indicate net worth or other proprietary financial data that the City should redact should the RFQ response be publicly disclosed, with the understanding that this information cannot be redacted or withheld should a contract be awarded to the Respondent.

## **5. Evaluation Criteria**

This section describes the guidelines used for analyzing and evaluating the responses and for Respondent prequalification. It is the City's intent to prequalify Respondent(s) that provide the best overall qualifications to the City that will provide the best overall service package inclusive of fee considerations. Consultant firms selected for prequalification are not guaranteed a contract. This RFQ does not in any way limit the City's right to solicit contracts for similar or identical services if, in the City's sole and absolute discretion, it determines the prequalified list is inadequate to satisfy its needs. There are two phases to the evaluation process. City and CMD staff first perform an Initial Screening as described in Section 5.1. Responses that pass the Initial Screening process (5.1) including Minimum Qualifications (5.2) will proceed to the Evaluation of Firms (that met Minimum Qualifications) described in Section 5.3.

City representatives will serve as the Evaluation Team responsible for evaluating Respondents. Specifically, the team will be responsible for the evaluation and rating of the responses for prequalification, and for interviews, if desired by the City.

### **5.1 Initial Screening**

The City will review each response for initial determination on responsiveness and acceptability in an Initial Screening process. Elements reviewed during the Initial Screening include, without limitation: compliance with CMD submission requirements; compliance with Minimum Qualification requirements (Section 5.2), compliance with format requirements, response completeness, and verifiable references.

Responses are not scored during the Initial Screening process. Initial Screening is a pass/fail determination as to whether a response meets the threshold requirements described above. By **2:00pm PT on Monday, July 1, 2019**, any response that does not demonstrate that Respondent meets requirements in Section 5.1 will not be eligible for consideration in the Evaluation of Firms (that met Minimum Qualifications) described below in Section 5.3. The City reserves the right to request clarification from the Respondent prior to rejecting a response for failure to meet the Initial Screening requirements. Clarifications are "limited exchanges" between the City and a Respondent for the purpose of clarifying certain aspects of the Response, and will not give a Respondent the opportunity to revise or modify its response.

#### **5.1.1 Contract Monitoring Division (CMD) Requirements**

##### **5.1.1.1 Local Business Enterprise Goals and Outreach – Chapter 14B Requirements**

The requirements of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the San Francisco Administrative Code as it now exists or as it may be amended in the future (collectively the "LBE Ordinance") shall apply to this RFP.

##### **5.1.1.1 LBE Subconsultant Participation Requirements**

The LBE subconsulting participation requirement is waived for this project.



### **5.1.1.1 LBE Prime/JV Participation**

#### **1. Micro LBE and Small-LBE Bid Discount/Rating Bonus**

Rating bonuses do apply to the procurement of services under this RFP because the anticipated Agreement amount is under \$10 Million.

The City strongly encourages response packages from qualified Micro and Small-LBEs. Pursuant to Chapter 14B, the following rating bonus will be in effect for the award of this project for any proposers who are certified by CMD as a Micro or Small- LBE, or joint ventures where the joint venture partners are in the same discipline and have the specific levels of participation as identified below. Certification applications may be obtained by calling CMD at (415) 581-2310. The rating bonus applies at each phase of the selection process. The application of the rating bonus is as follows:

1. A 10% discount to an Micro or Small -LBE; or a joint venture between or among Micro or Small LBEs; or
2. A 5% discount to a joint venture with Micro and/or Small-LBE participation that equals or exceeds 35%, but is under 40%; or
3. A 7.5% discount to a joint venture with Micro and /or Small -LBE participation that equals or exceeds 40%; or
4. A 10% discount to a certified non-profit entity.

If applying for a rating discount as a joint venture: The Micro and /or Small-LBE must be an active partner in the joint venture 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 joint venture. The portion of the Micro and/or Small-LBE joint venture's work shall be set forth in detail separately from the work to be performed by the non-LBE joint venture partner. The Micro and/or Small-LBE joint venture's portion of the contract must be assigned a commercially useful function.

#### **2. SBA-LBE Bid Discount/Rating Bonus**

Pursuant to Chapter 14B, the following rating bonus will be in effect for the selection process for this contractor any proposers who are certified by CMD as a SBA-LBE. A 5% rating bonus will be applied to any proposal from an SBA-LBE except that the 5% rating bonus shall not be applied at any stage if it would adversely affect a Micro or Small LBE proposer or a JV with LBE participation. The SBA-LBE rating bonuses do apply to this Agreement because the anticipated agreement amount is under \$10 million.

#### **3. Required CMD Forms**

All response packages submitted must include the following Contract Monitoring Division (CMD) Forms contained in the CMD Attachment 2:

- Form 2A – CMD Contract Participation
- Form 3 – CMD Non-Discrimination Affidavit
- Form 4 – CMD Joint Venture Form (if applicable)

- Form 5 – CMD Employment Form

If these forms are not returned with the response package, the response package may be determined to be non-responsive and may be rejected.

Failure to complete, sign and submit each of the required CMD/LBE forms may result in the response package being deemed non-responsive and rejected. This CMD Compliance Officer (CCO) for this project is:

Ian Fernando  
Contract Monitoring Division  
City and County of San Francisco  
Tel: 415.581-2307  
Email: [ian.fernando@sfgov.org](mailto:ian.fernando@sfgov.org)

The City strongly encourages proposals from qualified LBEs. Certification applications may be obtained by calling CMD at (415) 581-2310 or by visiting the CMD website at [www.sfgov.org/cmd](http://www.sfgov.org/cmd).

## **5.2 Minimum Qualifications**

Any response that does not demonstrate that the Respondent meets these minimum qualifications by the response deadline will be considered non-responsive and will not be evaluated or eligible for award of any subsequent contract(s). Each Project Description may be used to apply for more than one (1) Service Area. Use RFQ Attachment V to indicate for each Project Description the relevant Service Area(s).

### **5.2.1 Experience**

- 1) Must have at least five years of residential real estate brokerage experience;
- 2) Must be licensed to conduct business in the State of California; and
- 3) Must be an active member of the San Francisco Association of Realtors.

### **5.2.2 Preferred Qualifications**

- 1) Three years of experience working with City homeownership programs or similar programs that are administered by other government agencies, non-profit organizations and financial institutions; and,
- 2) Strong knowledge of first-time homebuyer programs and community lending programs.
- 3) Experience working with Real Estate Owned (REO) properties.
- 4) Experience in providing eviction services.

## **5.3 Response Evaluation Criteria for Prequalification (100 points)**

### **Evaluation Team**

City staff and representatives with expertise in residential real estate transactions will serve as the Evaluation Team responsible for evaluating Respondents. Specifically, the team will be responsible for the evaluation and rating of the responses for prequalification, for conducting reference checks, and for interviews, if desired by the City.

Each RFQ response that meets the Minimum Qualifications will be evaluated in accordance with the criteria below. A Respondent must receive a score of 70 points or above out of the 100 total possible points to be prequalified. There is no numerical limit to the number of firms that may be prequalified.

### **5.3.1 Demonstrated Experience of Respondent - (45 points)**

- 1) Demonstrated and verifiable experience of providing residential real estate brokerage services, substantially similar to what is requested in this RFQ.
- 2) Proven ability to successfully meet the proposed scope of work outlined in this RFQ.
- 3) Organization, clarity, cohesiveness, quality and completeness of response.

### **5.3.2 Expertise/Skills of Assigned Staff - (45 points)**

- 1) Experience of staff to be assigned to this contract.
- 2) Professional qualifications, education and skill set of assigned staff.
- 3) Staff availability, accessibility and workload.
- 4) Expectations of client involvement or level of effort are appropriate; the proposed approach and questions demonstrate experience with providing services to comparable clients
- 5) Sufficient expertise and methodology to create competitive differences that will be beneficial to the City is demonstrated
- 6) Cost response is sufficiently detailed, reasonable and appropriate

### **5.3.3 Completeness of Response Submission – (10 points)**

- 1) Response conforms with RFQ requirements and concisely but comprehensively addresses RFQ requirements;
- 2) Response is professionally presented and contains organized content and format.

## **5.4 Prequalification Process**

Respondents scoring 70 points and above may be added to the prequalified list and eligible for potential contract negotiations with the City on an as-needed basis. Due to the varied nature of the services to be performed, the City reserves the right to contract with any or all prequalified Respondents.

### **Reference Checks**

Reference checks, including, but not limited to, prior clients as indicated in Attachment V Prior Project Description(s), may be used to determine the applicability of Respondent experience to the services the City is requesting and the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent's problem-solving, project management and communication abilities, as well as performance on deliverables and outcomes, and effectiveness in meeting or exceeding project objectives. If reference checks deem that information included in a Prior Project Description or elsewhere in the response is untruthful, then the City will reject the response.

## **5.5 Selection from Prequalified Lists of Consultants**

The City may select Contractors from the prequalified list in its sole and absolute discretion. After the prequalified list has been established, the City may issue Request(s) for Quotes or Request(s) for Proposals, Oral Selection Interviews/Demonstrations, conduct Reference Checks to the prequalified consultant list to better assess qualifications for a specific scope of service, which may include staffing, scheduling, deliverable, and cost considerations. The City reserves the right to request proposals, quotes, oral interviews/demonstrations, and conduct reference checks from vendors simultaneously. Award of contracts will be made in a manner consistent with San Francisco Administrative Code Chapter 21 Section 21.4(c). MOHCD will select two to five Respondents

## **5.6 Other Terms and Conditions**

The selection of any prequalified Respondent for contract negotiations shall not imply acceptance by the City of all terms of the response, which may be subject to further negotiation and approvals before the City may be legally bound thereby.

If a satisfactory contract cannot be negotiated in a reasonable time with any prequalified Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with any other remaining prequalified Respondents.

The City, in its sole discretion, has the right to approve or disapprove any staff person assigned to a firm's projects before and throughout the contract term. The City reserves the right at any time to approve, disapprove or modify proposed project plans, timelines and deliverables. Such approvals will not be unreasonably withheld.

## **6. Protest Procedures**

### **6.1 Protest of RFQ Terms**

Failure of a Respondent to comply with the protest procedures set forth in this section will render a protest inadequate and non-responsive, and will result in rejection of the protest.

Should a prospective Respondent object on any ground to any provision or legal requirement set forth in the RFQ (including all Appendices and all Addenda), including but not limited to Protests based on allegations that: (i) the RFQ is unlawful in whole or in part, (ii) one or more of the requirements of the RFQ is onerous, unfair, or unclear; (iii) the structure of the RFQ does not provide a correct or optimal process for the solicitation of the Services; (iv) the RFQ contains one or more ambiguity, conflict, discrepancy or other error; or (v) the RFQ unnecessarily precludes alternative solutions to the Services or project at issue, the prospective Respondent must provide timely written notice of Protest as set forth below.

By 5:00 p.m. P.S.T on the third (3<sup>rd</sup>) working day of the issuance of the RFQ, any Respondent may submit a written notice of Protest via e-mail to [ffely.charun@sfgov.org](mailto:ffely.charun@sfgov.org) as directed by Section 6.1. Protests or notices of Protests delivered orally (e.g., by telephone) will not be considered.

The Protest shall state the basis for the Protest, refer to the specific requirement or portion of the RFQ at issue, and shall describe the modification to the RFQ sought by the prospective Respondent. The Protest shall also include the name, address, telephone number, and email address of the person representing the prospective Respondent.

If required, the City may extend the response submittal deadline to allow sufficient time to review and investigate the Protest, and issue Addenda to incorporate any necessary changes to the RFQ.

## **6.2 Protest of Non-Responsiveness Determination**

By 5:00 p.m. PST on the fifth (5<sup>th</sup>) working day of the City's issuance of a notice of non-responsiveness, any Respondent that has submitted a response and believes that the City has incorrectly determined that its response is non-responsive, may submit a written notice of protest by e-mail (fax is not acceptable) as directed in Section 6.4. Such notice of protest must be received by the City on or before 5 p.m. PST of the fifth (5<sup>th</sup>) 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 reason asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ 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.

## **6.3 Protest of Establishment of Prequalified Consultant List**

By 5:00 p.m. PST on the fifth (5<sup>th</sup>) working day of the City's issuance of a Notice of Intent to Establish a Prequalified Consultant List, any consultant firm that has submitted a responsive response and believes that the City has incorrectly selected another Respondent for prequalification may submit a written notice of protest as directed in Section 6.4. Such notice of protest must be received by the City on or before 5 p.m. PST of the fifth (5<sup>th</sup>) working day after the City's issuance of the Notice of Intent to Establish a Prequalified Consultant List.

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 Respondent, and must cite the law, rule, local ordinance, procedure or RFQ 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.

## **6.4 Delivery of Protests**

All protests must be received by the specified dates and time deadlines specified in Section 6.1, 6.2 and 6.3. Protests or notice of protests made orally (e.g., by telephone) or by fax will not be considered.

Protests must be delivered via:

E-mail: [ffely.charun@sfgov.org](mailto:ffely.charun@sfgov.org)

## **6.5 Protest Review**

The Controller's Office will confirm receipt of notice of protest by Respondent which must be submitted in accordance to Section 6.1, 6.2, 6.3, and 6.4.

If a Respondent submits a complete and timely protest, the Controller's Office will review notice of protest soon after receipt of the protest to determine validity of notice, including, but

not limited to: (1) receipt by due date; (2) inclusion of a written statement specifying in detail each and every one of the grounds asserted for the protest; (3) signed by an individual authorized to represent the Respondent; (4) citation of the law, rule, local ordinance, procedure or RFQ provision on which the protest is based; and (5) specification of facts and evidence sufficient for the City to determine the validity of the protest.

A Respondent may not rely on a Protest submitted by another Respondent, but must timely pursue its own Protest.

The City, at its discretion, may make a determination regarding a protest without requesting further documents or information from the Respondent who submitted the protest. Accordingly, the initial protest must include all grounds of protest and all supporting documentation or evidence reasonably available to the prospective Respondent at the time the protest is submitted. If the Respondent later raises new grounds or evidence that were not included in the initial protest, but which could have been raised at that time, then the City may not consider such new grounds or new evidence.

If the notice of protest is determined to be valid, the Controller's Office shall review facts and evidence to determine the outcome of the protest, citing any applicable laws, rules, ordinances, procedures, and/or provisions. The review shall be an informal process conducted by the Controller's Office or its designee and will be based upon the information submitted by the Respondent in its protest letter. The Controller's Office may seek input from the City Attorney's Office, Office of Contract Administration, Contract Monitoring Division, and/or other City departments as needed or appropriate. The Controller's Office will notify the Respondent in writing of its decision at the conclusion of the review. The Controller or his designee shall make the final determination regarding the outcome of the protest. The decision of the Controller's Office is final.

## **7. Vendor Compliance**

Respondent Team must fulfill the City's administrative requirements for doing business with the City and become a compliant vendor prior to contract award. Fulfillment is defined as completion, submission and approval by applicable City agencies of the forms and requirements referenced in RFQ Attachment III.