



**CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH
25 Van Ness Avenue, Suite 500
San Francisco, CA 94102**

**REQUEST FOR QUALIFICATIONS
RFQ No. 10-2009**

**COMMUNITY PROGRAMS
Fiscal Intermediary & Professional Consultant Services**

SCHEDULE OF EVENTS AND SUBMISSION DEADLINES

ACTIVITY	TIMES	DATES
Solicitation Issued:		May 4, 2009
Bidders' Conference <i>Location:</i>	Not Applicable	Not Applicable
Letter of Intent Due (Mandatory)	By 12:00 Noon	May 20, 2009
E-Questions	By 12:00 Noon	May 21, 2009 – May 27, 2009
Qualifications Statements and Proposals Due	By 12:00 Noon	June 10, 2009
		ESTIMATED DATES
Technical Review		June 2009
Invitation to Negotiate		July 2009

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I. Introduction

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The San Francisco Department of Public Health (SFDPH), COMMUNITY PROGRAMS, is soliciting proposals for **Fiscal Intermediary Services AND Professional Consultant Services**. Each proposal must meet the necessary qualifications and service requirements set forth in this solicitation. Whether a proposal meets these qualifications and service requirements will be determined through the Review and Selection Process described in Section IV. No Proposer shall have any legal or equitable right or obligation to enter into a contract or to perform the Work as a result of being selected.

A. Solicitation Overview

The SFDPH Community Programs is soliciting proposals to provide **Fiscal Intermediary Services and Professional Consultant Services** to support the SFDPH Community Program Sections in the Fiscal Administration, Development, Technical Assistant, Research and Professional Consultation development of Short Term Projects; further details are described in the Program Services Specifications in Section II.

In order to participate in this solicitation process, Proposers are required to submit for each proposal (i) a Letter of Intent (LOI), (ii) a Qualifications Statement, and (iii) a complete Proposal Package with all requested documentation by the stated deadlines and according to Submission Requirements in Section III of this solicitation. In the event that only one LOI is submitted, the Department will determine the viability of entering into negotiations with that vendor. If more than one LOI is received, the process will progress through the submittal steps outlined in this solicitation.

Incomplete or non-compliant proposals will be rejected during Initial Screening. Proposals progressing to the Review and Selection Process will be evaluated by a Technical Review Panel, as described in Section IV, Review and Selection Process.

Opportunities for bidders to ask pre-bid questions will be afforded through E-questions as specified in Section V.

Section VI covers Standard Terms and Conditions for Receipt of Proposals, as established by the City and County of San Francisco.

Section VII, Standard Contract Requirements, continues with City requirements should the Proposer(s) be selected to provide contractual services.

Appeals Procedures for breach of solicitation procedures are covered in Section VIII.

Required forms, standard forms, and informational documents are provided in Appendices A-1, A-2, and A-3.

The complete solicitation package is available for download at <http://www.sfdph.org/dph/comupg/aboutdph/insideDept/Contracts>. Click on **RFQ# 10-2009** and follow the instructions.

For questions about solicitation procedures or documents, please contact:

Irene Carmona
SFDPH AIDS Office – Contracts Unit
(415) 554-9086

B. Contract Term

The City reserves the option to award initial contract(s) for original term(s) of one (1) to four (4) years and the right to exercise options to extend the original term of the contract(s) for any period(s) not to exceed a total maximum of nine (9) years of services from the original contract agreement.

Contract terms allowable are mandated under the “Administrative Code Section 21.9 Multiple Year Contracts; Options to Extend or Renew.”

A contract or contract award is not a guarantee of funding for a program or the continuation of services. Annual funding for contracts may vary or change according to the availability of funds. The Department reserves the right to re-open the solicitation to request additional proposals.

II. Program Service Specifications

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- A. **Goal:** The Department of Public Health (Department) is issuing this Request for Qualifications (RFQ) in search of candidates/vendors that have a minimum of four (4) years knowledge and experience in **Fiscal Intermediary Services (FI) Services and/or Professional Consultant Services** to support Short Term Projects specific to the needs of the **SFDPH Community Program Section(s)**. Each SFDPH Community Program Section will select a Fiscal Intermediary and/or Professional Consultant from the qualified vendor list to support the Sections Program needs.
- B. **Funding Amount:** Funding for this solicitation is pending approval from the San Francisco Department of Public Health as it is directed through the funding requirements of the Federal Government, State, and General Fund. As the Department identifies funds to support program services qualified vendors will be invited to negotiate funding to support the identified services. Each Community Program Section will award a separate Fiscal Intermediary and/or Professional Consultant contract. All funding is to be determined by the City and County of San Francisco and its Grantors. If an award is determined all contracts will list specific options to renew on an annual basis if allowable by the specific Grantor.
- C. **Minimum Qualifications:** All candidates/vendors must have a minimum of four (4) years knowledge and experience in **Fiscal Intermediary Services and/or Professional Consultant Services**. All candidates/vendors must submit detailed documentation to support and verify experience in providing **Fiscal Intermediary and/or Professional Consultant Services**.
- D. **Services Solicited Part 1: Fiscal Intermediary Services (FI).**
1. FI services include and are not limited to the Fiscal Administration to support the following services:
 - Professional research collaboration for both public and private funding sources.
 - Professional program planning and development.
 - Professional research staff development.
 - Program support and technical assistance.
 - Fiscal administration.
 2. Applicants are required and responsible for the following:
 - Ensuring the quality of services provided by subcontractor programs.
 - Ensuring quality employee management principles and practices.
 - Ensuring prompt and adequate reporting and invoicing with SFDPH.
 - Ensuring timeline goals as negotiated with program sections.
 - Ensuring administrative coordination among collaborators.
 - Act as primary liaison in collaborative agreements.

E. Services Solicited Part 2: Professional Consultant Services (PC)

1. PC services include and are not limited to providing direct support of the following services:
 - Professional research collaboration for both public and private funding sources.
 - Professional program planning and development.
 - Professional research staff development.
 - Program support and technical assistance.
 - Program Fiscal administration.
2. Applicants are required and responsible for the following:
 - Ensuring the quality of services provided by subcontractor programs.
 - Ensuring quality employee management principles and practices.
 - Ensuring prompt and adequate reporting and invoicing with SFDPH.
 - Ensuring timeline goals as negotiated with program sections.
 - Ensuring administrative coordination among collaborators.
 - Act as primary liaison in collaborative agreements.

F. Proposal Requirements:

The Candidate's full Application Package, consisting of the 1) Qualifications Statement, 2) Statement of Experience and Past Performance, and 3) Supporting Documentation described below, will be reviewed by a selection committee comprised of technical experts.

1. QUALIFICATIONS STATEMENT FORM

The Qualifications Statement form can be found in Appendix A-1 "Qualifications Statement" available for download at the Department's RFP/Q center at <http://www.sfdph.org/dph/comupg/aboutdph/insideDept/Contracts>. The Qualifications Statement must be signed by a person authorized to bind the Candidate to the representations, commitments, and statements contained in the Qualifications Statement.

Qualifications Statements must use this form. Application Packages that do not include the Qualifications Statement form will be rejected.

2. STATEMENT OF EXPERIENCE AND PAST PERFORMANCE

The Qualifications Statement form described above must be accompanied by a comprehensive description of the Candidate's experience and past performance relevant to the service category for which the application is being submitted and addressing the Minimum Qualifications required for that service category. The following areas will be considered in the review and evaluation process:

- Professional background of agency and staff.

- Organizational capacity and resources to handle various funding levels and/or number of program projects.
- Relevancy of experience, particularly the most recent, including working with government agencies.
- Programmatic achievements for specific funding awards received, including total dollar value of projects and relevant rates/costs.
- Results of Internal and/or external program or performance evaluations.
- Supporting documentation (see next section).

3. SUPPORTING DOCUMENTATION

To support and verify the qualifications cited in your Statement of Experience and Past Performance, list the projects presented as qualifying experience with dates and managing organization. Provide two (2) sample Scopes of Work/Contract Narratives and Program/Project Budget Documents or comparable detailed project descriptions related to those projects. Also include documentation, such as:

- Copies of Monitoring Reports and/or other evaluations (maximum of 2)
- Résumés of key project staff (maximum of 5)
- Letters of Reference (maximum of 2)
- Licenses, certifications, etc. as applicable.

G. Proposal Scoring Criteria/Rating Scale

The criteria outlined below will be used in this process to establish a ranked order of Qualified Candidates for each service category. At any time during the review process, the Department may require a Candidate to provide oral or written clarification of its Qualifications Application. The Department reserves the right to review and evaluate qualifications received without further clarification.

Your proposal/application must meet a minimum score of 80 points or higher in order to be eligible to list as a “Qualified Candidate.”

- | | |
|---|-----------|
| 1. Experience and Past Performance | 50 |
| <ul style="list-style-type: none">• Qualifications Statement and Statement of Experience and Past Performance are presented in a clear and concise manner, covering relevant information and required topics• Supporting documentation provides verification and evaluation related to cited qualifications, experience, and performance.• Degree to which minimum qualifications are met and/or exceeded.• Candidate’s ability to meet service category requirements. | |
| 2. Agency and Professional Background | 30 |
| <ul style="list-style-type: none">• Experience with governmental agencies. | |

- Background and experience level of personnel involved.
- Resumes and licenses/certification, as applicable to project(s) cited.

3. Rates and Costs

20

- Budget example(s) appropriately support project requirements and activities
- Rates/costs are reasonable

Total Available Points: 100

The list(s) of Qualified Candidates established for each service category as a result of this RFQ will remain in effect for a minimum period of two (2) years from the date of July 1, 2009 through June 30, 2011.

Status as a Qualified Candidate on one or more of these lists does not guarantee immediate or future contract awards.

III. Submission Requirements

All forms are available for download at the Department's RFP center at
<http://www.sfdph.org/dph/comupg/aboutdph/insideDept/Contracts>.

A. Deadlines/Delivery Location

1. Letter of Intent Deadline

A **Letter of Intent (LOI)** to submit a proposal is mandatory. The letter must use the template in **Appendix A-1** and must be signed by the appropriate authorities. The Letter of Intent must be submitted as follows:

By: 12:00 Noon On: May 20, 2009
To: **Irene Carmona**
SFDPH AIDS Office
25 Van Ness Avenue, 5th Floor
San Francisco, CA 94102
FAX: **(415) 431-1100**

2. Qualifications Statement and Proposal Package Deadline

Qualifications Statements and Proposal Packages must be received at the following deadline and address:

By: 12:00 Noon On: June 10, 2009
Place: Attn: **Irene Carmona** RFQ # 10-2009
SFDPH AIDS Office
25 Van Ness Avenue, 5th Floor
San Francisco, CA 94102

Proposals may be delivered in person or mailed; however, postmarks will not be considered in judging the timeliness of submissions. Proposals received after the deadline but within 24 hours may be accepted for extenuating circumstances at the sole discretion of the Director of the Department of Public Health. Applicants that submit proposals within this grace period must provide a letter to the Director explaining the extenuating circumstances by **12 noon on June 11, 2009**. Decisions of the Director to accept or reject the proposal during the grace period will not be appealable. If the proposal is accepted, the letter of explanation will be provided to the Technical Review Panel. Following the 24-hour grace period no late proposals will be accepted for any reason and there will be no appeal. Fax letter to (415) 431-1100.

In addition, the required HRC Form 3 must be submitted separately in a sealed envelope clearly marked with the above address and solicitation number.

Proposals may NOT be submitted by fax or email and will not be accepted if so received.

3. Proposal Format

Proposers must submit **One Original** and **Four (4) Copies** of the Qualifications Statement and the same number of complete and assembled Proposal Packages. The original must be clearly marked “**ORIGINAL**”. Each proposal should be unbound (use paper clips, binder clips, and/or rubber bands as necessary – NO STAPLES), collated, and include a table of contents. Each section must be clearly labeled with the appropriate heading, and pages should be clearly numbered. The Proposer’s name and program name should be shown in the page footers. In addition, the proposal must be typed on 8½ x 11” recycled paper, use 1.5 line spacing with 1” margins and 12-point type, and copied on double-sided pages to the maximum extent possible.

IV. Review and Selection Process

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A. Initial Screening

Any proposal submitted without the required Qualifications Statement and a complete proposal package will be rejected without further review.

B. Technical Review and Scoring of Proposals

The proposals will be reviewed and rated by a Technical Review Panel with expertise in the services required. This Technical Review Panel will be recruited with strict attention to ensuring that no conflict of interest exists related to any member of the panel and the proposals anticipated according to required Letters of Intent received.

1. Minimum Qualifications

During the review process, any proposal that does not demonstrate that the Proposer meets the Minimum Qualifications specified in the **Program Service Specifications, Section II**, of this solicitation will be considered non-responsive and will not be eligible for further review or consideration.

2. Proposal Review

The Technical Review Panel will review and rank each proposal according to criteria and scoring specified in the **Program Service Specifications, Section II**, of this solicitation. Proposals from one or more Proposer may be recommended. In the event that more than one proposal is recommended for selection, they will be ranked pursuant to the scores of the Technical Review Panel. If upon execution of a subsequent contract, based on performance or other issues, the SFDPH needs to select another provider, the next ranking Proposer will be contacted for an offer to provide the solicited services. If that Proposer refuses the offer, the SFDPH will continue to contact Proposers in their ranked order until the offer to provide the solicited services is accepted.

C. Invitation to Negotiate

An Invitation to Negotiate a contract with the SFDPH will be sent to applicants based on their proposal ranking, from highest to lowest. During contract negotiations, any aspect of the proposal will be considered negotiable, including the budget, the services to be provided, and the target population to be reached. Receiving an Invitation to Negotiate a contract and entering into negotiations does not obligate either SFDPH or the applicant to enter into a contract; either party may decide to end the negotiations at any time for any reason. If the negotiations fail to result in a contract award in a reasonable period of time, the SFDPH reserves the right to invite the next ranking Proposer to negotiate or to issue another solicitation for the services.

The SFDPH reserves the right to award a single contract or multiple contracts to multiple Proposers that submitted proposal(s).

D. Contract Award Notification

If the negotiation process is completed to the satisfaction of both the SFDPH and the applicant, the applicant will receive a notification letter indicating the negotiated services and funding amount. The assigned SFDPH Program Manager will then work with the applicant to develop the contract. At this time, the SFDPH will request that the applicant submit all documents required for completing a contract.

The anticipated start date for contracts resulting from this solicitation is **July 1, 2009, however, the Qualified List can be accessed for a two (2) year period from July 1, 2009 through June 30, 2011.** Failure to negotiate the contract in a timely manner, or to furnish any and all certificates, bonds, or other materials required in the contract, shall be deemed an abandonment of the contract offer.

E. Stipulations

The issuance of this solicitation does not constitute an agreement by the City that any contract actually will be entered into by the City. The City 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 this solicitation;
4. Procure any materials, equipment, or services specified in this solicitation by any other means;
5. Ensure that all severe need and special populations are served; and
6. Determine that no project will be funded.

In addition to the ability to provide the specified services, the applicant must comply with general SFDPH and City and County of San Francisco contractual requirements, **AIDS Office** reporting requirements, and the Standard Agreement for Services.

v. Bidders' Conference or E-Questions Process

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A. Bidders' Conference: **Not Applicable for this solicitation.**

B. E-Questions

Only Proposers that have submitted a Letter of Intent (LOI) with an email address by the due date may e-mail questions concerning the specifics of the services solicited.

Dates/Period when e-mail questions will be accepted:

Begin: **May 21, 2009** End: **NOON May 27, 2009**

All questions are to be directed to the following e-mail address:

Irene.carmona@sfdph.org

The questions will be compiled and coordinated with program staff for appropriate answers. The compilation of questions and answers will be returned by email to the questioners.

This is the only opportunity vendors can ask direct programmatic questions of the Departmental staff.

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

A. Errors and Omissions in Solicitation

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

B. Inquiries Regarding Solicitation

Technical or procedural inquiries regarding this solicitation, other than programmatic questions addressed at either a Bidder's Conference or through the E-Questions procedure described in Section V, above, must be directed to:

Irene Carmona

AIDS Office – Contracts Unit

Phone: **(415) 554-9086**

Fax: **(415) 431-1100**

Email: **Irene.carmona@sfdph.org**

C. 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, not more than ten calendar days after the solicitation is issued, 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 solicitation, prior to the proposal due date, by issuing Change Notices, which will be posted on the website. The Proposer shall be responsible for ensuring that its proposal reflects any and all Change Notices 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 Change Notices.

In the event that modifications are posted to the website, the SFDPH will send a courtesy notice by email to Proposers that have submitted a Letter of Intent. This notice will advise the Proposer that changes have been posted. Notwithstanding this provision, the Proposer shall be responsible for ensuring that its proposal reflects any and all modifications or addenda issued by the SFDPH prior to the proposal due date.

E. Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for 120 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.

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 the proposal due date.

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 solicitation or excuse the vendor from full compliance with the specifications of the solicitation or any contract awarded pursuant to the solicitation.

H. Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a firm in responding to this solicitation. Submissions of the solicitation 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 solicitations 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 solicitation 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 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 no project will be pursued.

M. Waiver

No waiver by the City of any provision of this solicitation 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 solicitation.

N. Local Business Enterprise Goals and Outreach

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 solicitation.

1. LBE Subconsultant Participation Goals

The LBE subconsulting goal for this project is 0% of the total value of the goods and/or services to be procured.

Each firm responding to this solicitation shall demonstrate in its response that it has used good-faith outreach to select LBE subcontractors as set forth in S.F.

Administrative Code §§14B.8 and 14B.9, and shall identify the particular LBE subcontractors solicited and selected to be used in performing the contract. For each LBE identified as a subcontractor, the response must specify the value of the participation as a percentage of the total value of the goods and/or services to be procured, the type of work to be performed, and such information as may reasonably be required to determine the responsiveness of the proposal. LBEs identified as subcontractors must be certified with the San Francisco Human Rights Commission at the time the proposal is submitted, and must be contacted by the Proposer (prime contractor) prior to listing them as subcontractors in the proposal.

Any proposal that does not meet the requirements of this paragraph will be non-responsive.

In addition to demonstrating that it will achieve the level of subconsulting participation required by the contract, a Proposer shall also undertake and document in its submittal the good faith efforts required by Chapter 14B.8(C) & (D) and HRC Attachment 2, Requirements for Architecture, Engineering and Professional Services Contracts.

Proposals which fail to comply with the material requirements of S.F. Administrative Code §§14B.8 and 14B.9, HRC Attachment 2 and this solicitation will be deemed non-responsive and will be rejected. During the term of the contract, any failure to comply with the level of LBE subcontractor participation specified in the contract shall be deemed a material breach of contract. Subconsulting goals can only be met with HRC-certified LBEs located in San Francisco.

2. LBE Participation

The City strongly encourages proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount will be in effect for the award of this project for any Proposers who are certified by HRC as a 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 HRC at (415) 252-2500. The rating discount applies at each phase of the selection process. The application of the rating discount is as follows:

- a. A 10% discount to an LBE; or a joint venture between or among LBEs; or
- b. A 5% discount to a joint venture with LBE participation that equals or exceeds 35%, but is under 40%; or
- c. A 7.5% discount to a joint venture with LBE participation that equals or exceeds 40%; or
- d. A 10% discount to a certified non-profit entity.

If applying for a rating discount as a joint venture: The 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 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 LBE joint venture's portion of the contract must be assigned a commercially useful function.

3. HRC Forms to be Submitted with Proposal

- a. All proposals submitted must include the following Human Rights Commission (HRC) Forms contained in the HRC Attachment 2: 1) HRC Contract Participation Form, 2) HRC "Good Faith Outreach" Requirements Form,

3) HRC Non-Discrimination Affidavit, 4) HRC Joint Venture Form (if applicable), and 5) HRC Employment Form.

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

- b. Please submit only two copies of the above forms with your proposal. The forms should be placed in a separate, sealed envelope labeled HRC Forms.

If you have any questions concerning the HRC Forms, you may call **the Human Rights Commission at (415) 252-2500**.

VII. Standard Contract Requirements

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A. Standard Contract Provisions (Legal Agreement)

Upon award of a contract, the Contractor will be required to enter into and sign a legal agreement (“Agreement”) containing standard terms and conditions. A sample Agreement can be found in **Appendix A-3**, available for download at <http://www.sfdph.org/dph/comupg/aboutdph/insideDept/Contracts/>. 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.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, the Minimum Compensation Ordinance; the Health Care Accountability Ordinance; the First Source Hiring Program; and applicable conflict of interest laws, as set forth in paragraphs B, C, D, E and F below.

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 HRC’s website at www.sfgov.org/sfhumanrights.

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. 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.

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.

E. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the First Source Hiring Program (Administrative 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 www.onestopsf.org, under the “Employers” menu, and from the First Source Hiring Administrator, (415) 401-4960.

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.

G. Healthcare Insurance Portability and Accountability Act of 1996 (HIPAA)

The parties acknowledge that City is a Covered Entity as defined in the Healthcare Insurance Portability and Accountability Act of 1996 (“HIPAA”) and is therefore required to abide by the Privacy Rule contained therein. The parties further agree that Contractor may be defined as one of the following definitions under the HIPAA regulations:

- A Covered Entity¹ subject to HIPAA and the Privacy Rule contained therein;

¹ “Covered Entity” shall mean an entity that receives reimbursement for direct services from insurance companies or authorities and thus must comply with HIPAA.

- A Business Associate² subject to the terms set forth in **Appendix A-3** “HIPAA for Business Associates Exhibit”;
- Not Applicable, Contractor will not have access to Protected Health Information.

H. Insurance Requirements

Upon award of contract, Contractor shall furnish to the SFDPH a Certificate or Certificates of Insurance, with applicable Additional Insured Endorsements, stating that there is insurance presently in effect for Contractor with limits of not less than those established by the City.

Requirements are listed in **Appendix A-3** and are available for download at the Department’s RFP/Q center

<http://www.sfdph.org/dph/comupg/aboutdph/insideDept/Contracts/>.

² “Business Associate” shall mean an entity that has an agreement with CITY and may have access to private information, and does not receive reimbursement for direct health services from insurance companies or authorities and thus is not a Covered Entity as defined by HIPAA.

VIII. Appeals Procedures

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An appeal of the an award to provide services decision may be filed if the Proposer has reason to believe that there was a substantial failure by the Department of Public Health in following standard solicitation procedures. The appeal must be filed within five (5) working days of receipt of the notification letter. Appeals will be ruled on, and the appealing entity notified in writing, within five (5) working days after its receipt. All decisions are final. If you wish to appeal, prepare a brief statement describing the procedural breach that is the reason for your appeal to the **Chief of Contracts, AIDS Office Contracts Unit, San Francisco Department of Public Health, 25 Van Ness Avenue, 5th Floor, San Francisco, CA 94102, fax number (415) 431-1100.**

Appendices

A-1 REQUIRED FORMS for this solicitation

- 1) Letter of Intent
- 2) Qualifications Statement
- 3) HRC Form 3 – HRC Non-Discrimination Affidavit
(see also full set of HRC forms/instructions in Appendix 2 – HRC Attachment 2)

A-2 STANDARD FORMS

- 1) HRC Attachment 2: HRC Requirements for Architecture, Engineering, and Professional Services Contracts
- 2) Vendor Profile Application/Package (see also reference chart with URLs below)
 - (a) New Vendor Cover Letter
 - (b) General Instructions for Form VenAdd-2007-01
 - (c) New Vendor Number Request Form VenAdd-2007-01
 - (d) Commodity Codes
 - (e) Business Tax Declaration (Form P-25)
 - (f) Request for Taxpayer Identification Number and Certification (Form W-9)
 - (g) S.F. Administrative Code Chapters 12B & 12C Declaration:
Nondiscrimination in Contracts & Benefits (Form HRC 12B 101)
 - (h) Declaration for the Minimum Compensation Ordinance (MCO)
 - (i) Declaration for the Health Care Accountability Ordinance (HCAO)

A-3 FOR INFORMATION ONLY

- 1) Standard Legal Agreement Boilerplate
- 2) HIPAA for Business Associates
- 3) Insurance Requirements
- 4) LBE Certification Instructions
- 5) LBE Applications – (a) Small/Micro/Local Business or (b) Non-Profit Entity

Reference Chart of Sources for Standard, City-required forms:

This chart describes the most essential forms, where to find them on the Internet, and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing (purchasing@sfgov.org) and Purchasing will fax, mail or e-mail them to the contractor. If a contractor has already filled out items 1-3 on the chart, **the contractor should not do so again unless the contractor's answers have changed**. To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller's Office at (415) 554-6702.

If a contractor would like to apply to be certified as a local business enterprise, it must submit item 4. To find out about item 4 and certification, the contractor should call Human Rights Commission at (415) 252-2500.

Item	Form name and Internet location	Form	Description	Return the form to; For more info
1.	Request for Taxpayer Identification Number and Certification www.sfgov.org/oca/purchasing/forms.htm www.irs.gov/pub/irs-fill/fw9.pdf	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
2.	Business Tax Declaration www.sfgov.org/oca/purchasing/forms.htm	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits www.sfgov.org/oca/purchasing/forms.htm – in "Vendor Profile Application" Also at www.sfgov.org/site/sfhumanrights under "Equal Benefits"	HRC- 12B- 101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

4.	HRC LBE Certification Application www.sfgov.org/oca/purchasing/forms.htm – in “Vendor Profile Application” Also at www.sfgov.org/site/sfhumanrights under “LBE”		Local businesses complete this form to be certified by HRC as LBEs. Certified LBEs receive a bid discount pursuant to Chapter 14B when bidding on City contracts. To receive the bid discount, you must be certified by HRC by the proposal due date.	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500
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How to navigate to the forms on the Internet sites:

Office of Contract Administration (Purchasing)

Homepage: www.sfgov.org/oca/

Purchasing forms: Click on “Required Vendor Forms” under the “Information for Vendors and Contractors” banner.

Human Rights Commission

Homepage: www.sfgov.org/sfhumanrights

Equal Benefits forms: Click on “Forms” under the “Equal Benefits” banner near the bottom.

LBE certification form: Click on “...Forms” under the “LBE” banner near the bottom.