



Edwin M. Lee
Mayor

Micki Callahan
Human Resources Director

Date: May 29, 2015

To: The Honorable Civil Service Commission

Through: Micki Callahan
Human Resources Director *hk*

From: Sung Kim, DPW
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Danny Yeung, CPC
Lily Conover, CON
Brent, Lewis, DHR
Cynthia Hamada, MTA
Amanda Fried/Erica Finkle, TTX
Jacquie Hale, DPH
Shamica Jackson/Stacey Lo, PUC

Subject: **Personal Services Contracts Approval Request**

This report contains twelve (12) personal services contracts (PSCs) in accordance with the revised Civil Service Commission (CSC) procedures for processing PSCs that became effective on November 5, 2014.

The services proposed by these contracts have been reviewed by Department of Human Resources (DHR) staff to evaluate whether the requesting departments have complied with City policy and procedures regarding PSCs. The proposed PSCs have been posted on the DHR website for seven (7) calendar days. CSC procedures for processing PSCs require that any appeal of these contracts be filed in the office of the CSC, Executive Officer during the posting period.

No timely appeals have been filed regarding the PSCs contained in this report. These proposed PSCs are being submitted to the CSC for ratification/approval.

DHR has prepared the following cost summary for personal services contracts that have been processed through the Department of Human Resources to date:

Total of this Report	YTD Expedited Approvals FY2014-2015	Total for FY2014-2015
\$157,485,000	\$59,810,461	\$1,978,209,318

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POSTING FOR

June 15, 2015

PROPOSED PERSONAL SERVICES CONTRACTS – REGULAR**Commission Hearing Date**

2015-06-15

APPLY

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
49981 - 14/15	GENERAL SERVICES AGENCY - PUBLIC WORKS	\$3,000,000.00	The selected consultant ("consultant") will perform a full range of engineering, environmental studies, and construction support for the 3rd Street Bridge Rehabilitation Project ("Project"). The Project requires specialized engineering and environmental consultants with expertise in major rehabilitation of bascule bridges over navigable waterways with a strong environmental/regulatory component. The consultant will perform the work in three phases. Phase 1 consists of a condition survey of the bridge, preliminary engineering, traffic studies and environmental studies. Phase 2 consists of detailed design and preparation of construction documents. Phase 3 consists of providing engineering support during construction.	June 1, 2015	May 31, 2018
46544 - 14/15	AIRPORT COMMISSION	\$130,000,000.00	Project Management Support Services (PMSS) and Design Build (DB) service teams with elevated people-mover guideway and operating system experience is required to manage the design and construction of the Airport AirTrain Extension projects. Services to be provided include project controls, scheduling, document control, design management, contracts management, Architectural and Engineering (AE) design services, furnishing and installing AirTrain Operating System components at new stations and guideway areas, Train Control System modifications, and construction of the AirTrain Extension and Stations. The AirTrain Extension and Improvements Program includes: 1) the Airport AirTrain Extension to Lot DD, 2) the AirTrain Stations at Long Term Parking Lot DD and at the Airport Hotel, and 3), new AirTrain Operating System work, 4) Modifications to the Train Control System, and 5) PMSS for oversight of all scope (Professional Services).	June 15, 2015	December 31, 2018
49160 - 14/15	BOARD OF SUPERVISORS	\$225,000.00	On April 15, 2014, the Board of Supervisors passed Motion No. M14-057, directing the Clerk of the Board to prepare a Request for Qualifications (RFQ) to enable a radio station to broadcast the weekly San Francisco Board of Supervisors meetings. This PSC is requested to authorize the contract resulting from that RFQ process.	July 1, 2015	June 30, 2018
46829 - 14/15	CITY PLANNING	\$2,000,000.00	Selected consultant(s) will provide as-needed Economic Consulting Services, specifically in the topic areas of Fiscal Analysis & Administration, Real Estate Analysis, Economic Development Strategy, and Economic Research. The Planning Department will select one or more consultants from the Controller's Office list of pre-qualified vendors, established on November 7, 2014 and updated every two years, with demonstrated experience in a wide variety of economic consulting studies. Potential projects could include fee (cost recovery) studies, formation of special financing districts, analysing impacts of proposed development or legislation, and other similar studies.	June 15, 2015	June 30, 2019
49470 - 14/15	CONTROLLER	\$250,000.00	Professional services to redesign and implement the Oracle Interaction Hub for all employees and retirees. The primary users of the current Oracle Interaction Hub are Human Resource and Payroll professionals as well as employees and managers using PeopleSoft self-service time reporting (about 3,000 total employees). With this Project, the City is seeking implementation of a more secure and advanced Oracle Interaction Hub offering that will serve as an intuitive knowledge center for all active employees (about 30,000 total employees). With this Project, all employees will be given self-service access to their own PeopleSoft information including personal and job data, bi-weekly payroll data, leave balances, benefit plans and much more.	July 1, 2015	December 31, 2016

PSC No	Dept Designation	PSC Amount	Description of Work	PSC Estimated Start Date	PSC Estimated End Date
40922 - 14/15	GENERAL SERVICES AGENCY - PUBLIC WORKS	\$1,000,000.00	Provide specialized services in pavement condition data collection and surveys to support the Public Works Paving Program on an as-needed basis. Work shall include providing expert examination, analysis, reports, graphs, raw data and other information of San Francisco's roadway network. We intend to award one contract with \$1,000,000 limit.	June 1, 2015	September 1, 2020
33469 - 14/15	HUMAN RESOURCES	\$250,000.00	The City is seeking approval to enter into a contract with Year Up, a national nonprofit organization that provides urban young adults with the skills, experience, and support necessary to build professional careers in Information Technology (IT). The Year Up model includes an education component followed by a paid work internship for its participants. The City intends to offer the paid internships at the Department of Public Health (DPH) as a program pilot.	August 1, 2015	July 31, 2016
47272 - 14/15	MUNICIPAL TRANSPORTATION AGENCY	\$3,000,000.00	The contractor will manufacture and install a variety of rail vehicle training simulators that resemble various San Francisco Municipal Transportation Agency (SFMTA) vehicles. This includes not only the hardware, but the installation and customization of proprietary computer software to train the SFMTA employees on rail vehicle simulators. The Rail Training Simulator has a complicated software package with modelling that provides a virtual reality of railway routes, hazards, and allows the rail operator or other user to interact by stepping inside the virtual world. It's projected that approximately three hundred (300) Class 9163 Transit Operators will be trained using these simulators over a period of time.	June 19, 2015	June 30, 2017
40295 - 14/15	TREASURER/TAX COLLECTOR	\$200,000.00	Consulting services to assist Office of the Treasurer and Tax Collector (TTX) staff in creating and maintaining Enterprise Content Management (ECM) solutions. The engagement will include the joint design and creation of a new business tax audit workflow module to ensure TTX is compliant with business tax policy. Also, the consultant will be used to help transition the TTX technical team into a stronger support role for the product.	June 1, 2015	December 31, 2019
41216 - 14/15	TREASURER/TAX COLLECTOR	\$300,000.00	The Office of the Treasurer and Tax Collector currently accepts new business registration applications by paper only. This project is being undertaken to allow for new business registration online. The project requires contractor support to integrate a new electronic/digital signature solution (eSignature solution) for the online registration application.	June 30, 2015	June 30, 2019
46266 - 14/15	PUBLIC HEALTH	\$15,260,000.00	The programs will provide specialized classroom training and employment support for over 150 consumers on an annual basis who wish to provide peer counseling services. Peers are defined as individuals with personal lived experience who are consumers of mental health services, former consumers, or family members of consumers. Peers utilize their lived experienced in peer counseling settings to benefit the wellness and recovery of the clients being served. These peers will provide peer counseling support to over 400 unduplicated clients in the mental health system. In collaboration with Behavioral Health Services (BHS) and consumers, the contractor will be responsible for the reorganization of the current peer-to-peer services and the implementation of a cohesive and collaborative peer-to-peer system. The contractor will be responsible for developing a peer-to-peer delivery system that promotes best practices, shared resources, and advancement opportunities for peers and quality-driven peer-to-peer services for behavioral health consumers. The contractor will also provide up-to-date and nationally recognized practices providing specialized curriculum in the field of peer counseling. The contractor will work in collaboration with BHS programs, the Department of Rehabilitation, other stakeholders and the broader Bay Area community.	July 1, 2015	June 30, 2020
TOTAL AMOUNT \$155,485,000					



Published on *Personal Services Request Database* (<http://apps.sfgov.org/dhrdrupal>)

[Home >](#)

Posting For June 15, 2015

Proposed Modifications to Personal Services Contracts

Commission Hearing Date

2015-06-15

APPLY

PSC Number	Commission Hearing Date	Department	Additional Amount	Cumulative Total	Description	Start Date	End Date	Approval Type
44699 - 14/15 - MODIFICATIONS	June 15, 2015	PUBLIC UTILITIES COMMISSION -- PUC	\$2,000,000	\$5,500,000	Contractor will deploy City-owned Automated Water Meter Program (AWMP) equipment to complete the final phase of AWMP deployment. A previous contract implemented Phase I and Phase II of the AWMP accomplishing 95% of the total AWMP deployment work. This professional service contract will cover the replacement or retrofit of the remaining approximately 5,200 existing manual water meters in the City with the AWMP equipment consisting of a digital water meter and a meter transmission unit (MTU). This mass deployment will ensure a seamless transfer from the current installed water meters to safeguard against unregistered consumption, mis-identification of meter locations, erroneously installed or programmed equipment, and any interruptions in customer reading and billing services.	06/01/2015	05/31/2017	REGULAR

TOTAL AMOUNT \$2,000,000

**Regular/Continuing/Annual
Personal Services Contracts**

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - PUBLIC WORKS - DPW Dept. Code: DPW

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Engineering and Environmental Services for the 3rd Street Bridge Rehabilitation Project

Funding Source: Local Highway Bridge Program PSC Duration: 3 years
PSC Amount: \$3,000,000 PSC Est. Start Date: 06/01/2015 PSC Est. End Date: 05/31/2018

1. Description of Work

A. Scope of Work:

The selected consultant ("consultant") will perform a full range of engineering, environmental studies, and construction support for the 3rd Street Bridge Rehabilitation Project ("Project"). The Project requires specialized engineering and environmental consultants with expertise in major rehabilitation of bascule bridges over navigable waterways with a strong environmental/regulatory component. The consultant will perform the work in three phases. Phase 1 consists of a condition survey of the bridge, preliminary engineering, traffic studies and environmental studies. Phase 2 consists of detailed design and preparation of construction documents. Phase 3 consists of providing engineering support during construction.

B. Explain why this service is necessary and the consequence of denial:

The 3rd Street Bridge is a one-of-a-kind bascule bridge over water that will require bridge assessments and related engineering work to develop a feasible rehabilitation design to mitigate against corrosion on the bridge and improve the sufficiency rating of the bridge. The Project will need to comply with both Federal and State environmental requirements [National Environmental Policy Act (NEPA)... see attached PSC Additional Response.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Specialized engineering and environmental services for major infrastructure projects are routinely provided by consultants who specialize in the work and possess unique qualifications. The most recent personal services contract for similar work was approved via PSC # 42606-13/14 on February 3, 2014 for the Islais Creek Bridge Seismic Retrofit and Rehabilitation Project.

D. Will the contract(s) be renewed? No

2. Union Notification: On 04/17/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49981 - 14/15

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The project requires engineering and environmental consultants with expertise in rehabilitation of bridges over navigable waterways. The project also requires expertise in bridge engineering, structural engineering, corrosion engineering, materials engineering, and construction management specifically for bascule bridge structures... see attached PSC Additional Response

B. Which, if any, civil service class(es) normally perform(s) this work?

5620,5203,5207,5212,5211,5241,5218,5219,5298,5299,5642,5644,5277,5278,5283,5291,5293,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes, the consultant will provide facilities, equipment and computer software for analyses required for the work.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The broad and specialized scope of the necessary engineering and environmental services exceeds the City's current capabilities of staff and equipment. The work of consultants will also augment the work of the City's engineers and planners. The City's engineers and planners who are experienced with the type of work will review and substantiate that the engineered design and environmental analysis are in conformance with Federal, State, and local requirements.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No, the work is highly specialized and project specific. This project type is unique and infrequent (City only has 3 bridges over waterways) so the adoption of a new civil service class to perform this work would be impractical... see attached PSC Additional Response

5. Additional Information (if "yes", attach explanation)

YES NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employee? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employee?
The contractor will not train any employees. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Are there legal mandates requiring the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Are there federal or state grant requirements regarding the use of contractual services? Caltrans Local Assistance Procedures Manual. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/22/2015 BY:

Name: Sung Kim Phone: 415-554-6417 Email: sung.kim@sfdpw.org

Address: 1155 Market Street, 4th Floor San Francisco, CA 94103

Receipt of Union Notification(s)

Lim, Michelle (DPW)

From: dhr-psccordinator@sfgov.org on behalf of sung.kim@sfdpw.org
Sent: Friday, April 17, 2015 3:21 PM
To: Kim, Sung (DPW); richardisen@gmail.com; L21PSCReview@ifpte21.org; Lim, Michelle (DPW); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 49981 - 14/15

RECEIPT for Union Notification for PSC 49981 - 14/15 more than \$100k

The GENERAL SERVICES AGENCY - PUBLIC WORKS -- DPW has submitted a request for a Personal Services Contract (PSC) 49981 - 14/15 for \$3,000,000 for Initial Request services for the period 06/01/2015 - 05/31/2018. Notification of

30
days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrDrupal/node/4853> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

PSC Additional Response

1B. Explain why this service is necessary and the consequences of denial:

The 3rd Street Bridge is a one-of-a-kind bascule bridge over water that will require bridge assessments and related engineering work to develop a feasible rehabilitation design to mitigate against corrosion on the bridge and improve the sufficiency rating of the bridge. The Project will need to comply with both Federal and State environmental requirements [National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA)] in addition to necessary environmental studies. The 3rd Street Bridge has been submitted to Caltrans and Federal Highway Administration (FHWA) and approved for Federal funding. Denial of this request will delay the delivery of this major infrastructure project and jeopardize Caltrans and FHWA funding commitments and technical requirements.

3A. Specify required skills and/or expertise:

The project requires engineering and environmental consultants with expertise in rehabilitation of bridges over navigable waterways. The project also requires expertise in bridge engineering, structural engineering, corrosion engineering, materials engineering, and construction management specifically for bascule bridge structures. In addition, environmental consultants need both CEQA and NEPA expertise to support the environmental analysis. Consultant work products must be compatible with the requirements of federally funded projects and comply with the requirements of the Federal Highway Administration, Caltrans and San Francisco Planning.

4B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No, the work is highly specialized and project specific. This project type is unique and infrequent (City only has 3 bridges over waterways) so the adoption of a new civil service class to perform this work would be impractical. In addition, the utilization of consultants to prepare the environmental document is consistent with City Planning Department's policy and procedures (See attached "Environmental Review Process Summary").



SAN FRANCISCO
PLANNING
DEPARTMENT

GENERAL PLANNING INFORMATION

Environmental Review Process Summary

Planning Department
1650 Mission Street
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San Francisco, CA
94103-9425

T: 415.558.6378
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Date:
March 17, 2011

Subject:
**Environmental Review under the California
Environmental Quality Act**

Cal. Pub. Res. Code Section 21000 et seq.; CCR Title 14,
Section 15000 et seq.; and San Francisco Admin. Code
Chapter 31

Introduction

The California Environmental Quality Act (CEQA) was enacted in 1970 in response to the growing awareness that environmental impacts must be carefully considered in order to avoid unanticipated environmental problems resulting from development or planning efforts. The environmental review process provides decision-makers and the general public with an objective analysis of the immediate and long-range specific and cumulative impacts of a proposed project on its surrounding physical environment. In California, environmental review is two-fold in purpose: to disclose the impacts of a project and to ensure public participation.

Environmental review under CEQA is administered for all departments and agencies of the City and County of San Francisco by the Environmental Planning division of the Planning Department (the Department). Projects subject to CEQA are those actions that have the potential for resulting in a physical change of some magnitude on the environment and that require a discretionary decision by the City, such as public works construction and related activities, developments requiring permits (which in San Francisco are discretionary and thus not exempt from CEQA), use permits, activities supported by assistance from public agencies, enactment and amendment of zoning ordinances, and adoption or amendment of the General Plan or elements thereof. No action to issue permits, allocate funds, or otherwise implement a discretionary project may be taken until environmental review is complete.

Projects requiring analysis in environmental impact reports (EIRs) are generally complex major public or private development proposals, or those projects that could potentially have a significant impact on the physical environment.

Exemption from Environmental Review

The environmental review process begins with a determination by the Department as to whether or not a discretionary action by the City falls within a class of projects that are exempt from environmental evaluation pursuant to CEQA Statutes and Guidelines. Projects that are exempt generally include small-scale new construction or demolition, some changes of use, some additions, and other generally small-scale projects. These projects are enumerated in the *Categorical Exemptions from the California Environmental Quality Act*, adopted by the San Francisco Planning Commission (the Commission) on August 17, 2000.

Some small projects may be issued environmental exemptions over the counter at the Planning Information Center (PIC), 1660 Mission Street, First Floor, or may be referred to Environmental Planning staff. In the latter case, the project sponsor (private applicant or government agency) submits an *Environmental Evaluation (EE) Application* to the Environmental Planning intake planner, along with a fee (see *Schedule of Application Fees*).

If the proposed project involves the major alteration or demolition of a property more than 50 years old, the project sponsor will need to file a *Historical Resource Evaluation – Supplemental Information Form* with the *EE Application* so that Department staff can evaluate whether the proposed project would result in impacts on historical resources.

Project sponsors also need to submit a Tree Disclosure Statement with the *EE Application*. Other materials, such as technical reports, may be required on a case-by-case basis. Refer to Special Studies, below.

Community Plan Exemption

Per Section 15183 of the State CEQA Guidelines, community plan exemptions from CEQA review may be issued for projects within adopted plan areas. These exemptions may be issued for larger projects that would not otherwise be exempt, if they are determined not to create significant impacts beyond those identified in the applicable area plan EIR.

Exemption Timeline

A determination of exemption is generally processed in a minimum of two weeks; however, projects that require historical review or other supplemental data may take two months or longer to process, based on factors such as changes in the proposed project, supplemental data requirements, and staff case load.

Appeal of Exemption

A determination of exemption may be appealed to the Board of Supervisors (the Board). The procedures for filing an appeal of an exemption determination are available from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Environmental Review

Please note that some moderate to large projects (e.g., those that create six or more dwelling units and those that create or add 10,000 square feet to a non-commercial building) are required to submit a *Preliminary Project Assessment (PPA) Application* prior to submitting an *EE Application*.

ENVIRONMENTAL EVALUATION APPLICATION

For projects not exempt from environmental evaluation, the project sponsor (private applicant or government agency) files a completed *EE Application* by appointment with the assigned Environmental Planning application intake planner along with a fee based on the construction cost of the proposed project. The Department's *Schedule of Application Fees* and contact information for the intake planner are available online at sfplanning.org, and at the PIC, 1660 Mission Street, First Floor, or by calling (415) 558-6377. The *EE Application* may be filed prior to or concurrently with the building permit application.

SPECIAL STUDIES

To assist Department staff in the environmental evaluation process, the project sponsor may be required to provide supplemental data or studies to the *EE Application* intake planner to address potential impacts on soils, transportation, biological resources, wind, hazards, shadows, noise, air quality, or other issue areas. If a shadow study is required, the project sponsor files a *Shadow Analysis Application* along with a fee (see *Schedule of Application Fees*), and Department staff prepares a shadow fan analysis. If a transportation study is required for impact analysis, the project sponsor submits two fees: one to the Department and one to the Municipal Transportation Agency (see the Department's *Schedule of Application Fees*). Fees are generally non-refundable and are in addition to costs paid by the project sponsor for consultant-prepared reports (see *Consultants*, below).

INITIAL STUDY

After the project sponsor submits a completed *EE Application*, Department staff prepares an initial study for the proposed project. Projects are evaluated on the basis of the information supplied in the *EE Application*,

any additional information required from the applicant, research, and contact with affected public agencies, citizens groups, and concerned individuals, all by or under the direction of Environmental Planning staff. Initial studies for some large or complex projects may need to be prepared by a consultant rather than by Department staff.

NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION

If the initial study determines that the proposed project would not have a significant effect on the environment, a preliminary negative declaration (PND) is issued, advertised in a local newspaper, posted at the Department, on its website, and on the subject site, and mailed to various parties as requested.

If the initial study determines that the project would result in significant impacts on the environment, but that such impacts could be reduced to a less-than-significant level through mitigation measures, Environmental Planning staff issues a preliminary mitigated negative declaration (PMND), provided that the project sponsor agrees to implement the mitigation measures.

Appeal of PND or PMND

During the 20 (or 30 if required by CEQA) calendar days after legal advertisement of the PND or PMND issued by the Department, concerned parties may comment on the adequacy of the PND or PMND, request revisions or appeal the determination, and/or request preparation of an EIR. Appeals must be in the form of a letter to the Environmental Review Officer stating the grounds for the appeal and must include an appeal fee (see *Schedule of Application Fees*). The Commission will decide the appeal at an advertised public hearing. The Commission may (1) sustain the PND or PMND as written, (2) amend the PND or PMND, or (3) require that an EIR be prepared.

If no appeal is filed within 20 or 30 calendar days, any substantive comments related to environmental effects will be incorporated into the final negative declaration (FND) or final mitigated negative declaration (FMND), which is signed by the Environmental Review Officer and issued. Approval decisions may then be made on the project.

Appeal of FND or FMND

FNDs and FMNDs are appealable to the Board. The procedures for filing an appeal of an FND or FMND determination may be obtained from the Clerk of the Board at City Hall, Room 244, or by calling (415) 554-5184.

Negative Declaration Timeline

A minimum timetable for the negative declaration (ND) or mitigated negative declaration (MND) process is about six months; the timetable may be six to twelve months or longer based on factors such as changes in the proposed project, staff case load, supplemental data requirements, whether the document is appealed, and – where consultant work is required – quality of work.

ENVIRONMENTAL IMPACT REPORT

Before or during the initial study process, the Department may determine that the project could have a significant effect on the environment and that an EIR is required. The determination that an EIR is required is published in a local newspaper, posted at the Department, at the subject site, and on the sfplanning.org website, and mailed to various parties.

Administrative Draft EIR

If an EIR is required, the project sponsor must have an administrative draft EIR (ADEIR) prepared by a qualified environmental consultant and submitted to Department staff. Fees for processing the EIR are billed when staff advertises the EIR notice of preparation, and are payable upon submittal of the first ADEIR. This first administrative draft is reviewed by Environmental Planning staff in consultation with other relevant Department staff and public agencies. Two or three revisions of the ADEIR are often required for completion of research and verification of accuracy before the material is ready for publication.

Draft EIR Publication and Public Hearing

When staff determines that the ADEIR is acceptable for publication, the Department assumes authorship, authorizes publication of the draft EIR (DEIR), and advertises in a local newspaper and with on-site posting that the DEIR is available for public review, will be considered by the Commission at a specified public hearing, and what, if any, significant impacts are identified in the DEIR. The public hearing before the Commission occurs at least 30 days after publication of the DEIR. The purpose of the hearing is to receive

testimony related to the accuracy and completeness of the DEIR; written comments are also accepted during the review period, which extends at least five days beyond the hearing.

Final EIR Certification

Following the DEIR hearing, a comments and responses document is prepared to respond to all substantive issues raised in the written and oral testimony. The document is distributed to the Commission, commentators, and others as requested. After reviewing the comments and responses document, including any revisions to the DEIR and incorporation into the EIR of any further changes requested by the Commission, the Commission certifies at a public meeting that the final EIR (FEIR) has been completed in compliance with State law, and determines whether the project would or would not have a significant effect on the environment. It is important to note that certification does not approve or disapprove a project, but rather concludes that the EIR complies with CEQA and provides environmental information regarding the proposed project to serve as one of the elements upon which a reasoned decision is based.

If the Commission determines that the proposed project would have a significant effect on the environment, it may approve a project in one of two ways: (1) require changes in the project to reduce or avoid environmental damage if it finds such changes feasible (generally via alternatives and/or mitigation), or (2) find that changes are infeasible and make a statement of overriding considerations. CEQA requires decision-makers to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project would outweigh the unavoidable adverse environmental effects, those adverse effects may be considered "acceptable." The Commission must, in such cases, state in writing the specific reasons to support its action based on the FEIR and/or other information in the record.

Appeal of EIR

The certification of an FEIR is appealable to the Board. Any person or entity that has submitted comments to the Commission or to the Environmental Review Officer may appeal the Commission's certification of the FEIR to the Board within 20 calendar days after that certification. Appeals must be in the form of a letter to the Board stating the grounds of the appeal, with submittal of an appeal fee (see *Schedule of Application Fees*).

Upon review by the Department, the appeal fee may be reimbursed for neighborhood organizations that have been in existence for a minimum of 24 months. The Board may reject by motion an appeal that fails to state proper grounds for the appeal. The Board must act on valid appeals at an advertised public hearing, which must be scheduled within 30 calendar days after the Commission's certification of the FEIR, but may in certain circumstances extend such time period up to 90 calendar days from the date of filing the appeal. The Board may affirm or reverse the certification by the Commission by a majority vote. If the Board affirms the Commission's certification, the FEIR is considered certified on the date upon which the Commission originally certified the FEIR. If the Board reverses the Commission's certification, the Board must make specific findings and remand the FEIR to the Commission for further action consistent with the Board's findings. The Commission must take such action as may be required by the Board and consider recertification of the EIR. Only the new or revised portions of the FEIR may then be appealed again to the Board.

EIR Timeline

A minimum timeline for the EIR process is 18 months; the period is variable, however, based on factors such as changes in the proposed project, staff case load, supplemental data requirements, quality of consultant work submitted to the Department, nature and volume of the DEIR comments, and whether the FEIR is appealed.

NOTICES OF EXEMPTION/ DETERMINATION

For projects that are exempt from environmental evaluation, the project sponsor may request that a notice of exemption (NOE) be filed after the project is approved. Though not required, the NOE shortens the statute of limitations for legal challenges under CEQA from 180 calendar days to between 30 and 35 calendar days.

A notice of determination (NOD) may be filed upon approval of a project for which an ND, MND, or EIR has been prepared. The filing of an NOD starts a 30-calendar day statute of limitations on court challenges to the approval under CEQA. If no NOD is filed, the statute of limitations is 180 calendar days.

The NOE or NOD must not be filed until after the project is approved but within five working days of project approval. It is possible that several NODs may be needed for one project if the project requires multiple approvals at different times. To file an NOE or NOD, the project sponsor must submit a fee to the County Clerk. A higher fee established by the State Department of Fish and Game is required for filing an NOD for a project that may result in an adverse impact on sensitive species, sensitive habitat, or wildlife migration.

Consultants

The project sponsor may retain or be required to retain environmental consultants to prepare an initial study, ND, MND, EIR, and other environmental documents or studies. The Department has established pools of qualified consultants with expertise in the preparation of environmental, transportation, historical resource, and archeological resource documents. If required for project analysis, the document must be prepared by a consultant who is included in the respective consultant pool. While the project sponsor pays all costs for preparation of the necessary consultant-prepared documents, the Department scopes, monitors, reviews, and approves all work completed by consultants.

For More Information

The following reference materials, applications, and forms are currently available at the Planning Information Center, 1660 Mission Street, First Floor, and on the Department's website, sfplanning.org:

→ **Preliminary Project Assessment (PPA)**

Application – Must be submitted prior to the EE Application if the project would create six or more dwelling units or create/add 10,000 square feet to a non-residential building.

The PPA process provides project sponsors with early feedback for environmental review and other Department requirements before development applications are filed. This early viewing of the project provides sponsors with early feedback and procedural instructions, and also allows staff to coordinate early in the development process.

→ **Environmental Evaluation (EE) Application**

– May need to be filed to determine whether projects are environmentally exempt or require environmental review.

→ **Historical Resources – Supplemental Information Form** – May need to be filed with the EE Application.

→ **Categorical Exemptions from the California Environmental Quality Act** – Lists the types of projects that are exempt from environmental evaluation.

→ **San Francisco Preservation Bulletin No. 16: CEQA and Historical Resources** – Provides direction and guidance for the environmental evaluation of historic resources.

→ **Initial Study Checklist** – Provides a template for the Initial Study, and also serves to scope an EIR by determining which topics require more extensive review and which do not.

→ **Shadow Analysis Application** – Determines whether new structures above 40 feet in height would cast shadows on San Francisco Recreation and Parks Department properties.

→ **Transportation Impact Analysis Guidelines for Environmental Review** – Aids consultants in preparing transportation impact analyses for NDs, MNDs, and EIRs.

→ **Schedule of Application Fees** – Lists Department fees, including fees for exemptions, initial studies, environmental impact reports, and appeals of environmental determinations. Some fees are based on the construction cost of a proposed project, others are flat fees, and some are based on the cost of time and materials for environmental review processing.

General inquiries regarding environmental review should be directed to Environmental Planning at (415) 575 9025. For information regarding a specific project undergoing environmental review, contact the assigned planner (call the PIC at (415) 558-6377 to request the name and number of the assigned environmental planner).



SAN FRANCISCO
PLANNING
DEPARTMENT

FOR OTHER PLANNING INFORMATION:
Call or visit the San Francisco Planning Department

Central Reception
1650 Mission Street, Suite 400
San Francisco CA 94103-2479

TEL: 415.558.6378
FAX: 415.558.6409
WEB: <http://www.sfplanning.org>

Planning Information Center (PIC)
1660 Mission Street, First Floor
San Francisco CA 94103-2479

TEL: 415.558.6377

Planning staff are available by phone and at the PIC counter.
No appointment is necessary.

PSC 49981-14/15

CalTrans Local Assistance Procedures Manual

CHAPTER 10 CONSULTANT SELECTION

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EXHIBITS

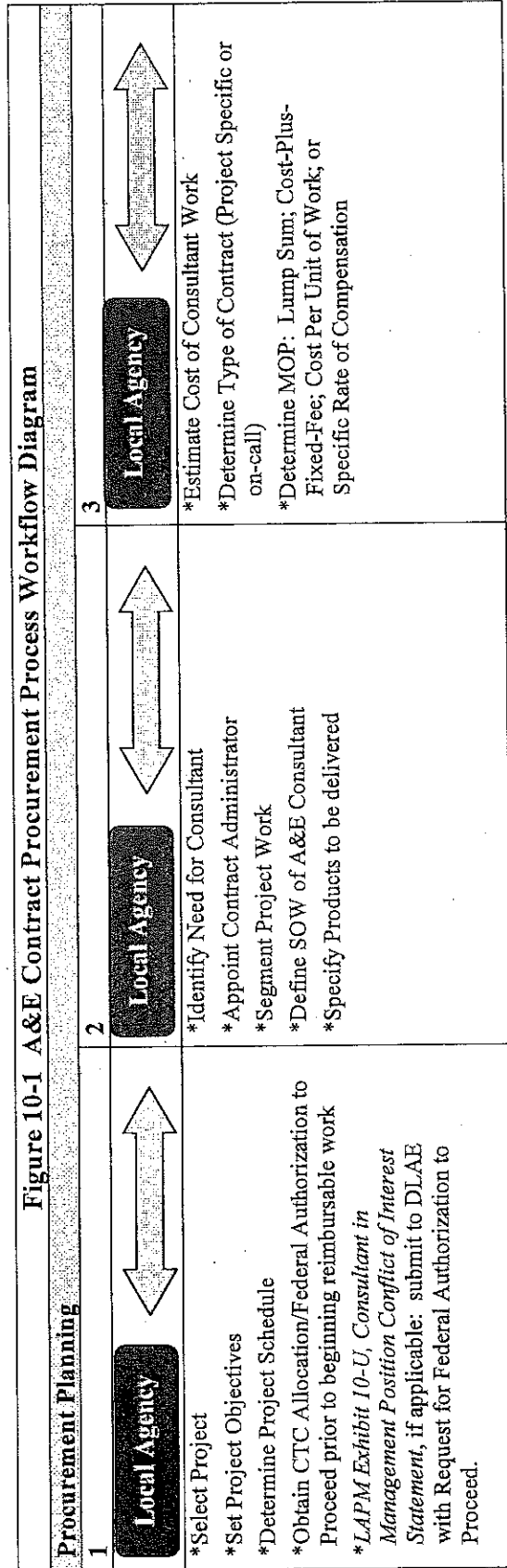
EXHIBIT/DESCRIPTION

- **EXHIBIT 10-A: A&E CONSULTANT AUDIT REQUEST LETTER AND CHECKLIST**
- **EXHIBIT 10-B: SUGGESTED CONSULTANT EVALUATION SHEET**
- **EXHIBIT 10-C: CONSULTANT CONTRACT REVIEWERS CHECKLIST**
- Exhibit 10-D: Consultant Contract Outline (deleted w/this LPP 15-01)
- Exhibit 10-E: Sample Payment Clauses (deleted w/this LPP 15-01)
- Exhibit 10-F: Certification of Consultant, Commission & Fees (deleted w/this LPP 15-01)
- Exhibit 10-G: Certification of Local Agency (deleted w/LPP 13-01)
- **EXHIBIT 10-H: SAMPLE COST PROPOSAL (EXAMPLE #1 THRU #3)**
- **EXHIBIT 10-I: NOTICE TO PROPOSERS DBE INFORMATION**
- Exhibit 10-J: Standard Contract Provisions for Sub Consultant/DBE PARTICIPATION (deleted w/this LPP 14-02)
- **EXHIBIT 10-K: CONSULTANT CERTIFICATION OF CONTRACT COSTS AND FINANCIAL MANAGEMENT SYSTEM**
- Exhibit 10-L: Local Agency Certification of Cost Analysis (deleted w/this LPP 15-01)
- Exhibit 10-M: Standard Audit Program Procedures (deleted w/LPP 12-03)
- Exhibit 10-N: Accounting & Auditing Guidelines for Contracts with Caltrans (deleted w/LPP 12-03)
- **EXHIBIT 10-O1: CONSULTANT PROPOSAL DBE COMMITMENT**
- **EXHIBIT 10-O2: CONSULTANT CONTRACT DBE INFORMATION**

- Exhibit 10-P: Non Lobbying Certification for Federal Aid Contracts (deleted w/this LPP 15-01)
- EXHIBIT 10-Q: DISCLOSURE OF LOBBYING ACTIVITIES
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- EXHIBIT 10-U: CONSULTANT IN MANAGEMENT POSITION CONFLICT OF INTEREST & CONFIDENTIALITY STATEMENT
- Exhibit 10-V: Non Discrimination Clause (deleted w/this LPP 15-01)

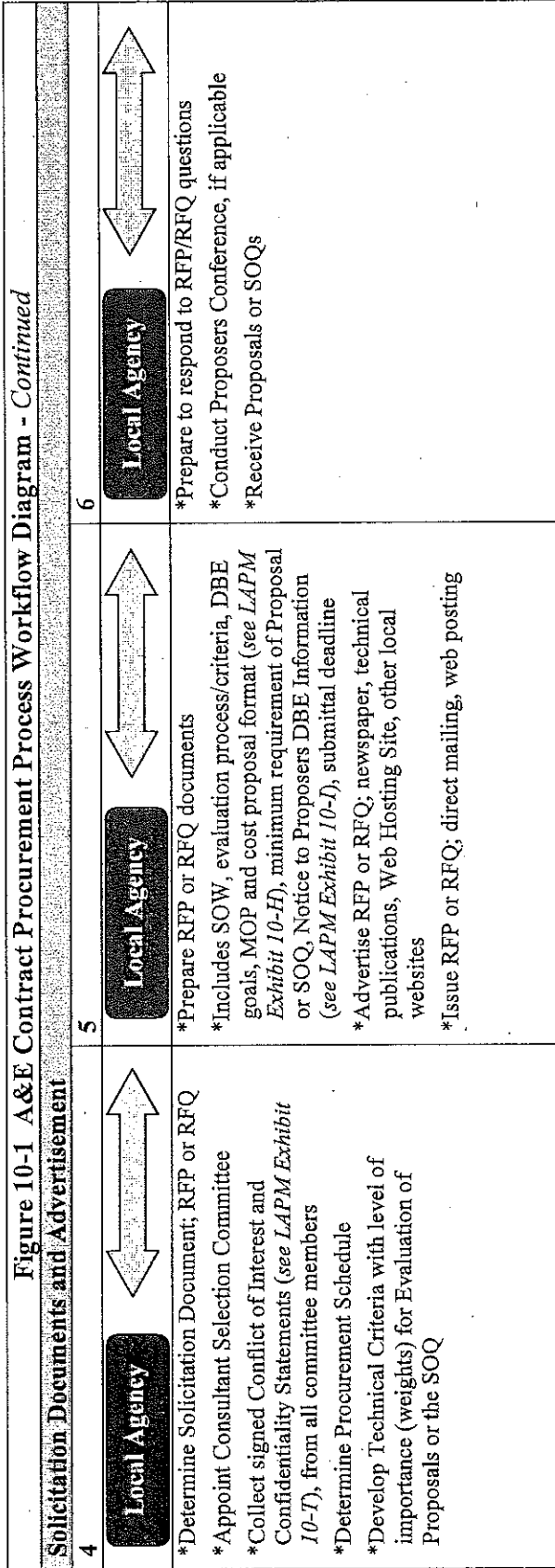
NOTE: Unless stated otherwise, all references to Exhibits in this Chapter refer to the Local Assistance Procedures Manual (LAPM) Exhibits located at:
<http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/lapmforms.htm>

Figure 10-1 A&E Contract Procurement Process Workflow Diagram




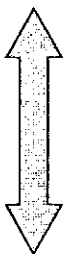




A&E = Architectural and Engineering
 A&I = Caltrans Audits and Investigations
 CT = Caltrans
 DBE = Disadvantaged Business Enterprise
 DLAE = Division of Local Assistance
 DLAPG = District Local Assistance Engineer
 LAPM = Local Assistance Program Guidelines
 MOP = Method of Payment
 RFP = Request for Proposal
 RFQ = Request for Qualifications
 SOW = Statement of Work

Figure 10-1 A&E Contract Procurement Process Workflow Diagram - Continued



A&E = Architectural and Engineering
 A&I = Caltrans Audits and Investigations
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 DBE = Disadvantaged Business Enterprise
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 LAPG = Local Assistance Program Guidelines
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 SOW = Statement of Qualifications
 SOW = Statement/Scope of Work

Figure 10-1 A&E Contract Procurement Process Workflow Diagram - Continued

Evaluation and Selection of Consultant		Contract Negotiation	
7			
	<ul style="list-style-type: none"> *Distribute Proposals or SOQs to Selection Committee members *Ensure Committee members receive the appropriate score sheet to use (see <i>LAPM Exhibit 10-B</i>) *Convene Selection Committee and evaluate submittals; Perform reference checks *Develop Final Ranking or Short List for Interviews *Notify proposers of ranking/Short List *Retain all original score sheets and summaries 		<ul style="list-style-type: none"> *Open and analyze cost proposal from the Highest Ranked firm *Initiate A&E Consultant Audit Review Process (<i>LAPM Figure 10-3</i>) and send documents (<i>LAPM Exhibit 10-K</i>) and/or <i>Consultant Audit Request Letter and Checklist</i> request (<i>LAPM Exhibit 10-A</i>), if applicable, to Caltrans A&I
8			
	<ul style="list-style-type: none"> *Send out Invitations to Short List for Interviews *Conduct Interview of Short List *Develop Final Ranking of Consultants, and notify all interviewees *Retain all original score sheets and summaries *Provide a copy of Standard Contract language to top ranked consultant and invite for negotiations (see <i>LAPM Exhibit 10-R</i> for standard contract language and provisions) 		<ul style="list-style-type: none"> *Collect and store all LAPM Exhibit 10-Ks in database *Review and evaluate LAPM Exhibit 10-As and supporting documents, if applicable *Issue Conformance Letter, if applicable *Perform contract audits and reviews, if applicable, or review of CPA audited ICR workpapers to issue Cognizant Letter of Approval

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 RFO = Request for Qualifications
 SOQ = Statement of Qualifications
 SOW = Statement/Scope of Work

Figure 10-1 A&E Contract Procurement Process Workflow Diagram - Continued

Contract Negotiation		Contract Execution	
10	Local Agency	11	Local Agency
<p>*Negotiate contract costs with Consultant</p> <p>*Prepare and retain record of cost negotiations</p> <p>*Receive and analyze findings of the Conformance Review Letter from CT A&I, if any</p> <p>*Address and resolve all findings by A&I and incorporate into final contract and cost proposal</p> <p>*If negotiations with first ranked firm is unsuccessful, formally terminate cost negotiations with Consultant and begin Step 9 with next ranked consultant</p>		<p>*Finalize contract, cost proposal</p> <p>*Prepare Contract Approval Checklist (<i>LAPM Exhibit 10-C</i>)</p> <p>*Retain copy of contract Conformance Review Letter with documented resolution of all findings</p> <p>*Sign and Execute contract</p>	
		12	Local Agency
		<p>*Offer and conduct debriefing meetings with consultant who asked for one</p> <p>*Send copies of executed contract, Contract Approval Checklist (<i>LAPM Exhibit 10-C</i>), and DBE Commitment (<i>LAPM Exhibits 10-01 and 10-02</i>) to DLAE</p> <p>*Close out contract procurement process</p>	
		DLAE	
		<p>*Prior to concurring with invoice payment related to consultant services, ensure that district has a copy of the executed consultant contract on file as well as <i>LAPM Exhibits 10-C, 10-01 and 10-02</i>. Also, check A&I database to ensure that <i>LAPM Exhibit 10-K</i>, if applicable, has been received by A&I</p>	
		Contract Audit	
		<p>*Perform Incurred Cost Audit, if selected</p>	

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CT = Caltrans
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DLAE = District Local Assistance Engineer
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MOP = Method of Payment
RFP = Request for Proposal
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SOQ = Statement of Qualifications
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CHAPTER 10 CONSULTANT SELECTION

10.1 GENERAL

INTRODUCTION

A local agency may engage consultants to perform architectural, engineering, and related services needed to develop a Federal-Aid or state funded project. Those private consulting firms providing architectural, landscape architectural, engineering, environmental, land surveying, construction engineering, or construction project management services, with respect to a construction project, are termed "Architectural and Engineering (A&E) Consultants." Local agencies requesting state or federal funds to reimburse A&E Consultants must follow the selection and contracting procedures detailed in this chapter.

ARCHITECTURAL AND ENGINEERING CONSULTANTS

The provisions of the Brooks Act (40 USC, Section 1104) require local agencies to award federally funded engineering and design related contracts on the basis of fair and open competitive negotiations, demonstrated competence, and professional qualifications (23 Code of Federal Regulations (CFR), Part 172), at a fair and reasonable price (48 CFR 31.201-3). Both federal regulations and California state law (Government Code 4525-4529 et al) requires selection of A&E contract services on the basis of demonstrated competence and professional qualifications.

Cost proposals submitted to the local agency, if above the small purchase procurement threshold, must be sealed and may not be included as a criterion for rating such consultants. After ranking, cost negotiations may begin with the most qualified consultant and only their cost proposal will be opened. Should negotiations fail or result in a price that the local agency does not consider fair and reasonable, negotiations must be formally terminated and the local agency must then undertake negotiations with the second most qualified consultant.

If the negotiations with the second most qualified firm are not successful, negotiations must be formally terminated and the local agency must then undertake negotiations with the third most qualified consultant, and so on, until the price is determined to be fair and reasonable by the local agency.

In selecting an A&E consultant, a detailed technical proposal or qualifications proposal, and a proposed contract will be required.

Depending upon the scope of work, the required contract provisions may need to include the California State Prevailing Wages (Federal "Payment of Predetermined Minimum Wage" applies only to Federal-Aid construction contracts). Prevailing wages will apply if the services to be performed will involve land surveying (such as flag persons, survey party chief, rodman or chainman), materials sampling and testing (such as drilling rig operators, pile driving, crane operators), inspection work, soils or foundation investigations, environmental hazardous materials and so forth. California State Prevailing Wage information is available through the California Department of Industrial Relations (DIR) websites below.

- DIR FAQ website: http://www.dir.ca.gov/OPRL/FAQ_PrevailingWage.html
- DIR Wage Determination website:
<http://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

NON-A&E CONSULTANTS

Consultants other than A&E consultants may be selected using cost, cost and qualifications (best value) or other critical selection criteria. The procedures outlined in this chapter can be modified for selecting non-A&E consultants by adding a cost item to the contract proposal. The Brooks Act and the audit and review process described in Section 10.3 "*A&E Consultant Audit and Review Process*" of this chapter are optional for non-A&E Consultant contracts.

Non-A&E contract procurement on highway projects must comply with California State Public Contract Code.

SELECTING THE PROJECT

The local agency is responsible for selecting and initiating a Federal-Aid or state financed transportation project. The decision to begin project development is influenced by the project needs, its acceptability, the timing of studies, financing, and construction. The local agency must identify the project's objectives including the general level of improvement or service, operating standards, maximum cost and the target date for project completion before commencing any consultant selection process.

SUBCONTRACTED SERVICES

The consultant is responsible for performing the work required under the contract in a manner acceptable to the local agency. The consultant's organization and all associated consultants and subconsultants must be identified at the time of the proposal. If the consultant wishes to use a subconsultant not specified in the proposal, prior written approval must be obtained from the local agency.

If a subcontract for work or services to be performed exceeds \$25,000, the subcontract must contain all required provisions of the prime contract.

ORGANIZATIONAL AND CONSULTANT CONFLICTS OF INTEREST

In the procurement of contracts for engineering services by private consulting firms using Federal-Aid highway or state funds, local agencies must take all the steps necessary to prevent fraud, waste and abuse. The local agency must develop and maintain a written code of conduct governing the performance of its employees engaged in the award and administration of Federal-Aid highway funded contracts, including the prevention of conflicts of interest.

A conflict of interest occurs when a public official's private interests and his or her public duties and responsibilities diverge or are not consistent. Conflicts of interest may be direct or indirect (e.g., as a result of a personal or business relationship). Additionally, the appearance of a conflict of interest should be avoided as an apparent conflict may undermine public trust if not sufficiently mitigated.

FEDERAL REGULATION GOVERNING CONFLICT OF INTEREST (23 CFR 1.33) REQUIRES THAT:

- No contracting agency employee who participates in the procurement, management, or administration of state or federal funded contracts or subcontracts shall have, directly or indirectly, any financial or other personal interest in connection with such contract or subcontract;
- No person or entity performing services for a contracting agency in connection with a state or federal funded project shall have, directly or indirectly, any financial or other personal interest, other than employment or retention by the

- contracting agency, in any contract or subcontract in connection with such project;
- No person or entity performing services for a contracting agency in connection with a Federal-Aid Highway Project funded project shall have, directly or indirectly, any financial or other personal interest in any real property acquired for the project.

CONSULTANTS PERFORMING WORK ON MULTIPLE PHASES OF FEDERAL-AID PROJECTS

Local agencies sometimes wish to hire the same consultant firm to perform construction engineering and/or inspection services on the same project on which the firm also performed design services. This can result in project delivery efficiencies, as the design firm is well-suited to verify that the project is being constructed in accordance with the design and can resolve issues related to the design on behalf of the contracting agency. However, this may also pose a potential conflict of interest if the firm has a vested financial interest in failing to disclose deficiencies in its design work product and seeks to insulate itself from pecuniary liability in subsequent phases of the project, such as minimizing or ignoring design errors and omissions, rather than serving the best interests of the contracting agency and the public. Procuring a different firm from the design firm to provide the necessary construction engineering and/or inspection services provides another level of review and reduces the risk of, or potential for, a conflict of interest.

Although federal regulations do not expressly prohibit the same firm from providing services on subsequent phases, the local agencies are responsible for ensuring the public interest is maintained throughout the life of a project and that a conflict of interest, direct or indirect, does not occur or is sufficiently mitigated by appropriate public agency controls. Prior to allowing a consulting firm to provide services on subsequent phases of the same project, the contracting agency must establish appropriate compensating controls in the form of policies, procedures, practices, and other safeguards to ensure a conflict of interest does not occur in the procurement, management, and administration of consultant services.

When design and construction phase services are procured under a single solicitation, the selection of the consulting firm must be based on the overall qualifications to provide both design and construction phase services, which require different skill sets, experience, and resources. Procuring these services under different solicitations may result in the selection of a more qualified firm to perform services in each phase, as the most qualified firm to perform design phase services may not be the most qualified firm to provide construction phase services. Similarly, the qualifications and capacity of a firm may change over time. As such, it may not be appropriate to contract with a consulting firm to provide construction phase services at the outset of a design phase, knowing that these services may not be needed for an extended period of time until the preconstruction phase of the project is complete and construction funding authorized.

The contract with a consulting firm providing design phase services on a project may not be amended to include construction phase services unless the desired construction phase services were included within the original advertised scope of services and evaluation criteria of the solicitation from which a qualifications based selection was conducted.

All consultants acting in a management role must complete Exhibit 10-U “Consultant in Management Position Conflict of Interest and Confidentiality Statement” and retain it in the local agency files.

AUTHORIZATION TO PROCEED

The Federal Highway Administration (FHWA) must give the local agency an “*Authorization to Proceed*” with the work prior to the performance of any work for which federal reimbursement is to be requested, (see Chapter 3 “*Project Authorization*”). For state funded projects, see Chapter 23 “*Local Agency State Transportation Improvement Program Projects*”, of the *Local Assistance Program Guidelines (LAPG)* for guidance as to when work may proceed.

Copies of the “*Authorization to Proceed*” and the consultant contract must be retained in the local agency project files for future audit purposes.

10.2 IDENTIFYING & DEFINING A NEED FOR CONSULTANTS

The need for a consultant is identified by comparing the project’s schedule and objectives with the local agency’s capabilities, its staff availability of the required expertise, and its funding resources. If the local agency does not have sufficient staff capabilities, it may choose to solicit assistance from another agency, or use a qualified private consultant to perform the required work.

If the local agency determines that there is a need to solicit assistance from another local agency, or to use a consultant, the *District Local Assistance Engineer (DLAE)* should be notified if Federal-Aid or state funds are to be requested for the project segment to be contracted out.

APPOINTING THE CONTRACT ADMINISTRATOR

The Contract Administrator is responsible for ensuring the quality of consultant contract products or services. The Contract Administrator is appointed as soon as the need for consultant services is identified. The Contract Administrator is involved throughout the development of the selection process and the contract provisions, and in the administration of the consultant’s work. The Contract Administrator must be a qualified local agency employee, or have staff that is qualified to ensure the consultant’s work is complete, accurate, and consistent with the terms and conditions of the consultant contract. On Federal-Aid contracts, the Contract Administrator or staff members must be a full time employee and familiar with the work to be contracted out and the standards to be used. The Contract Administrator must also abide by the laws, regulations and policies required as part of accepting state or federal funding for their project. Non-compliance with the laws, regulations, and policies may result in loss of project funding.

The Contract Administrator’s duties include, but are not limited to the following:

- Ensures that all records, files and other documents related to the contract procurement and management activities are retained in the contract/project files;
- Provides direction to ensure the proposed work is advertised properly;
- Prepares and distributes the Request for Qualifications (RFQ), description of work, and Request for Proposals (RFP), if used;
- Prepares the draft contract;
- Arranges for preparation in advance of an independent estimate of the value of the work to be contracted out;
- Ensures that the selection procedures are followed;
- Analyzes the selected/best-qualified consultant’s cost proposal;
- Ensures contract audit and review procedure is followed;

- Ensures that fee/profit negotiation is conducted and keeps records;
- Serves as the local agency's primary contact person for the successful consultant;
- Monitors the consultant's progress and provides direction;
- Reviews and approves the consultant's invoices and/or progress payments to ensure that billings are in accordance with the terms and conditions of the contract, and correspond accurately to the work performed during the billing period;
- Identifies other local agency staff for the consultant to contact, if needed;
- Closes out the contract at completion, by processing the final invoice; completing a mandatory consultant evaluation, and final Disadvantaged Business Enterprise (DBE) utilization reports (Exhibit 17-F).

DETERMINING THE PROJECT SCHEDULE

The local agency develops a schedule for performance of work and completion of the project. The schedule must include sufficient time to allow for:

- Selecting the consultant;
- Developing the consultant contract;
- Completing the A&E consultant contract audit process;
- Conducting meetings and project reviews.

SEGMENTING CONSULTANT WORK

Consultant services are most effective when consultant work is segmented appropriately. The extent of segmenting depends upon the type and complexity of the work. Combining preliminary engineering tasks with the preparation of the required environmental analysis is normally desirable. Preparing an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is more than simply writing a report. Assessment and impact reports include preliminary engineering needed to analyze project alternatives and produce an engineering and planning assessment. Initial project studies include only as much traffic and engineering analysis of alternatives, as is needed to produce a sound EA or EIS (see Chapter 6 "*Environmental Procedures*" and Chapters 31 and 32 of the *Standard Environmental Reference* [SER]). Final detailed design shall not begin until environmental clearance has been received if federal reimbursement is desired.

Refer to Figure 10-2 "*Segmenting Consultant Work*" in this chapter, which illustrates several satisfactory ways to segment consultant activities.

FIGURE 10-2 SEGMENTING CONSULTANT WORK

	Well-structured Projects With Simple Right of Way Requirements	Well-structured Projects With Complex Right of Way Requirements	More Difficult Projects	Very Complex Projects
Preliminary Engineering				
Environmental Analysis				
Plans, Specifications & Estimate				
Right of Way Activities				
Utility Relocation				
Construction Engineering				

SPECIFY PRODUCTS TO BE DELIVERED

The Contract Administrator identifies the products and services to be delivered as a result of consultant contract work, and minimum qualification of consultant professionals and staff. These vary depending upon the type of projects and the phase of project development being addressed.

SCOPE OF CONSULTANT WORK

The scope of work, which the contract must include, is a detailed description of the products or services the consultant is to provide. From a detailed scope of work, consultants respond to a project advertisement; determine personnel and time requirements; and develop a technical proposal. Therefore, the scope of work must be clear, concise, complete, and describe the deliverables, standards for design and other work, quality control measures, acceptance criteria and deadlines.

NON-DISCRIMINATION CLAUSE

The Non-Discrimination Clause (Exhibit 10-R “A&E Sample Contract Language”, Article XVI Statement of Compliance) must be included in each consultant contract. The consultant must include the non-discrimination and compliance provisions of the Non-Discrimination Clause in all subcontracts to perform work under the contract.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PARTICIPATION

When administering Federal-Aid projects, federal regulations (49 CFR, Part 26) require a local agency to comply with the DBE program, and take necessary steps to ensure that DBE firms have the opportunity to participate in the projects. Such steps include the setting of goals to ensure DBE firms are considered by the proposing consultants and, when feasible, organizing the project schedule and task requirements to encourage participation in the contract by DBE firms. Local agencies should be fully aware of all of the subcontracting opportunities in their consultant contracts. For detailed information and requirement on the DBE Program, see Chapter 9 “Civil Rights and Disadvantaged Business Enterprises”.

The consultant must ensure that certified DBE firms have the opportunity to participate in the performance of the contract and must take all necessary and reasonable steps to facilitate participation by DBE firms for such assurance.

A DBE goal must be established by the local agency for each contract if there are subcontracting opportunities and available DBE firms. Exhibit 10-I "*Notice to Proposers DBE Information*" must be included in the RFQ or RFP if the proposed contract will include Federal-Aid funds. The consultant must meet the goal by using DBEs, or if not able to meet the DBE goal, document that a good faith effort was made to meet the contract goal. Good faith efforts must be documented by the consultant and approved by the local agency (see Exhibit 15-H "*DBE Information-Good Faith Efforts*"). If the consultant's documented good faith efforts are found to be inadequate by the local agency, the consultant must be offered an opportunity for reconsideration.

If a DBE subconsultant is unable to perform its subcontracted services and the goal is not otherwise met, the consultant must make a good faith effort to replace it with another DBE subconsultant to the extent needed to meet the DBE goal. For more detailed information see Exhibit 10-I "*Notice to Proposers DBE Information*".

A contract provision for DBE Participation must be included in all consultant contracts with Federal-Aid funds. For sample contract clauses with and without specified DBE goals see Exhibit 10-R "*A&E Sample Contract Language*", Article XX Disadvantaged Business Enterprise (DBE) Participation.

REPORTING DBE COMMITMENTS AND DBE INFORMATION

FOR CONTRACTS WITH DBE GOALS

If the local agency has set a DBE goal, Exhibit 10-O1 "*Consultant Proposal DBE Commitment*" must be included in the proposal package provided to the local agency by each (prime consultant) proposer. The purpose of Exhibit 10-O1 "*Consultant Proposal DBE Commitment*" is to demonstrate the proposer's commitment to meet the DBE goal set by the local agency.

Exhibit 10-O2 "*Consultant Contract DBE Information*", must be completed at the conclusion of cost negotiations, incorporated into the final agreement and a copy sent to the DLAE. The purpose of this form is to capture DBE participation in accordance with 49 CFR, Part 26. This form must include the names, addresses, and phone numbers of DBE firms that will participate with a complete description of work or supplies to be provided by each, and the dollar value of each DBE transaction. When 100 percent of a subcontracted item of work is not to be performed or furnished by the DBE firm, a description of the exact portion of work to be performed or furnished by that DBE must be included in the DBE commitment, including the planned location of that work. A proposer certified as a DBE firm must describe the work it has committed to be performed with its own forces, as well as any other work that it has committed to be performed by the DBE subconsultant, suppliers, and trucking companies.

The winning proposer must provide written confirmation from each DBE firm participating in the contract. A copy of a DBE's quote will serve as written confirmation that the DBE is participating in the contract. If a DBE is participating as a joint venture partner, the proposer must submit a copy of the joint venture agreement.

FOR CONTRACTS WITH NO DBE GOALS

For contracts with no DBE contract goal, Exhibit 10-O1 "*Consultant Proposal DBE Commitment*" is not necessary and only Exhibit 10-O2 "*Consultant Contract DBE*

Information” must be included in the award package and provided by the winning proposer.

REPORTING DBE FINAL UTILIZATION (CONTRACTS WITH OR WITHOUT GOALS)

Upon completion of the contract a summary of the DBE final utilization must be prepared, certified correct, and submitted on Exhibit 17-F “*Final Report-Utilization of Disadvantaged Business Enterprise (DBE), First-Tier Subconsultant*” or equivalent to the local agency showing total dollars paid to each subconsultant and supplier. Exhibit 17-F is reviewed by the local agency and certified as complete and accurate.

The local agency must send the original, plus one copy of the completed Exhibit 17-F with the final invoice to the DLAE within 30 days after completion of the contract.

ESTIMATED COST OF CONSULTANT WORK

An independent estimate for cost or price analysis is needed for all consultant contracts (49 CFR 18.36(f)) to ensure that consultant services are obtained at a fair and reasonable price. The estimate is prepared in advance of requesting a cost proposal from the top-ranked consultant, so the local agency’s negotiating team has a cost analysis of the project to evaluate the reasonableness of the consultant’s cost proposal. The estimate, which is specifically for the use of the local agency’s negotiating team, is to be kept confidential and maintained for records.

A good cost estimate can be prepared only if the scope of work is defined clearly. The scope of work must include a list of the products or services which the consultant is required to deliver, and a time schedule of when they must be delivered.

It should be stressed that all work to be derived from the consultant services, such as preliminary design, environmental or final design, must be clearly identified in the solicitation of consultant services (RFQ or RFP) and included in the cost estimate. The addition of work to the original scope by amendment should be avoided whenever possible.

Some of the costs estimating techniques are:

Analogous Estimating

Analogous cost estimating is using the actual cost of a previous, similar contract as the basis for estimating the cost of the current contract. Analogous cost estimating is frequently used to estimate costs when there is a limited amount of detailed information about the project. Analogous cost estimating is generally less accurate and it is most reliable when previous projects are similar in fact, and not just in appearance, and it uses expert judgment.

Parametric Estimating

Parametric estimating is a technique that uses statistical relationship between historical data and other variables to calculate a cost estimate for an activity resource. This technique can produce a higher level of accuracy depending upon the sophistication, as well as underlying resource quantity and the cost data. A cost example would involve multiplying the planned quantity of work by the historical cost per unit to obtain the estimated cost of the contract.

Bottom-up Estimating

This technique involves estimating the cost for individual work in the contract with the lowest level of detail. This detailed cost is then summarized or “rolled up” to determine a total cost of contract. Cost detail should include estimated hours per task, labor hourly

cost for professional and non-professional classifications, subconsultant costs, other project direct costs, and profit. Labor costs should be broken down to direct labor and indirect cost rates, if possible.

If more than one project or phase of work is to be developed within the consultant contract, separate cost estimates are required for each project or phase of work. Separate cost estimates are required for each milestone and portion of the work expected to be subcontracted.

For on-call (as-needed) contracts, the cost estimate/analysis should include at minimum, a historical analysis of annual needs for consultant work, professional labor cost and market analysis, and reasonable profit analysis.

DETERMINE TYPE OF CONTRACT

Types of contracts to be used are described as follows:

- Project-specific contract is between the local agency and consultant for the performance of services and a defined scope of work related to a specific project or projects.
- Multi-purpose or multi-phased contract is a project-specific contract where the defined scope of work is divided into phases which may be negotiated and executed individually as the project progresses.
- On-call contract is a contract for a number of projects, under which task or work orders are issued on an as-needed basis, for an established contract period. On-call contracts are typically used when a specialized service of indefinite delivery or indefinite quantity are needed for a number of different projects, such as construction engineering, design, environmental analysis, traffic studies, geotechnical studies, and field surveying, etc. Many agencies use these contracts to address peaks in workload of in-house engineering staff and/or to perform a specialized service which the agency does not have. On-call contracts shall specify a reasonable maximum length of contract, not to exceed 5 years, and a maximum total contract dollar amount (23 CFR 172).

To maintain the intent of the Brooks Act (40 USC 1101-1104) in promoting open competition and selection based on demonstrated competence and qualifications, on-call consultant contracts established through the RFQ process must meet the following requirements:

- Must define a general scope of work, complexity, and professional nature of services.
- Specify a “task order” procedure the local agency uses to procure project specific work under the contract.
- If multiple consultants are to be selected and multiple on-call contracts awarded through a single solicitation for specific services:
 - Identify the number of consultants that may be selected or contracts that may be awarded.
 - Specify procedures in the contracts the local agency will use to award/execute task orders among the consultants:
 - Either through an additional qualification-based selection process (see the Two-Step RFQ/RFQ process later in this chapter), OR

- On regional basis whereby the region is divided into areas identified in the solicitation, and consultants are selected to provide on-call services for assigned areas only.

DETERMINE METHOD OF PAYMENT

The method of payment of contract must be specified. Four methods are permitted depending on the scope of services to be performed:

- Actual Cost-Plus-Fixed Fee (see Exhibit 10-H “*Sample Cost Proposal*”, Example #1);
- Cost Per Unit of Work (see Exhibit 10-H, “*Sample Cost Proposal*”, Example #3);
- Specific Rates of Compensation (see Exhibit 10-H “*Sample Cost Proposal*”, Example #2);
- Lump Sum (see Exhibit 10-H “*Sample Cost Proposal*”, Example #1).

ACTUAL COST-PLUS-FIXED FEE

The consultant is reimbursed for actual costs incurred and receives an additional predetermined amount as a fixed fee (profit). Federal regulations require that profit be separately negotiated from contract costs. The determination of the amount of the fixed fee shall take into account the size, complexity, duration, and degree of risk involved in the work. The fixed fee is not adjustable during the life of the contract. The fixed fee dollar amount must be clearly stated in the contract.

This method of payment is appropriate when the extent, scope, complexity, character, or duration of work cannot be precisely predicted. Fixed fees apply to the total direct and indirect costs. The contract shall specify a reasonable maximum length of the contract period and a maximum total contract dollar amount (see Exhibit 10-H “*Sample Cost Proposal*” Example #1” and Exhibit 10-R “*A&E Sample Contract Language*”, Article V, *Option 1* in this chapter). The contract cost proposal must identify all key employees and/or classifications to be billed. New key employees and/or classifications must be approved before they incur work on the contract or the costs can be questioned or disallowed.

COST PER UNIT OF WORK

The consultant is paid based on specific item of work performed. The item of work must be similar, repetitious and measurable, such as geotechnical investigation and material testing. This method of payment is appropriate when the cost per unit of work can be determined with reasonable accuracy in advance; but the extent or quantity of the work is indefinite. Contract payment provisions must specify what is included in the price to be paid for each item. Any item of work not identified in the contract cost proposal is not eligible for reimbursement. New items of work (those within the original scope of work only) must be amended into the contract before work is performed. The contract shall also specify a reasonable maximum length of contract period and a maximum total contract dollar amount (see Exhibit 10-H “*Sample Cost Proposal*”, Example #3 and Exhibit 10-R “*A&E Sample Contract Language*”, Article V, *Option 2*).

SPECIFIED RATES OF COMPENSATION

The consultant is paid at an agreed and supported specific fixed hourly, daily, weekly or monthly rate, for each class of employee engaged directly in the work. Such rates of pay include the consultant’s estimated costs and net fee (profit). Federal regulations require that profit be separately negotiated from contract costs. The specific rates of compensation, except for an individual acting as a sole proprietor, are to include an

hourly breakdown, direct salary costs, fringe benefits, indirect costs, and net fee. Other direct costs may be included, such as travel and equipment rentals, if not already captured in the indirect cost rate.

This method of payment should only be used when it is not possible at the time of procurement to estimate the extent or the duration of the work, or to estimate costs with any reasonable degree of accuracy. This method is recommended for on-call contracts for specialized or support type services, such as construction engineering and inspection, where the consultant is not in direct control of the number of hours worked, and it also requires management and monitoring of consultant's level of effort and the classification of employees used to perform the contracted work. The contract shall also specify a reasonable maximum length of contract period and a maximum total contract dollar amount (see Exhibit 10-H "Sample Cost Proposal", Example #2 and Exhibit 10-R "A&E Sample Contract Language", Article V, Option 3).

LUMP SUM OR FIRM FIXED PRICE

The consultant performs the services stated in the contract for an agreed amount as compensation, including a net fee or profit. This method of payment is appropriate only if the extent, scope, complexity, character, duration, and risk of the work have been sufficiently defined to permit fair compensation to be determined and evaluated by all parties during negotiations (see Exhibit 10-H "Sample Cost Proposal", Example #1 and Exhibit 10-R "A&E Sample Contract Language", Article V, Option 4).

Normally, a lump sum contract will be paid in full at the end of the contract when completed. However, a lump sum contract can be negotiated with a progress payment if feasible. The progress payment shall be based on percent of work complete or completion of clearly defined "milestones". The contract cost proposal shall document the agreed upon progress payment and include the necessary milestones costs, or the payment schedule based on the percent of work completed.

10.3 A&E CONSULTANT AUDIT AND REVIEW PROCESS

This section outlines the audit and review process for A&E contracts that at any time use state or federal funds. All proposed A&E contracts and supporting documents are subject to audit or review by Caltrans' Audits and Investigations (A&I), other state audit organizations, or the federal government. Not all proposed contracts will be audited or reviewed; rather, they will be selected on a risk-based approach. Figure 2 "Segmenting Consultant Work", near the end of this section, shows an overview of the audit and review process.

APPLICABLE STANDARDS

State and federal requirements listed below, as well as specific contract requirements, serve as the standards for audits and reviews performed. The local agencies, consultants, and subconsultants are responsible for complying with state, federal and specific contract requirements. Local agencies are responsible for determining the eligibility of costs to be reimbursed to consultants. Applicable standards include, but not limited to:

- Caltrans Local Assistance Procedures Manual (LAPM);
- Project Program Supplemental Agreements;
- 23 CFR, Chapter 1, Part 172 – *Administration of Engineering and Design Related Service Contracts*;

- 48 CFR, *Federal Acquisitions Regulation Systems (FAR)*, Chapter 1 FAR, Part 31- *Contract Cost Principles and Procedures*;
- 48 CFR, Chapter 99 – *Cost Accounting Standards*, Subpart 9900;
- 49 CFR, Transportation, Subtitle A, Office of the Secretary of Transportation, Volume 1, Part 18, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Government*;
- 49 CFR, Part 18.20 – *Standards for Financial Management Systems*;
- 23 USC, Part 112 – *Letting of Contracts*;
- United States Government Accountability Office, *Government Auditing Standards (GAS)*;
- Proposed contract terms and conditions.

See section 10.10 “References” of this Chapter for links to above referenced standards.

AUDIT GUIDANCE AVAILABLE

The American Association of State Highway Officials, *Uniform Audit & Accounting Guide (AASHTO Uniform Audit & Accounting Guide)* or (<http://audit.transportation.org/Documents/UAAG-3%20FINAL.pdf>), which is referred to frequently in this section, is an invaluable tool to guide local agencies, consultants and certified public accountants (CPAs) through the requirements for establishing, and audits of, FAR compliant indirect cost rates (ICRs). The *AASHTO Uniform Audit & Accounting Guide* is used extensively as an industry guide in the audit and review process.

The local agency may seek financial and accounting assistance from its own internal audit staff.

The consultant may also seek professional guidance in selecting its independent CPA. See also the *AASHTO Uniform Audit & Accounting Guide*, Ch 2.5 C. *Selection of the CPA Firm as Overhead Auditor* for guidance in the selection process.

Training is also offered by FHWA’s National Highway Institute (see <http://www.nhi.fhwa.dot.gov/default.aspx>). Courses offered include:

- Using the AASHTO Uniform Audit & Accounting Guide for the Procurement and Administration of A&E Contracts (FHWA-NHI-231028)
- Using the AASHTO Uniform Audit & Accounting Guide for the Development of A&E Consultant Indirect Cost Rates (FHWA-NHI-231029)
- Using the AASHTO Uniform Audit & Accounting Guide for the Auditing and Oversight of A&E Consultant Indirect Cost Rates (FHWA-NHI-231030)

CONTRACTS AND CONSULTANTS SELECTED FOR AUDIT OR REVIEW

Whether a proposed contract or consultant is selected for audit or review through A&I’s risk-based approach is dictated by the dollar thresholds of the proposed contract, and other risk factors listed below.

Dollar thresholds for audits or reviews are stratified as follows:

- Less than \$150K – no audit or review is required, but is optional;
- Between \$150K and \$1M (Case 1);
- Between \$1M and \$3.5M (Case 2);
- \$3.5M and above (Case 3).

Specifics of Cases 1, 2 and 3 are outlined later in this section.

Risk factors considered include the consultant's, but not limited to:

- History of satisfactory performance;
- Prior FAR compliant history and audit frequency;
- Financial stability;
- Conformance to terms and conditions of previous contracts;
- General responsiveness and responsibility;
- The approximate dollar amount of all A&E contracts awarded to the consultant by Caltrans or a local agency in California within the last three calendar years;
- The number of states in which the consultant does business;
- The type and complexity of the consultant's accounting system;
- The relevant professional experience of any CPA performing audits of the consultant's ICR;
- Responses to internal control questionnaire (ICQ), see AASHTO Uniform Audit & Accounting Guide, Appendix B;
- Changes in the organizational structure.

If audited or reviewed, contracts, cost proposals, and ICR(s) shall be modified to conform to audit and review recommendations that address requirements. Local agencies are responsible for ensuring contracts, cost proposals, and ICR(s) are modified to conform to audit and review recommendations as necessary, and to ensure that audit findings and review deficiencies are resolved in a timely manner.

The local agency may be subject to the sanctions outlined in Chapter 20 "*Deficiencies and Sanctions*" if the state or federal government determines that any reimbursements to the consultant are the result of the lack of proper contract provisions, unallowable charges, unsupported activities, or an inadequate financial management system.

SUBCONSULTANT IMPACTS

Subconsultants are required to follow all the state, federal and contract requirements outlined above in *Standards that Apply*. In addition, all subconsultants are required to:

- Certify their contract costs and financial management system (Exhibit 10-K "*Consultant Certification of Contract Costs and Financial Management System*") when the **total** contract between the prime consultant and the local agency is \$150K or more. (23 U.S.C. 112(b)(2)(B)). Reminder: The contract is between the local agency and the prime consultant. Subconsultants, as parties to the contract, must also adhere to this requirement.
- Use the accrual basis of accounting when developing their ICRs.
- Have an adequate job costing system.

Subconsultants' cost proposals also must be submitted along with the prime consultants' cost proposals through the request for audit process (see Exhibit 10-A "*A&E Consultant Audit Request Letter and Checklist*") when the total (prime plus subs) proposed contract is \$1M or more.

COGNIZANT LETTERS OF APPROVAL

"Cognizant" audits and reviews have been developed to assign primary responsibility for an ICR audit to a single entity (the "cognizant agency") to avoid duplication of audit work performed in accordance with GAS. The objective of these audits and reviews is to

obtain reasonable assurance that claimed costs are in accordance with the FAR cost principles. A cognizant agency may be the home state Department of Transportation (DOT) (the state where the consultant's financial records are located), a federal agency, or a non-home state DOT to whom the home state has transferred cognizance. When providing cognizant ICR approval the cognizant agency may either perform an ICR audit themselves, or they may review and rely on the work/workpapers related to an ICR audit performed by a CPA. The desired outcome of a cognizant audit or CPA Workpaper Review is for the "cognizant agency" to issue a Cognizant Letter of Approval so that the ICR can be relied upon on future contracts with the consultant for a given year and for reliance by other state agencies using the same consultant.

A&I will accept a consultant's cognizant approved ICR for the applicable one-year accounting period, if rates are not under dispute. The consultant is responsible for providing documentation of its cognizant approved ICR and Cognizant Letter of Approval.

MOST COMMON AUDITS AND REVIEWS TO BE PERFORMED

ICR AUDITS

During an ICR audit, the auditors (A&I or independent CPAs) will examine the consultant's proposed ICR for the applicable one-year accounting period on the proposed contract to ensure that unallowable costs have been removed from the overhead, that allowable costs have been correctly measured and properly allocated, and that the ICR has been developed in accordance with the FAR cost principles (as specified in 23 USC 112(b)(2)(B), 23 CFR 172.7(a), and 48 CFR Part 31). As a result of the audit, the local agency will work with the consultant to adjust the ICR where disallowed costs are identified based on audit recommendations.

ICR Audits apply to Case 1 and Case 2 contracts (see Case descriptions below) selected for audit. Cognizant Letters of Approval are issued with ICR Audits.

For guidance regarding the existing policies and procedures set forth in the Federal Regulations, and acceptable samples of ICR schedules, refer to the AASHTO Uniform Audit & Accounting Guide, Chapter 5.

The review program in the AASHTO Uniform Audit & Accounting Guide, Appendix A, should be used as a guide in performing ICR audits. This review program will be used for reviews of CPA audited ICR workpapers.

IMPORTANT NOTE FOR CPAs: Contracts receiving state or federal funds are highly scrutinized. Materiality levels tend to be lower and more testing is required. Strict use of the AASHTO Uniform Audit & Accounting Guide cannot be stressed enough.

CPA AUDITED ICR WORKPAPER REVIEWS

During a CPA Audited ICR Workpaper Review, A&I will review the CPA's workpapers of its ICR audit to determine whether it is appropriate to issue a Cognizant Letter of Approval. The Workpaper Review is conducted to determine whether: (a) the CPA's audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS), (b) the CPA adequately considered the auditee's compliance with FAR Part 31 and related laws and regulations, and (c) the audit report format is acceptable. Chapter 11 of the AASHTO Uniform Audit & Accounting Guide includes a recommended format for the audit report and required disclosures.

CPA Audited ICR Workpaper Reviews apply to Case 3 contracts (see Case descriptions below) selected for review. Cognizant Letters of Approval are issued with CPA Workpaper Reviews.

The review program in the AASHTO Uniform Audit & Accounting Guide, Appendix A, will be used as a guide in performing CPA Workpaper Reviews.

IMPORTANT NOTE FOR CPAs: Contracts receiving state or federal funds are highly scrutinized. Materiality levels tend to be lower and more testing required. Strict use of the AASHTO Uniform Audit & Accounting Guide cannot be stressed enough.

OTHER AUDITS AND REVIEWS THAT MAY BE PERFORMED

CONTRACT AUDITS AND REVIEWS

During a Contract Audit or Review, auditors will review contracts and the consultants' financial management system to determine if:

- The consultants' accounting system is adequate to accumulate and segregate costs;
- Proposed costs are reasonable;
- The contract contains all necessary fiscal provisions and the provisions are sufficient in content;
- Proper state and federal procurement requirements were followed;
- Direct labor costs are compliant;
- Other audits/reviews of the contract is necessary

RISK ASSESSMENTS

During a Risk Assessment, auditors may require an ICQ and certification of the ICRs and may perform a certain level of analytical reviews of the ICRs. They may review the contract provisions, ICQ, ICR, and/or cost proposal(s) to determine if:

- The required fiscal provisions are in the proposed contract;
- The ICR and/or cost proposal(s) are mathematically accurate and in the proper format;
- The ICR and/or cost proposal(s) contain questionable costs.

INCURRED COST AUDITS

During an Incurred Cost Audit, auditors will review contracts to determine if costs claimed are:

- Adequately supported;
- Reasonable in nature;
- Allowable, allocable, and reasonable;
- In compliance with state and federal laws and regulations;
- In compliance with the fiscal provisions stipulated in the contract.

FINANCIAL MANAGEMENT SYSTEM REVIEW

During a Financial Management System Review auditors will determine whether:

- The accrual basis of accounting was used to prepare the ICR;
- There is a job cost accounting system adequate to accumulate and segregate allocable and allowable project costs;
- The consultant complied with 49 CFR, Part 18.20, Standards for Financial Management Systems.

CASE 1: PROPOSED A&E CONSULTANT CONTRACTS OF \$150,000 OR MORE

CONSULTANTS:

Prime consultants with a proposed contract *totaling* \$150,000 or more, *and* any subconsultants listed on the contract, must certify the accuracy of their contract costs and adequacy of their financial management systems (see Exhibit 10-K “*Consultant Certification of Contract Costs and Financial Management System*”). The certification is to be submitted to the local agency who in turn will forward a copy to A&I.

Components include certification that:

- All costs included in the proposed contract to establish final ICR are allowable in accordance with the cost principle of the FAR, 48 CFR, Part 31.
- The proposed contract does not include any costs which are expressly unallowable under the cost principles of the FAR, 48 CFR, Part 31.
- All known material transactions or events that have occurred affecting the firm’s ownership, organization, and ICRs have been disclosed.
- The consultant’s financial management system meets the standards for financial reporting, accounting records, internal and budget controls set forth in the FAR 49 CFR, Part 18.20.
- The consultant has provided the approximate dollar amount of all A&E contracts awarded by Caltrans or a California local agency to the consultant within the last three calendar years, and for all state DOTs and local agency contracts, and the number of states in which the firm does business.
- All direct costs included in the proposed contract are reasonable, allowable, and allocable in accordance with FAR 48 CFR, Part 31, in compliance with applicable accounting principles, and in compliance with the terms of the proposed contract.

Consultants must also ensure their ICRs are prepared in the acceptable ICR scheduled format, see AASHTO Uniform Audit & Accounting Guide, Chapter 5 tables.

LOCAL AGENCIES:

Local agencies are to forward copies of the consultant and subconsultant, if any, certification (Exhibit 10-K “*Consultant Certification of Contract Costs and Financial Management System*”) to A&I. *See bottom of this section for A&I’s email or mailing address.*

Case 1 consultants and contracts may be selected for an audit or review through a risk based approach described earlier in this section. Potential audits or reviews can be, but are not limited to:

- Contract Audits;
- Incurred Cost Audits;
- Financial Management System Review;
- ICR Audits;
- Risk Assessments.

CASE 2: PROPOSED A&E CONSULTANT CONTRACTS OF \$1M OR MORE

Local agencies and consultants with a proposed contract *totaling* between \$1M and \$3.5M must comply with all the requirements outlined in Case 1 above.

In addition, local agencies must send copies of the proposed contract and additional supporting documentation to A&I for review in conformance with certain requirements

outlined in the LAPM. Once the proposed contract and additional supporting documentation are reviewed, A&I will issue a Conformance Letter noting any deficiencies, if any. A&I will issue the Conformance Letter within 30 business days of receipt of a **complete** packet.

A **complete** packet consists of the documents listed below. Local agencies are required to provide these documents to A&I (see Exhibit 10-A "*A&E Consultant Audit Request Letter and Checklist*"):

1. Proposed contract between the local agency and consultant;
2. Cost proposal(s) for prime consultant *and* all subconsultants;
3. Names, mailing addresses, phone numbers and email addresses for prime consultant *and* subconsultants;
4. Name of local agency contact person, phone number, mailing addresses and email addresses;
5. Prime consultant generated ICR schedule prepared in accordance with applicable CFRs;
6. A completed ICQ (see AASHTO Uniform Audit & Accounting Guide, Appendix B), including all applicable attachments, for the prime consultant;
7. Exhibit 10-K "*Consultant Certification of Contract Costs and Financial Management System*" for the prime *and* all subconsultants.

And one of the following, **if available**:

- A copy of the prior fiscal year, and most recently completed fiscal year cognizant approved ICR and approved state DOT Cognizant Letter of Approval;
- A copy of the prior fiscal year, and most recently completed fiscal year, ICR Schedules and audited report by an independent CPA. If a CPA audited ICR is available for the appropriate fiscal year (applicable one-year accounting period), then the consultant must use the audited ICR, or a lower ICR (*see 23 CFR 172.7(b) for guidelines*);
- A copy of the prior, and most recently completed fiscal year, ICR(s) evaluation or audit report on a prior Caltrans or local agency contract, and any other governmental agency report/review/attestation.

Through A&I's risk-based approach, consultants may be selected for an ICR or other contract audits or reviews. If an ICR audit is performed and the consultant's ICR is in compliance with the FAR principles, a Cognizant Letter of Approval will be issued. *See bottom of this section for A&I's Email or mailing address.*

CASE 3: PROPOSED A&E CONSULTANT CONTRACTS OF \$3.5M OR MORE

Local agencies and consultants with a proposed contract **totaling** \$3.5M or more must comply with all the requirements in Case 1 and 2 above. Also, consultants must provide the following to the local agency who in turn will forward a copy to A&I:

- A state DOT's approved ICR schedule **and** the Cognizant Letter of Approval;
OR
- CPA Audited ICR Audit Report **and** a copy of the CPA audited financial statements, if any.

Through A&I's risk-based approach, CPA Audited ICR Workpaper Reviews may be performed. Local agencies are responsible for ensuring both the Consultant and its CPA provide full access to the CPA's workpapers, including making copies upon request. Failure to do so may be considered a breach of contract. If a review is performed and the

CPA's work is in compliance with the FAR principles, a Cognizant Letter of Approval will be issued. *See bottom of this section for A&I's Email or mailing address.*

REQUIREMENTS FOR A CONFORMANCE LETTER

A complete packet is required to begin a conformance review. See Case 2: Proposed A&E Consultant Contracts of \$1M or More above for elements of a complete packet.

Requirements for a Conformance Letter include:

- Exhibit 10-A "A&E Consultant Audit Request Letter and Checklist" and all applicable items listed.
- Cost proposal(s) presented in the applicable format for the method of payment for the prime consultant *and* all subconsultants in the proposed contracts (see Determine Method of Payment in Section 10.2 "Identifying & Defining a Need for Consultants" and Exhibit 10-H "Sample Cost Proposal" for required formats and example proposals).
- ICRs prepared using the accrual basis of accounting for both the prime and subconsultants.
- An adequate financial accounting system (job cost system) for both the prime and subconsultants.
- The required fiscal provisions specified below must be included verbatim in the proposed contract (see Exhibit 10-R "A&E Sample Contract Language" for sample requirements):
 1. Performance Period (begin and end date) (Article IV);
 2. Allowable Costs and Payments (Article V);
 3. Termination (Article VI);
 4. Cost Principles and Administrative Requirements; (Article VII);
 5. Retention of Records/Audit; (Article VIII);
 6. Audit Review Procedures, (Article IX);
 7. Subcontracting (Article X);
 8. Equipment Purchase (Article XI);
 9. State Prevailing Wage Rates (Article XII);
 10. Conflict of Interest (Article XIII);
 11. Rebates, Kickbacks or other Unlawful Consideration (Article XIV);
 12. Prohibition of Expending Local Agency State or Federal Funds for Lobbying (Article XV).

A Conformance Letter will be issued within 30 business days of receipt of a complete packet.

Contracts cannot be executed until the Conformance Letter is issued and noted deficiencies that address requirements, are corrected. Corrected deficiencies, however, do NOT need to be cleared through A&I before executing the contract. Any supporting documentation addressing Conformance Letter deficiencies along with the executed contract shall be retained in the project file.

A&I email address: caltransfederalaward@dot.ca.gov

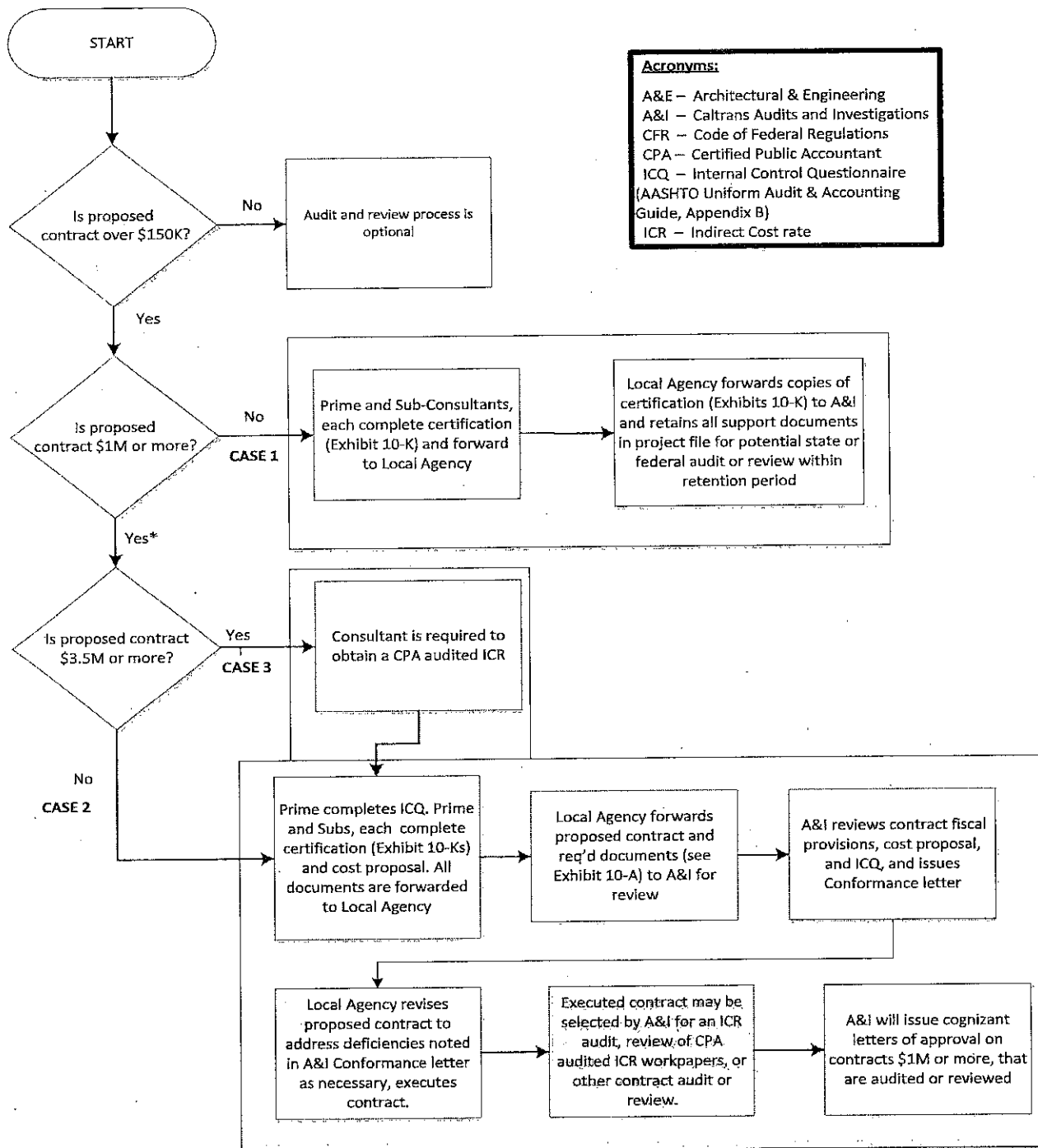
A&I mailing address:

Department of Transportation
Audits and Investigations, MS 2
Attention: External Audit Manager
P.O. Box 942874
Sacramento, CA 94274-0001

SUMMARY OF CONTRACTS TO BE AUDITED OR REVIEWED

<i>Proposed Contract Amount</i>	<i>Documents Required</i>	<i>Conformance Letter Required?</i>	<i>Audit/Review Performed?</i>	<i>If Audited or Reviewed will Cognizant Letter of Approval be Issued?</i>
Small Purchase Procedure Less than \$150K	None	No	Audit/Review not required	N/A
Case 1. Between \$150K and \$1M	Certification by Prime and Subconsultants (Exhibit 10-K)	No	May be selected for Audit or Review.	If ICR Audit is performed.
Case 2. Between \$1M and \$3.5M	<ul style="list-style-type: none"> • Certification for Prime and Subconsultants (Exhibit 10-Ks) • Cost proposals for Prime and Subconsultants • All other applicable documents listed on Exhibit 10-A 	Yes	May be selected for ICR or Contract Audit, or other Review.	Yes
Case 3. \$3.5M or greater	<ul style="list-style-type: none"> • Certification for Prime and Subconsultants (Exhibit 10-Ks) • Cost proposals for Prime and Subconsultants • All other applicable documents listed on Exhibit 10-A <p style="text-align: center;">AND</p> <p>CPA Audited ICR or cognizant approval.</p>	Yes	May be selected for Review of CPA's workpapers of audited ICR or Contract Audit, or other Review	Yes

FIGURE 10-3 A&E CONSULTANT AUDIT AND REVIEW PROCESS



Acronyms:
 A&E – Architectural & Engineering
 A&I – Caltrans Audits and Investigations
 CFR – Code of Federal Regulations
 CPA – Certified Public Accountant
 ICQ – Internal Control Questionnaire (AASHTO Uniform Audit & Accounting Guide, Appendix B)
 ICR – Indirect Cost rate

* NOTE: For A&E consultant contracts of \$1M or more, local agency may begin, but not conclude cost negotiations with the best qualified firm until a Conformance Letter is received from A&I.

10.4 CONSULTANT SELECTION METHODS

Figure 10-4 “*Consultant Selection Flowchart*” shows the three methods normally used in selecting a consultant. They are:

- One-Step RFP;
- One-Step RFQ;
- Two-Step RFQ/RFP.

The method used depends upon the scope of work, the services required, the project’s complexity, and the time available for selection of the consultant.

In addition, there are other methods used in special situations such as noncompetitive procurement and small purchases under \$150,000.

Beginning with Section 10.5 “*Consultant Selection Using the One-Step RFP Method*” each of the selection methods is explained in detail. Regardless of the method used, the local agency shall retain all consultant selection documentation in their project files as required by 49 CFR 18.36(b)(9).

ONE-STEP RFP

The One-Step RFP method may be used for Project-specific contracts when the scope of work is well defined or for Multi-phased contracts where the defined scope of work is divided into phases. Other considerations include when the consultant’s services are highly specialized and there are few qualified consultants.

ONE-STEP RFQ

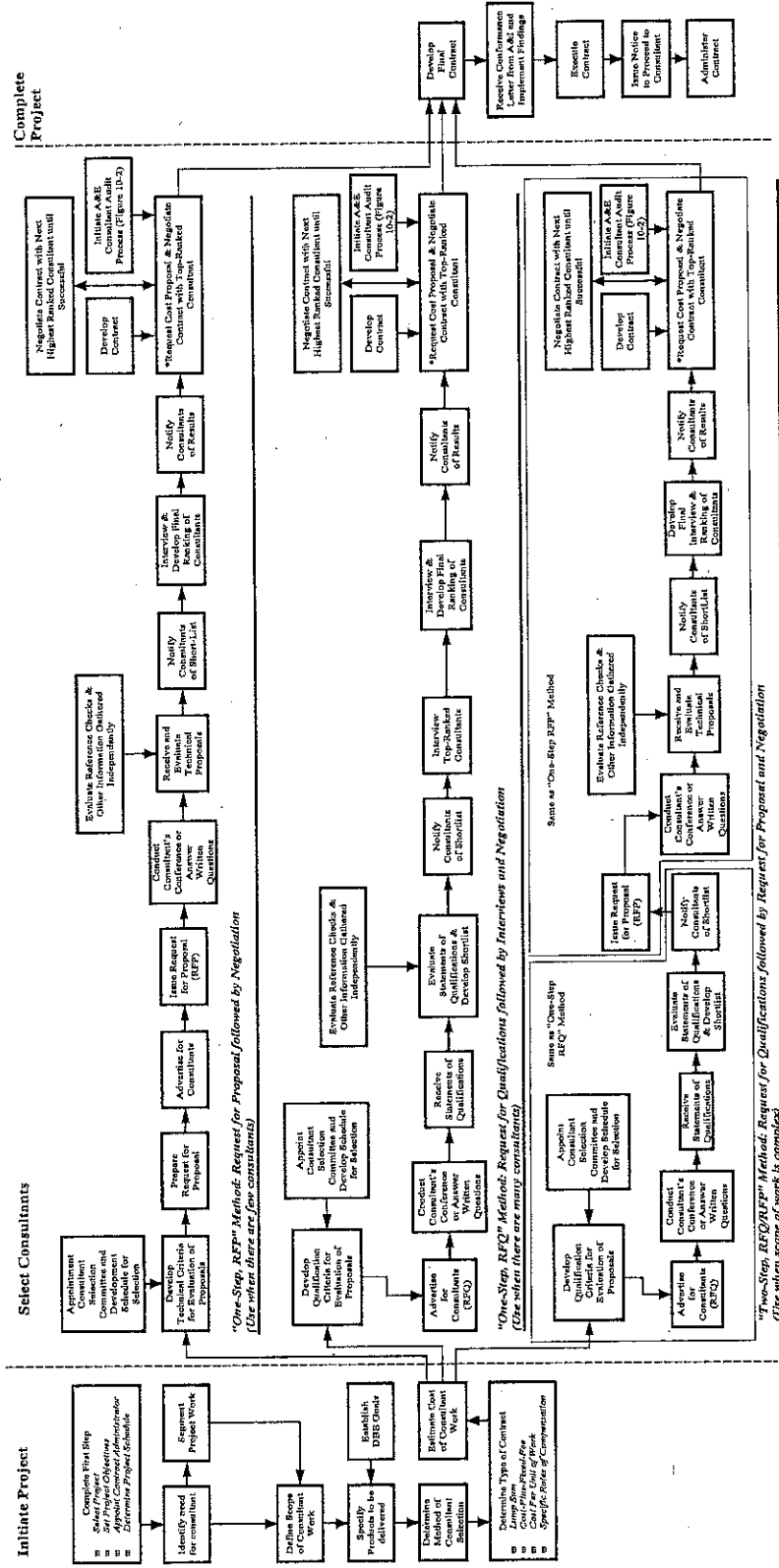
The most common selection process is the One-Step RFQ method. It is used when the requested services are specialized, or the scope of work is defined broadly and may include multiple projects. Typical services are preliminary engineering, surveying, environmental studies, preparation of Plans Specifications and Estimate (PS&E) and environmental documents, or construction management. This method or the two step selection process is used for procurement of “on-call” contract(s).

TWO-STEP (RFQ FOLLOWED BY RFP)

The Two-Step RFQ/RFP method may be used when the scope of work is complex or unusual. This method also may be preferred by local agencies that are inexperienced about negotiations and procedures for establishing compensation. However, the Two-Step RFQ/RFP method is recommended for procurement of multiple “on-call” contracts, or an “on-call” list, through a single solicitation. For more information, refer to description of on-call contract in Section 10.2 “*Identifying & Defining a Need for Consultants*”. This method requires substantially more work and time than the other two methods described above.

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FIGURE 10-4 CONSULTANT SELECTION FLOWCHART



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10.5 CONSULTANT SELECTION USING THE ONE-STEP RFP METHOD

Of the three methods discussed, this one is most easily modified for non-A&E consulting contracts. For non-A&E consulting contracts, a cost proposal may be part of the RFP and the selection criteria. For A&E contracts, the cost proposal is not requested until the consultants have been ranked based upon their submitted technical proposal.

APPOINT CONSULTANT SELECTION COMMITTEE

A consultant selection committee with a minimum of three members is appointed at the beginning of the consultant selection process. The committee reviews materials submitted by consultants, develops a short list of qualified consultants, and develops a final ranking of the most qualified proposals. Representation on the committee includes the Contract Administrator and subject matter experts from the project's functional area. The members should be familiar with the project/segment to be contracted out and with the local agency standards that will be used in the contract. Participation by a Caltrans district representative is at the option of the agency and subject to availability of the DLAE staff. Caltrans participation on the interview panel does not relieve the local agency of its responsibility to ensure that proper procurement procedures are followed and all requirements are met.

Local agency Contract Administrator ensures that all committee members meet the conflict of interest requirements (23 CFR 172) by completing and signing a conflict of interest statement prior to selection process initiation. A sample conflict of interest form is provided in Exhibit 10-T "*Panel Member Conflict of Interest & Confidentiality Statement*".

DEVELOP TECHNICAL CRITERIA FOR EVALUATION OF PROPOSALS

The Contract Administrator is responsible for developing the technical criteria, and their relative weights which are used to evaluate and rank the consultant proposals.

The criteria and relative weights must be included in the RFP, and the same criteria and relative weights must be used in the evaluation sheets. Failure to include criteria and relative weights and to use the same criteria and relative weights during the evaluation will result in the contract costs being ineligible for state or federal reimbursement. Exhibit 10-B "*Suggested Consultant Evaluation Sheet*" is a recommended evaluation sheet with criteria and rating points for A&E consultants, where cost is not used as a rating factor. This format is not mandatory, but it is recommended in the interest of developing consistency among the hundreds of agencies and consultants operating in the state.

The local agency should consult with the DLAE before making major changes to the suggested approach.

DEVELOP SCHEDULE FOR CONSULTANT SELECTION

Before the contract is advertised, the Contract Administrator completes a contract procurement schedule including key dates for consultant selection activities. The Contract Administrator should confirm key dates with all selection committee members before completing the schedule.

PREPARE RFP

The information required in a RFP includes the following:

- Description of project;
- Scope of work;
- Schedule of work (including estimated start and end dates of the contract);

- Method of payment, and cost proposal requirements. The cost proposal is submitted in a separate sealed envelope. See Exhibit 10-H “*Sample Cost Proposal*” for sample cost proposal formats;
- Contract audit and review process requirements (see Section 10.3 “*A&E Consultant Audit and Review Process*”);
- Proposal format and required contents;
- Method, criteria and weighting for selection;
- A DBE contract goal is specified (see Exhibit 10-I “*Notice to Proposers DBE Information*”), if a Federal-Aid contract;
- Protest procedures and dispute resolution process per 49 CFR 18.36(b)(12).

The RFP specifies the content of a proposal, the number of copies required, due date, mailing address, and a physical address where the submittals may be hand delivered if different from the mailing address. Two to four weeks is usually allowed between the time the RFP is published and time that proposals must be submitted. More time may be required for complex contracts or projects.

Items typically required in a technical proposal include:

- Work plan (specify what is to be covered);
- Organizational chart;
- Schedule and deadlines;
- Staffing plan;
- Proposed Team—complete for prime consultant and all key subconsultants;
- Key personnel names and classifications—key team members identified in the original proposal/cost proposal shall not change (be different than) in the executed contract;
- Staff resumes;
- Names of consultant’s project manager and the individual authorized to negotiate the contract on behalf of the consulting firm;
- Consultant DBE Commitment document, (see Exhibit 10-O1 “*Consultant Proposal DBE Commitment*”);
- References;

FINANCIAL MANAGEMENT AND ACCOUNTING SYSTEM REQUIREMENTS

The local agency must ensure that consultant contract solicitation and advertising documents (RFPs) clearly specify that contracts shall not be awarded to a consultant without an adequate financial management and accounting system as required by 48 CFR Part 16.301-3, 49 CFR Part 18, and 48 CFR Part 31. The local agency must ensure the selected consultants have adequate financial management systems as required by the applicable federal regulations.

ADVERTISE FOR CONSULTANTS

The solicitation process for consultant services shall be by public advertisement, or by any other public forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of contract. Advertisement of the RFP in a major newspaper of general circulation, technical publications of widespread circulation, professional associations and societies, recognized DBE organizations, web hosting or clearing houses known for posting government contract solicitations such as BidSync, or posting the RFP on the local agency’s or other widely used websites are all acceptable methods of solicitation.

To document website postings, the local agency should retain copies of screen shots displaying the posted "begin/end" dates.

ISSUE/PUBLISH RFP

The local agency shall publish the RFP on line and also issue the RFP to all consultants responding to a newspaper advertisement. The local agency shall keep a record of all consultants that have downloaded a RFP online as well as those receiving an RFP through other means, to ensure that any inquiry responses, addendums, or amendments to the RFP are given to all consultants that received the RFP.

CONDUCT PROPOSER'S CONFERENCE OR ANSWER WRITTEN QUESTIONS

The local agency may allow for clarification of the RFP by inviting submittal of written questions or by conducting a proposer's conference, or by doing both. The local agency must publish or mail their responses to any written questions to all consultants receiving the RFP. No response should be given to verbal questions. It is important that all competing consultants receive the same information. If a proposer's conference is to be held, the exact time and place must be specified in the RFP. Attendance at a proposer's conference normally is not mandatory. However, consultants not attending the conference do not receive notes from the meeting unless they request the notes.

RECEIVE AND EVALUATE TECHNICAL PROPOSALS

The Contract Administrator must verify that each proposal contains all of the forms and other information required by the RFP. If all required information is not provided, a proposal may be considered nonresponsive and rejected without evaluation. Late submittals, submittals to the wrong location, or submittals with inadequate copies are considered nonresponsive and shall be rejected. Submittal of additional information after the due date shall not be allowed. Documentation of when each proposal was received must be maintained in the project files. Copies of the date stamped envelope or box tops are recommended.

The members of the consultant selection committee must evaluate each proposal according to the technical criteria listed in the RFP. Minimum of three proposals must be received and evaluated.

If only two proposals are received, a justification must be documented to proceed with the procurement. If only one proposal is received, a Non-Competitive process must be justified and a Public Interest Finding (PIF) must be documented. In either case, the re-advertisement of the RFP should be considered as an option.

The committee must also evaluate reference checks and other information gathered independently. Reference checks shall be completed and other information gathered before the interviews are conducted. If necessary, the results of the reference checks or other information may be discussed with the highest ranked qualified consultants at the interviews.

DEVELOP FINAL RANKING AND NOTIFY CONSULTANTS OF RESULTS

The selection committee discusses and documents the strengths and weaknesses of each proposal; interviews the three or more highest ranked consultants (short listed); and develops a final ranking of the highest ranked consultants. All consultants that submitted proposals must be informed about the final ranking of consultants. It is important that all competing consultants receive the same information.

Most consultants will request information as to why they were not the highest ranked. Therefore, the selection committee should keep notes as to why a particular consultant

was not selected. When a consultant requests debriefing, the reasons for not being selected must be objective reasons. The consultant should not be compared to others, and should not be provided any information about other consultants during this debriefing. Normally, the Contract Administrator does the debriefing; however, any member of the selection committee may be designated to do the debriefing.

NEGOTIATE CONTRACT WITH TOP-RANKED CONSULTANT

Cost proposal (for both Prime and all Subconsultant), and contract audit and review documents such as Exhibit 10-Ks "*Consultant Certification of Costs and Financial Management System*" and Exhibit 10-A "*A&E Consultant Audit Request Letter and Checklist*", whichever applicable (see Section 10.3 "*A&E Consultant Audit and Review Process*") should be submitted in a separate sealed envelope. Typically, the cost proposals are submitted by the short listed consultants only, at the time of interview. However, if time is of the essence and it can be justified, or if no interviews are planned, the cost proposal can be requested from all consultants with their technical proposal.

The cost proposal for the most qualified consultant will be opened and used to begin negotiations. If agreement cannot be reached, then negotiations proceed to the next most qualified consultant. Each consultant's cost proposal must remain sealed until negotiations commence with that particular consultant. The goal of negotiations is to agree on a final contract that delivers the services, or products required at a fair and reasonable cost to the local agency. At the completion of successful cost negotiations, all remaining sealed envelopes containing cost proposals shall be returned to consultants.

The independent cost estimate, developed by the local agency in advance of requesting a cost proposal from the top-ranked consultant, is an important basis and a tool for negotiations or terminating unsuccessful negotiations with the most qualified consultant. It can be revised, if needed, for use in negotiations with the next most qualified consultant.

A contract audit and review may be required (see Section 10.3 "*A&E Consultant Audit and Review Process*" in this chapter). The local agency Contract Administrator ensures that all required documentations are provided to Caltrans A&I in a timely fashion, including all documents for a Conformance Review, if applicable. Negotiations may be completed after receipt of the Caltrans A&I Conformance Letter. An indirect cost audit may be performed within the record retention period of the contract.

Items typically negotiated include:

- Work plan;
- Schedule and deadlines (for deliverables and final duration of contract);
- Products to be delivered;
- Classification, wage rates, and experience level of personnel to be assigned;
- Cost items, payments, and fees.

The consultant's ICR is not a negotiable item. A lower rate cannot be negotiated by the local agency.

The local agency and the consultant will agree on the final cost proposal and incorporate into the final contract.

Before executing the consultant contract, the local agency must review the contract to ensure that all state and federal requirements have been met (see Exhibit 10-C "*Consultant Contract Reviewers Checklist*"), and all deficiencies identified in the Conformance Letter have been addressed and resolved, if applicable. The completed

checklist is to be signed by the Contract Administrator and the original retained in the project file, one copy is to be sent to the DLAE (for review of completeness) and filed within 30 days after awarding the contract.

10.6 CONSULTANT SELECTION USING THE ONE-STEP RFQ METHOD

The RFQ method is used when the services being procured are specialized, or the scope of work is defined broadly and may include multiple projects.

APPOINT CONSULTANT SELECTION COMMITTEE

A consultant selection committee with a minimum of three members is appointed at the beginning of the consultant selection process. The committee reviews and scores the materials submitted by consultants in response to the RFQ, develops a short list of qualified consultants, interviews those consultants, and develops a final ranking of the most qualified consultants. Representation on the committee includes the Contract Administrator and subject matter experts from the project's functional area. The members should be familiar with the scope of work to be contracted out and with the local agency standards that will be used in the contract. Participation by a Caltrans district representative is at the option of the local agency and subject to the availability of the DLAE staff. Caltrans participation on the interview panel does not relieve the local agency of its responsibility to ensure that proper procurement procedures are followed and all requirements are met.

The local agency Contract Administrator ensures that all committee members meet the conflict of interest requirements (23 CFR 172) by completing and signing a conflict of interest statement prior to selection process initiation. A sample conflict of interest form is provided in Exhibit 10-T "*Panel Member Conflict of Interest & Confidentiality Statement*".

DEVELOP TECHNICAL CRITERIA FOR EVALUATION OF QUALIFICATIONS

The Contract Administrator is responsible for developing the technical criteria, and their relative weights which are used to evaluate and rank the consultant qualifications. The criteria and relative weights must be included in the RFQ, and the same criteria and relative weights must be used in the evaluation sheets. Failure to include criteria and relative weights and to use the same criteria and relative weights during the evaluation will result in the contract costs being ineligible for state or federal reimbursement. Exhibit 10-B "*Suggested Consultant Evaluation Sheet*" is a recommended evaluation sheet with criteria and rating points for A&E consultants, where cost is not used as a rating factor. This format is not mandatory, but it is recommended in the interest of developing consistency among the hundreds of agencies and consultants operating in the state. The local agency should consult with the DLAE before making major changes to the suggested approach.

DEVELOP SCHEDULE FOR CONSULTANT SELECTION

Before a contract is advertised, the Contract Administrator completes a contract procurement schedule including key dates for consultant selection activities. The Contract Administrator should confirm target dates with all selection committee members before completing the schedule.

PREPARE RFQ

As a minimum, the RFQ generally includes the following:

- General description of the services or project(s);

- Scope of work;
- Schedule of work (including contract begin and end dates);
- Method of payment, and cost proposal requirements. The cost proposal is submitted in a separate sealed envelope. See Exhibit 10-H "*Sample Cost Proposal*" for sample cost proposal formats;
- Contract audit and review process requirements (see Section 10.3 "*A&E Consultant Audit and Review Process*");
- Statement of Qualification (SOQ) format and required content to be submitted;
- Method, criteria and relative weights for selection;
- A DBE contract goal is specified (see Exhibit 10-I "*Notice to Proposers DBE Information*"), if a Federal-Aid contract;
- Protest procedures and dispute resolution process per 49 CFR 18.36(b)(12).

The RFQ specifies the content of the SOQ, the number of copies required, due date, mailing address, and a physical address where the submittals may be hand delivered if different from the mailing address. Two to four weeks is usually allowed between the time the RFQ is published and time that SOQs must be submitted. More time may be required for complex contracts or scope of work.

Items typically required in a SOQ include:

- Qualifications of key personnel (including consultant project manager) proposed for the contract. Key team members identified in the original proposal/cost proposal shall not change (be different than) in the executed contract;
- Staff resumes;
- Related projects that key personnel have worked on;
- Qualifications/experience of the firm;
- Organizational chart;
- Forecast or schedule of work;
- Consultant DBE Commitment document, see Exhibit 10-O1 "*Consultant Proposal DBE Commitment*";
- References.

FINANCIAL MANAGEMENT AND ACCOUNTING SYSTEM REQUIREMENTS

The local agency must ensure that consultant contract solicitation and advertising documents (RFQs) clearly specify that contracts shall not be awarded to a consultant without an adequate financial management and accounting system as required by 48 CFR Part 16.301-3, 49 CFR Part 18, and 48 CFR Part 31. The local agency must ensure the selected consultants have adequate financial management systems as required by the applicable federal regulations.

ADVERTISE FOR CONSULTANTS

The solicitation process for consultant services shall be by public advertisement or any other public forum or method that assures qualified in-State and out-of-State consultant are given a fair opportunity to be considered for award of contract. The RFQ must contain sufficient project work information, so that interested consultants can submit an appropriate SOQ.

Advertisements for a RFQ may take one of two approaches. The most common is an advertisement or publication of the RFQ in a major newspaper of general circulation,

technical publication of widespread circulation, professional associations and societies, recognized DBE organizations, web hosting or clearing houses known for posting contract solicitations such as Bid Sync or posting the RFQ on other widely used websites. To document website postings, the local agency should retain copies of screen shots displaying the posted "begin/end" dates.

In the second approach, the local agency advertises the availability of the RFQ in a major newspaper of general circulation, technical publications of widespread circulation, professional associations and societies, recognized DBE organizations, or through a web hosting or clearing houses known for posting contract solicitations such as BidSync, and requests that interested consultants send a letter of interest to the local agency for the RFQ. The RFQs shall then be sent to those firms who indicated interest in the RFQ. In some cases, it may be desirable to advertise nationwide for a particular project or service. This approach provides a registry for firms who received the RFQ and therefore facilitates the broadcast of any revisions or addenda to the RFQ, if necessary.

ISSUE/PUBLISH RFQ

The local agency shall publish the RFQ on line and also issue the RFQ to all consultants responding to the newspaper advertisement. The local agency shall keep a record of all consultants that have downloaded the RFQ online as well as those receiving it

through other means, to ensure that any inquiry responses, addendums, or amendments to the RFQ are given to all consultants that received the RFQ.

RECEIVE/EVALUATE STATEMENTS OF QUALIFICATIONS AND DEVELOP SHORT LIST

The first step in the evaluation process is to determine that each SOQ contains all forms and other information required by the RFQ. Otherwise, the submittals may be considered nonresponsive and rejected without evaluation. Late submittals, submittals to the wrong location, and submittals with inadequate copies are considered nonresponsive and shall be rejected. Submittal of additional information after the due date shall not be allowed. Documentation of when each proposal was received must be maintained in the project files. Copies of date stamped envelope covers or box tops are recommended.

Minimum of three proposals must be received and evaluated. If only two proposals are received, a justification must be documented to proceed with the procurement. If only one proposal is received, a Non-Competitive process must be justified and a Public Interest Finding (PIF) must be documented. In either case, the re-advertisement of the RFP should be considered as an option.

The consultant selection committee reviews the submitted SOQ according to the published evaluation criteria and weighting factors. The committee makes an independent random check of one or more of the consultant's references. This check applies to major subconsultants also. The committee establishes a short list of consultants who are considered to be best qualified to perform the contract work. The short list includes enough qualified consultants to ensure that at least three consultants are interviewed.

NOTIFY CONSULTANTS OF SHORT LIST

All consultants that submitted an SOQ must be notified of the results of the review. The notification also identifies those consultants (short list) that will be requested to attend interviews. Most consultants will request information as to why they were not placed on the short list. Therefore, the selection committee should keep notes why a particular consultant was not selected for the short list. When a consultant requests a debriefing, the reasons given for not being selected must be objective reasons. Consultants should

not be compared with each other during the debriefing. Normally, the Contract Administrator does the debriefing; however, any member of the selection committee may be designated to do the debriefing.

INTERVIEW TOP-RANKED CONSULTANTS

Each consultant to be interviewed is given a copy of the draft of the proposed contract, defining the detailed scope of work, and/or description of required services, and other information. This should be sent with the initial notification of the interview.

Between the time of the notification of the short list and interviews, the local agency may answer any questions concerning the scope of work to be contracted out, if not done earlier during the solicitation. In addition, the local agency may conduct additional reference checks for each consultant to be interviewed. Consultants should submit their questions about the RFQ and receive their answers from the local agency in writing. It is important that all consultants on the short list receive the questions and answers and are given the same information.

The committee should evaluate reference checks and other information that is gathered independently. Reference checks shall be completed and other information gathered before the interviews are conducted. If necessary, the results of the reference checks and other information may be discussed with the consultant at the interview.

Interviews are to be structured and conducted in a formal manner. Each consultant shall be allowed the opportunity to make a presentation if desired; however, a time limit should be specified. Interview questions are prepared in advance.

Two types of questions may be asked:

- Questions that are to be asked of all competing consultants, and
- Questions relating to each specific consultant, based upon the reference checks, and the strengths and weaknesses identified during evaluation of the SOQ

The agency can request competing consultants to bring additional information or examples of their work to the interviews; if the additional information facilitates the interview or evaluation process.

Additional information requested should be kept at a minimum, that is, only information required to select the most qualified consultant for the contract. The selection committee or local agency shall not gather additional information concerning the consultants after the interviews are completed.

DEVELOP FINAL RANKING AND NOTIFY CONSULTANTS OF RESULTS

All consultants interviewed must be informed about the final ranking of consultants. It is important that all competing consultants receive the same information.

Most consultants will request information as to why they were not selected as the most qualified. Therefore, the selection committee should keep notes as to why a particular consultant was not selected. When a consultant requests debriefing, the reasons for not being selected must be objective. Consultants should not be compared with each other or provided with information about other consultants during the debriefing.

Normally, the Contract Administrator does the debriefing; however, any member of the selection committee may be designated to do the debriefing.

The next two sections provide guidance when the RFQ is solicited for “specialized” services and additional information is required prior to cost negotiations with consultant.

For on-call contracts, skip the next two sections and begin the Negotiation phase.

CONDUCT SCOPING MEETING

The Contract Administrator meets with the first-ranked consultant’s project manager to review the project, and to ensure that the consultant has a complete understanding of the work that is required. The consultant is shown as much material as is available regarding the project. Any technical questions regarding the project are answered for the consultant.

REQUEST COST PROPOSAL

The first-ranked consultant is asked to provide a cost proposal to perform the work described in the draft contract and discussed at the scoping meeting. The work is to be performed according to the conditions described in the draft contract using the payment method described therein. Alternatively, if time is of the essence and it can be justified, sealed cost proposals may be requested from all of the consultants on the short list.

If the contract involves more than one project, the consultant must provide a separate cost proposal for each project in addition to a summary cost proposal for the total contract. If the contract involves milestones, the consultant must furnish a separate cost proposal for each milestone with a summary cost proposal for the total costs. If the contract involves subconsultants, the prime consultant must include a separate cost proposal for each subconsultant. Each subconsultant’s cost proposal must follow the same format as the prime consultant’s cost proposal.

NEGOTIATE CONTRACT WITH TOP-RANKED CONSULTANT

A cost proposal (for both Prime and all Subconsultants), and contract audit and review documents such as Exhibit 10-Ks “*Consultant Certification of Contract Costs and Financial Management System*” and 10-A, whichever applicable (see Section 10.3 “*A&E Consultant Audit and Review Process*”) will be submitted in a separate sealed envelope. Typically, the cost proposals are submitted by the short listed consultants only, at the time of interview. However, if time is of the essence and it can be justified, or if no interviews are planned, the cost proposal can be requested from all consultants with their statements of qualification.

After the top-ranked consultant submits a sealed cost proposal, the local agency reviews the cost proposal and enters into negotiations. The goal of negotiations is to agree on a final contract that delivers to the local agency the services or products required at a fair and reasonable cost. The independent cost estimate, developed by the local agency in advance of requesting a cost proposal from the top-ranked consultant, is an important basis and tool for negotiations.

Negotiations should commence with the most qualified consultant. If agreement on a fair and reasonable price cannot be reached, negotiations should then be formally terminated. Negotiations then proceed to the next most qualified consultant, and so on. Each consultant’s cost proposal must remain sealed until negotiations commence with that particular consultant. At the completion of successful cost negotiations, all remaining sealed envelopes containing cost proposals shall be returned to consultants.

A contract audit and review may be required (see Section 10.3 “*A&E Consultant Audit and Review Process*” earlier in this chapter). The local agency Contract Administrator is

responsible for the submittal of all required documentations to Caltrans A&I in a timely fashion, including all documents for a Conformance Review, if applicable. Negotiations may be completed after receipt of the Caltrans A&I Conformance Letter. An indirect cost audit may be performed within the record retention period of the contract.

The items typically negotiated include:

- Work plan;
- Staffing plan;
- Schedule (including contract begin and end dates);
- Products to be delivered;
- Classification, wage rates, and experience level of personnel to be assigned;
- Cost items, payments and fee.

The consultant's ICR is not a negotiable item. A lower rate cannot be negotiated by the local agency.

For on-call contracts, typically a price agreement is reached based on a specific rate of compensation for the term of the contract. The subsequent "task orders" (or mini agreements for individual project work) is negotiated based on actual cost plus fee, or lump sum, which is derived from the wage rates agreed upon earlier for the on-call contract.

Before executing the consultant contract, the local agency must review the contract to ensure that all state and federal requirements have been met (see Exhibit 10-C "*Consultant Contract Reviewers Checklist*"), and all deficiencies identified in the Conformance Letter have been addressed and resolved, if applicable. The completed checklist is to be signed by the Contract Administrator and the original retained in the project file, one copy is to be sent to the DLAE (for review of completeness) and filing within 30 days after awarding the contract.

10.7 CONSULTANT SELECTION USING THE TWO-STEP RFQ/RFP METHOD

COMBINED RFQ AND RFP

Selecting consultants using the Two-Step RFQ/RFP method requires combining certain steps from each of the other two methods previously described. The consultants are rated based upon both their qualifications and their technical proposals.

The initial steps in this method (up to the development and notification of the short list) are the same as the steps followed when using the One-Step RFQ method. At this point, the consultants from the short list are issued an RFP. The remaining steps are the same as the later steps followed in the One-Step RFP method. The combination of these steps is indicated in Figure 10-4 "*Consultant Selection Flowchart*".

Because it is a combination of the One-Step RFQ and One-Step RFP methods, this method of consultant selection requires more work and time than the other two methods. Consequently, the combined RFQ/RFP method is recommended for use only when the scope of work is very complex or unusual.

The Two-Step RFQ/RFP is also well suited for procuring multiple "on-call" contracts through single solicitation. The outcome of the first step - RFQ will be multiple contracts, or an on-call list of consultants with cost/price agreements. The subsequent project work will be procured thru individual competition or mini-RFPs amongst the on-call consultants. The mini-RFP or the task order will be negotiated with first ranked firm

from each competition. The task order (mini-RFP) cost will be based on wage rates established in the master on-call contract, and the time and deliverable requirements in the task order.

10.8 COMPLETING THE PROJECT

DEVELOP THE FINAL CONTRACT

The Contract Administrator requests a revised cost proposal from the consultant after: (1) negotiations have been completed, (2) the local agency and consultant have agreed to a fair and reasonable price, and (3) a Conformance Letter, if applicable, is released by Caltrans A&I and identified issues have been resolved. The Contract Administrator should review the revised cost proposal to ensure that all the items and changes discussed during negotiations were included. This revised cost proposal then becomes the final cost proposal, is attached to and made a part of the consultant contract. For informational purposes, sample contract language and format have been included as Exhibit 10-R “*A&E Sample Contract Language*”.

The Contract Administrator has responsibility to ensure that the final negotiated contract is complete and has verified that all required backup documents have been provided. Copies of the contract are sent to the consultant for signature first.

REVIEW AND APPROVAL OF CONTRACTS

Proposed contracts for consultant services (including subcontracted work) exceeding \$150,000, must be reviewed by the local agency to verify that:

- Compensation is fair and reasonable and includes prevailing wage rates, if applicable;
- Work activities and schedules are consistent with the nature and scope of the project;
- DBE goal is included if there are subcontracting opportunities and available DBE firms;
- Exhibit 10-Ks “*Consultant Certification of Contract Costs and Financial Management System*” (for Prime and Subs), and Exhibit 10-A “*A&E Consultant Audit Request Letter and Checklist*” and all supporting documents, if applicable, have been submitted to Caltrans A&I;
- If applicable, the issues identified in the Conformance Letter have been addressed;
- Contract modification language entitling the local agency to retroactively adjust ICRs within the document retention period has been included in the contract (see Exhibit 10-R *A&E Sample Contract Language*, Article IX, paragraph D).

Exhibit 10-C “*Consultant Contract Reviewers Checklist*” must be used to ensure that required documentation has been provided. A cost proposal (see Exhibit 10-H “*Sample Cost Proposal*”), must include the costs of materials, direct salaries, payroll additions, other direct costs, indirect costs, fees, and backup calculations.

Before approving a contract for consulting services, the Contract Administrator must be satisfied that the consultant’s organization:

- Is qualified to perform the services required;
- Is in a position, considering other work commitments, to provide competent and experienced personnel to perform the services in the time allowed;

- Is fully aware of all applicable state and federal laws including implementing regulations, design standards, specifications, previous commitments that must be incorporated into the design of the project, and administrative controls including those of Caltrans and FHWA.
- Has an adequate financial management system as required by the applicable federal regulations.

The contract must provide for a defined level of acceptability and a statement to the effect that the consultant may be required to modify its work as necessary and to meet that level of acceptability as defined in the contract. The contract shall provide for local agency reviews at appropriate stages during performance of the work, to determine if any changes or other actions are warranted.

The contract shall also provide that the consultant establish a working office at a place acceptable to the local agency. The contract shall provide that the consultant and subconsultants maintain all books, documents, papers, accounting records, and other information pertaining to costs incurred. Such materials must be available for inspection and audit by federal, State, and local agency authorized representatives; and copies thereof shall be furnished, if requested.

Following final settlement of the contract accounts with the FHWA or State, such records and documents may be archived at the option of the local agency, but in any event shall be retained for a three-year period after processing of the final voucher by the FHWA or State.

RETENTION CLAUSES

At the option of the local agency, a retention clause may be included in the consultant contract. The usual retained amount is five percent; appropriate securities on deposit may be substituted for the retention. A retention clause in the consultant contract is recommended (see Exhibit 10-R "*A&E Sample Contract Language*", Article XXXI).

REVIEW OF LOCAL AGENCY ACTIONS

Issues identified in the Conformance Letter must be resolved before the local agency executes the contract.

Federal-Aid or state reimbursement is contingent on meeting the state or federal requirements and can be withdrawn, if these procedures are not followed and documented. The local agency files are to be maintained in a manner to facilitate future FHWA or Caltrans process reviews and audits.

As specified in the "*Review and Approval of Contracts*" above, the Contract Administrator must review the proposed consultant contract before execution. Exhibit 10-C "*Consultant Contract Reviewers Checklist*" is to be completed and signed. A copy shall be sent to the DLAE within 30 days of contract award. This signed document must be retained in the local agency project files.

EXECUTE CONTRACT AND ISSUE NOTICE TO PROCEED TO CONSULTANT

The Contract Administrator sends the consultant a fully executed copy of the contract with an original signature and issues a notice to proceed. Funds may not be used to reimburse the agency for any work or costs incurred before the "Authorization to Proceed" is issued, or for consultant costs incurred prior to the execution of the consultant contract. Local agency consultant selection and contract execution costs may be reimbursable.

For on-call contracts, a fully executed copy of the contract with original signatures will be sent to the consultant. Each subsequent "task order" (for individual projects) will be accompanied with a copy of the signed task order and a Notice to Proceed, once it is negotiated and approved.

ADMINISTER THE CONTRACT

Project work begins as specified in the contract after the notice to proceed is issued to the consultant. Thereafter, the local agency manages and administers the contract to ensure that a complete and acceptable product is received on time, within standards, and within budget and terms of the contract.

Contract administration activities help to ensure that contractual obligations are completed satisfactorily. Generally, these activities include:

- Monitoring project progress and compliance with contract requirements;
- Receiving, reviewing and assessing reports, plans and other required products/deliverables;
- Receiving and reviewing state prevailing wages; (see Department of Industrial Relations websites below).

DIR FAQ website: http://www.dir.ca.gov/OPRL/FAQ_PrevailingWage.html

DIR Wage Determination website:

<http://www.dir.ca.gov/oprl/DPreWageDetermination.htm>

- Reviewing invoices to ensure costs claimed are in accordance to the method of payment and contract cost proposal, approving payments;
- If new consultant personnel are added or substituted, labor rates must be verified prior to approving invoices;
- Record keeping and reporting;
- Controlling costs;
- Identifying changes to the scope of work and preparation of amendments (must ensure that any changes to the scope is within the constraints of the original RFP/RFQ);
- Completing the consultant performance evaluations (see Exhibit 10-S "Consultant Performance Evaluation").

SUBSTITUTION OF CONSULTANT PERSONNEL AND SUBCONSULTANTS

After contract execution the consultant should not substitute key personnel (project manager and others listed by name in the cost proposal) or subconsultants without prior written approval from the local agency. To do so can result in the costs being ineligible for state or federal reimbursement. The consultant must request and justify the need for the substitution and obtain approval from the local agency prior to use of a different subconsultant on the contract. The proposed substituted person must be as qualified as the original, and at the same or lower cost.

For engineering types of consultant contracts, the consultant's project manager must be a registered engineer in the State of California.

INVOICING (OR PROGRESS PAYMENTS)

The frequency and format of the invoices/progress payments are to be determined by the contract. Program Supplement Agreements (see Chapter 3 "Agreements") need to have been prepared prior to any payments being requested. Payments to the consultant

are to be in arrears. In other words, the consultant must have actually incurred and paid the costs before invoicing the local agency.

For state or federal reimbursement of consultant costs on a project, the local agency must submit the following to the DLAE, for each consultant or consulting firm used on the project (failure to do so will result in the consultant's invoices for reimbursement being returned to the agency unprocessed):

- Copy of Executed Consultant contract;
- Exhibit 10-C "*Consultant Contract Reviewers Checklist*";
- Exhibit 10-O1 "*Consultant Proposal DBE Commitment*" (federally funded projects only);
- Exhibit 10-O2 "*Consultant Contract DBE Information*" (federally funded projects only);

DLAE must confirm that the local agency has submitted copies of Exhibit 10-K "*Consultant Certification of Contract Costs and Financial Management System*" (for Prime and Subconsultants) to Caltrans A&I.

Invoices should include the following:

- Prepared on the consultant's letterhead;
- Signed by the consultant's project manager;
- Have a unique invoice number;
- Appropriate documentation attached;
- If the contract involved milestones, each milestone should be invoiced separately;
- If the contract involved subconsultants, a separate invoice for each subconsultant should be attached in the same format as the prime consultant's invoice and should be included in the summary of the prime consultant's invoice.

The following are requirements associated with each invoice that the local agency should include:

- A summary of the reimbursements to-date and a summary of the funds remaining in the contract. This should be compared to the local agency's own record of reimbursements to-date and a summary of the funds remaining in the contract.
- A summary of all payments to-date and funds remaining in the contract for each subconsultant.

The local agency is to follow the procedures given in Chapter 5 "*Invoicing*", to obtain reimbursement of state or federal funds.

CONTRACT AMENDMENTS

Contract amendments are required to modify the terms of the original contract for changes such as extra time, added work, or increased costs. Only work within the original advertised scope of services shall be added by amendment to the contract. The addition of work outside the original advertised scope will make that work ineligible for state or federal reimbursement (see Q&As):

http://www.fhwa.dot.gov/programadmin/172qa_01.cfm.

There is no prescribed format for contract amendments. They may take the form of letter-type agreements meeting the legal requirements of the local agency, clearly outlining the changes and containing a mutually agreed upon method of compensation. Such agreements must conform to the requirements of this manual with regard to payment.

A consultant contract may be amended at any time prior to the expiration date of the original contract. The most common amendment is to extend the ending date of the contract. All contract amendments must be fully executed before the ending date of the contract. Failure to amend a contract prior to the ending date will make the subsequent costs ineligible for state and federal reimbursement.

For on-call consultant contracts, the amendment is restricted to the work/task order that has already been started by the consultant and can not include any new work.

All contract amendments must be in writing and fully executed by the consultant and local agency before reimbursable work begins on the amendment. If an emergency exists of such magnitude that a delay cannot be tolerated, the local agency and the consultant may agree on an amendment initiating the work, so that reimbursable work may begin. The initiating amendment is then followed by a final amendment once the full scope of the emergency work is known and agreed to by both parties. In both cases, sufficient funding should be included in the amendments to pay for all work to be performed by the consultant. The final amendment must be executed as quickly as possible. Failure to fully comply with this section may result in the loss of local agency funding.

If an amendment increases the contract to over \$1M then the procedures in either Case 2 or Case 3 under Section 10.3 "*A&E Consultant Audit and Review Process*" of this chapter, shall apply to the entire contract, and must be completed prior to execution of the contract amendment.

PERFORMANCE EVALUATION

Pursuant to 23 CFR §172.9(a) agencies are required to prepare an evaluation of the consultant when the project has been completed. The Contract Administrator evaluates the consultant's performance after the consultant's final report has been submitted, and the Contract Administrator has conducted a detailed evaluation with the consultant's project manager. See Exhibit 10-S "*Consultant Performance Evaluation*" for a suggested format for use by the local agency.

PROJECT RECORDS

Federal-Aid Highway Program funding recipients and sub-recipients must maintain adequate and readily accessible project performance and financial records, supporting documents, and other records considered pertinent to the grant agreement and in compliance with federal laws and regulations (e.g. 23 USC 112; 40 USC 1101-1104, 23 CFR 172, 48 CFR 31, and 49 CFR 18). These records shall be maintained for a minimum of three years following issuance of the final voucher from FHWA (forwarded by Caltrans) and the closure of all other pending matters (49 CFR 18.42(b)).

For audit purposes, project records and documentation shall be kept for three years after payment of the final state or federal voucher. Among the records to be retained are as follows (not an all inclusive list):

- Copies of RFPs and RFQs, changes, addendums, etc. and bidder's list;
- Documentation of DBE participation (including Exhibit 10-O1 "*Consultant Proposal DBE Commitment*" and 10-O2 "*Consultant Contract DBE Information*");
- Solicitation and advertisement records;
- Identification of selection committee members;
- Record of receiving proposals, statement of qualifications;

- Evaluation and ranking records such as original score sheets from all panel members, short list questions and other documentation (see Exhibit 10-B “*Suggested Consultant Evaluation Sheet*”);
- Independent cost estimate (prepared in advance of receipt of RFPs and RFQs);
- Record of negotiations (to include a separate negotiations of profit in accordance with federal guidelines);
- Conformance and Cognizant Agency Letters, when applicable;
- CPA-audited ICR Audit Report or Approved State DOT Cognizant ICR Letter, if any;
- Consultant Certification of Costs and Financial Management (Exhibit 10-K “*Consultant Certification of Contract Costs and Financial Management System*”) for contracts over \$150,000;
- Conformance Review Letter from A&I, if applicable. Document the resolution of deficiencies that were identified in the conformance letter;
- A&E Consultant Audit Request Letter and Checklist (Exhibit 10-A “*A&E Consultant Audit Request Letter and Checklist*”) for contracts over \$1,000,000, and all supporting documentations;
- Executed consultant contracts, cost proposals and amendments (see Exhibit 10-R “*A&E Sample Contract Language*” and Exhibit 10-H “*Sample Cost Proposal*”);
- Contract oversight and progress meeting documents;
- Progress and final payments, and supporting documentation;
- Performance evaluation (see Exhibit 10-S “*Consultant Performance Evaluation*”);
- Consultant contract checklists (see Exhibit 10-C “*Consultant Contract Reviewers Checklist*”);
- Accounting records documenting compliance with State and federal administrative requirements;
- Certifications and Conflict of Interest forms (Exhibit 10-T “*Panel Member Conflict of Interest & Confidentiality Statement*”, Exhibit 10-U “*Consultant in Management Position Conflict of Interest and Confidentiality Statement*” and Exhibit 10-Q “*Disclosure of Lobbying Activities*”, as appropriate).

10.9 MISCELLANEOUS CONSIDERATIONS

ENGINEERING SERVICES UNDER \$150,000

The procurement of consultant services by Small Purchase Procedures is in accordance with 23 CFR §172.5(a)(2) modified by FHWA Memorandum dated June 26, 1996, and 49 CFR 18.36(d).

Local agencies should be fully aware that consultant services costing in aggregate no more than \$150,000 per contract may be obtained through a relatively simple and informal method of procurement. This informal method must be sound and appropriate for the consulting services procured and the project files must contain justification for the selection. The method of procurement shall be an open and competitive process in selecting consultants and should consider a minimum of three different consultants whenever possible. The Brooks Act and the consultant audit process described in Section 10.3 “*A&E Consultant Audit and Review Process*” of this Chapter do not apply to consultant service contracts under \$150,000.

Although this method of procurement is informal, it must still comply with Sections 10.1 “General”, 10.2 “Identifying & Defining a Need for Consultants”, 10.8 “Completing the Project” and 10.9 “Miscellaneous Considerations”, of this Chapter.

Project splitting should not be used to take advantage of the small purchase procedure in order to circumvent the Brooks Act.

Summary of Required/Non Required Activities for Small Purchase Procedure

Required	Not Required
<ul style="list-style-type: none"> • Competitive process (collect three bids) • Conflict of interest determination • Assigned Contract Administrator • Defined scope of work/schedule of deliverables/start and end dates for contract • Defined deliverables/Prime and Subconsultant responsibilities • DBE goal for contract; Exhibits 10-O1, 10-O2 • Cost estimate prior to receiving bids • Best method of payment determination • Contract provisions/clauses • Evaluation of consultant, justification of selection • Contract management responsibilities 	<ul style="list-style-type: none"> • No RFP/RFQ • No Selection/Evaluation Panel • No evaluation criteria disclosure requirements • No record of costs/profit negotiations • No audit and review requirement of contract (no Exhibit 10-K)

Price or rate quotation may be considered in the selection of A&E consultants on contracts below \$150,000 and must be documented in the project files. Qualified small business firms shall be considered for selection on Federal-Aid and state reimbursed contracts. Additionally, on Federal-Aid contracts, qualified DBE firms shall be considered for selection, and the appropriate federal contract language shall be included.

The full amount of any contract modification or amendment that would cause the total contract amount to exceed the federal simplified acquisition threshold (currently established at \$150,000) would be ineligible for federal funding. Also, FHWA reserves the right to withdraw all Federal-Aid funding from a contract if it is modified or amended above the applicable established simplified acquisition threshold.

NONCOMPETITIVE NEGOTIATED CONTRACTS (SOLE-SOURCE)

Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals (49 CFR Part 18.36).

FHWA considers these types of contracts as “Sole Source” contracts and should be used only in very limited circumstances. A Public Interest Finding prepared by the local agency and approved by Caltrans is required before establishing these services (23 CFR 172.5; also see Exhibit 12-F “Request for Approval of Cost-Effectiveness/Public Interest Finding”).

Conditions under which noncompetitive negotiated contracts may be acceptable include:

- Only one organization is qualified to do the work;
- An emergency exists of such magnitude that cannot permit delay;
- Competition is determined to be inadequate after solicitation of a number of sources.

The local agency shall:

- Follow its defined process for noncompetitive negotiation;
- Develop an adequate scope of work, evaluation factors, and cost estimate before solicitation;
- Conduct negotiations to ensure a fair and reasonable cost.

The local agency must carefully document details of the special conditions, obtain Caltrans approval on a PIF and retain all documents in the project files for future Caltrans' or FHWA's review.

A PIF (see Exhibit 12-F "*Request for Approval of Cost-Effectiveness/Public Interest Finding*") is not required for a local agency to be reimbursed for contract administration activities associated with non-infrastructure type projects such as many Safe Routes to School or Transportation Alternatives Program projects. However, an indirect cost allocation plan must be approved in order to be reimbursed for this work (see <http://www.fhwa.dot.gov/legsregs/directives/policy/indirectcost.htm>).

PERSONAL SERVICES CONTRACTS

A personal services contract is characterized by the employer-employee relationship created between the local agency and the contract personnel who essentially perform similar duties as the employees. When personal engineering services less than \$150,000 or non-engineering consultant or vendor services for non-infrastructure programs are needed and state or federal reimbursement will be sought; these services may be obtained through Small Purchase Procedures up to a limit of \$150,000 each.

The \$150,000 is a cumulative limit for services provided by any individual consultant or consulting firm. Such services must be under the direction and control of a full-time employee of the local agency in responsible charge. Compensation for construction engineering services should be based on actual costs incurred, plus a fixed fee, or in the case of individual compensation on an agreed-upon hourly or daily rate. Lump sum payments should not be used for construction engineering services.

For personal service contracts, the following information must be documented by the local agency and retained in the project files:

- Explanation of the services needed, and why they cannot be provided by the local agency;
- Name and qualification of the consultant, who provided the services;
- Documentation of the fees showing how the fee was calculated, and that it is reasonable by comparative standards;
- Any other records needed to show compliance with Federal-Aid program regulations.

RETAINING A CONSULTANT AS AN AGENCY ENGINEER OR IN MANAGEMENT ROLE

A local agency may retain qualified consultants on its staff in professional capacities such as agency consultant engineers, architects, or public agency officials in a management role such as City Engineer (or equivalent). The agency consultants can be an individual or a firm providing professional or management services.

The use of a consultant in a management role should be limited to unique or very unusual situations. These situations require a thorough justification as to why the local agency cannot perform the management. Consultants used in management roles must be selected using the same procedures as those for other consultants specified in this chapter.

Eligibility for state or federal reimbursement for local agency engineering (or equivalent) services requires the following:

- Compliance with the selection procedures specified in this chapter;
- Existence of a contract between the local agency and the consultant specifying the local agency engineering services to be performed;
- Written designation by the local agency of the responsibilities and authority of the consultant as an agency engineer;
- Completion by the consultant designated as an agency engineer of the conflict of interest for public agency officials "Form 700" as required by State law;
- For a state funded or Federal-Aid project, completion of Exhibit 10-T "*Panel Member Conflict of Interest & Confidentiality Statement*" by all members (both consultants and employees) prior to participating in the A&E Selection Panel pertaining to the specific selection process and the firms being considered;
- For a state funded or Federal-Aid project, a local agency consultant in a management role shall not:
 - Participate in, or exercise authority over the A&E selection process, if that consultant's firm is one of the proposing firms, or subconsultant to a proposing firm;
 - Participate in, or exercise authority over management of work performed by the consultant's firm, or to a consultant's firm of which the local agency consultant firm is a subconsultant. This would include, but not be limited to, managing or directing the work, approving changes in the schedule, scope, or deliverables; and approving invoices.
 - Apply for or receive reimbursement of Federal-Aid funds for the local agency's Federal-Aid project if either of the foregoing has occurred. However reimbursement for the construction contract portion of the project will still be allowed provided all other Federal-Aid requirements have been met.
 - Where benefiting more than a single Federal-Aid project, allocability of consultant contract costs for services related to a management role shall be distributed consistent with the cost principles applicable to the contracting agency in 49 CFR 18.22.
- For a state funded or Federal-Aid project, completion of Exhibit 10-U "*Consultant in Management Position Conflict of Interest and Confidentiality Statement*" by all consultant engineering staff in management positions that exercise authority over the A&E selection panel pertaining to the specific selection process and the firms being considered.
- A completed Exhibit 10-U "*Consultant in Management Position Conflict of Interest and Confidentiality Statement*" form shall be submitted to the DLAE by the local agency concurrently with submitting the request for the funding authorization of an A&E contract which will contain state or federal funds.
- Selection of consultants for A&E management positions shall be by the use of qualification based selection procedures on an open and competitive basis resulting in a contract with defined beginning and ending dates not to exceed five years.

All consultants acting in a management role must complete Exhibit 10-U "*Consultant in Management Position Conflict of Interest and Confidentiality Statement*" and retain it in the local agency files.

If engineering services for a project are within the scope of the services described in the retained consultant's contract, these services may be performed by the person or firm designated as an agency engineer. If the services are not within the scope, eligibility for state or federal reimbursement for these services require a new consultant contract to be developed using the selection procedures in this chapter. Retained consultants involved in the preparation of the RFP or RFQ shall not be considered in the selection of consultants for the resulting project specific work.

When engineering or architectural consultants are procured with Federal-Aid funds, the local agency (subgrantee) shall fully comply with the following:

- Subparagraphs of 49 CFR §18.36(b)(2) "...maintain a contract administration system...."; and (3) "...maintain a written code of standards.... No employee, officer or agent of the ...subgrantee shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved...."
- Subparagraph of 23 CFR §172.9(d) "Consultant in management roles," requires that if a local agency has or intends to have a consultant in a management role (except as the designated public official, City Engineer or equivalent, as provided for under the terms of the local agency contract), the local agency shall receive approval from Caltrans. In addition, any Federal-Aid projects designated as "High Profile" projects may also need approval from FHWA.
- Liability insurance should normally be required from the consultant (errors and omissions, etc.).

CONSTRUCTION ENGINEERING SERVICES

Under Federal-Aid regulations and state policy, the primary responsibility for general supervision of construction must remain with the local agency. The local agency must also ensure that the work is performed in accordance with the approved plans and specifications, by employing or retaining as a consultant a registered engineer for construction engineering services on the project.

All construction engineering activities performed by a consultant must be under the overall supervision of a full-time employee of the agency. These activities may include preparation of contract change orders, construction surveys, foundation investigations, measurement, and computation of quantities, testing of construction materials, checking of shop drawings, preparation of estimates, reports, and other inspection activities necessary to ensure that the construction is being performed in accordance with the plans and specifications. The construction engineering consultant's contract defines the relative authorities and responsibilities of the full-time employee of the local agency in charge of the project and the consultant's construction engineering staff.

If a technical inspection consultant is to provide professional assistance to the local agency, a formal consultant contract must be executed which follows this chapter's requirements. The contract shall provide for reviews at appropriate stages during performance of the work to determine if any changes or other actions are warranted. These reviews are to be made by the local agency.

10.10 REFERENCES

- 23 CFR, Part 172 – Administration of Engineering and Design Related Service Contracts

- 40 USC, Section 1104 – Brooks Act
- 41 CFR – Public Contracts and Property Management
- 41 USC – Public contracts
- 23 USC – Letting of Contracts
- 48 CFR, Chapter 1, Part 15.404
- 48 CFR, Chapter 1, Part 31
- Title 48, Part 16 – Types of Contracts
- 48 CFR 27, Subpart 27.3 – Patent Rights under Government Contracts
- 48 CFR 31.201-3
- 48 CFR, Chapter 99 – Cost Accounting Standards, Subpart 9900
- 49 CFR, Part 18
- 49 CFR, Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs
- American Association of State Highway and Transportation Officials (AASHTO) Uniform Audit and Accounting Guide
- Caltrans Division of Procurement and Contracts Website
- California Labor Code, Section 1775
- Government Auditing Standards (GAS) issued by the United States Government Accountability Office
- Government Code Sections 4525 through 4529.5
- OMB Circular A-110 – Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- Standard Environmental Reference (SER)

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - PUBLIC WORKS - DPW Dept. Code: DPW

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Engineering and Environmental Services for the Islais Creek Bridge Rehabilitation Project

Funding Source: Local Highway Bridge Program PSC Duration: 5 years 4 weeks
PSC Amount: \$5,000,000 PSC Est. Start Date: 03/01/2014 PSC Est. End Date: 03/31/2019

1. Description of Work

A. Scope of Work:

The selected consultant ("consultant") will perform a full range of highly specialized services for the Islais Creek Bridge Rehabilitation Project ("Project"). The Project requires specialized engineering and environmental consultants with expertise in complex, major infrastructure projects, particularly seismic retrofit and rehabilitation of bascule bridges over water with a strong environmental/regulatory component. The consultant will perform the work in three phases. Phase 1 consists of a condition survey of the bridge, preliminary engineering, and environmental studies. Phase 2 consists of detailed design and preparation of construction documents. Phase 3 consists of providing engineering support during construction.

B. Explain why this service is necessary and the consequence of denial:
Please see additional attachment.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
Specialized environmental services for major infrastructure projects are routinely provided by consultants who possess unique qualifications. The most recent personal services contracts for similar work was approved via PSC# 4093-06/07 on February 5, 2007 for the SF General Hospital Rebuild Program and PSC# 4011-13/14 on August 5, 2013 for the Better Market Street Project.

D. Will the contract(s) be renewed? No

2. Union Notification: On 12/09/2013, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 42606 - 13/14

DHR Analysis/Recommendation: 02/03/2014

Commission Approval Required

DHR Approved for 02/03/2014

Approved by Civil Service Commission with conditions

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:
Please see additional attachment.

B. Which, if any, civil service class(es) normally perform(s) this work?
5203,5207,5212,5211,5241,5218,5219,528X,5298,5299,5620,5642,5644,5277,5278,5283,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
Yes. The consultant will provide facilities, equipment, and computer software for analyses needed for the work.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The broad and specialized scope of the necessary engineering and environmental services exceeds the City's current capabilities of staff and equipment. The work of consultants will also augment the work of the City's engineers and planners. The City's engineers and planners who are experienced with the work will review and substantiate that the engineered design and environmental analysis, respectively, are in conformance with Federal, State, and local requirements.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.
Please see additional attachment.

5. Additional Information (if "yes", attach explanation)

YES NO

- A. Will the contractor directly supervise City and County employee? YES NO
- B. Will the contractor train City and County employee? YES NO
- C. Are there legal mandates requiring the use of contractual services? YES NO
- D. Are there federal or state grant requirements regarding the use of contractual services? Please see attached document. YES NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 01/08/2014 BY:

Name: Sung Kim Phone: 415-554-6417 Email: sung.kim@sfdpw.org

Address: 1155 Market Street, 4th Floor San Francisco, CA

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: AIRPORT COMMISSION -- AIR Dept. Code: AIR

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular [] Omit Posting

Type of Service: PMSS and DB Services for the Airport AirTrain Extension and Improvements Program

Funding Source: Airport Capital Funds PSC Duration: 3 years 28 weeks

PSC Amount: \$130,000,000 PSC Est. Start Date: 06/15/2015 PSC Est. End Date: 12/31/2018

1. Description of Work

A. Scope of Work:

Project Management Support Services (PMSS) and Design Build (DB) service teams with elevated people-mover guideway and operating system experience is required to manage the design and construction of the Airport AirTrain Extension projects. Services to be provided include project controls, scheduling, document control, design management, contracts management, Architectural and Engineering (AE) design services, furnishing and installing AirTrain Operating System components at new stations and guideway areas, Train Control System modifications, and construction of the AirTrain Extension and Stations. The AirTrain Extension and Improvements Program includes: 1) the Airport AirTrain Extension to Lot DD, 2) the AirTrain Stations at Long Term Parking Lot DD and at the Airport Hotel, and 3), new AirTrain Operating System work, 4) Modifications to the Train Control System, and 5) PMSS for oversight of all scope (Professional Services).

B. Explain why this service is necessary and the consequence of denial:

The Airport AirTrain Extension Program extends and supports Airport facilities such as the Terminals, Parking Garages, Rental Car Center, and in the future, the Airport Hotel, and the Long Term Parking Garages and new Rental Car Center. The Long Term Parking Garage and Airport Hotel projects are beginning and the AirTrain extension to both Long Term Parking Garages, and to the new Hotel, must be coordinated to align with those project completion dates. If the services for the AirTrain Extension Program are denied or delayed, a less desirable passenger experience from the Long Term Parking garages and Hotel using buses will continue or begin, and Airport revenue may be lost as a result.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. This is a new service.

D. Will the contract(s) be renewed? Yes, if there continues to be a need for services at the Airport.

2. Union Notification: On 04/03/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46544 - 14/15

DHR Analysis/Recommendation: Commission Approval Required DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Architect and engineers with specialized skills, knowledge, and expertise in elevated people mover development, design management, elevated station design, and guideway operating system modifications and development are required. Project management experience developing and overseeing elevated transportation system projects is essential as well.

B. Which, if any, civil service class(es) normally perform(s) this work?

5201,5203,5207,5209,5211,5212,5214,5215,5216,5218,5219,5241,5260,5261,5265,5266,5268,5502,5506,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The existing Civil Service classifications do not have the required expertise and specialized skills necessary for the development, project and construction management of elevated people mover systems.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

The extension of the Airport's AirTrain people mover system and addition of AirTrain stations does not occur frequently enough to adopt a permanent civil service class.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? Training will not be provided as part of these services.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/20/2015 BY:

Name: Cynthia Avakian Phone: 650-821-2014 Email: cynthia.avakian@flysfo.com

Address: PO Box 8097 San Francisco, CA 94128

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of cynthia.avakian@flysfso.com
To: [Cynthia Avakian \(AIR\)](mailto:Cynthia.Avakian@AIR); richardisen@gmail.com; 121PSCReview@ifpte21.org; [Lisa Randall \(AIR\)](mailto:Lisa.Randall@AIR); [Isen, Richard \(TIS\)](mailto:Isen, Richard (TIS)); [DHR-PSCCoordinator.DHR \(HRD\)](mailto:DHR-PSCCoordinator.DHR@HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 46544 - 14/15
Date: Friday, April 03, 2015 11:35:16 AM

RECEIPT for Union Notification for PSC 46544 - 14/15 more than \$100k

The AIRPORT COMMISSION -- AIR has submitted a request for a Personal Services Contract (PSC) 46544 - 14/15 for \$130,000,000 for Initial Request services for the period 06/01/2015 -- 12/31/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4741> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: BOARD OF SUPERVISORS -- BOS Dept. Code: BOS

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Radio Broadcast Services

Funding Source: Department's General Fund Budget PSC Duration: 3 years
PSC Amount: \$225,000 PSC Est. Start Date: 07/01/2015 PSC Est. End Date: 06/30/2018

1. Description of Work

A. Scope of Work:

On April 15, 2014, the Board of Supervisors passed Motion No. M14-057, directing the Clerk of the Board to prepare a Request for Qualifications (RFQ) to enable a radio station to broadcast the weekly San Francisco Board of Supervisors meetings. This PSC is requested to authorize the contract resulting from that RFQ process.

B. Explain why this service is necessary and the consequence of denial:

These broadcast radio services were requested by the Board of Supervisors in order to provide members of the public with a widely accessible means to actively engage in City government by staying informed of the legislative and policy matters under review and consideration by the Board. If this PSC request is denied, the Office of the Clerk of the Board will not be able to procure these services as directed by the Board.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
These services were previously provided via a grant from the City's Grants for the Arts Program.

D. Will the contract(s) be renewed? Yes.

2. Union Notification: On 04/14/2015, the Department notified the following employee organizations of this PSC/RFP request: Theatrical Stage Employees, L16, Professional & Tech Engrs, SFAPP, Professional & Tech Engrs, Local 21, Prof & Tech

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49160 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:
 Required skills and expertise include a valid radio broadcast station license issued by the Federal Communications Commission (FCC), a broadcast coverage area that reaches the geographic boundaries of the City, at least ten years of radio broadcast experience, including at least two years of prior experience airing government meetings, and requirements pertaining to community-oriented programming. The station must also have staff with sufficient technical expertise and experience to perform the work requested.

B. Which, if any, civil service class(es) normally perform(s) this work?
 1766,1767,1769,1781,1777,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
 Yes, the Contractor will provide all technical staff and equipment needed and required to sustain and transmit a high sound quality broadcast of the Board's legislative proceedings.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The civil service classes noted above do not specifically perform work associated with the technical support or production of live remote radio broadcasts. Additionally, as noted above, the City does not own and operate a radio station that would allow City employees to provide this service.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No, it would not be practical for the City to adopt a new Civil Service class to perform this work without additionally acquiring the infrastructure, equipment, authorization, and licenses needed to fully own and operate a radio station.

5. Additional Information (if "yes", attach explanation)

	YES	NO
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 05/18/2015 BY:

Name: Ambi Bohannon Jones Phone: 415-554-4446 Email: ambi.bohannonjones@sfgov.o

Address: 1 Dr. Carlton B. Goodlett Place, City Hall, Rm San Francisco, CA 94102

Receipt of Union Notification(s)

Bohannon Jones, Ambi (BOS)

From: Bohannon Jones, Ambi (BOS)
Sent: Tuesday, April 14, 2015 3:22 PM
To: 'jb@local16.org'
Cc: DHR-PSCCoordinator, DHR (HRD)
Subject: FW: Receipt of Notice for new PCS over \$100K PSC # 49160 - 14/15

Hello Mr. Beaumonte,

Please see the notice below.

Thank you,

Ambi

~

Ambi Bohannon Jones
Administration and Finance Manager
Office of the Clerk of the Board
San Francisco Board of Supervisors
Phone: (415) 554-4446
Fax: (415) 554-7714
Ambi.BohannonJones@sfgov.org

—Original Message—

From: dhr-psccordinator@sfgov.org [<mailto:dhr-psccordinator@sfgov.org>] On Behalf Of ambi.bohannonjones@sfgov.org
Sent: Tuesday, April 14, 2015 3:13 PM
To: Bohannon Jones, Ambi (BOS); L21PSCReview@ifpte21.org; Bohannon Jones, Ambi (BOS); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 49160 - 14/15

RECEIPT for Union Notification for PSC 49160 - 14/15 more than \$100k

The BOARD OF SUPERVISORS – BOS has submitted a request for a Personal Services Contract (PSC) 49160 - 14/15 for \$225,000 for Initial Request services for the period 07/01/2015 – 06/30/2018. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4660> For union notification, please see the

Additional Attachment(s)

1 [Preparation of a Request for Qualifications to Broadcast Meetings of the Board of
2 Supervisors - Not to Exceed \$150,000]

3
4 **Motion directing the Clerk of the Board to prepare a request for qualifications to enable**
5 **a radio station to broadcast weekly San Francisco Board of Supervisors meetings for**
6 **an amount not to exceed \$150,000.**

7
8 WHEREAS, The Board of Supervisors values open government and San Franciscans'
9 civic engagement; and

10 WHEREAS, Currently, members of the public may only follow the proceedings of the
11 Board of Supervisors by attending meetings in person, utilizing cable television, or through the
12 internet; and

13 WHEREAS, Radio is a free and accessible medium that promotes public access to the
14 government's work; and

15 WHEREAS, Meetings of the Board of Supervisors were previously broadcast on the
16 radio, most recently by KPOO; now, therefore, be it

17 MOVED, That this Board directs the Clerk of the Board to prepare a request for
18 qualifications to enable a radio station to broadcast weekly San Francisco Board of
19 Supervisors meetings and to implement the plan for such broadcasts for an amount not to
20 exceed \$150,000 and that stations with community-oriented programming and prior
21 experience airing government meetings.



City and County of San Francisco

Tails

Motion: M14-057

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 140160

Date Passed: April 15, 2014

Motion directing the Clerk of the Board to prepare a request for qualifications to enable a radio station to broadcast weekly San Francisco Board of Supervisors meetings for an amount not to exceed \$150,000.


April 09, 2014 Budget and Finance Committee - RECOMMENDED

April 15, 2014 Board of Supervisors - APPROVED

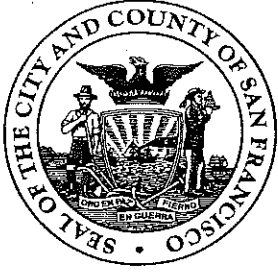
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140160

I hereby certify that the foregoing Motion was APPROVED on 4/15/2014 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



**Request for Qualifications
for
Radio Broadcast Services**

RFQ No. 01-2015

**City and County of San Francisco
Board of Supervisors
Office of the Clerk of the Board**

Request for Qualifications No. 01-2015

Date of Issue: Monday, April 6, 2015

Response Packages are due on Monday, April 27, 2015 by 5:00 p.m.

7 copies of the completed response package should be submitted to:

Office of the Clerk of the Board
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102 – 4689

Attention: Ambi Bohannon Jones

HAND DELIVERY RECOMMENDED

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- Attachment I: Acknowledgement of RFQ Terms and Conditions
- Attachment II: P-500 Professional Services Agreement
- Attachment III: City’s Administrative Requirements
- Attachment IV: Local Business Enterprise (LBE) Forms

Background

The Board of Supervisors is the legislative branch of the City and County of San Francisco (CCSF or "The City"). The Board consists of 11 members elected on a non-partisan basis from a district where he or she lives. The Board of Supervisors' regularly scheduled meetings are held at 2:00 p.m. on Tuesdays of each week. These meetings are currently transmitted to the public online via <http://sfgovtv.org/> and on television Cable Channel 26. On April 15, 2014, the Board of Supervisors passed Motion No. M14-057, directing the Clerk of the Board to prepare a Request for Qualifications (RFQ) to enable a radio station to broadcast the weekly San Francisco Board of Supervisors meetings.

Project Description

The Office of the Clerk of the Board seeks responses from firms that are qualified to provide all of the labor, equipment, and technical expertise needed to provide weekly, pre-scheduled, live, uninterrupted, high-sound quality radio broadcasts of the San Francisco Board of Supervisors meetings, in their entirety, on Tuesdays at 2:00 p.m. These radio broadcast services are requested to provide members of the public with a widely accessible means to actively engage in City government by staying informed of the legislative and policy matters under review and consideration by the Board of Supervisors.

Based on responses to this RFQ, it is the intent of the Office of the Clerk of the Board to create a pre-qualified pool of radio stations from which the Board of Supervisors may choose a prospective Respondent to air the weekly Board of Supervisors meetings. Please note that there is no guarantee of work or compensation for any of the Respondents selected for pre-qualification. This pre-qualified list may be used by the City and County of San Francisco at its sole and absolute discretion. The City reserves the right to procure services similar or identical to the services specified in this RFQ by any other means. No pre-qualified Respondent is guaranteed a contract. Prospective Respondents are encouraged to read this RFQ in its entirety.

RFQ Timeline

RFQ timeline dates are subject to change. Please visit www.sfbos.org/contractingopportunities to obtain the latest schedule.

RFQ Issued	Monday, April 6, 2015
Technical Overview and Tour	Friday, April 10, 2015 at 10:00 a.m.
Deadline for RFQ Questions	Tuesday, April 14, 2015 at noon
Deadline for RFQ Answers	Tuesday, April 21, 2015 at 5:00 p.m.
Response Packages Due (No Exceptions)	Monday, April 27, 2015 by 5:00 p.m.
Pre-Qualification Status Notification Date	Tuesday, May 12, 2015 by 5:00 p.m.
Appeal Period Ends (No Exceptions)	5 Business Days After Pre-Qualification Notification

RFQ No. 01-2015 | Radio Broadcast Services

The pre-qualification list resulting from this RFQ will be active for two (2) years from the Pre-Qualification Status Notification Date (May 12, 2015). The Office of the Clerk of the Board may use this RFQ to justify contracts with a term start date within the two-year timeframe and for any necessary amendments to those agreements. The term of the agreements, and amendments, does not need to conclude within the two-year timeframe.

There is no Local Business Enterprise (LBE) subcontracting requirement for this RFQ or for the contracts awarded from this RFQ. LBEs, however, are strongly encouraged to submit proposals and will be eligible for rating discounts.

Technical Overview, Questions, and Communications

Technical Overview

The Office of the Clerk of the Board will provide an **optional** pre-response technical overview and tour of the Board of Supervisor's Legislative Chamber (City Hall, Room 250) on Friday, April 10, 2015 at 10a.m. for prospective respondents who want to see the physical layout of the Board Chamber and understand the technical infrastructure currently available to support a live remote radio broadcast. Attendees should meet promptly at 10a.m. in City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 to sign-in for the technical overview and tour.

While the City will consider the full range of on-and-off-site technical options available to provide this service, prospective Respondents are reminded to propose options that will result in uninterrupted high-sound quality radio broadcast coverage of the weekly Board meetings, as requested by this RFQ. To the extent possible, prospective respondents are also strongly encouraged to propose radio broadcast options that minimize, or completely eliminate, the logistical impact and footprint associated with the transport, placement, installation, set-up, and removal of broadcast equipment in the Chamber.

Questions

In order to ensure fair and equal access to information about this RFQ, please e-mail your RFQ questions to Ambi.BohannonJones@sfgov.org. All questions must be in writing and received by the Deadline for RFQ Questions (Noon on Tuesday, April 14, 2015). No questions will be accepted after this time, with the exception of City vendor requirement questions. No telephone questions will be answered.

A consolidated list of questions and answers pertaining to this RFQ will be posted on the San Francisco Board of Supervisors' website at www.sfbos.org/contractingopportunities, the Office of Contract Administration's website at <http://sfgsa.org/index.aspx?page=359>, and emailed to all known prospective respondents by the Deadline for RFQ Answers (5:00pm on Tuesday, April 21, 2015). Periodic posting of questions and answers may occur prior to the deadline. Prospective respondents are encouraged to review these websites periodically and to incorporate guidance, as appropriate.

Communications

Interested parties are directed **NOT** to contact any employees or officials of the City regarding this solicitation other than those specifically designated in this RFQ and its associated attachments. Questions regarding the City's vendor and/or administrative compliance requirements or processes may be directed to the responsible department.

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 pre-qualified list of radio stations, in accordance with specified evaluative criteria, to provide radio broadcast services as described below.

1. **Airtime:** The Contractor will provide live, uninterrupted, commercial-free, high-sound quality radio broadcasts of the pre-scheduled weekly San Francisco Board of Supervisors meetings on Tuesdays beginning at 2:00pm and lasting through the duration of the entire meeting. The Contractor should be prepared for meeting cancellations, recesses, closed sessions, special meetings, and other events that may impact the regularly scheduled meetings of the Board. The duration of Board meetings can be unpredictable depending on the length of the legislative agenda and the nature and complexity of the items before the Board.

In FY 2013/14, the duration of a Board meeting ranged from one hour and seven minutes (1hr, 7 minutes) to nine hours and eight minutes (9hrs, 8 minutes), with the average meeting lasting three hours and 27 minutes (3hrs, 27 minutes). Contractors should visit http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=10 to view archived video of meetings of the Board of Supervisors for additional information and to familiarize themselves with the overall flow of the Board's legislative proceedings.

2. **Personnel and Equipment:** The Contractor will provide all technical staff and equipment needed and required to sustain and transmit a high-sound quality radio broadcast of the Board's legislative proceedings and additionally provide baseline commentary to describe events for listeners when there is no audio associated with these activities. The City will consider the full range of on-and-off-site technical options available to provide this service.
3. **Broadcast Coverage, Capacity, and Confirmation:** The Contractor will have sufficient broadcast coverage, transmission strength, and technical capabilities to minimally reach the geographic boundaries of the City and County of San Francisco, although a broader reach is preferred. Upon request, and at no cost to the City, the Contractor shall also be able to provide broadcast confirmation of each Board of Supervisors meeting in a manner determined by the City, including transcript, audio recording, or station/broadcast logs and records.

4. **Archiving:** Quarterly, the Contractor shall provide the Office of the Clerk of the Board with an uncompressed audio file (.wav or .MP3) of each Board of Supervisors meeting broadcast during the course of the City's Fiscal Year for archival and public information purposes.

Minimum Qualifications

In order for the proposal to be considered responsive to this RFQ, the Contractor must possess and address in their response the following minimum qualifications:

1. **Authorization:** A valid radio broadcast station license, including any other required instrument of authorization, issued by the Federal Communications Commission (FCC);
2. **Broadcast Coverage:** A broadcast coverage area that, minimally, reaches the geographic boundaries of the City and County of San Francisco;
3. **Experience:** A least ten years of radio broadcast experience, including at least two years of prior experience airing government meetings;
4. **Community-Oriented Programming:** Must demonstrate a strong commitment to supporting and a consistent track record of providing community-oriented programming, as defined. Current radio broadcast content must include significant and substantive community-oriented programming. For the purposes of this RFQ, community-oriented programming refers to radio content that is created, in whole or in part, by volunteers who are not paid professionals. Such content should reflect the stories and experiences of individuals, groups, and communities living in the City and County of San Francisco and have an emphasis on the core values of diversity, localism, and community building; and,
5. **Personnel:** Must currently have personnel on staff with sufficient technical expertise and experience to perform the work requested by the City pursuant to this RFQ.

Response Requirements

Time and Place for Submission of Responses

Respondents must provide seven (7) copies of the response package in total: one (1) original response package and six (6) complete copies. Response packages must be received by 5:00 p.m. on Monday, April 27, 2015. Responses may be delivered to the Reception Desk in the Office of the Clerk of the Board located at City Hall, Room 244 or mailed to:

Office of the Clerk of the Board
Attention: Ambi Bohannon Jones
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

RFQ No. 01-2015 | Radio Broadcast Services

Postmarks will not be accepted in lieu of this requirement. Submissions by fax or e-mail will not be accepted. Late submissions will not be considered, including those submitted late due to mail or delivery service failure. Please note that Respondents hand-delivering responses to City Hall may be required to open or otherwise make packages accessible for examination by security staff.

Response Package

To be considered complete, the following items **shall** be included in your response and packaged in an envelope or box clearly marked **RFQ No. 01-2015 Radio Broadcast Services**:

1. **Response Cover Letter and RFQ Point of Contact.** The Respondent must provide a response cover letter on station letterhead that includes all pertinent contact information for the Respondent, designates an individual to be the RFQ Point of Contact to receive e-mail notifications and other communications regarding the RFQ process, and provides contact information for this designee. The RFQ Point of Contact should be someone authorized by the Respondent to make representations for the Respondent and to obligate the Respondent to perform the commitments contained in its response package.
2. **Signed Acknowledgement of the RFQ Terms and Conditions.** The Respondent must provide a signed Acknowledgement of the RFQ Terms and Conditions (Attachment I).
3. **Completed and Signed Contract Monitoring Division (CMD) Forms 2A, 3 and 5 (and Form 4 if the Respondent is submitting a Joint Venture proposal).** The Respondent must complete, sign, and provide the applicable CMD Forms detailed in Attachment IV.
4. **Copy of a Valid Radio Broadcast License.** The Respondent must provide a copy of the station's valid radio broadcast license, including copies of any other required instrument of authorization, issued by the FCC.
5. **Broadcast Coverage/Service Area Map and Studio and Transmitter Location.** The Respondent must provide a copy of a broadcast coverage/ service area map that accurately reflects the station's service contours and broadcast reach. This map should clearly indicate that the Respondent's broadcast reach minimally includes the geographic boundaries of the City and County of San Francisco. The address of the station's main studio and transmitter location should also be provided. Broadcast coverage/service area maps can be obtained from the following FCC websites:
 - o AM Radio Stations: <http://www.fcc.gov/encyclopedia/am-query-broadcast-station-search>
 - o FM Radio Stations: <http://www.fcc.gov/encyclopedia/fm-query-broadcast-station-search>
6. **Listenership.** The Respondent must provide an estimate of their average monthly radio listenership in the San Francisco-Oakland-San Jose Designated Market Area (DMA) for January 2015 and February 2015. The Respondent's listenership figures may also

RFQ No. 01-2015 | Radio Broadcast Services

include individuals who access the Respondent's radio content online, however, such figures should be reported separately.

7. **Station Qualifications.** The Respondent must provide a written statement that:
- Summarizes the Respondent's radio broadcast experience and expertise and clearly explains how those qualifications make the Respondent uniquely qualified to provide the radio broadcast services requested by the City. Respondents should give specific examples of their radio broadcast work, particularly with respect to airing government meetings, and be mindful to address the minimum qualifications noted above pertaining to experience and community-oriented programming. An annotated copy of the Respondent's Calendar Year 2014 weekly program guide or schedule indicating which shows are classified as community-oriented programming should also be provided.
 - Details the logistics and technical requirements of the proposed on-or-off-site radio broadcast solution and expressly explains how the proposed solution will result in uninterrupted high-sound quality radio broadcast coverage of the weekly Board meetings;
 - If an on-site radio broadcast solution is proposed, the Respondent should also detail any and all installation requirements and provide a description of their impact on the Board's Legislative Chamber.
8. **Staff Qualifications and Proposed Staffing Structure.** The Respondent must provide the resumes of key staff members, including those of the individuals proposed to perform services for the City. These resumes should detail the individuals' education, experience, qualifications, and any other relevant information that demonstrates their ability to skillfully perform the services requested by the City. The Respondent should also provide a proposed staffing structure to support the services requested.
9. **Estimated Cost.** The Respondent must provide the total estimated itemized annual Fiscal Year cost of providing the services requested by this RFQ based on an estimated 40 Board meetings per Fiscal Year.
10. **Professional Letters of Reference.** The Respondent must provide three (3) professional letters of reference from individuals, entities, or organizations who can speak to the quality of the respondent's work, as well as adherence to contractual obligations and deliverables. Professional letters of reference should not be obtained from current employees and/or other individuals who have an established relationship of mutual trust and confidence with the Respondent.

UNEXPLAINED OMISSIONS IN THE RESPONSE PACKAGE MAY DISQUALIFY THE ENTIRE RESPONSE PACKAGE FROM REVIEW.

Complete but concise responses are recommended for ease of review by the Evaluation Team. Responses should provide a straightforward and clear description of the Respondent's capabilities to satisfy the requirements of the RFQ. All marketing and promotional information should be excluded.

Each of the seven (7) individual response packages should be contained in a separate 1-inch ring binder with ten (10) labeled paper tab dividers separating each of the required response package components noted above. In an effort to conserve resources, please print double-sided to the maximum extent practical. Please do not bind your proposal with a spiral binding, glued binding, or anything similar. All pages, figures, maps, and tables should be numbered and clearly labeled.

Evaluation Criteria

This section describes the guidelines that will be used to evaluate the response packages received and to select Respondents for pre-qualification. It is the City's intent to pre-qualify Respondents that present the best overall qualifications to the City, inclusive of cost considerations. **Respondents selected for pre-qualification 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 that the pre-qualified list is inadequate to satisfy its needs.

Evaluation Team

The Evaluation Team will be responsible for evaluating Respondents and will be comprised of City staff and other subject matter experts with specialized knowledge regarding the services requested by this RFQ. Specifically, the team will be responsible for the review, evaluation, and rating of the response packages received for pre-qualification.

Minimum Qualifications

Any response package that does not demonstrate that the Respondent meets the Minimum Qualifications outlined above by the response deadline will be considered non-responsive and will not be evaluated or eligible for award of any subsequent contract(s).

Evaluation Criteria for Pre-Qualification

Each RFQ response package that meets the Minimum Qualifications outlined above will be evaluated in accordance with the criteria below. A Respondent must receive an average score of 70 points or above, out of the 100 total possible points, to be pre-qualified to provide the radio broadcast services requested by the City. There is no numerical limit to the number of firms that may be pre-qualified. At any time during the evaluation process, the City may require a Respondent to provide oral or written clarification of its response. However, the City reserves the right to create the pre-qualified pool of vendors without further clarification of the responses received.

Station Qualifications – 40 points

- a) Response clearly summarizes the Respondent's qualifications and clearly demonstrates how those qualifications will be used to successfully provide the radio broadcast services requested by the City. Response gives specific examples of the Respondent's applicable and relevant work and specifically addresses prior experience airing government meetings. (15 points)
- b) Response clearly demonstrates the Respondent's understanding of the resources and equipment required to provide the services requested by this RFQ, specifically explains how the proposed solution will result in uninterrupted high-sound quality radio broadcast coverage of the weekly Board meetings, and expressly details the logistics and technical requirements associated with implementing the proposed on-or-off-site radio broadcast solution. All installation requirements and a description of their impact on the Board's Legislative Chamber have also been provided, if applicable. (15 points)
- c) Response clearly demonstrates the Respondent's strong commitment to supporting and consistent track record of providing community-oriented programming. The Respondent's Calendar Year 2014 weekly program guide or schedule includes significant and substantive community-oriented content. (10 points)

Staff Qualifications – 30 points

- d) The qualifications and educational backgrounds of key staff members, including those proposed to perform the services requested by the City, are adequate and appropriately demonstrated. (20 points)
- e) The staffing structure proposed to support the services requested is sufficiently detailed, reasonable, and appropriate. (10 points)

Estimated Cost – 20 points

- a) The total estimated annual Fiscal Year cost is sufficiently detailed, reasonable and appropriate. All total estimated annual Fiscal Year costs are itemized and clear. (20 points)

Completeness of Response Submission – 10 points

- a) Response conforms with RFQ response requirements and concisely, but comprehensively, addresses each of the required components. (5 points)
- b) Response is professionally presented and contains organized content and format. (5 points)

Contractor Selection Processes

Respondents scoring an average of 70 points and above will be added to a pre-qualified list of Respondents that are eligible to provide the radio broadcast services requested by this RFQ. All Respondents will be notified of their pre-qualification status in writing. Receipt of a pre-qualification notification letter by the Respondent is not a promise to contract for services.

Following the designated appeal period, the pre-qualified list of Respondents will be presented to the Board of Supervisors for their review and consideration. The Board of Supervisors reserves the right to select any or none of the pre-qualified Respondents to engage in contract negotiations with the Clerk of the Board for the purposes of providing radio broadcast services.

Appeals

Following the review, notification, and announcement of the pre-qualified Respondents, the Office of the Clerk of the Board will accept appeals regarding the evaluative process and the selection of pre-qualified Respondents. All appeals must be in writing and addressed to:

Office of the Clerk of the Board
Attention: Ambi Bohannon Jones
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

The reason for the appeal must include citation of the law, rule, regulation, or practice upon which the appeal is based. Appeals must be received within five (5) business days from the date of the pre-qualification status notification letter. If the City determines that a meeting with the Respondent is necessary, such meeting will be scheduled within five (5) business days of the receipt of an appeal to review and attempt to resolve the appeal. If the City determines that a meeting with the Respondent is not necessary, at a minimum, the Respondent will receive a written response to the appeal within ten (10) business days of the submission of a timely appeal. The decision of the Clerk of the Board on all appeals is final and all affected parties will be notified of the outcome in writing.

General Information

1. The Respondent's RFQ response package may not be altered in any way after the submission deadline. The Respondent may revise a response on the Respondent's own initiative at any time before the submission deadline. The Respondent must submit the revised response in the same manner as the original. A revised response must be received on or before the submission deadline. In no case will a statement of intent to submit a revised response, or commencement of a revision process, extend the submission deadline for any Respondent.

RFQ No. 01-2015 | Radio Broadcast Services

2. The Respondent agrees that the response package, and all associated materials submitted in response to RFQ No. 01-2015 for Radio Broadcast Services, become the property of the City and County of San Francisco, and may be returned only at the option of the City and at the Respondent's expense.
3. In accordance with the City's Sunshine Ordinance (San Francisco Administrative Code §67.24(e)), all response package materials submitted in response to RFQ No. 01-2015 for Radio Broadcast Services may be subject to public review upon written request. Specifically, the ordinance requires that all contracts, contractors' bids, responses to solicitations and all other records of communications between 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 or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request. The Respondent understands that any writing presented under this RFQ may be subject to public disclosure.
4. The Contractor must comply with all applicable City ordinances and requirements that affect contracting. These requirements generally include general liability, workers compensation, and auto insurance coverage, compliance with the Equal Benefits Ordinance, and attainment of a current San Francisco business tax certificate, among other items. For more detailed information regarding these ordinances and requirements, please visit the following Office of Contract Administration website at: <http://sfgsa.org/index.aspx?page=5199>.
5. While Contractors are not required to be fully approved City vendors in order to apply to this RFQ, the Board of Supervisors can only contract for services with fully compliant and approved City vendors. The City's administrative compliance and vendor authorization processes can take a few weeks to several months to complete depending on the complexity of the Respondent's employee benefits package. As such, the City strongly encourages Respondents to initiate this process immediately, if they have not done so already. Possession of a City vendor number is not enough to be eligible for City contract. Interested parties must also complete the business tax declaration (or exemption) process, confirm their equal benefits status, sign up to accept electronic payments, and complete additional steps outlined on the following Office of Contract Administration website: <http://sfgsa.org/index.aspx?page=4762>.
6. **Respondents who are pre-qualified pursuant to the terms of this RFQ must become fully approved and compliant vendors within 60 calendar days of the Pre-Qualification Notification Date. Failure to do so will result in the selection of another pre-qualified respondent to provide these services.**
7. The Respondent agrees that all costs incurred as a result of developing the response package are the Respondent's responsibility and at the Respondent's cost.

RFQ No. 01-2015 | Radio Broadcast Services

8. The Respondent understands and agrees that any response package may be rejected if it is conditional, incomplete, and/or deviates from the specific requirements contained in RFQ No. 01-2015 for Radio Broadcast Services.
9. The procurement process for this RFQ may be delayed, suspended, or cancelled if the City determines that such action is in the best interest of the City.
10. Final award of any contracts resulting from this RFQ may be subject to approval by the Civil Service Commission.
11. Respondents, if selected for contract negotiations, will be required to enter into such contract(s) substantially in the form of the City's Standard Professional Services Agreement (P-500), as detailed in Attachment II. **There is no need to sign this document as part of your response. Additionally, please do not edit or provide a "mark-up" of proposed revisions to the City's standard contract.** It is provided here for informational purposes only so that Respondents are fully informed of the City's standard contractual terms, conditions, and expectations prior to responding to this RFQ.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CITY PLANNING – CPC Dept. Code: CPC

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular [] Omit Posting

Type of Service: As-Needed Economic Consulting Services

Funding Source: General Fund and other sources PSC Duration: 4 years 2 weeks
PSC Amount: \$2,000,000 PSC Est. Start Date: 06/15/2015 PSC Est. End Date: 06/30/2019

1. Description of Work

A. Scope of Work:

Selected consultant(s) will provide as-needed Economic Consulting Services, specifically in the topic areas of Fiscal Analysis & Administration, Real Estate Analysis, Economic Development Strategy, and Economic Research. The Planning Department will select one or more consultants from the Controller's Office list of pre-qualified vendors, established on November 7, 2014 and updated every two years, with demonstrated experience in a wide variety of economic consulting studies. Potential projects could include fee (cost recovery) studies, formation of special financing districts, analysing impacts of proposed development or legislation, and other similar studies.

B. Explain why this service is necessary and the consequence of denial:

The as-needed services are necessary to conduct the proper economic analysis and prepare various studies necessary for the City. Denial would result in an incomplete analysis of potential economic impacts of new legislation or new development, inability to justify or recover fees charged, inability to establish new financing strategies to fund new development, and other various projects that depend on a thorough economic study.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. The Planning Department has utilized the Controller's Office list of prequalified vendors a few times in the past, establishing a separate contract for each project.

D. Will the contract(s) be renewed? Consultant(s) must remain on the prequalified list updated every 2 years.

2. Union Notification: On 04/08/2015, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21, Prof & Tech Eng, Local 21, Management & Superv Local 21, Architect & Engineers,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46829 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The required skills and expertise are listed in the Controller's Office solicitation attached, RFQ#CON2014-14 Economic Consulting Services, for those topic areas listed on pages 3 to 4.

B. Which, if any, civil service class(es) normally perform(s) this work?
5283,5293,5278,1825,1824,1823,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Civil services classes are not applicable for these broad and specialized services, as the needs change per project, and the projects are limited in duration.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

Due to the various broad combinations of economic knowledge and expertise required for each project, it would not be desirable or practical to create various new classifications to provide services for a project of limited duration.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 04/08/2015 BY:

Name: Danny Yeung Phone: 415-575-9042 Email: Danny.Yeung@sfgov.org

Address: 1650 Mission St, Suite 400 San Francisco, CA 94103

Receipt of Union Notification(s)

Yeung, Danny (CPC)

From: dhr-psccordinator@sfgov.org on behalf of Danny.Yeung@sfgov.org
Sent: Wednesday, April 08, 2015 5:19 PM
To: Yeung, Danny (CPC); richardisen@gmail.com; L21PSCReview@ifpte21.org; Yeung, Danny (CPC); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 46829 - 14/15

RECEIPT for Union Notification for PSC 46829 - 14/15 more than \$100k

The CITY PLANNING -- CPC has submitted a request for a Personal Services Contract (PSC) 46829 - 14/15 for \$2,000,000 for Initial Request services for the period 06/15/2015 – 06/30/2019. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4787> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)



City and County of San Francisco
 Office of the Controller and
 Office of Economic and Workforce Development

**REQUEST FOR QUALIFICATIONS FOR
 ECONOMIC CONSULTING SERVICES**

RFQ#CON2014-14

CONTACT: Lily Conover, lily.conover@sfgov.org, 415-554-7525

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 City seeks responses from firms demonstrating successful experience in a wide variety of economic consulting studies, ranging from real estate feasibility analyses, fiscal impact analyses, tax incidence studies, economic impacts of environmental policies, among others. These services may be used to assist the Controller's Office of Economic Analysis, the Office of Economic and Workforce Development, and staff from other departments.

Intent of this Request for Qualifications

It is the intent of the Controller's Office to create a pre-qualified list of firms from which interested City departments, boards, or commissions may choose prospective contractors on an as-needed basis.

Anticipated Contract Period

Respondents pre-qualified under this RFQ will remain eligible for consideration and contract negotiation on an as-needed basis through two years of the pre-qualification notification date. Firms pre-qualified under this RFQ are not guaranteed a contract.

Subcontracting Requirement

The S.F. Administrative Code Chapter 14B Local Business Enterprise (LBE) subcontracting goal for this RFQ and resulting contracts valued at \$50,000 or higher is 5% (five percent) of the total value of the goods and/or services procured. Respondents who wish to be considered for all contracts, including those valued at \$50,000 or higher, must meet the LBE goal and perform the requisite Good Faith Outreach. If Respondent meets/exceeds LBE participation by 35% (i.e. 6.75% LBE participation), Good Faith Outreach requirements will be waived. Respondents who wish to only be considered for contracts under \$50,000 do not need to meet LBE requirements. See RFQ Attachment II for more information.

Schedule*

RFQ Issued	09-05-2014
Deadline for RFQ Questions	09-17-2014 (5pm PT)
Deadline for RFQ Answers	09-22-2014 (5pm PT)
Deadline for RFQ Responses	10-03-2014 (5pm PT)
Notice of intent to award a contract	10-24-2014 (5pm PT)

*Dates are subject to change.

RFQ Questions and Communications

To ensure fair and equal access to information about this RFQ, e-mail your questions to lily.conover@sfgov.org.

Questions must be in writing and received by the Deadline for RFQ Questions. No questions will be accepted after this time with the exception of City vendor requirement questions.

A summary of the questions and answers pertaining to this solicitation will be posted on the Office of Contract Administration's website and emailed to proposers by the Deadline for RFQ Answers.

1. Introduction

1.1 General terms used in this RFQ

Terms and abbreviations used throughout this RFQ include:

- **The City** – The City and County of San Francisco.
- **Contractor** – The Respondent(s) awarded a contract for services subsequent to pre-qualification under this RFQ.
- **Controller's Office** – The City and County of San Francisco Controller's Office.
- **Office of Economic and Workforce Development (OEWD)** – The City and County of San Francisco Office of Economic and Workforce Development.
- **Local Business Enterprise (LBE)** – A business that is certified by the San Francisco Contracts Monitoring Division (CMD) as an LBE under Admin Code §14B.3. LBEs may be Small-LBEs, Micro-LBEs, or SBA-LBEs, as defined by the Contract Monitoring Division.
- **Office of Economic Analysis (OEA)** – A division of the Controller's Office.
- **Respondent** – Any entity submitting a response to this Request for Qualifications.

1.2 Background of the Controller's Office of Economic Analysis and the Office of Economic and Workforce Development

The City Controller is the chief accounting officer and auditor for the City and County of San Francisco and responsible for all financial management systems, procedures, internal control processes and reports that disclose the fiscal condition of the City to managers, policy makers and citizens. The City Controller is also the auditor for the City performing financial and performance audits of departments, agencies, concessions and contracts.

Proposition I, passed by the City's voters in November 2004, created the Office of Economic Analysis ("OEA") within the Controller's Office. OEA's primary mission is identifying and reporting on legislation introduced at the Board of Supervisors that has a material economic impact on the City. The office analyzes the likely impacts of legislation on business attraction and retention, job creation, tax and fee revenues, and other matters relating to the overall economic health of the City. For more information regarding OEA's roles and responsibilities, visit <http://co.sfgov.org/oea/>.

The Office of Economic and Workforce Development ("OEWD") provides citywide leadership on economic and workforce development initiatives; identifies key cluster sectors to target for workforce training and economic growth; maintains a system that integrates economic and workforce programs and services; supports small businesses; revitalizes and improves neighborhoods and local economic stability; and promotes San Francisco as a good place for business and investment. For more information regarding OEWD, visit <http://sfgov.org/site/frame.asp?u=http://www.oewd.org>.

1.3 Statement of Need and Intent

What Does the City Seek?

The City seeks responses from firms demonstrating successful experience in providing economic consulting services. Experience may include, but is not limited to, research and analysis of industries, markets and communities, as well as assistance with implementation of economic strategies and recommendations. Respondents will ideally have experience working

with municipalities (or similar government agencies) on complex economic projects. Respondents without government agency experience must demonstrate how their experience working in other sectors is applicable to the scope of this RFQ and to providing services to the City. Additionally, Respondents must have experience in one or more of the following topics:

- Fiscal Analysis and Administration
- Real Estate Analysis
- Labor Market Analysis
- Economic Development Strategy
- Economic Research

With Whom Will Firms Work?

Firms may work with the Controller's Office and the Office of Economic and Workforce Development and may be selected by other interested City departments, boards, and/or commissions for the scope of services described herein.

What is the City's Intent with this RFQ?

Based on responses to this RFQ, it is the intent of the City to create a pre-qualified list of consultants from which the City shall choose prospective contractors on an as-needed basis for economic consulting services indicated below in Section 2, Scope of Work. This consultant list may be utilized by the City, at its sole and absolute discretion, for contractor selection and negotiations for two years following establishment of the list. No pre-qualified or selected Respondent is guaranteed a contract.

2. Scope of Work

This scope of work is a general guide to the work the City anticipates and is not a complete listing of all services that may be required or desired. The City is soliciting qualifications to create a pre-qualified list of 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.

Is My Firm Expected to Propose for a Specific Project?

No. The City will create a list of pre-qualified firms to draw from for a diverse set of possible projects that may require a range of different and varied experience. Each pre-qualified firm should demonstrate its capabilities by providing Prior Project Descriptions as part of RFQ Attachment V. The City will negotiate the scope of services, budget, deliverables, and timeline for each project it decides to pursue. There is no guarantee of a minimum amount of work or compensation for any of the Respondents selected for pre-qualification. The City may select Contractors from the pre-qualified list in its sole and absolute discretion.

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 topics 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.

Demonstrated expertise is requested for the following:

Economic Consulting Services

Respondents must demonstrate successful experience in providing economic consulting services. Experience may include, but is not limited to, research and analysis of industries, markets and communities, as well as assistance with implementation of economic strategies and recommendations. Respondents will ideally have experience working with municipalities (or similar government agencies) on complex economic projects. Respondents without government agency experience must demonstrate how their experience working in other sectors is applicable to the scope of this RFQ and to providing services to the City. Additionally, Respondents must have experience in one or more of the following topics:

2.1 Fiscal Analysis and Administration

Firms may be pre-qualified for work based on experience analyzing the expected revenue, employment, or overall spending impact of alternative state or local tax, fee, and/or other types of public financing.

2.2 Real Estate Analysis

Firms may be pre-qualified for work based on experience that:

- Identified potentially appropriate uses for a given parcel, based on a review of market conditions and trends, knowledge of development, financing practices and conditions, public benefit and infrastructure requirements, and/or other relevant parameters, or
- Estimated the costs of development, operation, and/or maintenance associated with proposed development projects, or
- Performed pro-forma analysis of a development scheme, including multi-year cash flow analysis or land residual analysis, or
- Researched and analyzed market conditions and trends, or
- Determined the fiscal impacts of alternate development proposals, or
- Performed nexus studies for impact fees, or
- Performed economic analysis of urban housing markets, or
- Assessed the feasibility of different development finance tools or structures, or
- Performed stakeholder research that was used to inform the evaluation of a proposed development project or development tool's feasibility.

This experience may have been gained relative to any land use or product type, including but not limited to market rate and affordable housing, commercial, hospitality and other tourism-related land uses, special event-related land uses, athletic facilities, parks and other public spaces, industrial, civic, institutional, or infrastructure.

2.3 Labor Market Analysis

Firms may be pre-qualified for work based on experience that:

- Analyzed a community's workforce skills and capabilities, or

- Analyzed the employment opportunities and projections, skills and competencies required, career lattices, or career development opportunities in an industry or specific employer.

2.4 Economic Development Strategy

Firms may be pre-qualified for work based on experience that:

- Analyzed neighborhood and/or regional economic composition and performance, the structure and competitiveness of an industry or industry clusters, or local factor conditions, or
- Conducted surplus and leakage analysis
- Developed an economic strategy that included all of the following: sector analysis, analysis of local factor conditions, and research on best practices in areas that may include small business development, local hiring, and procurement policy.
- Performed quantitative or qualitative market research in neighborhoods to inform economic development strategy recommendations;
- Performed follow-up activities to either (1) implement the recommended programs and strategies resulting from the tasks listed above, including but not limited to the development of marketing strategies or (2) provide recommendations to strengthen business development and financing.

This experience may have been gained relative to any type of economic development effort, including but not limited to neighborhood economic development, business attraction and retention, workforce development, affordable housing development or preservation, or other land use or real estate projects with economic development goals.

2.5 Economic Research

Firms may be pre-qualified for work based on experience that:

- Prepared and implemented survey or interview research designs concerning business and consumer behavior, or
- Performed econometric analysis of statistical data related to urban policy issues.

3. Response Requirements

3.1 Time and Place for Submission of Responses

Responses and all related materials must be received by **5:00pm PT on October 3, 2014**. Responses may be delivered to the Reception Desk at City Hall, Room 316 or to:

*Lily Conover
Office of the Controller
City Hall, Room 306
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102*

Postmarks will not be considered in judging the timeliness of submissions. Responses submitted by e-mail will not be accepted. Late submissions will not be considered, including

those submitted late due to mail or delivery service failure. Note that Respondents hand-delivering responses to City Hall may be required to open and make packages accessible for examination by security staff.

3.2 Response Package

The following items must be included in your response and packaged in a box or envelope clearly marked **RFQ#CON2014-14 Economic Consulting Services**.

Complete but concise responses are recommended for ease of review by the Evaluation Team. Responses should provide a straightforward, concise description of the Respondent's capabilities to satisfy the requirements of the RFQ. Marketing and sales type information should be excluded. All parts, pages, figures, and tables should be numbered and clearly labeled.

- A. **One (1) flash drive or CD-ROM containing entire contents of response, including all RFQ Attachments.** All files should be submitted in unprotected PDF or Word format. Electronic files should include signatures, where applicable. RFQ attachments include:

<i>RFQ Attachment I</i>	Acknowledgement of RFQ Terms and Conditions
<i>RFQ Attachment II</i>	Contract Monitoring Division Local Business Enterprise Forms
<i>RFQ Attachment III</i>	City's Administrative Requirements
<i>RFQ Attachment IV</i>	City's Agreement Terms and Conditions
<i>RFQ Attachment V</i>	Response Template

- B. **Two (2) complete printed copies of RFQ Attachment V.** The pages may be bound by a method of the Respondent's choosing. Respondents are advised to review RFQ Attachments I through IV before completing RFQ Attachment V to ensure they can meet the City's requirements.

3.3 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."

- 3.3.1 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*.
- 3.3.2 Respondents may redact any confidential or proprietary information, as appropriate, prior to submitting a response to this RFQ.
- 3.3.3. 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.

4. Evaluation Criteria

This section describes the guidelines used for analyzing and evaluating the responses and for Respondent pre-qualification. It is the City's intent to pre-qualify Respondent(s) that provide the best overall qualifications to the City inclusive of fee considerations. Consultant firms selected for pre-qualification 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 pre-qualified list is inadequate to satisfy its needs.

4.1 Evaluation Team

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 pre-qualification, for conducting reference checks, and for interviews, if desired by the City.

4.2 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).

By submitting a response, the Respondent certifies that:

A. RFQ ATTACHMENTS:

It has completed the requirements and submitted the forms described in RFQ Attachments I, II, III, IV, and V as part of its RFQ response, as applicable.

B. EXPERIENCE:

It has submitted two (2) Prior Project Descriptions as part of the RFQ Attachment V response, which meet all of the following criteria:

1. The services/experiences described in each of the Prior Project Descriptions must be comparable to the services the City is requesting.
2. The services described in both of the Prior Project Descriptions must have been provided to public sector municipalities, similar government agencies, or other comparable clients on topics described in Section 2.
3. Both Prior Project Descriptions must demonstrate successful completion within five (5) years from the issuance date of this RFQ (successful completion means project outcomes have been approved by client).

C. STAFFING

The lead staff proposed to be assigned to the City's project(s) must individually have had a similar lead role in at least one of the two Prior Project Descriptions submitted. Respondents may submit additional Prior Project Descriptions if needed to demonstrate each lead staff member's participation in two relevant projects.

4.3 Evaluation Criteria for Pre-qualification (100 points)

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 pre-qualified.

4.3.1 Firm Qualifications – 20 points

- a) Respondent's firm history and structure.
- b) Respondent's experience providing economic consulting services to public sector municipal or similar clients, including the representative list of the clients to whom the firm has provided economic services.
- c) Client relationships severed for reasons other than convenience.
- d) Respondent's capacity and resources to provide the services under this RFQ.

4.3.2 Staff Qualifications – 40 points

- a) Clarity and appropriateness of proposed staffing structure.
- b) Qualifications and educational backgrounds of lead staff members, including subcontractor staff, if applicable, proposed to perform services for the City are appropriately demonstrated for each Service Area indicated in response.

4.3.3 Approach and Cost – 30 points

- a) Client involvement or level of effort is appropriate.
- b) Experience with providing comparable services to clients.
- c) Sufficient expertise or methodology to create competitive differences that will be beneficial to the City is demonstrated.
- d) Cost response is sufficiently detailed, reasonable and appropriate.

4.3.4 Completeness of Response Submission – 10 points

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

4.4 Contractor Selection Process

Respondents scoring 70 points and above for each Service Area will be added to the pre-qualified list for as-needed services in that Service Area. Due to the varied nature of the services to be performed, the City reserves the right to contract with any or all pre-qualified Respondents.

Selection Interviews

Following the Response Evaluation process, Respondents may be invited to interviews with the Evaluation Team. Interviews, if pursued by the City, will consist of standard questions asked of selected Respondents, and specific questions regarding individual proposals.

The City has sole and absolute discretion over whether interviews will be conducted or not to select Respondents for contract negotiations.

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.

Other Terms and Conditions

The selection of any pre-qualified 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 pre-qualified Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with any other remaining pre-qualified 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.

5. Protest Procedures

5.1 Protest of Non-Responsiveness Determination

Within five (5) working days 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. Such notice of protest must be received by the City on or before the fifth (5th) 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 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.

5.2 Protest of Establishment of Pre-Qualified Firm List

Within five (5) working days of the City's issuance of a notice of intent to establish a pre-qualified firm list, any Respondent that has submitted a responsive response and believes that the City has incorrectly excluded it from the pre-qualification list may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day after the City's issuance of the notice of intent to establish a pre-qualified firm 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.

5.3 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) or by FAX will not be considered.

Protests must be delivered to:

E-mail:

lily.conover@sfgov.org

Mail:

Lily Conover, Contracts Manager
Office of the Controller
City Hall, Room 306
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

5.4 Protest Review

Controller's Office confirms receipt of notice of protest by Respondent.

Controller's Office reviews notice of protest to determine validity of notice, including, but not limited to, (a) receipt by due date; (b) inclusion of a written statement specifying in detail each and every one of the grounds asserted for the protest; (c) signed by an individual authorized to represent the Respondent; (d) citation of the law, rule, local ordinance, procedure or RFQ provision on which the protest is based; and (e) specification of facts and evidence sufficient for the City to determine the validity of the protest.

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 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 Deputy Controller shall make the final determination regarding the outcome of the protest.

PSC 46829-14/15

Similar PSC

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CITY PLANNING Dept. Code: CPC

Type of Request: Initial Modification of an existing PSC (PSC # 4023 12/13)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: As-Needed Pool of Qualified Environmental, Transportation, Historic Resources, and Archeology

Funding Source: Various

PSC Original Approved Amount: \$1,500,000

PSC Original Approved Duration: 09/18/12 - 09/30/15 (3 years 1 we

PSC Mod#1 Amount: \$700,000

PSC Mod#1 Duration: 01/28/15-03/31/17 (1 year 26 weeks)

PSC Mod#2 Amount: _____

PSC Mod#2 Duration: _____

PSC Cumulative Amount Proposed: \$2,200,000

PSC Cumulative Duration Proposed: 4 years 27 weeks

1. Description of Work

A. Scope of Work:

In 2008, the San Francisco Planning Department determined the need to select a pool of pre-qualified environmental, transportation, historic resources, and archeology review consultants through a request-for-qualifications ("RFQ") process to use on an as-needed basis for detailed environmental, transportation impact analysis, historic resources evaluation, and archeological research on various private and public projects. Such projects include, but are not limited to: environmental review of the Transportation Sustainability Program, SoMa Streetscape Plan, Health Care Services Master Plan, and Urban Forest Master Plan. Private development proposals will be required to use this as-needed pool to conduct independent environmental analysis, maintain better quality control, and follow the model used in most other jurisdictions.

The Department has determined that the most effective way to provide these specialized studies is to solicit consultants to create as large a pool as possible of pre-qualified firms with the knowledge and expertise in

B. Explain why this service is necessary and the consequence of denial:

The services are required to comply with the California Environmental Quality Act ("CEQA") in the provision of mandatory environmental and transportation impact studies, historic resources evaluation, and archeological research by consultants with expertise in the various project areas. Denial would result in legal risk to the City, and the inability to adopt area plans and programs that advance a better built environment in the City.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Services have been provided in the past through earlier PSC request. See 4023 12/13

D. Will the contract(s) be renewed? It is possible that one firm may be awarded more than one contract for dif

2. Union Notification: On 01/21/15, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21; Prof & Tech Eng, Local 21; Management & Superv Local 21; Architect & Enginee

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4023 12/13

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Not Required

Approved by DHR on 01/29/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The firms that would perform these services must have technical experts in the areas of environmental science/air quality, meteorology (including knowledge and experience with Urbemis software), graphic information systems, 3-D modeling, shadow, transportation and traffic engineering analysis, and related fields, and the ability to compile data and make projections pertaining to greenhouse gasses and related environmental impacts. These firms would also need to provide archeological field work and analysis, and historic resource related field work and analysis.

B. Which, if any, civil service class(es) normally perform(s) this work?

5277,5278,5291,5298,5293,5299,5283,5288,5289,5290,5275,1052,1053,1314,5502,1823,1824,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Contractor's staff would perform the requested services at their company offices, with some on-site review of the development or plan area.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Due to the unique nature of California Environmental Quality Act (CEQA) requirements, no planning departments in California counties routinely prepare environmental or transportation-related impact studies with historic resource and archeology review because these studies require expertise in many topics, including archeology, greenhouse gas emissions, historic resource evaluations, shadow and wind analysis, and transportation analysis. Environmental, transportation impact study, historic resource, and archeology firms are able through

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

Due to the various combinations of environmental and transportation impact knowledge and expertise required for each project or plan, it would not be desirable or practical to create various classifications, or classifications with various specialties, that may be called on to provide services for only a fraction of any project for a limited

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services? Some of the public contracts may be funded by federal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD

ON 01/21/15 BY:

Name: Danny Yeung Phone: 415-575-9042 Email: Danny.Yeung@sfgov.org

Address: 1650 Mission St, Suite 400 San Francisco, CA 94103

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: CONTROLLER -- CON Dept. Code: CON

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Oracle Interaction Hub Implementation Services

Funding Source: General Fund PSC Duration: 1 year 26 weeks
PSC Amount: \$250,000 PSC Est. Start Date: 07/01/2015 PSC Est. End Date: 12/31/2016

1. Description of Work

A. Scope of Work:

Professional services to redesign and implement the Oracle Interaction Hub for all employees and retirees. The primary users of the current Oracle Interaction Hub are Human Resource and Payroll professionals as well as employees and managers using PeopleSoft self-service time reporting (about 3,000 total employees). With this Project, the City is seeking implementation of a more secure and advanced Oracle Interaction Hub offering that will serve as an intuitive knowledge center for all active employees (about 30,000 total employees). With this Project, all employees will be given self-service access to their own PeopleSoft information including personal and job data, bi-weekly payroll data, leave balances, benefit plans and much more.

B. Explain why this service is necessary and the consequence of denial:

The current Oracle Interaction Hub has been a viable solution for the current 3,000 user base. However, a more secure and intuitive solution is needed for expansion to all 30,000 active employees. With the variation in internet and computer skills across all City departments and employees, a more modern but simple look-and-feel is needed in order to make this self-service access a success. If the request is denied, the City would not be able to provide the more secure and intuitive Oracle Interaction Hub product, so the self-service access for all employees would not be deployed.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
This service has not been provided in the past.

D. Will the contract(s) be renewed? No.

2. Union Notification: On 04/20/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 49470 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise:
Expert-level experience with Oracle Interaction Hub (or Enterprise Portal) implementation(s) with PeopleSoft v9.0, 9.1 or 9.2, running on PeopleTools 8.53 or 8.54 as the project's primary systems integrator at a public sector entity with at least 5,000 users. PeopleSoft self-service features includes employee and manager self service capabilities provided within ePayroll, eBenefits, Time & Labor, ePerformance and Enterprise Learning Management.
- B. Which, if any, civil service class(es) normally perform(s) this work?
1070,1064,1054,1043,
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
No

4. Why Classified Civil Service Cannot Perform

- A. Explain why civil service classes are not applicable:
Civil services are not applicable due to the requirement of expert-level experience with Oracle Interaction Hub.
- B. Would it be practical to adopt a new civil service class to perform this work? Explain.
No, because the work is short-term in nature and will be completed within 1 to 1 1/2 years.

5. Additional Information (if "yes", attach explanation)

	YES	NO
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? See attached.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD ON 05/11/2015 BY:

Name: Lily Conover Phone: 415-554-7525 Email: lily.conover@sfgov.org

Address: 1 Dr. Carlton B. Goodlett Place, Room 306 San Francisco, CA 94102

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of lily.conover@sfgov.org
To: [Conover, Lily \(CON\)](mailto:Conover.Lily@CON); richardisen@gmail.com; L21PSCReview@ifpte21.org; [Brown, Mark \(CON\)](mailto:Brown, Mark (CON)); [Isen, Richard \(TIS\)](mailto:Isen, Richard (TIS)); [DHR-PSCCoordinator, DHR \(HRD\)](mailto:DHR-PSCCoordinator@DHR)
Subject: Receipt of Notice for new PCS over \$100K PSC # 49470 - 14/15
Date: Monday, April 20, 2015 4:01:32 PM

RECEIPT for Union Notification for PSC 49470 - 14/15 more than \$100k

The CONTROLLER -- CON has submitted a request for a Personal Services Contract (PSC) 49470 - 14/15 for \$250,000 for Initial Request services for the period 07/01/2015 – 12/31/2016. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4858> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you

intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

Training:

Contract will include knowledge transfer and training for eMerge staff to configure and maintain the proposed solution. Occupational type of employees include technical civil service class programmer, business analyst and engineer classes. Number of knowledge transfer hours to be determined.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - PUBLIC WORKS – DPW Dept. Code: DPW

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular Omit Posting

Type of Service: As-Needed Pavement Condition Survey Services

Funding Source: Inter-Departmental Work Orders PSC Duration: 5 years 13 weeks

PSC Amount: \$1,000,000 PSC Est. Start Date: 06/01/2015 PSC Est. End Date: 09/01/2020

1. Description of Work

A. Scope of Work:

Provide specialized services in pavement condition data collection and surveys to support the Public Works Paving Program on an as-needed basis. Work shall include providing expert examination, analysis, reports, graphs, raw data and other information of San Francisco's roadway network. We intend to award one contract with \$1,000,000 limit.

B. Explain why this service is necessary and the consequence of denial:

This contract will provide important data for the Pavement Management and Mapping System (PMMS), which has to be certified by the Metropolitan Transportation Commission (MTC). Public Works utilizes the PMMS to guide and support its paving program by prioritizing pavement renovation projects. Public Works is required to maintain and update the PMMS and complete surveys of the accepted roads within the Public Works jurisdiction every two (2) years for arterial and collector streets and every five (5) years for residential streets. Denial of this service would result in insufficient data to keep the PMMS up to date and Public Works will not be eligible for regional discretionary funds due to non-compliance with Metropolitan Transportation Commission (MTC) guidelines.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most

recently approved PSC # and upload a copy of the PSC.

This service has been provided by a subconsultant through existing contracts for As-Needed Civil/Structural Engineering Services on approved PSC 4102-10/11.

D. Will the contract(s) be renewed? No, there are no plans to renew this contract at this time.

2. Union Notification: On 04/17/2015, the Department notified the following employee organizations of this PSC/RFP

request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 40922 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise:
Pavement Condition Data Collection consultant must be licensed by the Metropolitan Transportation Commission (MTC) and familiar with MTC software, such as, StreetSaver.

- B. Which, if any, civil service class(es) normally perform(s) this work?
5380,

- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
Contractor will provide the equipment required to perform the specific tasks requested.

4. Why Classified Civil Service Cannot Perform

- A. Explain why civil service classes are not applicable:
The certification by the MTC and expertise needed are not currently core functions of a Civil Service classification.

- B. Would it be practical to adopt a new civil service class to perform this work? Explain.
No, the work only occurs on an intermittent and as needed basis. There is not enough work to warrant the use of permanent City employees with the required expertise.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? (Please see attached)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/18/2015 BY:

Name: Sung Kim Phone: 415-554-6417 Email: sung.kim@sfdpw.org

Address: 1155 Market Street, 4th Floor San Francisco, CA 94103

Receipt of Union Notification(s)

Tsang, Tiffany (DPW)

From: dhr-psccordinator@sfgov.org on behalf of sung.kim@sfdpw.org
Sent: Friday, April 17, 2015 2:57 PM
To: Kim, Sung (DPW); richardisen@gmail.com; L21PSCReview@ifpte21.org; Tsang, Tiffany (DPW); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 40922 - 14/15

RECEIPT for Union Notification for PSC 40922 - 14/15 more than \$100k

The GENERAL SERVICES AGENCY - PUBLIC WORKS -- DPW has submitted a request for a Personal Services Contract (PSC) 40922 - 14/15 for \$1,000,000 for Initial Request services for the period 06/01/2015 - 09/01/2020. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4454> For union notification, please see the TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

PSC 40922-14/15

As-Needed Pavement Condition Survey Services

Explanation of Duration

For all PSCs if the duration requested is 5 years or more, an explanation is required- historical PSC required:

This is an as-needed contract and it will have a maximum duration of 5 years.

Attachment to PSC 40922-14/15

Service: *As-Needed Pavement Condition Survey Services*

5.B. Describe Training including number of hours. Indicate occupational type of employees. If no training, please explain:

No training will be provided, as this work can only be completed by someone who is certified by the Metropolitan Transportation Commission (MTC).

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: GENERAL SERVICES AGENCY - PUBLIC WORKS Dept. Code: DPW

Type of Request: [] Initial [x] Modification of an existing PSC (PSC # 4102 10/11)

Type of Approval: [] Expedited [x] Regular ([] Omit Posting)

Type of Service: Civil/Structural Engineering Services on an As-Needed Basis

Funding Source: Departmental Work Orders

PSC Original Approved Amount: \$8,000,000

PSC Original Approved Duration: 07/01/11 - 12/31/16 (5 years 26 w

PSC Mod#1 Amount: \$2,000,000

PSC Mod#1 Duration: 12/31/16-01/09/17 (1 week 2 days)

PSC Mod#2 Amount: \$2,000,000

PSC Mod#2 Duration: no duration added

PSC Cumulative Amount Proposed: \$12,000,000

PSC Cumulative Duration Proposed: 5 years 27 weeks

1. Description of Work

A. Scope of Work:

Consultants will perform highly specialized (1) civil engineering tasks that include roadway, curb ramp, and sewer site improvement design, pier and marina renovation related work, traffic and speed data collection; (2) hydrologic engineering tasks that include preparation of sewer system strategic planning, flood control improvements modeling, new developments review, watershed wide system studies, overflow and cumulative impact studies, water quality modeling; and (3) structural engineering tasks that include non-linear analysis, condition assessment reports, field investigations, peer reviews, value engineering, and consultation for various types of structures within Seismic Zone 4. The Department of Public Works (DPW) intends to award four (4) as-needed contracts not to exceed \$2,000,000 and a maximum term of 5 years each. The additional time in the PSC Duration is to allow for any delays in processing and awarding the contracts.

B. Explain why this service is necessary and the consequence of denial:

Services are needed to assist DPW on difficult or unique projects that require specialized expertise beyond the capabilities of existing staff and to meet scheduling demands when the workload exceeds department resources. Denial of this service could result in failure to meet client department requirements and project delays that would increase construction costs.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Yes, the original PSC was approved on 5/2/2011.

D. Will the contract(s) be renewed? No.

2. Union Notification: On 03/24/14, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21;

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4102 10/11

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Not Required

Approved by DHR on 04/01/2014

July 2013

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Requires licensed civil and structural engineers with expertise and familiarity with public works projects; expertise in current engineering and construction practices, such as plan, specification, and cost estimate preparation, field investigation, constructability analysis, peer reviews, reports and studies, and the ability to provide professional services to the City on short notice, such as during mitigation of earthquake emergencies and prevention of impending structural collapses.

B. Which, if any, civil service class(es) normally perform(s) this work?

5203,5207,5241,5211,5218,5219,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. The Contractor will provide appropriate land survey, diving, and testing equipment for specific tasks, physical modeling software, and traffic counting equipment.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Some Civil Service classes are not able to do the more specialized work on difficult or unique projects that require expertise beyond the capabilities of existing staff. However, City staff will be utilized when feasible. Consultants will only be contacted to meet abrupt scheduling demands, when the workload exceeds department resources, when specialized expertise is not available through City staff or during the occurrence of emergency events.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No, Civil Service Classes already exist. The as-needed services are required to augment City staff during peak workload periods, for those projects that require specialized expertise and knowledge, and emergency situations such as those that occur during an earthquake.

5. Additional Information (if "yes", attach explanation)

YES NO

- A. Will the contractor directly supervise City and County employee? YES NO
- B. Will the contractor train City and County employee? YES NO
- C. Are there legal mandates requiring the use of contractual services? YES NO
- D. Are there federal or state grant requirements regarding the use of contractual services? YES NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? Add'l work performed by Consultants currently under contract. YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD

ON 03/24/14 BY:

Name: Sung Kim Phone: 415-554-6417 Email: sung.kim@sfdpw.org

Address: 1155 Market Street, 4th Floor San Francisco, CA 94103

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: HUMAN RESOURCES – HRD Dept. Code: HRD

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Young Adult Internship Program (Year Up)

Funding Source: General Fund PSC Duration: 1 year
PSC Amount: \$250,000 PSC Est. Start Date: 08/01/2015 PSC Est. End Date: 07/31/2016

1. Description of Work

A. Scope of Work:

The City is seeking approval to enter into a contract with Year Up, a national nonprofit organization that provides urban young adults with the skills, experience, and support necessary to build professional careers in Information Technology (IT). The Year Up model includes an education component followed by a paid work internship for its participants. The City intends to offer the paid internships at the Department of Public Health (DPH) as a program pilot.

B. Explain why this service is necessary and the consequence of denial:

The Year Up organization provides educational and internship opportunities for young adults, who may not otherwise have access, to prepare them for a career in IT. In March 2014, Year Up Bay Area enrolled 40 students from the Southeastern corridor of San Francisco and successfully placed 31 students in paid internships in the private sector: Facebook, Salesforce, JPMorgan Chase. The City is interested in offering IT internships in the public sector to prepare these young adults for a possible career in public service. It is necessary for DPH to engage the expertise of a non-profit organization that provides six months of learning and development prior to a six month internship at DPH. If approval is denied, DPH would be unable to offer the program.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.
This service was not provided in the past.

D. Will the contract(s) be renewed? Renewal is subject to contract performance and department needs.

2. Union Notification: On 05/13/2015, the Department notified the following employee organizations of this PSC/RFP request: Architect & Engineers, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 33469 - 14/15

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:
 Proven expertise in providing an internship training program; ability to identify, recruit, engage and screen qualified individuals into the applicant pool and expertise in providing requested services.

B. Which, if any, civil service class(es) normally perform(s) this work?
 1232,1002,1003,1004,1005,1011,1012,1013,1014,1021,1022,1250,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
 No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Civil service classes are not applicable because the services require: established contacts, expert outreach to a unique population, and demonstrated success in developing and executing an educational IT curriculum and design and implementation of a comprehensive IT internship program. The services are highly specialized, intermittent and short-term in duration.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. It would not be practical to adopt a new civil service class because this is a specialized program.

5. Additional Information (if "yes", attach explanation)

YES NO

- | | | |
|--|--------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employee? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employee?
Training is proprietary. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| C. Are there legal mandates requiring the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Are there federal or state grant requirements regarding the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
 ON 05/21/2015 BY:

Name: Brent Lewis Phone: 557-4944 Email: brent.lewis@sfgov.org

Address: 1 South Van Ness Avenue, 4th Floor San Francisco, CA 94103

Receipt of Union Notification(s)

From: [Conley, Darin \(HRD\)](mailto:Conley.Darin@HRD)
To: [Lewis, Brent \(HRD\)](mailto:Lewis.Brent@HRD); [Brusaca, Christina](mailto:Brusaca.Christina)
Subject: FW: PSC# 33469-14/15 Young Adult Internship Program (Year Up) Waiver from Local 21
Date: Thursday, May 21, 2015 8:47:58 AM

FYI

From: Kim Carter Martinez [<mailto:kcarter@ifpte21.org>]
Sent: Thursday, May 21, 2015 8:47 AM
To: Conley, Darin (HRD)
Subject: RE: PSC# 33469-14/15 Young Adult Internship Program (Year Up) Waiver from Local 21

Yes, you have the Union's consent.

From: Conley, Darin (HRD) [<mailto:darin.conley@sfgov.org>]
Sent: Wednesday, May 20, 2015 4:59 PM
To: Kim Carter Martinez
Subject: RE: PSC# 33469-14/15 Young Adult Internship Program (Year Up) Waiver from Local 21

Hi Kim,

Thank you so much for getting back to me. Though it was previously attached (and attached again for reference) with the 250k amount before, I wanted to be certain that we had the unions consent on the amount as well. Let me know.

Thank you,

Darin Conley | Employee Relations Representative
Department of Human Resources | City and County of San Francisco
1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103
Office: 415.557.4920 | Fax: 415.557.4919
Darin.Conley@sfgov.org

From: Kim Carter Martinez [<mailto:kcarter@ifpte21.org>]
Sent: Wednesday, May 20, 2015 1:40 PM
To: Conley, Darin (HRD)
Subject: Re: PSC# 33469-14/15 Young Adult Internship Program (Year Up) Waiver from Local 21

We have no objection at this time. Call me about coming to the meeting on June 1st.

Kim Carter Martinez
Sent from my iPhone

On May 14, 2015, at 9:39 AM, Conley, Darin (HRD) <darin.conley@sfgov.org> wrote:

Hi Kim,

I hope that you are doing well this week.

I wanted to reach out to you to get the unions consent to waive the attached PSC so that the City can move forward with this service on June 1, without the waiver this program wouldn't be started until July. I have attached your PSC for your review.

We welcome the union as it would be great if the union attended the CSC meeting on June 1st in support of this PSC as well.

It's almost Friday! Hang in there and have a great rest of your week.

Thank you,

Darin Conley | Employee Relations Representative
Department of Human Resources | City and County of San Francisco
1 South Van Ness Avenue, 4th Floor, San Francisco, CA 94103
Office: 415.557.4920 | Fax: 415.557.4919
Darin.Conley@sfgov.org

<PSC# 33469-14-15 Young Adult Internship Program (Year Up).pdf>

From: dhr-pescoordinator@sfgov.org on behalf of brent.jewis@sfgov.org
To: [Lewis, Brent \(HRD\); richardisen@gmail.com; L21PSCReview@ifpte21.org; Brusaca, Christina; Isen, Richard \(TIS\); DHR-PSCCoordinator, DHR \(HRD\)](mailto:Lewis, Brent (HRD); richardisen@gmail.com; L21PSCReview@ifpte21.org; Brusaca, Christina; Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD))
Subject: Receipt of Notice for new PCS over \$100K PSC # 33469 - 14/15
Date: Wednesday, May 13, 2015 2:14:49 PM

RECEIPT for Union Notification for PSC 33469 - 14/15 more than \$100k

The HUMAN RESOURCES -- HRD has submitted a request for a Personal Services Contract (PSC) 33469 - 14/15 for \$123,500 for Initial Request services for the period 08/01/2015 -- 07/31/2016. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4968> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: MUNICIPAL TRANSPORTATION AGENCY -- MTA Dept. Code: MTA

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular ([] Omit Posting)

Type of Service: Rail Operator Training Simulators Manufacturer

Funding Source: Operating Funds PSC Duration: 2 years 1 week

PSC Amount: \$3,000,000 PSC Est. Start Date: 06/19/2015 PSC Est. End Date: 06/30/2017

1. Description of Work

A. Scope of Work:

The contractor will manufacture and install a variety of rail vehicle training simulators that resemble various San Francisco Municipal Transportation Agency (SFMTA) vehicles. This includes not only the hardware, but the installation and customization of proprietary computer software to train the SFMTA employees on rail vehicle simulators. The Rail Training Simulator has a complicated software package with modelling that provides a virtual reality of railway routes, hazards, and allows the rail operator or other user to interact by stepping inside the virtual world. It's projected that approximately three hundred (300) Class 9163 Transit Operators will be trained using these simulators over a period of time.

B. Explain why this service is necessary and the consequence of denial:

The SFMTA wishes to purchase Rail Training Simulators to be used to train the SFMTA rail operators with the goal of providing effective, efficient, and consistent rail operator training that includes improving overall safety. Currently, transit operators learn to operator a rail vehicle on-the-job and cannot learn or practice how to avoid or prevent negative outcomes while driving a light rail vehicle. Denial of this service will impede the SFMTA from improving the overall effectiveness and safety of the rail operator training program.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. These services have not been provided in the past.

D. Will the contract(s) be renewed? No.

2. Union Notification: On 04/20/2015, the Department notified the following employee organizations of this PSC/RFP request: Transport Workers Union, L 200, TWU - Miscellaneous, Professional & Tech Engrs, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 47272 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Seven years of experience designing, manufacturing, and installing rail operations training simulators. Expertise in Federal Railroad Administration regulations and how they apply to rail transit systems. Expert knowledge in passenger rail equipment safety standards and ability to apply this knowledge to ensure safety of public rail systems.

B. Which, if any, civil service class(es) normally perform(s) this work?
1062,9139,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

They will provide manufactured rail training simulators in their entirety which the SFMTA does not currently own.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The SFMTA does not manufacture training simulators and doesn't possess the specialization needed to program the software. The consultant will provide training to information technology staff for software maintenance purposes. The Class 9139 performs ride-along training and will continue. The simulators will also provide an additional approach including simulated hazards that will assist operators in preparing for real-time hazards.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The city does not specialize in manufacturing rail operations training simulators. This is a short-term, one-time project.

5. Additional Information (if "yes", attach explanation)

YES NO

- A. Will the contractor directly supervise City and County employee? YES NO
- B. Will the contractor train City and County employee?
See Attached. YES NO
- C. Are there legal mandates requiring the use of contractual services? YES NO
- D. Are there federal or state grant requirements regarding the use of contractual services? YES NO
- E. Has a board or commission determined that contracting is the most effective way to provide this service? YES NO
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 04/20/2015 BY:

Name: Cynthia Hamada Phone: 415.701.5381 Email: cynthia.hamada@sfmta.com

Address: 1 South Van Ness Avenue, 6th Floor San Francisco, CA 94103

Receipt of Union Notification(s)

Hamada, Cynthia

From: Hamada, Cynthia
Sent: Monday, April 20, 2015 5:25 PM
To: local200twu@sbcglobal.net; rmitchell@twusf.org; L21PSCReview@ifpte21.org; Isen, Richard; DHR-PSCCoordinator, DHR; Ewilliams@twusf.org
Cc: Petersen, Paul; Patel, Ashish; Helms, Mike
Subject: RE: Receipt of Notice for new PCS over \$100K PSC # 47272 - 14/15
Attachments: PSC \$3M Rail Training Simulators.pdf

DHR-PSC Coordinator: For your review and processing.

Unions: For your information.

Cynthia Hamada
Senior Personnel Analyst
Employee and Labor Relations
San Francisco Municipal Transportation Agency
415.701.5381

-----Original Message-----

From: dhr-psccordinator@sfgov.org [mailto:dhr-psccordinator@sfgov.org] On Behalf Of cynthia.hamada@sfmta.com
Sent: Monday, April 20, 2015 4:27 PM
To: Hamada, Cynthia; local200twu@sbcglobal.net; rmitchell@twusf.org; L21PSCReview@ifpte21.org; Hamada, Cynthia; Isen, Richard; DHR-PSCCoordinator, DHR
Subject: Receipt of Notice for new PCS over \$100K PSC # 47272 - 14/15

RECEIPT for Union Notification for PSC 47272 - 14/15 more than \$100k

The MUNICIPAL TRANSPORTATION AGENCY -- MTA has submitted a request for a Personal Services Contract (PSC) 47272 - 14/15 for \$3,000,000 for Initial Request services for the period 06/19/2015 -- 06/30/2017. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4860> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

Attachment for PSC #47272-14/15 Rail Operator Training Simulators Manufacturer.

Item 5. ADDITIONAL INFORMATION

B. Will the contractor train City and County employees? Yes.

- (1) 9140 Transit Manager and (16) 9139 Transit Supervisor will receive 40-hours of on-hands, classroom training.
- (1) 1062 Programmer Analyst will receive (8) hours of on-hands technical training for software maintenance.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: TREASURER/TAX COLLECTOR – TTX Dept. Code: TTX

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Consulting services to create and maintain Enterprise Content Management solutions

Funding Source: General Fund PSC Duration: 4 years 30 weeks

PSC Amount: \$200,000 PSC Est. Start Date: 06/01/2015 PSC Est. End Date: 12/31/2019

1. Description of Work

A. Scope of Work:

Consulting services to assist Office of the Treasurer and Tax Collector (TTX) staff in creating and maintaining Enterprise Content Management (ECM) solutions. The engagement will include the joint design and creation of a new business tax audit workflow module to ensure TTX is compliant with business tax policy. Also, the consultant will be used to help transition the TTX technical team into a stronger support role for the product.

B. Explain why this service is necessary and the consequence of denial:

TTX's current business tax system does not have an audit workflow module. A robust audit process requires special security levels to accommodate checks and balances, escalation processes, and iterative determination abilities. The consequences of denial are that each audit performed is in greater jeopardy of being challenged and audits are taking much longer as much of the process is now manual.

Moreover, a new business tax audit workflow module is necessary given the complexity of the Gross Receipts tax, which requires new components be added to the audit workflow.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most

recently approved PSC # and upload a copy of the PSC.

An electronic audit workflow was part of the legacy business tax system. TTX has migrated to a new tax system and a department-wide Enterprise workflow engine that manages workflow, production and content in one system across all taxes. The Audit workflow will be part of the ECM and integrate with the new business tax system.

D. Will the contract(s) be renewed? It is not intended to renew.

2. Union Notification: On 04/13/2015, the Department notified the following employee organizations of this PSC/RFP request: Prof & Tech Eng, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 40295 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

- A. Specify required skills and/or expertise:
OnBase Certified Installer; Certified Enterprise Change Management Professional (ECMp); CompTIA CDIA certified; Experience integrating Onbase with Wausau Image RPS versions RPS 4.00.06B or higher; Minimum 2 years integration experience with Wausau Image RPS; Minimum 15 years of development experience with Hyland OnBase.
- B. Which, if any, civil service class(es) normally perform(s) this work?
1070,1043,1064,
- C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
No equipment is needed from the contractor.

4. Why Classified Civil Service Cannot Perform

- A. Explain why civil service classes are not applicable:
The need to contract out was based on the special skills and expertise listed above, which is required to perform these services.
- B. Would it be practical to adopt a new civil service class to perform this work? Explain.
No. The project involves training civil service employees as described below. Once the work is complete, civil service employees will provide ongoing management.

5. Additional Information (if "yes", attach explanation)

	<u>YES</u>	<u>NO</u>
A. Will the contractor directly supervise City and County employee?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
B. Will the contractor train City and County employee? Please see attached training document.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
C. Are there legal mandates requiring the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
D. Are there federal or state grant requirements regarding the use of contractual services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
E. Has a board or commission determined that contracting is the most effective way to provide this service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/18/2015 BY:

Name: Erica Finkle Phone: (415) 554-4513 Email: erica.finkle@sfgov.org

Address: 1 Dr. Carlton B Goodlett Pl, Room 140 San Francisco, CA 94102

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of erica.finkle@sfgov.org
Sent: Monday, April 13, 2015 8:57 AM
To: Finkle, Erica (TTX); L21PSCReview@ifpte21.org; Finkle, Erica (TTX); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 40295 - 14/15

Follow Up Flag: Follow up
Flag Status: Completed

RECEIPT for Union Notification for PSC 40295 - 14/15 more than \$100k

The TREASURER/TAX COLLECTOR -- TTX has submitted a request for a Personal Services Contract (PSC) 40295 - 14/15 for \$200,000 for Initial Request services for the period 06/01/2015 □ 12/31/2019. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrDrupal/node/4766> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

Describe Training including number of hours. Indicate occupational type of employees. If no training, please explain:

Within this project, a certain number of hours will be designated for cross training of TTX technical staff to enable them to support existing work and prepare them for design and configuration work in the future. For every 50% of the total hours will be designated for hands on configuration and training with the TTX technical team.

Is there a plan to transition this work back to the City? Please explain why or why not - historical PSC please answer:

TTX staff are beginning to take on basic tasks in the system. The training in this contract along with certification course will facilitate moving configuration processes in house.

What support will the department provide to help build internal capacity to do this work? - historical PSC, please answer:

In September 2015, a delegation will be going to the Hyland User Conference to participate in training and certification courses. We continue to allocate training hours in every Hyland engagement as well. And we are exploring the purchase of a special support service from Hyland that will enable our teams to access trainings and user community documentation.

In response to question 5(f), the contractor will be selected via RfP.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: TREASURER/TAX COLLECTOR – TTX Dept. Code: TTX

Type of Request: Initial Modification of an existing PSC (PSC # _____)

Type of Approval: Expedited Regular (Omit Posting)

Type of Service: Digital signature solution for new business registration applications

Funding Source: General Fund PSC Duration: 4 years 1 day
PSC Amount: \$300,000 PSC Est. Start Date: 06/30/2015 PSC Est. End Date: 06/30/2019

1. Description of Work

A. Scope of Work:

The Office of the Treasurer and Tax Collector currently accepts new business registration applications by paper only. This project is being undertaken to allow for new business registration online. The project requires contractor support to integrate a new electronic/digital signature solution (eSignature solution) for the online registration application.

B. Explain why this service is necessary and the consequence of denial:

Online business registration, which requires digital signature software for signing of online applications, is necessary to remedy the following factors: (1) paper-based registration submissions result in extensive waits in City Hall, backlogs in mail processing during peak collection periods, and general workflow inefficiencies as paper is routed throughout the Office of the Treasurer and Tax Collector; (2) paper-based registration submissions delay businesses' ability to operate in San Francisco; and (3) the Gross Receipts Tax legislation passed in 2012 created a more complex business registration rate schedule. Please see Attachment 1.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Business registration is currently a paper process. Taxpayers must print registration forms, sign, and submit in person or by mail. The more complex business registration rate calculations introduced by the Gross Receipts Tax legislation will need to be manually calculated until the online registration goes live.

D. Will the contract(s) be renewed? It is not currently intended to renew.

2. **Union Notification:** On 04/13/2015, the Department notified the following employee organizations of this PSC/RFP request: Professional & Tech Engrs, Local 21,

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 41216 - 14/15

DHR Analysis/Recommendation:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

The proposed eSignature Solution technology must be acceptable for use by the State of California and must be provided by a contractor that is currently classified as a State-approved Digital Signature Certification Authority. The contractor must be able to provide a solution that meets certain storage requirements, workflow capabilities, user authentication options, process authentication, document authentication, compatible with specified document formats, signature using mobile devices, Outlook integration and API integration.

B. Which, if any, civil service class(es) normally perform(s) this work?
1070,1043,1064,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:
No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

Given the state-wide requirements for digital signatures, IT staff is not able to provide development of an eSignature solution.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

It would not be practical to adopt a new civil service class to develop this very specific type of software. Rather, the intent is to have licensed usage of a vendor's software.

5. Additional Information (if "yes", attach explanation)

YES NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| A. Will the contractor directly supervise City and County employee? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| B. Will the contractor train City and County employee?
Please see Attachment 2. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| C. Are there legal mandates requiring the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| D. Are there federal or state grant requirements regarding the use of contractual services? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| E. Has a board or commission determined that contracting is the most effective way to provide this service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| F. Will the proposed work be completed by a contractor that has a current PSC contract with your department? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/18/2015 BY:

Name: Erica Finkle Phone: (415) 554-4513 Email: erica.finkle@sfgov.org

Address: 1 Dr. Carlton B Goodlett Pl, Room 140 San Francisco, CA 94102

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of erica.finkle@sfgov.org
Sent: Monday, April 13, 2015 1:48 PM
To: Finkle, Erica (TTX); L21PSCReview@ifpte21.org; Finkle, Erica (TTX); Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 41216 - 14/15

Follow Up Flag: Follow up
Flag Status: Completed

RECEIPT for Union Notification for PSC 41216 - 14/15 more than \$100k

The TREASURER/TAX COLLECTOR -- TTX has submitted a request for a Personal Services Contract (PSC) 41216 - 14/15 for \$300,000 for Initial Request services for the period 06/30/2015 □ 06/30/2019. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4820> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again, change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)

Attachment 1

Consequences of denial

Failure to implement the eSignature solution will result in extended wait times for new businesses registering (e.g. processing paperwork, depositing checks, issuing certificates for permitting purposes). Additionally, there has been a desire from multiple departments to move new business registration online to prevent taxpayers from being sent back and forth between Fox Plaza, Department of Building Inspection/Planning, and City Hall as they try to permit their business or project.

PSC 41216 – 14/15

Attachment 2

Training

The vendor will provide approximately 30 hours staff training to ensure staff can support and maintain the eSignature solution once it is installed. Training will comprise a mix of hands on configuration and knowledge transfer after the application is delivered.

City and County of San Francisco

RFP 95200

Request for Proposal for

**CITY-WIDE ELECTRONIC/DIGITAL SIGNATURE SOLUTION
(eSignature Solution)**



Office of Contract Administration
1 Dr. Carlton B. Goodlett Place, Room 430
San Francisco, CA 94102-4689

Tentative Schedule

Date Issued:	March 3, 2015
Pre-proposal Conference:	March 17, 2015, 2:00 p.m.
Proposal Due:	April 3, 2015, 2:00 p.m.

Request for Proposal for City-Wide Electronic/Digital Signature Solution

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Appendices:

- A. Sample City Software Agreement
- B. Insurance Requirements
- C. Standard Forms

Lists Internet addresses of Required Forms for: Taxpayer ID Number and Certification, Business Tax Declaration, and Chapters 12B, 12C, and 14B of the S.F. Administrative Code.

- D. Department Survey Summary

I. INTRODUCTION AND SCHEDULE

A. Introduction

The City and County of San Francisco’s Office of Contract Administration is soliciting proposals from qualified Proposers to provide a California State approved City-wide electronic/digital signature solution (“eSignature Solution”) for the City and County of San Francisco (“City”).

The eSignature Solution shall be a tool to be used by City Departments to increase productivity, ensure convenient, timely and appropriate access to City information by users. The selected eSignature solution will integrate with the City’s system and should utilize a storage system that can support multiple departments/groups. Prospective Proposers must be able to provide complete hardware, software, implementation, installation, training and on-going support of the eSignature Solution system and other related services as required.

The proposed eSignature Solution technology must be acceptable for use by the State of California. In addition, the City is accepting proposals only from Proposers that are currently classified as State-approved Digital Signature Certification Authorities. The City will welcome either proposed turn-key solutions or solutions in a hosted environment, or both.

The Proposer may also be called upon to provide other related support services during the term of the Professional Services Agreement (“Agreement”). Such services will be at the discretion of the City. The term “Proposer” shall refer to any legal entity or entities submitting a proposal in response to this Request for Proposal (“RFP”).

B. Anticipated Contract Term

The term of this contract is anticipated to be for a period of four (4) years, with the option to extend for an additional six (6) years, for a total not to exceed term of ten (10) years, at the City’s sole and absolute discretion. The City reserves the right to commence, close, reduce or extend Proposer services at any time in response to changing needs.

C. Tentative Schedule

The City has established the following target dates for issuance, receipt and evaluation of proposals in response to this RFP. The following dates are tentative, non-binding, and are subject to change without prior notice:

Advertisement of RFP	3/3/15
Pre-proposal Conference	2 pm, 3/17/15
Deadline for Proposers to Submit Questions	3/20/15
Deadline for Proposers to Submit Proposals	2 pm, 4/3/15
Short-Listing and Notification for Oral Interviews	4/24/15
Oral Interviews	5/5/15
Posting of Proposer Ranking	5/25/15

II. BACKGROUND

The City and County of San Francisco, like other municipalities, is seeking to transform its workflow processes so that it can provide a more efficient service delivery to its personnel, citizens, partner agencies and vendors, by offering better services at a lower cost, with fewer resources. The eSignature Solution will help automate some of the City's workflow process, and falls in line with the City's green initiatives.

In order to quickly transform workflow processes, City departments have been asked to find areas within their processes that could be automated using the eSignature Solutions identified by this process. In a recent survey (see Appendix D), the City has found that some departments are already accepting digital signatures as part of their process and other departments are interested in using the eSignature Solution system. San Francisco needs to economize and standardize City practice by establishing one eSignature Solution system that will be utilized by all City departments.

In 1995, the California State Legislature passed a statute authorizing public entities to accept "digital signatures" if and only if they comply with stringent verification procedures established by the Secretary of State, California Government Code Section 16.5. Therefore, the proposed eSignature Solution technology must be acceptable for use by the State of California and must be provided by Proposers that are currently classified as State-approved Digital Signature Certification Authorities.

The State of California further defines the type of electronic/digital signature that will be valid for use by a California public entity. The California State Government Code section 16.5 states that "...a digital signature shall have the same force and effect as a manual signature if and only if the digital signature is:

- Unique to the person using it;
- Capable of verification;
- Under the sole control of the person using it;
- Linked to data in such a manner that if the data were changed, the digital signature is invalidated; and
- Conforms to regulations adopted by the Secretary of State.

City and County of San Francisco eSignature Solution Goals

- To attain one City-wide eSignature Solution for all City departments;
- To standardize the use of eSignature among City departments;
- To determine City workflow processes that will benefit from eSignature;
- To confirm that City will have access at all times to current and legacy eSignature data by using the licensed software and that this access will not be affected by updates or upgrades of the eSignature Solution system; and
- To confirm that the selected workflow processes will benefit from a reduction in time and cost associated with transmitting and approving physical documents and forms.

III. PRODUCT REQUIREMENTS AND SCOPE OF SERVICES

Project overview

The City requires an eSignature Solution that will enable internal & external users to electronically sign and approve all types of documents and forms from multiple locations, including on-site and off-site. City-wide implementation will be based on a staggered rollout plan among City departments. The eSignature Solution will be implemented and tested one department at a time, until its eventual deployment City-wide.

A. eSignature Solution Feature Requirements

Proposer must make the following feature options available to City departments:

- Solution must be a California State approved system
- One system that can be utilized by all City departments
- Storage Option
 - Must be able to support multiple departments/groups
 - Must be able to support multiple permissions to prevent other departments/groups from access
 - Role based administration
- Cloud Service Storage Option
 - Must remain within the continental US;
 - Must be a tier 3 data center and have a high availability disaster recovery;
 - 99.9% uptime;
 - Provide continued access to current and legacy eSignature Solution data regardless of updates or upgrades to the eSignature Solution; and
 - All data is encrypted in transit and at rest.
- Workflow capable
 - Out of the box workflow capability to route multiple documents and forms to multiple people to either obtain a signature or to review the document.
- User Authentication Options
 - Authentication/Integration with City-wide Active Directory for internal City support.
 - Offer multiple options to authenticate the person signing the document. Options should include such features as a PIN code, digital certificate, and third-party authentication like OATH and SAML.
- Process Authentication
 - Detail auditing and tracking of the workflow process as the documents progress to each step.
- Document Authentication

City-wide eSignature Solution RFP

- Altering or tampering with an electronically signed document should invalidate the authenticity of the document and the signatures. When viewing an altered document, it should be clearly marked as being invalidated.
- Ease of Use
 - With a wide range of technical and non-technical users, the interface should be easy to understand and intuitive to use. Uploading documents and managing the workflow should be simple to learn and to use.
- Compatible with, but not limited to, PDF, DOC and XLS formats
 - The three most common document formats used for eSignature are: Adobe PDF, Microsoft Word, and Microsoft Excel. These three formats must be available options for eSignature.
 - Some departments archive documents using PDF-A (Archive).
- Sign using Mobile Devices
 - Allow documents to be signed on mobile devices such as a tablet or mobile phone. Support for Android, IOS, and Windows will be needed.
- Integration with current City applications.
 - Current City applications (i.e. SharePoint), may or may not also include custom applications.
 - Being able to integrate the eSignature application with the online and on premise SharePoint 2013.
- Outlook integration
 - Ability to electronically sign a document and initiate the signing process from Outlook.
- API integration
 - Option to create additional functionality by writing custom applications that can interface with vendor's data repository and document repository.
- Document repository and access to current and legacy eSignature information with unrestricted City access.

B. Technical Requirements.

The eSignature solution must meet the following technical and infrastructure requirement:

1. All data and documents must reside in the continental US;
2. The eSignature solution must be compatible with City Software;
3. The vendor's solution must include an API or web services to integrate City's existing applications;
4. Ongoing product usage maintenance, such as adding new users, removing user rights, and adding new machines, must be controlled by the City;

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5. Provide future upgrades, including technical support;
6. Ongoing annual maintenance and/or support costs should not exceed 10% of the initial negotiated software purchase price;
7. Proposer must provide initial product installation services, and staff training;
8. Proposer must provide initial product documentation, including "help" information;
9. The product must create audit trails that remain with the document regardless of storage location, including movement from one location to another; and
10. The product must give City access to current and legacy data.

C. Product Implementation

Proposer must provide information relevant to the implementation of a City-wide eSignature Solution that will be based on a staggered rollout plan.

The content must include, but is not limited to, the following:

1. Implementation Plan. Proposed plan for implementing the eSignature Solution for a City department. It must include, but not be limited to:
 - a. Feature selection;
 - b. The required tasks to implement the software;
 - c. Resource recommendations and roles for City and Proposer personnel;
 - d. Technical requirements for test, training and production environments, including equipment, as appropriate; and
 - e. Training.
2. Cost Proposal. Proposer's cost proposal should include all costs for a City-wide eSignature Solution and optional features. The cost proposal must include the following:
 - a. Consulting Costs (broken down to accommodate various departments' projects)
 - b. Hardware and Software cost
 - c. Cost breakdowns for users, both internal and external;
 - d. Ongoing costs, including annual maintenance and support costs;
 - e. Cost of future upgrades, including technical support; and
 - f. License costs for increased volume of users, if applicable.
3. Quality of Services.
 - a. Proposer will provide a product that meets the requirements set forth herein.
 - b. Proposer will correct and repair, at no additional charge to the City, any bug brought to its attention by the City, according to this section. "Bug" means any deficiency in the product that prevents

it from performing according to the specifications set forth in a contract with the Proposer.

- c. Proposer will provide ongoing consultation for support of the software.
- d. The ultimate decision as to the acceptability or unacceptability of the software product shall be determined solely by the City and shall be the City's protocol for determining acceptability of the product produced by Proposer.

IV. PROPOSER'S MINIMUM QUALIFICATIONS AND REQUIREMENTS

Minimum Qualifications

Proposers must meet the following minimum qualifications in order to be evaluated in the staged evaluation process. Any proposal that does not demonstrate that the Proposer meets these minimum qualifications, listed in this Section IV, by the proposal deadline, will be considered non-responsive and will not be evaluated or eligible for award of any subsequent contract for the City-wide eSignature Solution.

- A) The City is accepting responses to this RFP only from Proposers that are currently classified by the State of California as **Approved Digital Signature Certification Authorities** at the time of the proposal due dates; and
- B) Three (3) client references, including contact information, that have used the Proposer's product in production of same size and scope, for at least six (6) months, and that can attest to Proposer's ability to complete work as stated.

RFP Requirements

Prior to awarding this contract, the City may make such investigations as it deems necessary to determine the qualifications of the successful firm. The City reserves the right to reject any proposal in which the information submitted fails to satisfy the City and/or the Proposer is unable to provide the information and documentation within the period of time requested. The City's evaluation will include, but is not limited to, the following areas:

- 1. An overview that reflects the Proposer's understanding of the business, operational, technical and product evaluation period requirements described in this RFP;
- 2. The information requested in the Product Implementation section of this RFP;

3. A detailed explanation of how the Proposer's product will meet the Project objectives and requirements set forth herein;
4. Information that highlights Proposer's particular expertise and experience to provide the required services, and how Proposer will structure, develop and manage the project. Proposer must highlight any experience that it has working with government record and data;
5. Proposed total, not-to-exceed cost, including all travel and related expenses;
6. A statement identifying any conflicts of interest as it relates to this project;
7. Proposer must be fiscally sound and in good standing with the City; and
8. All other information required by this RFP.

V. SUBMISSION REQUIREMENTS

1. Time and Place for Submission of Proposals

Proposals must be received by 2:00 p.m. on April 3, 2015. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person or mailed to:

Abby Fard
Office of Contract Administration
City & County of San Francisco
City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685

Reference: RFP #95200 eSignature Solution System on the outside of the package.

2. Submission of Proposals

Proposers shall submit one (1) original and five (5) hard copies and one (1) electronic version of the proposal. The hard copies must be individually bound with the pages numbered accordingly. Proposals that are partial or incomplete may disqualify proposals from further consideration. Proposals that are submitted by fax or email/electronic communication will not be accepted. Late submissions will not be considered.

3. Format

The text in the main proposal, including tables and figures, shall not exceed thirty-five (35) pages. Proposers must submit proposals that are bound, printed on recycled paper, and double-sided to the maximum extent practical. Proposers may use tabs or other separators within the document. Please include a Table of Contents.

4. Proposal Content

The proposal shall be (1) clear and concise, (2) responsive to all RFP requirements, and (3) presented in the form of a written report separated by tabs into the following subheadings:

- A. Cover Letter
- B. Executive Summary
- C. Work Approach
- D. Feature Descriptions
- E. Proposer's Qualifications and Team Organization
- F. References
- G. Cost Proposal

Proposals must include the following information:

A. Cover Letter

The Proposer must submit a cover letter signed by an individual authorized to obligate the Proposer to fulfill the commitments contained in the proposal. The letter must include the following: (1) contact for all communications pertaining to the Proposer's proposal (include telephone number, fax number, e-mail address and mailing address); (2) a statement of the Proposer's overall ability and qualifications to conduct the work; (3) a statement that the Proposer agrees to comply fully with the terms and conditions of the Agreement, attached hereto as Appendix A; and (4) a statement that the Proposer agrees to fully comply with all applicable San Francisco laws.

B. Executive Summary

The Proposer must provide an executive summary that (1) includes a brief overview of the proposal's principal elements, (2) demonstrates an understanding of the City's project objectives, and (3) describes the Proposer's approach for carrying out the scope of services.

C. Work Approach

The Proposer must describe the overall product implementation approach that its firm proposes to use to successfully carry out this project, including, but not limited to, the following:

- Overall approach for meeting goals and objectives of this RFP;
- Approach for coordinating/managing all work activities related to meet product implementation deadline dates;
- Processes/measures for controlling cost, schedule and tracking delivery/performance;
- Approach to meeting the objectives of each task and the project;
- Approach to ensure that Proposer's performance and deliverables are of high technical quality and expertise;
- Discuss how the Product implementation can be expedited, if needed; and
- Special expertise to be provided for the various services requested.

D. Feature Descriptions

The Proposer must confirm, expand and/or detail how its product meets the feature specifications outlined in the scope of services of this RFP (see Section III), and provide detailed descriptions of how the Proposer proposes to execute. The Proposer shall not in any way lessen or eliminate any of the work elements outlined in this RFP. The detailed task descriptions provided by the selected Proposer may constitute the scope of services section of the Agreement. The feature descriptions to be provided as part of the proposal should therefore be detailed enough to clearly identify the work to be performed under each task.

The Proposer may suggest additional features to facilitate a quality product. A description of the additional features shall be included in the Feature Descriptions section of the proposal.

The description provided for each feature shall include as appropriate the following information:

- Feature-specific approach and associated work elements;
- Dependencies on/among other features; and
- Output/deliverables from the task.

E. Proposer's Qualification and Team Organization

The Proposer must clearly demonstrate that it meets all the qualification requirements outlined in this RFP. The Proposer must provide sufficient information in the proposal for the Selection Panel to evaluate its ability to successfully complete the tasks outlined in the scope of services.

It is critical that the Proposer clearly outlines how it will be organized, and must demonstrate a strong commitment to this project.

The Proposer must include a description of three (3) projects of same size and scope that have utilized the Proposer's product, for at least six (6) months. These clients must be able to attest to the Proposer's ability to complete the work as stated. The description shall include the following:

- Project scope summary;
- Proposer's role and responsibilities in the project;
- Client name, reference and telephone numbers;
- Dates when the work on the project was performed;
- Project costs

F. References

References will be considered as part of the evaluation of written proposals.

The Proposer must include the name, title, company, address, telephone number, fax number and e-mail address. All contact information must be current as of proposal submittal date. To qualify, the Proposer must identify three (3) references requested in section IV. Minimum Qualification above.

The City may, at its discretion, make contact with individuals, entities or firms provided in all or some of the references and will apply the same reference checking criteria to all Proposers.

G. Cost Proposal

The Proposer's cost proposal should include all potential costs for a City-wide eSignature solution (including available options) that will be utilized and implemented by various City departments with separate budgets. See RFP Section III.C.2 - Cost Proposal.

The evaluation of all proposals shall be based upon driving the "best value" for the City. Best value means achieving an appropriate balance between price and other factors that are key to a particular procurement. A procurement that obtains a low price, but does not include the other necessary qualities and features of the desired products or services, does not meet the best value criterion.

Any proposal that does not demonstrate that the Proposer meets these requirements by the deadline or submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

VI. EVALUATION AND SELECTION CRITERIA

This section describes the guidelines used for analyzing and evaluating the proposals. It is the City's intent to select a Proposer for contract negotiations that will provide the best overall service package to the City, inclusive of fee considerations. The Proposer selected for contract negotiations is not guaranteed a contract. This RFP does not in any way limit the City's right to solicit proposals for similar or identical services if, in the City's sole and absolute discretion, it determines the proposals are inadequate to satisfy its needs.

1. Initial Screening

City staff will review each proposal for initial determinations on responsiveness and acceptability in an Initial Screening process. Elements reviewed during the initial screening include, without limitation, the following: proposal completeness, compliance with format requirements, verifiable references and compliance with minimum qualification requirements.

As a point of clarification, Proposals are not scored during the initial screening process. Initial screening is simply a "pass/fail" determination of whether or not a Proposal meets the threshold requirements described above. A proposal that fails to meet these requirements **will not** be eligible for consideration in the Evaluation Process described below in Section 2. The City reserves the right to request clarification from a Proposer prior to rejecting a proposal for failure to meet the Initial Screening requirements. Clarifications are "limited exchanges" between the City and a Proposer for the purpose of clarifying certain aspects of the proposal, and will not give a Proposer the opportunity to revise or modify its proposal. Proposals that meet the Initial Screening requirements shall proceed to the Evaluation Process described in Section 2.

2. Overall Evaluation Process

The evaluation process will consist of three (3) phases:

- Phase 1 - Written Proposal Evaluation (500 points);
- Phase 2 - Cost Proposal (200 points); and
- Phase 3 - Panel Interview & Product Demonstration (300 points).

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The Selection Panel will hold oral interviews and product demonstration with the top three (3) highest ranked Proposers.

Selection Panel will be comprised of individuals who are knowledgeable on the subject matter, and may include staff from various City agencies, and/or other municipalities or organizations.

3. Written Proposal Evaluation (500 points)

The Selection Panel will evaluate and score written proposals using the following point scale:

Evaluation Criteria	Points
Proposer's industry expertise, experience, past performance performing similar work, and company stability	100
Thoroughness in meeting RFP's requirements, quality, specificity, ease of use, robustness, and flexibility of Proposer's product, including Proposer's controlling security measures and procedures	260
Work approach and product implementation	100
Proposer's client references	40
Total	500

The written proposal scores will then be tabulated and Proposers will be ranked starting with the Proposer receiving the highest score, then continuing with the Proposer receiving the second highest score, and so on.

4. Cost Proposal Evaluation (200 points)

Proposers will be scored based on the proposed cost for their product and services.

The cost proposal may be rejected and excluded from the score tabulation if it is found to be inconsistent with any of the information provided in the submitted proposal.

5. Oral Interview and Product Demonstration Evaluation (300 points)

The Selection Panel will hold oral interviews and product demonstration with the top three (3) highest ranked Proposers. The City will post the results and send a letter to all short-listed Proposers regarding the format of the interview, the scoring criteria to be used during the interview and the composition of the product demonstration to the Proposer team that will participate in the interview.

If conducted, the interview evaluation process may include (and be scored based on) a presentation, product demonstration, and interview questions from the Selection Panel. Those questions may include and be related to Proposers' qualifications, work approach, project feature descriptions, team organization, and any questions which seek to clarify proposal components. Proposer may also be scored on follow up questions if clarification of Proposer's responses is necessary. The same set of interview questions will be used for all Proposers.

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If conducted, the product demonstration will evaluate the eSignature Solution in a live environment where the Selection Panel will interact with the product in a variety of representative situations where the objective of the demonstration is for the panel to use the eSignature Solution in a "real world" scenario. The Selection Panel will proceed to evaluate each Proposer based on each Proposer's presentation and responses.

The oral interview scores will then be tabulated.

6. Tabulating Final Scores

The scores from the Written Proposal, Cost Proposal and the Oral Interview evaluations will be combined and tabulated using the following overall scoring breakdown:

1. Written Proposal	500 pts
2. Cost Proposal	200 pts
3. Oral Interview	300 pts
Total	1000 pts

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.

The evaluation of the proposals shall be within the sole judgment and discretion of the Selection Committee. Proposers may be required to submit additional information to clarify their proposals at any time throughout the evaluation process.

7. Intent to Award and Contract Negotiations

The highest scoring Proposer will be issued an "intent to award" and enter contract negotiations with the City. If a mutually agreed upon contract cannot be negotiated with the selected Proposer, then City, at its sole discretion, may terminate negotiations and begin contract negotiations with the next highest scoring Proposer. The selection of any Proposer for contract negotiations shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiation and approvals before the City may be legally bound thereby. City reserves the right at any time to approve, disapprove, or modify proposed project plans, timelines and deliverables by modification of the contract, approved in the same manner as the contract.

VII. PRE-PROPOSAL CONFERENCE

Proposers are encouraged to attend a Pre-Proposal Conference on March 17, 2015 at 2:00 PM, to be held at the following location:

Office of Contract Administration
City Hall, Room 421
1 Dr. Carlton Goodlett Place
San Francisco, CA 94102

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Proposers are urged to read this RFP prior to the conference. The conference will begin on time and company representatives are urged to arrive on time. Agenda items already covered may not be repeated for the benefit of late arrivals. A sign-in sheet will be available at the meeting. All attendees must sign in to ensure receipt of any notifications of addenda or other information regarding this RFP.

Any requests for information concerning the RFP, whether submitted before or after the pre-proposal conference, must be in writing, and any substantive replies will be issued as written addenda to all parties who have requested and received a copy of the RFP. Questions raised at the pre-conference may be answered orally. If any substantive new information is provided in response to questions raised at the conference, the new information will be memorialized and issued in a written addenda

After the Pre-Proposal Conference additional questions may be submitted in writing via e-mail no later than March 20, 2015.

Questions should be directed to:

Abby Fard, Purchaser
Email: abby.fard@sfgov.org
Subject: RFP 95200

Failure to attend the conference shall not excuse any Proposers from any obligations of the RFP or any resulting Contract.

VIII. TERMS AND CONDITIONS FOR RECEIPT OF PROPOSALS

1. Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the City, in writing, if the Proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the City promptly after discovery, but in no event no later than five (5) working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

2. Inquiries Regarding RFP

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed in writing via email to:

Abby Fard, Purchaser
Email: abby.fard@sfgov.org
Subject: RFP 95200

3. 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 more than five (5) working days after the RFP is issued, provide written notice to the City setting forth with specificity the grounds for the objection. The City may modify the RFP document through RFP addenda. If a Proposer wishes to object on any ground to any provision set forth in an addendum, it must notify the City no later than three (3) business days

City-wide eSignature Solution RFP

following the posting of the addendum. 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.

Any objections to the RFP terms must be directed in writing via email to:

Abby Fard, Purchaser

Email: abby.fard@sfgov.org

Subject: RFP 95200

4. Change Notice

The City may modify the RFP, prior to the proposal due date, by issuing RFP Addenda, which will be posted on the website:

<http://mission.sfgov.org/OCABidPublication/ReviewBids.aspx>

The Proposer shall be responsible for ensuring that its proposal reflects any and all RFP Addenda issued by the City prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the Proposer consult the website frequently, including shortly before the proposal due date, to determine if the Proposer has downloaded all RFP Addenda.

5. 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.

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

7. Contract Negotiations

The City will select the highest scoring and most responsive Proposer with whom City staff will commence contract(s) negotiations. If a satisfactory contract cannot be negotiated in a reasonable time or for a reasonable price with the selected Proposer, then the City, in its sole discretion, may terminate negotiations and begin contract(s) negotiations with next highest scoring Proposer. The selection of any Proposer for contract(s) negotiations shall not imply acceptance by the City of all terms of the Proposal, which may be subject to further negotiation and approvals before the City may be legally bound thereby.

8. Errors and Omissions in Proposal

Failure by the City 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.

9. Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a Proposer in responding to this RFP. Proposals (and related materials), once submitted, become the property of the City and may be used by the City in any way deemed appropriate, and will be returned only at the City's option and at the expense of the Proposer submitting the proposal. One copy of a submitted proposal will be retained for official files and become a public record.

Any material that a Proposer considers as confidential but does not meet the disclosure exemption requirements of applicable public disclosure laws, including but not limited to the San Francisco Sunshine Ordinance and the California Public Records Act, should not be included in the Proposer's proposal, as it may be made available to the public.

10. 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, contact the San Francisco Ethics Commission at (415) 581-2300.

11. Conflict 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 Agreements.

Individuals who will perform work for the City on behalf of the successful Proposer might be deemed contractors 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 (10) calendar days of the City notifying the successful Proposer that the City has selected the Proposer.

Proposers are strongly advised to consult with their legal counsel regarding their eligibility to submit a proposal for this RFP.

12. Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), Proposers' proposals, 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.

13. 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.

14. 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:

- a. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
- b. Reject any or all proposals;
- c. Reissue a Request for Proposals;
- d. 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;
- e. Procure any materials, equipment or services specified in this RFP by any other means; or
- f. Determine that no project will be pursued.

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

16. 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 not apply to this RFP.

17. Administrative Requirements

Proposers must fulfill the City's administrative requirements for doing business with the City prior to contract award. Fulfillment is defined as completion, submission and approval by applicable City agencies of the forms and requirements.

18. Release of Liability.

The Proposer hereby releases all individuals, entities and firms from all claims and losses that may arise from said individuals, entities or firms providing information, comments, or conclusions to inquiries that the City and County of San Francisco may make regarding the qualifications of any individual or firm seeking to be selected as a contractor or subcontractor in connection with this RFP. This release is freely given and will be applicable whether or not the responses by said individuals, entities or firms are accurate or not, or made willfully or negligently.

IX. CONTRACT REQUIREMENTS

1. Standard Contract Provisions

The successful Proposer will be required to enter into a contract that will be determined once the final award has been made. See Appendix A for sample software contract.

Failure to timely execute the final 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.

2. 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 www.sfcmd.org.

3. 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 Proposers 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 contractual requirements of the MCO, see the following website:

[http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter12pminimumcompensation?f=templates\\$fn=default.htm\\$3.o\\$vis=amlegal:sanfrancisco ca](http://www.amlegal.com/nxt/gateway.dll/California/administrative/chapter12pminimumcompensation?f=templates$fn=default.htm$3.o$vis=amlegal:sanfrancisco ca)

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 Proposers 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.

4. 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.

5. 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 Proposers 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://www.workforcedevelopmentsf.org/> and from the First Source Hiring Administrator, (415) 401-4960.

6. 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.

7. Insurance

Prior to award, the successful bidder or bidders will be required to furnish evidence of insurance as follows:

- a. Without in any way limiting Contractor's liability pursuant to the "Indemnification" section of this Agreement, Contractor must maintain in force, during the full term of the Agreement, insurance in the following amounts and coverages:
 - (1) Workers' Compensation, in statutory amounts, with Employers' Liability Limits not less than \$1,000,000 each accident, injury, or illness; and
 - (2) Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence, \$2,000,000 aggregate for bodily injury, property damage, contractual liability, personal injury, products and completed operations.
 - (3) Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence Combined Single Limit for Bodily Injury and Property Damage, including Owned, Non-Owned and Hired auto coverage, as applicable.
 - (4) Technology Errors and Omissions Liability coverage, with limits of \$2,000,000 each occurrence and each loss, and \$4,000,000 general aggregate. The policy shall at a minimum cover professional misconduct or lack of the requisite skill required for the performance of services defined in the contract and shall also provide coverage for the following risks:
 - (a) Liability arising from theft, dissemination, and/or use of confidential information, including but not limited to, bank and credit card account information or personal information, such as name, address, social security numbers, protected health information or other personally identifying information, stored or transmitted in electronic form;
 - (b) Network security liability arising from the unauthorized access to, use of, or tampering with computers or computer systems, including hacker attacks; and
 - (c) Liability arising from the introduction of any form of malicious software including computer viruses into, or otherwise causing damage to the City's or third person's computer, computer system, network, or similar computer related property and the data, software, and programs thereon.
- b. Commercial General Liability and Commercial Automobile Liability Insurance policies must be endorsed to provide:
 - (1) Name as Additional Insured the City and County of San Francisco, its Officers, Agents, and Employees.

- (2) That such policies are primary insurance to any other insurance available to the Additional Insureds, with respect to any claims arising out of this Agreement, and that insurance applies separately to each insured against whom claim is made or suit is brought.
- c. All policies shall provide thirty days' advance written notice to the City of reduction or nonrenewal of coverages or cancellation of coverages for any reason. Notices shall be sent to:

Director, Office of Contract Administration
Purchasing Division
City and County of San Francisco, City Hall, Room 430
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4685

- d. Contractor hereby agrees to waive Workers' Compensation subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City for all work performed by the Contractor, its employees, agents and subcontractors.
- e. Should any of the required insurance be provided under a claims-made form, Contractor shall maintain such coverage continuously throughout the term of this Agreement and, without lapse, for a period of three years beyond the expiration of this Agreement, to the effect that, should occurrences during the contract term give rise to claims made after expiration of the Agreement, such claims shall be covered by such claims-made policies.
- f. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general annual aggregate limit shall be double the occurrence or claims limits specified above.
- g. Should any required insurance lapse during the term of this Agreement, requests for payments originating after such lapse shall not be processed until the City receives satisfactory evidence of reinstated coverage as required by this Agreement, effective as of the lapse date. If insurance is not reinstated, the City may, at its sole option, terminate this Agreement effective on the date of such lapse of insurance.
- h. Before commencing any operations under this Agreement, Contractor shall furnish to City certificates of insurance and additional insured policy endorsements with insurers with ratings comparable to A-, VIII or higher, that are authorized to do business in the State of California, and that are satisfactory to City, in form evidencing all coverages set forth above. Failure to maintain insurance shall constitute a material breach of this Agreement.
- i. Approval of the insurance by City shall not relieve or decrease the liability of Contractor hereunder.

- j. If a subcontractor will be used to complete any portion of this agreement, the Contractor shall ensure that the subcontractor shall provide all necessary insurance and shall name the City and County of San Francisco, its officers, agents and employees and the Contractor listed as additional insured.

X. PROTEST PROCEDURES

1. Protest of Non-Responsiveness Determination

Within five (5) working days of the City's issuance of a notice of non-responsiveness, any Proposer that has submitted a proposal and believes that the City has determined incorrectly 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 (5th) 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 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.

2. Protest of Contract Award

Within five (5) 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 (5TH) 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.

3. 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 in writing and delivered to:

Abby Fard, Purchaser
Email: abby.fard@sfgov.org
Subject: RFP 95200

4. Protest Review

City will confirm receipt of notice of protest by Proposer.

City will review each notice of protest to determine validity of notice, including, but not limited to: (a) receipt by due date; (b) inclusion of a written statement specifying in detail each and every one of the grounds asserted for the protest; (c) signed by an individual authorized to represent the Proposer; (d) citation of the law, rule, local ordinance, procedure or RFP provision on which the protest is based; and (e) specification of facts and evidence sufficient for the City to determine the validity of the protest.

If the notice of protest is determined to be valid, City shall review facts and evidence to determine the outcome of the protest, citing any applicable laws, rules, ordinances, procedures, and/or provisions. The protest reviewer may seek input from the City Attorney's Office, Office of Contract Administration, Human Rights Commission, and/or other City departments as needed or appropriate.

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC HEALTH – DPH Dept. Code: DPH

Type of Request: [X] Initial [] Modification of an existing PSC (PSC # _____)

Type of Approval: [] Expedited [X] Regular ([] Omit Posting)

Type of Service: Peer-to-Peer Employment and Peer Specialist Mental Health Certificate Programs

Funding Source: Mental Health Services Act PSC Duration: 5 years 1 day
PSC Amount: \$15,260,000 PSC Est. Start Date: 07/01/2015 PSC Est. End Date: 06/30/2020

1. Description of Work

A. Scope of Work:

The programs will provide specialized classroom training and employment support for over 150 consumers on an annual basis who wish to provide peer counseling services. Peers are defined as individuals with personal lived experience who are consumers of mental health services, former consumers, or family members of consumers. Peers utilize their lived experienced in peer counseling settings to benefit the wellness and recovery of the clients being served. These peers will provide peer counseling support to over 400 unduplicated clients in the mental health system. In collaboration with Behavioral Health Services (BHS) and consumers, the contractor will be responsible for the reorganization of the current peer-to-peer services and the implementation of a cohesive and collaborative peer-to-peer system. The contractor will be responsible for developing a peer-to-peer delivery system that promotes best practices, shared resources, and advancement opportunities for peers and quality-driven peer-to-peer services for behavioral health consumers. The contractor will also provide up-to-date and nationally recognized practices providing specialized curriculum in the field of peer counseling. The contractor will work in collaboration with BHS programs, the Department of Rehabilitation, other stakeholders and the broader Bay Area community.

B. Explain why this service is necessary and the consequence of denial:

The Mental Health Services Act (MHSA) requires that the input of consumers/clients/patients and their families play a significant role in the development of MHSA-funded programs, and as a result, their invaluable input has informed the development of this program. If this request is denied, peers who wish to enter the peer counseling workforce will not be able to do so, may not be able to find other employment due to their diagnoses, and their recovery may be adversely affected, which may lead to a de-compensation of their condition, placing a heavier burden both on themselves and on the mental health care system, while also denying the City an improved infrastructure in which to provide mental health treatment by utilizing peers to provide counseling support.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC. The services were previously provided under 4156-09/10.

D. Will the contract(s) be renewed? Yes.

2. Union Notification: On 04/11/2015, the Department notified the following employee organizations of this PSC/RFP request: all unions were notified

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 46266 - 14/15

DHR Analysis/Recommendation:
Commission Approval Required
DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

In collaboration with BHS and consumers, the contractor will be responsible for the design and implementation of a cohesive and collaborative system of peer services to recruit, employ, train, place, support and supervise peer-to-peer staff within the Department of Public Health (DPH), BHS and community settings. The provider will also implement and evaluate the service delivery system and peer-to-peer services that are received by behavioral health consumers. (Continued on attachment)

B. Which, if any, civil service class(es) normally perform(s) this work?
none,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes, to the extent that services will need to be housed in a facility (building) and utilize the equipment necessary for routine operations of the program.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The services require technical expertise and skills to employ and train peer counselors with severe mental illness. Peers are individuals with personally lived experience of severe mental illness who are consumers of mental health services, former consumers, or family members of consumers. Severe mental illness may include diagnoses such as schizophrenia, borderline personality disorder, bipolar disorder, clinical depression or anxiety, and/or post traumatic stress disorder.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The work is intermittent as funded by the State and requires specialized knowledge and skills and expertise. As noted above, the needed services require technical expertise and skills to employ and train peer counselors with severe mental illness. (See attachment for full response).

5. Additional Information (if "yes", attach explanation)

YES NO

- A. Will the contractor directly supervise City and County employee?
- B. Will the contractor train City and County employee?
Please see attachment.
- C. Are there legal mandates requiring the use of contractual services?
- D. Are there federal or state grant requirements regarding the use of contractual services?
- E. Has a board or commission determined that contracting is the most effective way to provide this service?
- F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/20/2015 BY:

Name: Jacquie Hale Phone: (415) 554-2609 Email: jacquie.hale@sfdph.org

Address: 101 Grove Street, Room 307 San Francisco, CA 94102

Receipt of Union Notification(s)

From: dhr-psccordinator@sfgov.org on behalf of jacquie.hale@sfdph.org
To: Hale, Jacquie (DPH); Lopez, Ricardo (PDR); Basconcillo, Katherine (PUC); Sandeep.lal@seiu1021.me; pcamarillo_seiu@sbcglobal.net; Carey.dall@seiu1021.org; richardisen@gmail.com; Wendy.Frigilliana@seiu1021.org; pscreview@seiu1021.org; joe.brenner@seiu1021.org; agonzalez@iam1414.org; ted.zarzecki@seiu1021.net; leah.berlanga@seiu1021.org; gail@sfflocal798.org; cityworker@sfcwu.org; davidmkersten@gmail.com; djohnson@opcmialocal300.org; hodlocal@pachell.net; ablood@cirseiu.org; pkarinen@nccrc.org; tony@dc16.us; stevek@bac3-ca.org; xiumin.li@seiu1021.org; Poon, SinYee (HSA) (DSS); smcgarry@nccrc.org; mitchell@twusf.org; grojo@local39.org; iduritz@uapd.com; staff@sfmea.com; mike@dc16.us; khughes@ibew6.org; L21PSCReview@fpte21.org; sfsmsa@gmail.com; mshelley@dc16.us; david.canham@seiu1021.org; joe.tanner@seiu1021.net; Larry.Bradshaw@seiu1021.org; L21PSCReview@fpte21.org; LIUNA.local261@gmail.com; local200twu@sbcglobal.net; speedy4864@aol.com; camaguey@sfmea.com; ecdemvoter@aol.com; tiya.thlang@seiu1021.org; brenda.mendieta@sfdph.org; Isen, Richard (TIS); DHR-PSCCoordinator, DHR (HRD)
Subject: Receipt of Notice for new PCS over \$100K PSC # 46266 - 14/15
Date: Saturday, April 11, 2015 6:17:41 PM

RECEIPT for Union Notification for PSC 46266 - 14/15 more than \$100k

The PUBLIC HEALTH -- DPH has submitted a request for a Personal Services Contract (PSC) 46266 - 14/15 for \$15,260,000 for Initial Request services for the period 07/01/2015 – 06/30/2020. Notification of 30 days (60 days for SEIU) is required.

After logging into the system please select link below, view the information and verify receipt:

<http://apps.sfgov.org/dhrdrupal/node/4423> For union notification, please see the

TO: field of the email to verify receipt. If you do not see all the unions you

intended to contact, the PSC Coordinator must change the state back to NOT READY, make sure the classes and unions you want to notify are selected and SAVE. Then VIEW the record and verify the list of unions and emails. EDIT the document again , change the state back START UNION NOTIFICATION and SAVE. You should receive the email with all unions to the TO: field as intended

Additional Attachment(s)



City and County of San Francisco

San Francisco Department of Public Health

Barbara A. Garcia, MPA
Director of Health

DATE: May 27, 2015

TO: Michael Brown, Executive Officer, Civil Service Commission

THROUGH: Micki Callahan, Director, Department of Human Resources

FROM: Jacquie Hale, Director, Office of Contract Management and Compliance
Department of Public Health Business Office *JH*

RE: PSC 46266-14/15 Peer-to-Peer Employment and
Peer Specialist Mental Health Certificate Programs

This is to request that the above-referenced PSC be considered for approval at the June 15, 2015 meeting of the Civil Service Commission, as the Department of Public Health needs to move forward with the contract certification process so that we will have a contract in place by July 1, 2015, at the latest, in order to fulfill our obligations under the State Mental Health Service Act (MHSA) funding which supports these services.

We have been in communication with SEIU Local 1021 and are willing to continue to meet with any union(s) to provide information regarding this PSC.

The program funded under this PSC is a program for mental health peers, people with personally lived experience of mental illness who are consumers of mental health services, former consumers, or family members of consumers. Under this program, peers will be able to receive training which will allow them to utilize their lived experience in peer counseling settings to benefit the wellness and recovery of other consumers.

Funding for this program is scheduled to start July 1, 2015. If we are not able to put a contract in place by that date, we are likely to not be able to utilize the full funding granted by the State, will not be able to provide the needed services on time, and we may be out of our compliance with our agreement with the State under the MHSA. Denial of approval of this PSC will deny these services to as many as 150 peers annually, which will likely result in their inability to find employment and related decline in their recovery, as well as denying the benefit of their experience and training to other peers in the system and the support of civil service staff providing counseling within the mental health system.

We appreciate your consideration of our request and will be happy to provide more information, in addition to that already provided through the PSC Database.

The mission of the San Francisco Department of Public Health is to protect and promote the health of all San Franciscans.

We shall ~ Assess and research the health of the community ~ Develop and enforce health policy ~ Prevent disease and injury ~

~ Educate the public and train health care providers ~ Provide quality, comprehensive, culturally-proficient health services ~ Ensure equal access to all ~

Jacquie.hale@sfdph.org - office 415-554-2509 fax 415 554-2555

101 Grove Street, Room 307, San Francisco, CA 94102

Explanation Regarding Duration

For all PSCs if the duration requested is 5 years or more, an explanation is required- historical PSC required:

Based on available Mental Health Services Act (MHSA) funding, the Department expects the need for these services to continue for the next five years.

4B: Adopting a New Civil Service Class Question

Would it be practical to adopt a new civil service class to perform this work? Explain:

No. The work is intermittent as funded by the State and requires specialized knowledge and skills and expertise. As noted above, the needed services require technical expertise and skills to employ and train peer counselors with severe mental illness. Peers are individuals with personally lived experience of severe mental illness who are consumers of mental health services, former consumers, or family members of consumers. Severe mental illness may include diagnoses such as schizophrenia, borderline personality disorder, bipolar disorder, clinical depression or anxiety, and/or post traumatic stress disorder. Civil service staff in existing classifications work in direct collaboration with the program and its participating peers and families of peers. The nature of the program focuses on the training of peers to provide counseling support for peers, which requires the expertise of peers working with community and civil service staff.

5B: Training Question

Will the contractor train employees? If so, please explain what that will entail; if not, explain why not.:

No

Describe Training including number of hours. Indicate occupational type of employees. If no training, please explain:

This is a training program for consumers of mental health services who wish to become certified peer counselors to provide support of consumers in the mental health system. Peers are individuals with personally lived experience who are consumers of mental health services, former consumers, or family members of consumers.

PERSONAL SERVICES CONTRACT SUMMARY

Attachment to 46266-14/15

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise: (Continued)

The contractor must utilize several evidenced-based practices for the consumers receiving peer support services; support groups and activity groups on evidenced-based topics such as self-help, chronic disease self-management, Wellness Recovery Active Planning (WRAP), Seeking Safety, Illness (Wellness) Management and Recovery (IMR), basic psycho-education on the Wellness and Recovery principles, Emotional CPR, and more.

PERSONAL SERVICES CONTRACT SUMMARY

DATE: April 27, 2010 rev. May 17, 2010

DEPARTMENT NAME: Public Health DEPARTMENT NUMBER 81, 82

TYPE OF APPROVAL: [] EXPEDITED [x] REGULAR (OMIT POSTING) [] CONTINUING [] ANNUAL

TYPE OF REQUEST: [x] INITIAL REQUEST [] MODIFICATION (PSC#)

TYPE OF SERVICE: Mental Health and Substance Abuse Prevention and Related Services

FUNDING SOURCE: Federal, State and General Funds, Grants and Work Order

PSC AMOUNT: \$57,351,750/ total 5 years PSC DURATION: 7/1/2010 - 6/30/2015

1. DESCRIPTION OF WORK

- A. Concise description of proposed work: Contractors will provide community based mental health and substance abuse prevention and treatment, primary care and life enhancement programs for adults and transition age youths who are homeless or face mental health and substance abuse issues and their families in San Francisco. The programs will include mental health emergency crisis/vocational and rehabilitation services, peer and intern employment, peer-based wellness and recovery services, substance abuse education and training/HIV intervention/primary prevention, secondary prevention and ancillary services, short-term intensive case management-hospital discharge services.
B. Explain why this service is necessary and the consequences of denial: These services are necessary to improve the quality of life and access to health care for the eligible San Franciscans. If the request is denied, eligible clients will be without community based prevention, primary care and rehabilitation outlets to assist them in the treatment of mental health and substance abuse issue, leading to an overall degradation of health and an increase of unemployment, violence and crime in the areas.
C. Explain how this service has been provided in the past (if this service was previously approved by the Civil Service Commission, indicate most recent personal services contract approval number): 2013-04/05 and 2012-08/09
D. Will the contract(s) be renewed: Yes, if funding is available.

2. UNION NOTIFICATION: Copy of this summary is to be sent to employee organizations as appropriate (refer to instructions for specific procedures):

SEIU Local 1021 IFPTE Local 21, Union Name Jacquie Hale, Signature of person mailing/faxing form April 30, 2010, Date
Union Name, Signature of person mailing/faxing form, Date
RFP sent to SEIU Local 1021, on July 30, 2009, Date
IFPTE Local 21, Union Name Mahlet Girma, Signature

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 4156-09/10
STAFF ANALYSIS/RECOMMENDATION:
CIVIL SERVICE COMMISSION ACTION: approved 6/21/10

3. DESCRIPTION OF REQUIRED SKILLS/EXPERTISE

A. Specify required skills and/or expertise:

Contractors must have a State-licensed and Commission-approved facilities with trained and licensed staff as applicable to provide services in a mental health, substance abuse, and/or primary care setting.

B. Which, if any, civil service class normally performs this work?

No single civil service classification performs all necessary services. If these services were to be performed by civil service classes, they would be a combination of any or all the following: 2589/2591/2593 Health Program Coordinators I, II, and III, 2822 Health Educator; 2305 Psychiatric Technician, 2574 Research Psychologist, 2585/86, 87, 88 Health Worker I, II, III, IV, 2910 Social Worker, 2930 Psychiatric Social Worker.

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

Yes. The contractors will provide services in licensed and approved facilities that are located in the community, as required by State law.

4. WHY CLASSIFIED CIVIL SERVICE CANNOT PERFORM

A. Explain why civil service classes are not applicable:

Existing civil service classes are already overburdened with the current maximum level of delivery of local government-based services performed by the City and County. The remainder of the mental health/substance abuse treatment service system of care must be based in the community and is best performed by community based service providers who have the trust of and credibility in the community; who are able to operate the small, flexible, grassroots-oriented, community based programs specific to the target population they serve.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

The City currently has Civil Service classifications that are used to provide a portion of these services.

5. ADDITIONAL INFORMATION (if "yes," attach explanation)

A. Will the contractor directly supervise City and County employees?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

B. Will the contractor train City and County employees?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

- Describe the training and indicate approximate number of hours.
- Indicate occupational type of City and County employees to receive training (i.e., clerks, civil engineers, etc.) and approximate number to be trained.

C. Are there legal mandates requiring the use of contractual services?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
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D. Are there federal or state grant requirements regarding the use of contractual services?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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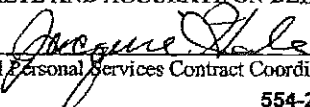
E. Has a board or commission determined that contracting is the most effective way to provide this service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	-------------------------------------

F. Will the proposed work be completed by a contractor that has a current personal services contract with your department?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD:



 Signature of Departmental Personal Services Contract Coordinator
Jacquie Hale **554-2609**

 Print or Type Name Telephone Number

101 Grove Street, Room 307, San Francisco,
CA 94102

Attachment to Department of Public Health
Request for Approval of Personal Services Contracts :

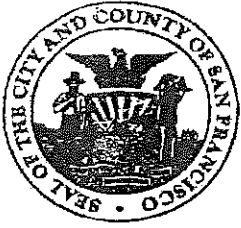
“5000. This part shall be known and may be cited as the Lanterman-Petris-Short Act.

“5120. It is the policy of this state as declared and established in this act and in the Lanterman-Petris-Short Act that the care and treatment of mental patients be provided in the local community. In order to achieve uniform statewide implementation of the policies of this act, it is necessary to establish the statewide policy that, notwithstanding any other provision of law, no city or county shall discriminate in the enactment, enforcement, or administration of any zoning laws, ordinances, or rules and regulations between the use of property for the treatment of general hospital or nursing home patients and the use of property for the psychiatric care and treatment of patients, both inpatient and outpatient. Health facilities for inpatient and outpatient psychiatric care and treatment shall be permitted in any area zoned for hospitals or nursing homes, or in which hospitals and nursing homes are permitted by conditional use permit.”

“5652.5. (a) Each county shall utilize available private and private nonprofit mental health resources and facilities in the county prior to developing new county-operated resources or facilities when these private and private nonprofit mental health resources or facilities are of at least equal quality and cost as county-operated resources and facilities and shall utilize available county resources and facilities of at least equal quality and cost prior to new private and private nonprofit resources and facilities. All the available local public or private and private nonprofit facilities shall be utilized before state hospitals are used. (b) Nothing in this section shall prevent a county from restructuring its systems of care in the manner it believes will provide the best overall care.”

“5653. In developing the county Short-Doyle plan, optimum use shall be made of appropriate local public and private organizations, community professional personnel, and state agencies. Optimum use shall also be made of federal, state, county, and private funds which may be available for mental health planning. In order that maximum utilization be made of federal and other funds made available to the Department of Rehabilitation, the Department of Rehabilitation may serve as a contractual provider under the provisions of a county Short-Doyle plan of vocational rehabilitation services for the mentally disordered.”

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wic&group=05001-06000&file=5650-5667>



CIVIL SERVICE COMMISSION CITY AND COUNTY OF SAN FRANCISCO

GAVIN NEWSOM
MAYOR

June 24, 2010

E. DENNIS NORMANDY
PRESIDENT

DONALD A. CASPER
VICE PRESIDENT

MORGAN R. GORRONO
COMMISSIONER

MARY Y. JUNG
COMMISSIONER

ANITA SANCHEZ
EXECUTIVE OFFICER

NOTICE OF CIVIL SERVICE COMMISSION ACTION

**SUBJECT: REVIEW OF REQUEST FOR APPROVAL OF PROPOSED
PERSONAL SERVICES CONTRACT NUMBER 4148-09/10
THROUGH 4162-09/10.**

At its meeting of June 21, 2010 the Civil Service Commission had for its consideration the above matter.

PLEASE NOTE: *It is important that a copy of this action be kept in the department files as you will need it in the future as proof of Civil Service Commission approval. Please share it with everyone responsible for follow-up.*

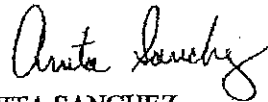
It was the decision of the Commission to:

- (1) Adopt the report; Approve request for approval of PSC #s 4150-09/10 through 4153-09/10; 4156-09/10; 4160-09/10; and 4161-09/10 on the condition that the Department of Public Health make every reasonable effort to create requisitions for those 2819 Assistant Health Educators laid off in 2009 and other Local 21 represented positions that are subject to reduction or layoff, and that the Department of Public Health report every six (6) months to the Civil Service Commission on its progress in meeting this condition. Notify the Office of the Controller and the Office of Contract Administration.
- (2) Adopt the report; Approve request for approval of PSC #4155-09/10 on the condition that 1) the Department of Public Health will meet with IFPTE Local 21 to discuss and evaluate whether and to what extent work to be performed in this PSC is work which could be performed by Real Property Managers; 2) If at the conclusion of these discussions, it turns out that work in this PSC is not work which could be performed by Real Property Managers, then the matter is closed; 3) If at the conclusion of these discussions, it turns out that work in this PSC is work which could be performed by Real Property Managers, then the Department of Public Health and Local 21 will endeavor to utilize CCSF Real Property Managers to perform this work, and make appropriate modifications to the contract(s) in the PSC accordingly. Notify the Office of the Controller and the Office of Contract Administration.
- (3) Adopt the report; Approve request for approval of PSC #4158-09/10 for a duration of two years, to June 30, 2012. Notify the Office of the Controller and the Office of Contract Administration.
- (4) Adopt the report; Approve request for approval of all remaining contracts. Notify the Office of the Controller and the Office of Contract Administration.

CSC Notice of Action
June 24, 2010
Page 2

If this matter is subject to Code of Civil Procedure (CCP) Section 1094.5, the time within which judicial review must be sought is set forth in CCP Section 1094.6.

CIVIL SERVICE COMMISSION



ANITA SANCHEZ
Executive Officer

Attachment

c: Micki Callahan, Human Resources Director
Jacquie Hale, Department of Public Health
Naomi Kelly, Office of Contract Administration
Ben Rosenfield, Controller
Commission File
Chron

POSTING FOR
6/7/2010

PROPOSED PERSONAL SERVICES CONTRACTS - Regular

PSC No	Dept No	Dept Name	Approval Type	Contract Amount	Description of Work	Duration
4155-09/10	81	Public Health	Regular	\$42,988,294	Contractor and partner agencies will work together to provide supportive housing services to homeless adults and transitional age youths with serious mental illness in San Francisco. The housing support services will include comprehensive on-site mental health prevention, primary care, and rehabilitative treatment services to reduce chronic homelessness in San Francisco.	6/30/2015
* 4156-09/10	81	Public Health	Regular	\$57,351,750	Contractors will provide community based mental health and substance abuse prevention and treatment, primary care and life enhancement programs for adults and transition age youths who are homeless or face mental health and substance abuse issues and their families in San Francisco. The programs will include mental health emergency crisis/vocational and rehabilitation services, peer and intern employment, peer-based wellness and recovery services, substance abuse education and training/HIV intervention/primary prevention, secondary prevention and ancillary services, short-term intensive care management-hospital discharge services.	6/30/2015
4157-09/10	81	Public Health	Regular	\$17,360,000	Contractors will provide San Francisco General Hospital (SFGH), Laguna Honda Hospital (LHH), DPH's Primary Care clinics and Health At Home program a continuous, reliable source of intermittent, supplemental, on-call nursing personnel during high patient census, high acuity, unexpected staff illnesses and/or vacations, and to meet State nurse-to-patient staffing ratio requirements.	6/30/2015
4158-09/10	81	Public Health	Regular	\$84,000	Contractor will provide phlebotomy services during the phlebotomy service schedule at Behavioral Health Clinics and laboratory specimen courier services when necessary.	6/30/2015
4159-09/10	81	Public Health	Regular	\$150,000	Contractor will provide comprehensive vision care services including preventive eye exams, eye care services and diagnostic referrals for patients at the DPH's Southeast Health Center once a week during the operation hour from 8 am to 5 pm.	6/30/2015

Modification
Personal Services Contracts

PERSONAL SERVICES CONTRACT SUMMARY ("PSC FORM 1")

Department: PUBLIC UTILITIES COMMISSION Dept. Code: PUC

Type of Request: [] Initial [x] Modification of an existing PSC (PSC # 44699 - 14/15)

Type of Approval: [] Expedited [x] Regular ([] Omit Posting)

Type of Service: Automated Water Meter Program Deployment-Phase III (CS-1014)

Funding Source: SFPUC Capital Projects Budget

PSC Original Approved Amount: \$3,500,000

PSC Original Approved Duration: 06/01/15 - 05/31/17 (2 years)

PSC Mod#1 Amount: \$2,000,000

PSC Mod#1 Duration: no duration added

PSC Mod#2 Amount:

PSC Mod#2 Duration:

PSC Cumulative Amount Proposed: \$5,500,000

PSC Cumulative Duration Proposed: 2 years

1. Description of Work

A. Scope of Work:

Contractor will deploy City-owned Automated Water Meter Program (AWMP) equipment to complete the final phase of AWMP deployment. A previous contract implemented Phase I and Phase II of the AWMP accomplishing 95% of the total AWMP deployment work. This professional service contract will cover the replacement or retrofit of the remaining approximately 5,200 existing manual water meters in the City with the AWMP equipment consisting of a digital water meter and a meter transmission unit (MTU). This mass deployment will ensure a seamless transfer from the current installed water meters to safeguard against unregistered consumption, mis-identification of meter locations, erroneously installed or programmed equipment, and any interruptions in customer reading and billing services.

B. Explain why this service is necessary and the consequence of denial:

Until the Phase III automated meters are installed the City is incurring extra costs to continue the manual meter reading system at these locations. The consequences of denying this contract to complete the work expeditiously will result in continued unanticipated costs to the City for accomplishing billing.

C. Has this service been provided in the past. If so, how? If the service was provided via a PSC, provide the most recently approved PSC # and upload a copy of the PSC.

Services have been provided in the past through earlier PSC request. See 44699 - 14/15

D. Will the contract(s) be renewed? No, if procurement proceeds on schedule.

2. Union Notification: On 05/14/15, the Department notified the following employee organizations of this PSC/RFP request: Plumbers, Local 38;

FOR DEPARTMENT OF HUMAN RESOURCES USE

PSC# 44699 - 14/15

DHR Analysis/Recommendation:

Civil Service Commission Action:

Commission Approval Required

DHR Approved for 06/15/2015

3. Description of Required Skills/Expertise

A. Specify required skills and/or expertise:

Specialized training and certification from the equipment manufacturers to install AWMP equipment; extensive experience performing installations; refined work order processes and quality assurance procedures required to install a large amount of meters in a short time & ensure seamless transfer from the current water meters. See Supplemental Attachment A.

B. Which, if any, civil service class(es) normally perform(s) this work?

7316,7317,7240,7353,7463,7388,

C. Will contractor provide facilities and/or equipment not currently possessed by the City? If yes, explain:

No.

4. Why Classified Civil Service Cannot Perform

A. Explain why civil service classes are not applicable:

The City does not have qualified personnel resources available to complete additional AWMP deployments beyond the 1,000 installations being held back from this scope.

B. Would it be practical to adopt a new civil service class to perform this work? Explain.

No. The City possesses these classes already, though not in quantities required to complete the mass Phase III deployment. This work will be a short duration and a one-time effort. It would not be practical to adopt a new civil service class or increase existing qualified positions for this short-term mass deployment.

5. Additional Information (if "yes", attach explanation)

YES NO

A. Will the contractor directly supervise City and County employee?

YES NO

B. Will the contractor train City and County employee?

YES NO

See Supplemental Attachment A.

C. Are there legal mandates requiring the use of contractual services?

YES NO

D. Are there federal or state grant requirements regarding the use of contractual services?

YES NO

E. Has a board or commission determined that contracting is the most effective way to provide this service?

YES NO

F. Will the proposed work be completed by a contractor that has a current PSC contract with your department?

YES NO

THE ABOVE INFORMATION IS SUBMITTED AS COMPLETE AND ACCURATE ON BEHALF OF THE DEPARTMENT HEAD
ON 05/14/15 BY:

Name: Shamica Jackson Phone: 415-554-0727 Email: SJackson@sfwater.org

Address: 525 Golden Gate Avenue, 8th Floor San Francisco, CA 94102

Receipt of Union Notification(s)

From: Jackson, Shamica
To: jarryjr@valocal38.org; ljmazzoia@valocal38.org
Cc: [DHR-PSCCoordinator, DHR \(DHR-PSCCoordinator@sfgov.org\)](mailto:DHR-PSCCoordinator.DHR (DHR-PSCCoordinator@sfgov.org))
Subject: FW: Receipt of Modification Request to PSC # 44699 - 14/15 - MODIFICATIONS
Date: Thursday, May 14, 2015 1:59:37 PM

-----Original Message-----

From: dhr-psccoordinator@sfgov.org [<mailto:dhr-psccoordinator@sfgov.org>] On Behalf Of SJackson@sfgwater.org
Sent: Tuesday, May 12, 2015 11:38 AM
To: Jackson, Shamica (PUC); Jackson, Shamica (PUC); DHR-PSCCoordinator, DHR (HRD); Isen, Richard (TIS)
Subject: Receipt of Modification Request to PSC # 44699 - 14/15 - MODIFICATIONS

PSC RECEIPT of Modification notification sent to Unions and DHR

The PUBLIC UTILITIES COMMISSION -- PUC has submitted a modification request for a Personal Services Contract (PSC) for \$2,000,000 for services for the period June 1, 2015 – May 31, 2017. For all Modification requests, there is a 7-Day noticed to the union(s) prior to DHR Review.

If SEIU is one of the unions that represents the classes you identified in the initial PSC and the cumulative amount of the request is over \$100,000, there is a 60 day review period for SEIU

After logging into the system please select link below:

<http://apps.sfgov.org/dhrdrupal/node/4965>

Email sent to the following addresses: Please check the record to see if you selected a union where a corresponding email in the TO: field isn't present.

Either you selected none or there is no email entered in the system by that particular union

Additional Attachment(s)

Supplemental Attachment A

PSC No. 44699-14/14

(CS-1014)

3. Why Classified Civil Services Classes Cannot Perform

A. What efforts has the department made to obtain these services through available resources within the City?:

The City has attempted to complete this work since 2012 and has not been able to accommodate the work given the other priority work required on meter maintenance, new service installations, distribution system leaks, etc. The City anticipates having one dedicated plumbing crew to complete a portion of the Phase III AWMP deployment starting in Spring 2015. That portion of work, approximately 1,000 installations, is being held back from this contract accordingly.

5. Additional Information (if "yes", attach explanation)

B. Will the contractor train City and County employees?

City staff has already been fully trained under the previous contract (CS-936), so training will be unnecessary under this contract.