



# San Francisco Local Agency Formation Commission

## REQUEST FOR QUALIFICATIONS FOR Renewable Energy Consultant

Solicitation # LAF2019-02

**CONTACT: Bryan Goebel, [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org)**

### Background

The San Francisco Local Agency Formation Commission (LAFCo) seeks qualified firms and/or individuals who have demonstrated expertise in renewable energy, at an electric utility, company, and community choice energy program and/or government organization. The LAFCo is mandated by City ordinance to monitor CleanPowerSF, the City of San Francisco's community choice aggregation program. As such, the LAFCo seeks a renewable energy expert(s) who can help the Commission provide effective oversight of CleanPowerSF and offer advice and staff support to develop new programs and a local buildout of renewable energy generation projects.

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

It is the intent of the LAFCo to create a prequalified list of firms or individuals from which it may choose prospective contractors on an as-needed basis for up to four (4) years of the prequalification notification date. Firms prequalified under this RFQ are not guaranteed a contract.

### Anticipated Contract Term

The anticipated contract term for contracts resulting from this RFQ may last one year, with the option to extend up to six months. Actual contract term may vary, depending upon service and project needs at the LAFCo's sole, absolute discretion. Respondents selected for resulting contract(s) must be available to commence work on or before November 1, 2019.

### Anticipated Contract Budget

For each contract resulting from this RFQ, the anticipated not-to-exceed contract budget is \$200,000. Actual contract budget may vary, depending upon service and project needs at the City's sole and absolute discretion.

### Important City's Supplier and Bidder Resources

City Supplier and Bidder Portal:

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

Bid Opportunities:

<https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx>

Frequently Asked Questions:

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

User Support:

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

User Support tel. (415) 944-2442

### Submission of Proposals Requirements

Proposals and all related materials, including all CMD forms, must be received by Deadline for RFQ Proposals. You must be a registered Bidder to apply to this RFQ so it is important to follow the instructions at the above links.

### Schedule\*

RFQ Issued	August 21, 2019
Deadline for RFQ Questions	October 11, 2019
Deadline for Courtesy e-mail for Intent to Respond	October 11, 2019
<b>Deadline for RFQ Responses</b>	October 18, 2019 (5pm PST)
Notice of Intent to Establish a Prequalified List	November 8, 2019

## 1. Introduction

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

Terms and abbreviations used throughout this RFQ include:

- **CCSF or The City** – The City and County of San Francisco.
- **Commission** - Local Agency Formation Commission
- **Contract Monitoring Division (CMD)** – San Francisco Contract Monitoring Division, a department of the City and County of San Francisco.
- **Contractor** – The Respondent(s) awarded a contract for services subsequent to prequalification under this RFQ.
- **Firm** – Any business entity including, but not limited to, companies, nonprofit organizations, educational institutions, and individuals.
- **LAFCo** – Local Agency Formation Commission.
- **Local Business Enterprise (LBE)** – A business that is certified as an LBE under S.F. Administrative Code §14B.3. Only certified Small and Micro-LBEs can be used to satisfy the LBE subcontracting participation goal.
- **Respondent/Proposer** – Any entity submitting a response to this Request for Qualification.
- **Response/Proposal** – A Respondent's proposal submitted in response to this RFQ.
- **SFPUC** – San Francisco Public Utilities Commission.

## 1.2 Statement of Need and Intent

### What Does the LAFCo Seek?

The LAFCo seeks responses from individuals or private entities demonstrating successful experience in providing professional services and consultation on community choice energy programs, renewable energy programs, distribution systems, battery storage, grid infrastructure, energy efficiency, smart technology, and municipal power. In addition, the firm or individual should have substantial experience in finance.

The LAFCo is mandated by City ordinance to monitor CleanPowerSF, the City of San Francisco's community choice energy program operated by the San Francisco Public Utilities Commission (SFPUC). As such, the LAFCo seeks a renewable energy and electric utility services expert who can support the Executive Officer and Commission provide effective oversight of CleanPowerSF, offering feedback and recommendations on renewable energy planning, programs and legislation.

As part of the LAFCo's role overseeing CleanPowerSF, the successful bidder may be asked to provide consultant services on the local buildout of renewable energy projects, analyzing the feasibility of large and small scale solar and wind projects, as well as other types of renewable energy projects. Respondents must have experience working with municipalities (or similar government agencies) on renewable energy issues.

### With Whom Will Consultants Work?

Consultants will work with the LAFCo Executive Officer, staff from other departments, including the SFPUC, LAFCo Commissioners, legal counsel and consultants, as appropriate.

#### What is the LAFCo's Intent with this RFQ?

Based on responses to this RFQ, it is the intent of the LAFCo to create a prequalified list of firms from which the LAFCo may select prospective Contractors on an as-needed basis for services indicated below in Section 2, Scope of Work. The LAFCo may use the prequalified list, at its sole and absolute discretion, for selection of firms and negotiations of contracts for two (2) years, and up to four (4) years, following establishment of the prequalification notification date. Contracts issued to prequalified firms will have terms of varying lengths depending on the LAFCo's needs, but in no case longer than two years. The LAFCo reserves the right to procure services similar or identical to the services specified in this RFQ by any other means. Multiple contracts may be awarded at the LAFCo's sole and absolute discretion. No prequalified Respondent is guaranteed a contract.

### **1.3 Background of the San Francisco Local Agency Formation Commission**

#### What is the LAFCo?

In 1963, the State Legislature passed the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("Cortese-Knox-Hertzberg Act" or "Act") requiring the creation of a new public agency in each county called a Local Agency Formation Commission, charged with directing and coordinating the orderly formation and development of local government agencies and services.

The LAFCo is an independent public agency separate and apart from the government of the City and County of San Francisco. The Commission may play a role coordinating logical and timely changes in local governmental boundaries and special districts in San Francisco, and conducts special studies to assess ways to reorganize, simplify and streamline governmental services in San Francisco. These special studies include, but are not limited to, inventorying and determining the maximum service capabilities of public agencies in San Francisco.

One of the LAFCo's essential functions is to monitor CleanPowerSF, a community choice aggregation energy program implemented by the San Francisco Public Utilities Commission. The LAFCo advises the SFPUC and the Board of Supervisors on all aspects of CleanPowerSF's development, operation and management. This includes applications for grants, purchases of real property, the issuance of revenue bonds and the program's finances. It also provides, as needed, feedback on development agreements, data collection, media and public relations policies and policies and procedures on the overall governance of CleanPowerSF.

As part of its special studies authority, the LAFCo is currently leading a labor study on emerging mobility services.

### **1.4 Organization of the Local Agency Formation Commission**

The LAFCo is comprised of five Commissioners. Four Commissioners are appointed by the San Francisco Board of Supervisors from among its members, two of whom are appointed as

County representatives and two of whom are appointed as the LAFCo representatives. An additional Commissioner is appointed by the other four Commissioners as a Public Member-at Large. Alternate members may also be appointed. The current members are Supervisors Sandra Lee Fewer (Chair), Matt Haney and Gordon Mar; the public member is Cynthia Crews-Pollock (Vice Chair), and the alternative public member is Shanti Singh.

The LAFCo generally meets once a month, with breaks for the summer and winter recesses in August and December. All meetings are held at San Francisco City Hall in Room 250, the main legislative chambers.

## **2. Scope of Work**

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

To minimize duplication of effort and to allow the LAFCo 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 LAFCo with other LAFCo Contractors, as deemed appropriate by the LAFCo.

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

Respondents are asked to indicate the Service Areas for which they would like to be considered in RFQ , Response Template. Given the broad range of possible opportunities, we encourage firms to respond for all Service Areas for which they meet or exceed minimum qualifications as described in this RFQ. Please note that qualifications are evaluated separately for each Service Area.

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

No. Each Respondent should demonstrate its capabilities in one or more of the Service Areas for which they would like to be considered by providing concise, but comprehensive responses in RFQ Attachment IV, Response Template. Following its review of responses, the LAFCo will create a list of prequalified consultant firms or individuals. The LAFCo will negotiate the specific scope of services, budget, deliverables and timeline with prequalified firms selected for contract negotiations. For example, for the contracts resulting from this RFQ, the contractor(s) may work on a project basis, with an engagement agreement for each project/task specifying the maximum number of hours, due date and hourly rate to be charged. There is no guarantee of a minimum amount of work or compensation for any Respondent(s) selected for contract negotiations. The LAFCo may select Contractors from the prequalified list in its sole and absolute discretion.

After the prequalified list has been established, the LAFCo may issue Request(s) for Proposals or Request(s) for Quotes to the prequalified consultant list to better assess qualifications for a specific scope of service, which may include staffing, scheduling, deliverable, and cost considerations.

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

Demonstrated expertise is requested, but is not limited to, the following Service Areas:

## **2.1 Service Area 1: Support LAFCo's Oversight of CleanPowerSF**

Firms or individuals prequalified for work in this Service Area may be engaged to provide consultant services to support LAFCo's role in the oversight of CleanPowerSF, the City's community choice energy program. The services may include:

- Evaluating all aspects of CleanPowerSF's development, operation and management.
- Working collaboratively with SFPUC, other City departments and key stakeholders.
- Monitoring modifications to the CleanPowerSF implementation plan, applications for grants, purchases of real property, issuance of revenue bonds and all of the program's finances.
- Providing feedback on development agreements, data collection, media and public relations policy and procedures on the overall governance of CleanPowerSF.
- Writing policy reports and making recommendations to the LAFCo, SFPUC, Board of Supervisors and other City departments.

## **2.2 Service Area 2: Local Buildout of Renewable Energy Projects**

Firms or individuals prequalified for work in this Service Area may be asked to review, evaluate and provide recommendations regarding SFPUC plans to develop solar, wind, small hydroelectric, battery and other forms of storage, energy efficiency installations, heat pump and waste heat generation installations, demand response strategies and installations, micro-grid installations, and other projects that the LAFCo can recommend to the Board of Supervisors, CleanPowerSF, and the SFPUC. This may include some or all of the following, and other projects, as directed by the LAFCo Commission:

- Reviewing documents prepared by SFPUC staff and/or consultants related to the development of a local build out plan, and providing recommendations.
- Providing written feedback to LAFCo on SFPUC planning documents and providing recommendations regarding other technically and economically feasible projects on City-owned land, if applicable.
- Analyzing solar, wind, small hydro and other types of renewable energy projects.
- Identifying and recommending revenue bond and other financing mechanisms needed to implement projects, including grant and incentive programs to spur renewable energy and energy efficiency programs.

## **2.3 Service Area 3: Identify and Propose Programs for Communities of Concern**

Firms or individuals prequalified to work in this Service Area may be asked to identify, propose and design viable CleanPowerSF programs for communities of concern in San Francisco. These are communities with a high concentration of minority and low-income households, and/or seniors, people with limited English proficiency, people with disabilities and other

populations, as well as communities who may have been adversely impacted by environmental injustices. As such, the firms or individuals may be called upon to:

- Identify, develop and plan programs for communities of concern that will enhance their energy service resiliency and decrease the risk of utility disconnection and opt-outs from CleanPowerSF.
- Provide recommendations regarding the efficient and equitable development of distributed energy resources in San Francisco.
- Identify, develop and plan workforce development programs to train and educate individuals in energy efficiency, fuel switching, renewable energy and other types of green jobs.
- Facilitate cross-departmental collaboration around energy efficiency and renewable energy programs in San Francisco.
- Identify local, state and federal sources of funding for CleanPowerSF programs related to communities of concern, and opportunities to support community investment programs.

### **3. LAFCo-Respondent Communications**

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

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

Please e-mail any questions to [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org). Oral questions will also be accepted. Questions must be received before the **Deadline for RFQ Questions**. No questions will be accepted after this time with the exception of those concerning City vendor compliance. All inquiries should include the number and title of the RFQ. Substantive replies will be memorialized in written addenda to be made part of this RFQ. This RFQ will only be governed by information provided through written addenda.

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

A summary of all addenda, questions and answers pertaining to this RFQ will be posted on the City's website at the following link listed under Opportunities:

<https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx>

It is the Proposers' responsibility to check this Website for any updates. The City recommends that Proposers check the Website for updates on a daily basis at a minimum.

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

The LAFCo may contact the Respondents for clarification or correction of minor errors or deficiencies in their Responses prior to deeming a Response as non-responsive. Clarifications are "limited exchanges" between the LAFCo and a Respondent for the purpose of clarifying certain aspects of the Responses, and do not give a Respondent the opportunity to revise or modify its Response. Minor errors or deficiencies are defined as those that do not materially

impact the LAFCo's evaluation of the Proposal; for example, failing to label the "original" Response as an "original". For information regarding the LAFCo's Evaluation Process, see RFQ Section 5 - Evaluation Criteria.

## **4. Response Submission Requirements**

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

*Select one submission method.*

(Hardcopies)

Responses and all related materials must be received by **Deadline for RFQ Responses**.

Responses may be delivered to:

Bryan Goebel, Executive Officer  
San Francisco Local Agency Formation Commission  
1 Dr. Carlton B. Goodlett Place, Room 409  
San Francisco, Ca. 94102-4689

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.

Late submissions will not be considered.

### **4.2 Response Package**

The items identified in Table 1 below must be included in your response and packaged in a box or envelope clearly marked **Title and # of Solicitation RFQ**.

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.

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

Please note that there is a page limit for Attachment IV, based upon the number of Service Areas for which a firm is applying:

- RFQ Attachment IV has a page limit of 20 pages, if firm is applying to one (1) Service Area.
- RFQ Attachment IV has a page limit of 30 pages, if firm is applying to two (2) Service Areas.

- RFQ Attachment IV has a page limit of 40 page, if firm is applying to three (3) Service Areas.
- If RFQ Attachment IV exceeds the page limit, then the pages beyond the page limit will not be evaluated. Include copies of resumes in RFQ Attachment IV. Copies of resumes do not count towards the page limit.

**Table 1: Response Item Checklist**

**One (1) original printed response (with original signatures) labeled as “Original.”** The pages should be bound by a method in which the sheets may be easily separated (e.g. 3-hole binder, binder clip, comb binding, velo binding, etc.).

**RFQ Attachment I – Acknowledgement of RFQ Terms and Conditions**

**RFQ Attachment II – City’s Administrative Requirements**

**RFQ Attachment III– LAFCo’s Agreement Terms and Conditions**

**RFQ Attachment IV – Response Template**

Each Attachment must include all documents submitted for that Attachment in one, separate, complete file. Each of these separate files must be titled with Respondent’s name and Attachment number (**e.g. ABC Company Attachment I, ABC Company Attachment II**), in that **specific** order. Each file should include signatures, where applicable.

Respondents are advised to review RFQ Attachments I through IV before beginning work on Response Template in RFQ Attachment IV to ensure that LAFCo’s requirements can be met.

**One (1) flash drive OR CD-ROM containing entire contents of response, including all RFQ Attachments.** All electronic files on the flash drive or CD-ROM must be submitted in unprotected PDF or Word format. Electronic files for each Attachment must include all documents submitted for that Attachment in one, separate, complete, electronic file. Each of these separate electronic files must be titled with Respondent’s name and Attachment number (**e.g. ABC Company Attachment I, ABC Company Attachment II**), in that **specific** order. Electronic files should include signatures, where applicable. Alternatively, the contents may be emailed in PDF or Word format to [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org).



Four complete printed copies of RFQ Attachment IV – Response Template. The pages may be bound by a method of the Respondent's choosing.

### **4.3 Content**

Firms interested in responding to this RFQ must submit the information required in this Section 4, and Section 5 in the order specified in Attachment IV: Response Template. Even if using an alternative format for your response, the information in Attachment IV must be included in the order specified to be scored appropriately.

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

### **4.4 Redact Confidential or Proprietary Information**

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

**4.4.1** Responses to RFQs, contracts, and all other records of communications between the LAFCo and Respondents shall be open to inspection immediately after a contract has been awarded. Nothing in this Administrative Code provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefit *until and unless that person or organization is awarded the contract*.

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

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

## **5. Evaluation Criteria**

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

that pass the Initial Screening process (5.1) including Minimum Qualifications (5.2) will proceed to the Evaluation of Firms (that met Minimum Qualifications) described in Section 5.3.

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

## 5.1 Initial Screening

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

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

## 5.2 Minimum Qualifications

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

### A) EXPERIENCE:

- a. Has submitted two (2) Prior Project Descriptions as part of the RFQ Attachment IV response FOR EACH SERVICE AREA for which it would like to be considered for prequalification, which meet all of the following criteria:
  1. The services/experiences described in **each** of the Prior Project Descriptions FOR EACH SERVICE AREA must be comparable to the services the LAFCo is requesting, described in RFQ Section 2, Scope of Work.
  2. The services described in **at least one** of the Prior Project Descriptions FOR EACH SERVICE AREA must have been provided to public sector municipalities or similar government agency clients.
  3. **Both** Prior Project Descriptions FOR EACH SERVICE AREA must demonstrate successful completion no more than five (5) years prior to the

issuance date of this RFQ (successful completion means project deliverables have been completed as required).

**B) STAFFING:**

- a. The lead staff proposed to be assigned to the LAFCo's project(s) must individually have had a similar lead role in **both** of the Prior Project Descriptions submitted FOR EACH SERVICE AREA.

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

Evaluation Team

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

Each RFQ response that meets the Minimum Qualifications described in this Section 5 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 for each Service Area to be prequalified for that Service Area. There is no numerical limit to the number of firms that may be prequalified.

**5.3.1 Firm Qualifications – 20 points**

- 1) Respondent's firm history and structure, including total staff size and composition.
- 2) Respondents experience providing services to public sector municipal or similar clients.
- 3) Pending or current litigation related to consulting services provided by the firm, if any.
- 4) Client relationships severed for reasons other than convenience, if any.
- 5) Capacity and resources to provide the services under this RFQ.

**5.3.2 Staff Qualifications – 30 points**

- 1) Clarity and appropriateness of proposed staffing structure.
- 2) Roles and responsibilities, qualifications, and educational backgrounds of lead staff members, including subcontractor staff, if applicable, proposed to perform services for the LAFCo are appropriately demonstrated for each Service Area indicated in response.

**5.3.3 Approach and Cost – 40 points**

- 1) Expectations of client involvement or level of effort are appropriate; the proposed approach and questions demonstrate experience with providing similar services to comparable clients.
- 2) Sufficient expertise and methodology to create competitive differences that will be benefit to the LAFCo, as demonstrated.
- 3) Cost response is sufficiently detailed, reasonable and appropriate.

**5.3.4 Completeness of Response Submission – 10 points**

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

## 5.4 Prequalification Process

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

### Reference Checks

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

### Oral Interviews

If interviews are conducted, then following the Response Evaluation process described in Section 5.3.1 through 5.3.4, Respondents (who scored 70 points or above) may be invited to Oral Interviews with the Evaluation Team. Oral Interviews, if pursued by the LAFCo, will consist of standard questions asked of selected Respondents, and specific questions regarding individual responses. If Interviews are conducted, they will be worth 100 points based on a set of criteria established following review of written responses. The 100 points possible awarded for interviews will be added to the 100 possible points awarded during the Response Evaluation process for a total of 200 points. **Respondents scoring 140 points and above of the total 200 points will be added to the prequalified list.** The LAFCo has sole and absolute discretion over whether interviews will be conducted or not to select Respondents for prequalification.

### Release and Waiver Agreement

To effectuate the candid completion of the reference check above, Respondent is required to sign the RFQ Attachment I, Section 14, Release of Liability.

## 5.5 Selection from Prequalified Lists of Consultants

The LAFCo may select Contractors from the prequalified list in its sole and absolute discretion. After the prequalified list has been established, the LAFCo may issue Request(s) for Quotes or Request(s) for Proposals, Oral Selection Interviews/Demonstrations, conduct Reference Checks to the prequalified consultant list to better assess qualifications for a specific scope of service, which may include staffing, scheduling, deliverable, and cost considerations. The LAFCo reserves the right to request proposals, quotes, oral interviews/demonstrations, and conduct reference checks from vendors in one Service Area or multiple Service Areas

simultaneously. Award of contracts will be made in a manner consistent with San Francisco Administrative Code Chapter 21 Section 21.4(c).

## **5.6 Other Terms and Conditions**

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

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

The LAFCo, 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 LAFCo reserves the right at any time to approve, disapprove or modify proposed project plans, timelines and deliverables. Such approvals will not be unreasonably withheld.

## **6. Protest Procedures**

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

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

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

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

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

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

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

By 5:00 p.m. PST on the fifth (5<sup>th</sup>) working day of the LAFCo's issuance of a notice of non-responsiveness, any Respondent that has submitted a response and believes that the LAFCo has incorrectly determined that its response is non-responsive, may submit a written notice of protest by e-mail (fax is not acceptable) as directed in Section 6.4. Such notice of protest must be received by the LAFCo on or before 5 p.m. PST of the fifth (5<sup>th</sup>) working day following the City's issuance of the notice of non-responsiveness.

The notice of protest must include a written statement specifying in detail each and every reason asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the LAFCo to determine the validity of the protest.

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

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

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the LAFCo to determine the validity of the protest.

## **6.4 Delivery of Protests**

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

Protests must be delivered via:

E-mail: [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org)

## **6.5 Protest Review**

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

If a Respondent submits a complete and timely protest, the Controller's Office will review notice of protest soon after receipt of the protest to determine validity of notice, including, but not limited to: (1) receipt by due date; (2) inclusion of a written statement specifying in detail each and every one of the grounds asserted for the protest; (3) signed by an individual authorized to represent the Respondent; (4) citation of the law, rule, local ordinance, procedure

or RFQ provision on which the protest is based; and (5) specification of facts and evidence sufficient for the LAFCo to determine the validity of the protest.

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

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

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

## **7. Supplier Compliance**

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