

# San Francisco Local Agency Formation Commission

**REQUEST FOR PROPOSALS FOR**  
**Labor Survey of On-Demand Workers in the Emerging Mobility Services Sector**  
**Solicitation #LAF2019-01**  
**CONTACT: Bryan Goebel, [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org)**

**Background**

The San Francisco Local Agency Formation Commission seeks proposals to conduct a representative labor survey of on-demand workers in the emerging mobility services sector who perform transportation and courier network services within the City and County of San Francisco. The data will help the City better understand this understudied workforce, and determine whether the labor policies of emerging mobility companies align with the City’s labor principle, namely that they “ensure fairness in pay and labor policies and practices.”

The selected consultant will analyze the data and complete a peer-reviewed final report that will be incorporated into a broader labor study, which will recommend a slate of policy actions for local, state and federal policymakers, as well as emerging mobility services companies.

For the purposes of this RFP, emerging mobility services will be defined using the San Francisco County Transportation Authority’s definition as any private or non-profit transportation service or technology that uses public roads and automates at least three of the following characteristics:

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>✓ Driving</li> <li>✓ Routing</li> <li>✓ Reservations/orders</li> <li>✓ Vehicle tracking</li> <li>✓ Billing</li> <li>✓ Customer feedback</li> </ul> | <ul style="list-style-type: none"> <li>✓ Matching/Sharing</li> <li>✓ Crowd-sourced routing</li> <li>✓ Vehicle locking/unlocking</li> </ul> |
|---|--|

**Schedule\***

RFP Issued	January 16, 2019
Deadline for RFP Questions	March 26, 2019
<b>Deadline for RFP Proposals</b>	<b>March 29, 2019</b>
Notice of Intent to Award Contract Notification	April 26, 2019

**Anticipated Contract Term**

The anticipated contract term resulting from this RFP may last up to one year, with the option to extend the contract for up to six additional months. Actual contract terms may vary, depending upon service and project needs at the LAFCo’s sole, absolute discretion. Respondent selected for resulting contract must be available to commence work on or before April 1, 2019\*.

**Anticipated Contract Budget**

For the contract resulting from this RFP, the total anticipated not-to-exceed project budget is to be \$300,000. However, the actual contract budget will vary, depending upon service and project needs at the LAFCo’s sole and absolute discretion, and funding availability. The LAFCo has allocated a not-to-exceed amount of \$50,000 for the first phase of work, and is working to secure additional funding for phase II and III. Only Phase I of the project will be contracted at this time. However, all Proposers will be required to provide scope and cost proposals covering all Phases of the project. Additional Phases will be subject to contract modification at the LAFCo’s sole and absolute discretion, and funding availability.

**Questions and Communications**

Interested parties are directed NOT to contact any employees, agents, or officials of the LAFCo other than those specifically designated in this RFP and its Attachments. To ensure fair and equal access to information about this RFP, e-mail your questions to [Bryan.Goebel@sfgov.org](mailto:Bryan.Goebel@sfgov.org). Questions must be in writing and received by the Deadline for RFP Questions. No questions will be accepted after this time with the exception of LAFCo vendor requirement questions.

A summary of the questions and answers pertaining to this solicitation will be posted on City’s website.

<http://www.sfgov.org> under Business – Bids & RFP’s >>Consultants and Professional Services at the following URL:  
<http://mission.sfgov.org/OCABidPublication/ReviewBids.aspx>

\*Each date subject to change. All hours are Pacific time zone. Check website for latest schedule.

## Introduction

### 1.1 General terms used in this Request for Proposals (RFP)

Terms and abbreviations used throughout this RFP include:

- **City** – The City and County of San Francisco
- **Contract Monitoring Division (CMD)** – San Francisco Contract Monitoring Division, a department of the City and County of San Francisco.
- **Firm** – Any business entity including, but not limited to, companies, nonprofit organizations, educational institutions, and individuals.
- **LAFCo** – San Francisco Local Agency Formation Commission
- **Respondent/Proposer** – Any entity submitting a response to this RFP
- **Response/Proposal** – A Respondent’s proposal submitted in response to this RFP
- **SFCTA** – San Francisco County Transportation Authority

### 1.2 Statement of Need and Intent

#### What Does the LAFCo Seek?

The LAFCo seeks proposals to conduct a representative labor survey of on-demand workers in the emerging mobility services sector who perform transportation and courier network services within the City and County of San Francisco. The data will help the City better understand this understudied workforce, and determine whether the labor policies of emerging mobility companies align with the City’s labor principle, namely that they “ensure fairness in pay and labor policies and practices. The results and final report will be incorporated into LAFCo’s broader labor study of this workforce.

Firms must demonstrate successful experience in labor surveys and studies related to vulnerable workforce populations. Proposals should outline the firm’s previous representative surveys and experience producing peer-reviewed reports, and/or demonstrate expertise in this field.

#### With Whom Will Consultants Work?

Consultants will work with the LAFCo executive officer, and the emerging mobility services labor study advisory committee established to offer feedback. The advisory committee will be comprised of city agencies, advocates and representatives from the labor and tech sectors.

### 1.3 Background of the Local Agency Formation Commission

In 1963, the State Legislature passed the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (“Cortese-Knox-Hertzberg Act” or “Act”) providing for 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 main 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 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. The study will examine labor models used in emerging mobility services to understand the demographics of the contractor labor force employed by companies such as Uber, Lyft, Caviar and Postmates. It will investigate how many contractors work for this sector, in which cities they reside, how many contractors work for multiple emerging mobility services, and what their commute patterns are.

The study will work to understand whether or how emerging mobility contractors access medical, dental and other benefits, and look at how other local and state governments have stepped in to help provide a security blanket for these workers. The results will inform state and local policy related to contractor benefits requirements.

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

The LAFCo's governing board 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 LAFCo generally meets once a month, with breaks for the summer and winter recesses in August and December. Meetings are held at San Francisco City Hall in Room 263.

## **2. Scope and Phases 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 survey shall be conducted in three phases. Only Phase I of the project is being contracted at this time. However, Proposers will be required to provide scope, estimated timelines and cost proposals covering all Phases of the project. Additional phases will be subject to contract modification at the LAFCo's sole and absolute discretion, and funding availability. The LAFCo will negotiate the specific scope of services, budget, deliverables and timeline with the highest-scoring Proposer(s) selected for contract negotiations.

## Scope of Work

Proposals should outline an approach to all three phases of the survey, and include an estimated budget and methodology.

### Phase 1: Research design and data collection

a. Identify and advise the LAFCo on the best research strategies and methods to obtain baseline information about contract work being performed in San Francisco for emerging mobility companies. The research should address the following:

- Prevalence of independent contractor work
- Industry classification of independent contractor work
- Occupational types of independent contractor work
- Workers' sources of income, and the amount derived from contractor work
- Workers access to and sources of benefit coverage (including food and housing assistance)
- Workers average number of hours worked (daily or weekly)
- Workers demographics, including income and education level, age, gender, race/ethnicity, immigration status, criminal record and city of residence
- Job characteristics, including health insurance and retirement coverage and sources, earnings, business expenses, average hours worked, part-time, full-time and involuntary part-time status
- Research methods that can be verified and repeated over time to identify trends and deepen the LAFCo's knowledge about the on-demand workforce of emerging mobility services in San Francisco

b. Data collection

Implement research strategies and methods to obtain baseline information about independent contractor work being performed for emerging mobility companies in San Francisco. Data collection should address the following:

- Information gaps identified during research design phase
- Best practices in gathering and storing confidential information from hard-to-reach populations
- Best practices to receive and store confidential administrative records
- Research questions finalized with the LAFCo Executive Officer, advisory committee members and key stakeholders
- Best practices in gathering information from multi-lingual and multi-cultural populations
- Collaborative development of research strategies and methods to meet project objectives and timelines, which may include focus groups, structured interviews and surveys

## Phase 2: Survey and data analysis

- Percentage of workers in San Francisco who perform independent contract work
- Percentage of independent contract work being performed in San Francisco
- Number of workers who report income from independent contract work as their main and secondary source of income or hours
- Differences in income levels, insurance and benefits coverage between workers who earn income from independent contract work compared to those who primarily earn income from wages
- Number of workers who identify sources of income from online platforms, and the type of platform identified
- Common occupational types of independent contract work
- Business income to business expense ratios for different occupational types of independent contract work
- Identify disparities and barriers based on income, race, gender, age and other equity metrics when compared to average worker income in the Bay Area, including expenses, transportation and housing costs

### b. Reporting

Provide monthly updates to the LAFCo, along with preliminary and final reports, verbally and in writing. The reports must include:

- Data availability and limitations
- Pros and cons of selected methodological approach and alternatives
- Recommendations for future research

## Phase 3: Final Report

Draft final report outlining key data findings. Work with the LAFCo and the study's advisory committee, and establish a panel of peers to review the draft final report. Submit the final report to the LAFCo executive officer to incorporate into the overall labor study report.

### 2.1 Deliverables

Successful completion of the following will be established by a negotiated Agreement between the LAFCo and Contractor to include a complete list of deliverables, timeline and further details shall also be negotiated between LAFCo and Contractor:

#### 1. Research design and data collection

*Deliverable: Scope and methodology report*

#### 2. Survey and data analysis

*Deliverable: Data and analysis of on-demand workers*

#### 3. Final report

Final report outlining key findings from the survey.

*Deliverable: Final report*

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

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

#### **3.1 Deadline for RFP Questions**

Please e-mail any questions to [bryan.goebel@sfgov.org](mailto:bryan.goebel@sfgov.org). Oral questions will be accepted prior to March 1. Questions, in accordance with the below schedule, must be received before the **Deadline for RFP 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 RFP. Substantive replies will be memorialized in written addenda to be made part of this RFP. This RFP 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 RFP will be posted on the City's website <http://www.sfgov.org/> - under Business – Bids & RFP's >>Consultants and Professional Services at the following URL: <http://mission.sfgov.org/OCABidPublication/ReviewBids.aspx> ("Website"). It is the Respondents' responsibility to check this Website for any updates. The LAFCo recommends that Respondents check the Website for updates on a daily basis at a minimum.

A summary of all addenda, questions and answers pertaining to this RFP will be posted on the City's website at the following link listed under Sourcing Events, "RFP# LAFCo-2018-02" <https://sfsupplierportal.sfgov.org/psp/supplier/SUPPLIER/ERP/h/?tab=DEFAULT>

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

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

The LAFCo may contact the Proposers for clarification or correction of minor errors or deficiencies in their Proposals prior to deeming a Proposal as non-responsive. Clarifications are "limited exchanges" between the LAFCo and a Proposer for the purpose of clarifying certain aspects of the Proposals, and do not give a Proposer the opportunity to revise or modify its Proposal. 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" Proposal as an "original". For information regarding the LAFCo's Evaluation Process, see RFP Section 5 - Evaluation Criteria.

## 4. Proposal Submission Requirements

### 4.1 Time and Place for Submission of Proposals

Proposals and all related materials must be received by **Deadline for RFP Proposals**. Proposals must be delivered to:

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

Postmarks will not be considered in judging the timeliness of submissions. Proposals 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 Proposers hand-delivering proposals to City Hall may be required to open and make packages accessible for examination by security staff.

### 4.2 Proposal Package

**The following items must be included in your response and packaged in a box or envelope clearly marked:**

**Labor Survey of On-Demand Workers in the Emerging Mobility Services Sector  
Solicitation #LAF2019-01**

Complete, but concise responses, are recommended for ease of review by the Evaluation Team. Proposals should provide a straightforward, concise description of the Proposer's capabilities to satisfy the requirements of the RFP. All parts, pages, figures, and tables should be numbered and clearly labeled.

## Response Item Checklist

**Four (4) printed Proposals with 1 original signature and three copies.** 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.).

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

**RFP Attachment II** – LAFCo's Administrative Requirements

**RFP Attachment III** – LAFCo's Agreement Terms and Conditions

**RFP Attachment IV** – Proposal 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 Proposer's name and Attachment number, in specific order. Each file should include signatures, where applicable.

Proposers are advised to review RFP Attachments I through III before beginning work on Proposal Template in RFP Attachment IV to ensure that the LAFCo's requirements can be met.

**One flash drive OR CD-ROM containing entire contents of response, including all RFP 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 Proposer's name and Attachment number, in specific order. Electronic files should include signatures, where applicable.

### 4.3 Content

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

Proposals received under this RFP that fail to address each of the requested items in sufficient and complete detail to substantiate that the Proposer can meet the LAFCo's minimum qualifications, will be deemed non-responsive and will not be considered for evaluation. Note that proposals 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** Proposals to RFPs, contracts, and all other records of communications between the LAFCo and Proposers 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 benefit *until and unless that person or organization is awarded the contract.*

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

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

### **5. Evaluation Criteria**

This section describes the guidelines used for analyzing and evaluating the proposals. It is the LAFCo's intent to select Proposers for contract negotiations that will provide the best overall service package to the LAFCo inclusive of fee considerations. Proposers firms selected for contract negotiations are not guaranteed a contract. This RFP 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 proposals are 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. As in all professional service contracts, the LAFCo reserves the right to accept other than the lowest price offer and reject all proposals that are not responsive to this request.

LAFCo 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 LAFCo.

#### **5.1 Initial Screening**

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

Proposals 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 RFP Responses**, any response that does not demonstrate that Proposer 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 Proposer for the purpose of clarifying certain aspects of the Proposal, and will not give a Proposer the opportunity to revise or modify its response.

Firms interested in responding to this RFP must submit the information required in Section 5, in the order specified in Attachment IV: Proposal Template. Even if using an alternative format for your response, the information in Attachment IV must be included in the order specified so it can be scored appropriately.

Proposals received under this RFP that fail to address each of the requested items in sufficient and complete detail to substantiate that the Proposer can meet the LAFCo’s minimum qualifications, will be deemed non-responsive and will not be considered for evaluation. Note that Proposals 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 may be deemed non-responsive.

## 5.2 Minimum Qualifications

Any response that does not demonstrate that the Proposer meets these minimum qualifications by the response deadline will be considered non-responsive and will not be evaluated or eligible for award of a contract.

### A) EXPERIENCE:

- a. Has submitted two Prior Project Descriptions as part of the RFP Attachment IV response, which meet all of the following criteria:
  1. The services/experiences described in **each** of the Prior Project Descriptions area must be comparable to the services the LAFCo is requesting, described in RFP Section 2, Scope of Work.
  2. The services described in **at least one** of the Prior Project Descriptions must have been provided to public sector municipalities or similar government agency clients.
  3. **Both** Prior Project Descriptions must demonstrate successful completion within five years from the issuance date of this RFP (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 (100 points)**

#### **Evaluation Team**

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

#### **5.3.1 Firm Qualifications – 20 points**

- 1) Proposer's firm history and structure, including total staff size and composition.
- 2) Proposer's experience providing similar services to municipalities or other government agencies.
- 3) Proposer's capacity and resources to provide the services under this RFP.
- 4) Client relationships terminated for reasons other than convenience, if any.

#### **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 proposed to perform services for the LAFCo.

#### **5.3.3 Approach and Cost – 40 points**

- 1) a) Work plan/approach demonstrates understanding of the project and the tasks to be performed;
- 2) b) Demonstrates ability to complete project in a timely manner;
- 3) Expectations of client involvement or level of effort are appropriate; the proposed approach and questions demonstrate experience with providing services to comparable clients.
- 4) Sufficient expertise and methodology to create competitive differences that will be beneficial to the LAFCo is demonstrated.
- 5) Cost response is sufficiently detailed, reasonable and appropriate.

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

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

### **5.4 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: (i) the applicability of Proposer's experience to the services the LAFCo is requesting, (ii) the quality of services and staffing provided to prior clients, (iii) adherence to schedules/budgets, (iv) Proposer's problem-solving, project management and communication abilities, (v) performance on deliverables and outcomes, and (vi) effectiveness in meeting or exceeding project objectives. If reference checks establish that information included in a Prior Project Description or elsewhere in the response is untruthful, then the LAFCo may reject the Proposal.

### Release and Waiver Agreement

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

## **5.5 Oral Interviews**

If the LAFCo chooses to conduct interviews, then following the Proposal Evaluation process, the LAFCo may invite Proposers to oral interviews with the Evaluation Team. Oral interviews will consist of standard questions asked of selected Proposers, and specific follow-up 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 Proposal Evaluation process for a total of 200 points. The lead staff members that will be assigned to the engagement should be present for the interview. The LAFCo has sole and absolute discretion over whether interviews will be conducted or not to select Proposers for prequalification.

## **5.6 Other Terms and Conditions**

The selection of any Proposer 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.

The LAFCo will select the most qualified and responsive Proposer with whom LAFCo staff will commence contract negotiations. If a satisfactory contract cannot be negotiated in a reasonable time with the selected Proposer, then the LAFCo, in its sole discretion, may terminate negotiations and begin contract negotiations with the next highest scoring Proposer. The LAFCo, in its sole discretion, has the right to approve or disapprove any staff person assigned to its projects by the Contractor 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, provided that all modifications are within the scope of services sought by this RFP.

## **6. Protest Procedures**

### **6.1 Protest of RFP Terms**

Failure of a Proposer 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 Proposer object on any ground to any provision or legal requirement set forth in the RFP (including all Appendices and all Addenda), including but not limited to protests based on allegations that: (i) the RFP is unlawful in whole or in part, (ii) one or more of the requirements of the RFP is onerous, unfair, or unclear; (iii) the structure of the RFP does not provide a correct or optimal process for the solicitation of the Services; (iv) the RFP contains one or more ambiguity, conflict, discrepancy or other error; or (v) the RFP unnecessarily

precludes alternative solutions to the Services or project at issue, the prospective Proposer must provide timely written notice of protest as set forth below.

By 5:00 p.m. P.S.T on the third working day after the issuance of the RFP, any Proposer may submit a written notice of protest via e-mail to [Bryan.Goebel@sfgov.org](mailto:Bryan.Goebel@sfgov.org). Protests or notices of protests delivered orally (e.g., by telephone) will not be considered.

The protest must state the basis for the protest, refer to the specific requirement or portion of the RFP at issue, and describe the modification to the RFP sought by the prospective Proposer. The protest must also include the name, address, telephone number, and email address of the person representing the prospective Proposer.

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 RFP.

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

By 5:00 p.m. PST on the fifth working day after the LAFCo's issuance of a notice of non-responsiveness, any Proposer 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). Such notice of protest must be received by the LAFCo on or before 5 p.m. PST of the fifth working day following the LAFCo'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 LAFCo to determine the validity of the protest.

## **6.3 Delivery of Protests**

All protests must be received by the specified dates and time deadlines specified in Section 6.1 and 6.2. 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)

## **6.4 Protest Review**

If a Proposer submits a complete and timely protest, the LAFCo will review the notice of protest soon after receipt of the protest to determine its validity, 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 Proposer; (4) citation of the law, rule, local ordinance, procedure or RFP 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 Proposer may not rely on a Protest submitted by another Proposer, 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 Proposer 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 Proposer at the time the protest is submitted. If the Proposer 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 LAFCo determines that the notice of protest is valid, the LAFCo will review facts and evidence to determine the outcome of the protest. The review will be an informal process conducted by the LAFCo or its designee and will be based upon the information submitted by the Proposer in its protest letter. The LAFCo may seek input from the San Francisco City Attorney's Office, and/or other City departments as needed or appropriate. The LAFCo will notify the Proposer in writing of its decision at the conclusion of the review. The LAFCo will make the final determination regarding the outcome of the protest. The decision of the LAFCo regarding a protest is final.

## **7. Vendor Compliance**

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