

1 [Administrative Code - Requests for Qualifications]

2

3 **Ordinance amending the Administrative Code to extend the permissible period for**
4 **using a list of prequalified entities to contract for commodities and/or services**
5 **following the issuance of a Request for Qualifications from two years to four years if**
6 **certain conditions are met.**

7

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

12

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. The Administrative Code is hereby amended by revising Section 21.4, to
16 read as follows:

17 **SEC. 21.4. INVITATIONS FOR COMPETITIVE PROPOSALS OR QUALIFICATIONS.**

18 (a) Authorization; Evaluation Criteria. A Contracting Officer may issue a request for
19 Proposals, or request for qualifications, for the selection of Professional Service Contractors
20 following consideration of the evaluation factors set forth in the request for Proposals, which
21 may include cost, except as prohibited by law. If a department determines that it would be in
22 the best interests of the City to acquire combined Commodities and Services or General
23 Services by means of a request for Proposals or qualifications, rather than an invitation for
24 Bids, such request for Proposals or qualifications shall be issued by the Purchaser. A request

25

1 for Proposals or qualifications for Professional Services ~~may be~~ ~~maybe~~ issued directly by the
2 department.

3 (b) Negotiation. The Contracting Officer is authorized to negotiate terms and
4 conditions, including price, with the highest ranked Proposer. If the Contracting Officer cannot
5 conclude a contract that, in the opinion of the Contracting Officer is in the City's best interest,
6 the Contracting Officer may terminate negotiations with the highest ranked Proposer. In the
7 event that the Contracting Officer cannot conclude negotiations with the next highest ranked
8 Proposer on terms acceptable to the City, then the Contracting Officer may negotiate with
9 each successively ranked proposer.

10 (c) Requests for Qualifications. The Purchaser may issue a request for qualifications
11 ("RFQ") to determine the qualifications of prospective Contractors for particular types of
12 Commodities and/or Services to the City. A department may issue a RFQ request for qualification
13 to determine the qualifications of prospective Contractors for ~~particular types of Commodities~~
14 ~~and/or Professional~~ Services to be provided to that department. In addition, the Purchaser may
15 maintain City-wide lists of prequalified contractors for Commodities and Services. Prequalification
16 may be for the purpose of issuing a further Solicitation to select from among the prequalified
17 entities for a particular contract, or it may be for the purpose of maintaining a list from which
18 Contractors will be selected for future contracts as needed by the City department, or the City
19 ~~department~~ may select Contractor(s) based on ranking of responses to the request for
20 qualifications.

21 (1) For the procurement of Commodities and Services for which lists of
22 prequalified entities are created by the City a department, selection of a Contractor for a
23 particular contract may be made without the use of a further Solicitation if the list is maintained
24 by issuing a new request for qualifications at least once every two years.

1 (2) Notwithstanding the two-year limitation in subsection (c)(1), the City may select a
2 Contractor for a particular contract from a list of prequalified entities without the use of a further
3 Solicitation using a list that is up to four years old, if both the following two conditions are met:

4 (A) The City re-opens the list by re-issuing the same RFQ within two years of
5 the original RFQ; and,

6 (B) The City uses the same panel of evaluators to score the responses to the
7 RFQ.

8 The City may not proceed under this subsection (c)(2) if it does not use the same RFQ
9 and the same scoring panel. Entities included on the list of prequalified entities pursuant to the
10 original RFQ shall not be required to re-qualify under the re-issued RFQ, but may choose to submit
11 updated information regarding their qualifications when the RFQ is re-issued. A list of pre-qualified
12 entities may only be extended once under this subsection (c)(2) and may not be used for more than four
13 years from the issuance of the original RFQ.

14 ~~The Purchaser may also maintain City-wide lists of prequalified contractors.~~

15 (d) Content of Requests for Proposals. A request for Proposals shall specify
16 evaluation criteria for selection, and shall reserve the right to reject or cancel the request for
17 Proposals in whole or in part.

18 (e) Mass-transit Vehicles. Notwithstanding any other provision of the charter or laws
19 of the City, the Public Transportation Department, through its department head and through
20 the Purchaser is authorized to include among its purchasing specifications the use of
21 negotiated procurement procedures for the purchase of mass-transit vehicles.

22
23 Section 2. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11
12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15
16 By: _____
17 THOMAS J. OWEN
18 Deputy City Attorney

19
20
21 n:\legana\as2016\1600802\01111487.docx