



City and County of
San Francisco



**Request for Proposals for
Coin and Data Collection Services and Associated
Support**

**RFP No. SFMTA-2022-13
EVENT ID: SFGOV-000006281**

(CCO No. 21-14565)

Date Issued: **December 8, 2021**
Pre-Proposal Conference: **December 20, 2021, 10:00 AM PT**
Proposal Due: **January 10, 2022, 1:00 PM PT**

San Francisco Municipal Transportation Agency (SFMTA)
Request for Proposals for
Coin and Data Collection Services and Associated Support

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I. Introduction and Schedule

A. General

This Request for Proposals (RFP) is being issued by the San Francisco Municipal Transportation Agency (SFMTA or Agency). The SFMTA is soliciting qualified firms to submit Proposals for providing coin and data collection services and associated administrative and Information Technology (IT) support for existing on-street parking meter systems for the SFMTA and the Port of San Francisco.

The SFMTA manages 26,000 metered on-street parking spaces. Of these metered spaces, 21,500 are covered by single-space meters, and 4,500 are covered by multi-space paystations. Both vehicle and motorcycle spaces are metered (22,800 and 2,200 spaces, respectively). The SFMTA currently operates approximately 600 multi-space paystations. Most of the Agency's parking spaces are set up in "pay-by-space" (PbS) mode, and only a small portion (approximately 500 spaces) are set up in the "pay-by-license plate" (PbLP) mode. During the next four years, the SFMTA will replace all existing meters and paystations with 12,000 single-space meters and 2,300 multi-space pay stations. The SFMTA reserves the right to install more or less meter hardware or to alter listed ratios between single and multi-space hardware.

Award of the contract is subject to approval by the SFMTA's Board of Directors and the San Francisco Board of Supervisors.

The Agreement will have an initial term of five years, which the SFMTA may extend at its sole discretion for up to five additional years, for a total term of ten years. The SFMTA has established a five percent Local Business Enterprise (LBE) subcontracting participation requirement of the total labor value to be provided from the resulting contract.

The Agreement will allow for labor cost adjustments based on changes to the prevailing wage ordinance, and 3% annual increases for management labor categories (Appendix G, Part 1A). Management Fees must be constant for the base term of the Agreement (i.e., not subject to CPI increases). The SFMTA may consider a one-time management fee adjustment if it exercises its option to extend the Agreement.

For additional information regarding this solicitation, the SFMTA encourages Proposers to attend the Pre-Proposal Conference described in Section V.A. (Pre-Proposal Conference).

B. Selection Overview

The SFMTA may award a contract to the Proposer that meets the Minimum Qualifications of this RFP and whose Proposal receives the highest-ranking score.

Proposers must provide documentation that clearly demonstrate that each Minimum Qualification and each LBE subcontracting participation requirement has been met. **Any Proposal that does not meet the Minimum Qualifications and LBE subcontracting participation requirements will be deemed non-responsive.**

SFMTA staff will review each Proposal for initial determinations on responsiveness. Elements reviewed will include, without limitation: Proposal completeness, compliance with format requirements, compliance with Minimum Qualification requirements, verifiable references, and compliance with LBE requirements.

Responsive Proposals will then be evaluated by a panel (Evaluation Panel) consisting of one or more parties with expertise related to the goods and/or services being procured through this RFP. Proposals will be evaluated based on the criteria outlined herein.

C. RFP Schedule

The anticipated schedule is:

<u>Phase</u>	<u>Date</u>
RFP is issued by the SFMTA:	December 8, 2021
Pre-Proposal Conference:	December 20, 2021, 10:00 AM PT
Deadline for submission of written questions or requests for clarification:	December 29, 2021, 1:00 PM PT
Proposals due:	January 10, 2022, 1:00 PM PT

The SFMTA reserves the right not to conduct oral interviews and select a firm based on the written Proposals only.

D. City's Social Policy Requirements

1. Proposers Unable to do Business with the City

Proposers that do not comply with laws set forth in San Francisco's Municipal Codes may be unable to enter into a contract with the City. Laws applicable to this RFP are set forth below and Appendix C, Sample Agreement for Professional Services.

2. Companies Headquartered in Certain States (Administrative Code Chapter 12X)

Subject to certain exceptions in the ordinance, Proposers are advised that this RFP is subject to the requirements of Administrative Code Chapter 12X, which prohibits the City from entering into a contract with a Proposers that (a) has its headquarters in a state that has enacted a law that perpetuates discrimination against LGBT people and/or has enacted a law that prohibits abortion prior to the viability of the fetus, or (b) will perform any or all of the work on the contract in such a state. Chapter 12X requires the City Administrator to maintain a list of such states, defined as "Covered States" under Administrative Code Sections 12X.2 and 12X.12. The list of Covered States is available on the website of the City Administrator: <https://sfgsa.org/chapter-12x-state-ban-list>. Proposers will be required to certify compliance with Chapter 12X as part of its Proposal, unless the City determines that a statutory exception applies.

3. Other Social Policy Provisions

The Sample Agreement for Professional Services (Appendix C) identifies the City's applicable social policy provisions related to a contract awarded pursuant to this RFP. Proposers are encouraged to carefully review these terms and ensure they are able to comply with them.

II. Statement of Work Summary

The full Statement of Work (SOW) for this RFP is described in Appendix H.

Proposers must review all attachments, appendices, and examples included in this RFP to ensure a complete understanding of the services required.

The SOW is organized into six different sections:

1. Administrative
2. Coin Collection Services
3. Coin Delivery Services
4. Data Collection Services
5. Support Services
6. Procurement Services

For all applicable sections, Proposers must provide a response for each individual requirement within each section (i.e., respond to Section 1.A.1 separately from Section 1.A.2). No points will be awarded for any requirement that does not have a corresponding response, and the Agency may determine that an incomplete Proposal is non-responsive and decline to score it. Please review all the documents to ensure each requirement is properly addressed.

III. Submission Requirements

A. Time and Place for Submission of Proposals

Proposals must be received by 1:00 PM PT on January 10, 2022. Proposers must submit their Proposals in an electronic format by email to Carlos.Peza@sfmta.com.

Proposers must limit e-mail messages to 25MB or less to avoid rejection by the SFMTA's email system.

Proposers may break up their Proposals into separate electronic files and submit these in separate e-mails. Per Section III.B, each electronic file must be clearly marked "SFMTA-2022-13" and, as applicable, "Part 1 – Written Proposal," "Part 2 – CMD Attachment 2 Forms," "Part 3 – Cost Proposal," and "Part 4 – Sample Agreement."

Proposers are fully responsible for ensuring their Proposals are received by 1:00 PM PT on January 10, 2022. The SFMTA will not accept late Proposals, even in cases of known email system failure. Accordingly, Proposers are encouraged to submit their Proposals at least 24 hours before the date and time due.

B. Proposal Content and Format

Proposer must ensure that the documents submitted are legible and may be easily viewed on a computer monitor, laptop, or (electronic) tablet. The text should be unjustified (i.e., with a ragged-right margin). Documents must use an 11-point or larger serif font (e.g., Times New Roman, and not Arial). Pages must have margins of at least one inch on all sides (excluding headers and footers).

Proposals must be submitted in four separate electronic files, as listed below. Each electronic file must be clearly marked "SFMTA-2022-13" and, as applicable, "Proposal Part 1," "Proposal Part 2," "Proposal Part 3," etc.

- Part 1 – One electronic copy of the Written Proposal, including completed and signed Appendices D, E, and F. (Submit Appendices A and G as separate files, as stated below)
- Part 2 – One electronic copy of the completed and signed Appendix A forms (see Section VI.O and Appendix A) as a separate file on your electronic media submission.
- Part 3 – One electronic copy of the completed Appendix G (Cost Proposal Excel Workbook) as a separate file on the electronic media submission.
- Part 4 (Optional) – Proposers wishing to negotiate modifications to the terms and conditions in the Sample Agreement (Appendix C) must attach a redlined copy of Appendix C, detailing proposed changes in track changes mode. A Proposer's requested changes to the Sample Agreement will NOT be considered in Proposal evaluation and scoring and will NOT be made available to the evaluation panel. The SFMTA reserves the right to decline any and all suggested modifications.

Failure to submit the requested modifications *as part of the Proposal submission* will indicate that the Proposer accepts the template *as written*.

All electronic files must include scanned (PDF) copies of any documents that require signature. Signatures must be by an official with your firm who is authorized to submit a Proposal on the firm's behalf. Your electronic media must be clearly marked that it is for "SFMTA-2022-13"

C. Part 1 – Written Proposal

Written Proposals must include the information requested in this Section III.C, in the order listed below. Written Proposals must include a table of contents showing section headings and sub-headings, section numbering, and page numbers. Page limitations, if any, are indicated, below, in parentheses next to the corresponding section headings.

It is imperative that the Proposal follow the format as listed below. All sections must be separated by a labeled cover page. Cover pages do not count against the page limits indicated below.

1. Introduction and Executive Summary (up to 2 pages)

Submit a letter of introduction with an executive summary of the Proposal. The letter must confirm that the Proposer is willing and able to perform the work described in the RFP. The letter also must include the following statement:

“Proposer has read and agrees to the Sample Agreement for Professional Services (Appendix C), except as noted by Proposer and proposed modifications are submitted in response to Section III.F of this RFP.”

2. Certification of Headquarters in Accordance with Administrative Code Chapter 12X

Proposals must contain the following statement:

“I certify that my company is headquartered at the following address:
_____. I will notify the City if my company's headquarters moves. I further certify that none of the work performed on the subject Contract will be performed in a Covered State as specified on the City Administrator's Covered State list.”

If the Proposer is a joint venture, each joint venture partner must complete the certification above.

This statement can be included in the letter of introduction.

3. Minimum Qualifications Documentation (up to 5 pages)

Include a summary that clearly demonstrates that each Minimum Qualification (MQ) listed in Section IV.B (Minimum Qualifications) has been met and indicate where supporting

information for each MQ can be found in the Proposal. Minimum Qualification documentation should be clearly marked as “MQ1,” MQ2,” and “MQ3”, to indicate which MQ it supports.

4. Firm Qualifications / References (up to 10 pages)

Provide information on the Proposer’s background and qualifications that includes the following:

- a. Name, address, and telephone number of a contact person.
- b. A brief description of the Proposer’s firm (including a description of the Prime Contractor and any relevant subcontracting firms, joint venture or partnership agreements). The Proposal must demonstrate that:
 - i. The Proposer has been actively engaged in the on-street or off-street parking meter coin collection business for a minimum of five years (MQ1).
 - ii. The Proposer is currently operating as a prime contractor or a subcontractor entity providing parking meter coin collection services to at least two municipalities or other government (e.g., states) located in North America (MQ2).

If Proposer is a JV, include a description of the organization, relationships, and defined responsibilities of all Partners in the JV. Describe any previous project-specific associations of the JV Partners. The Lead JV Partner shall demonstrate proven experience in managing and leading.

- c. A description of the Proposer’s participation in **two** on-street or off-street parking data collection projects/tasks performed in the last 36 months similar in scope as that described in this RFP (MQ3). Include the following information: (1) client/reference contact email addresses and telephone numbers; (2) a list of Proposer’s staff members who worked on each project; (3) budget for each project; (4) schedule for each project; and (5) summary of each project. If joint contractors or subcontractors are proposed, provide the past project information and references for each of them.

Qualified tasks must involve parking related data collections with duration of not less than one calendar month, and a report or a collected data set transfer to a relevant party. Examples of parking data collection projects/tasks can be found in Appendix A, Section 4 – Data Collection Services. It is the Proposer’s responsibility to ensure that all information for references and describing Proposer’s qualifications is current and accurate. References must include names, telephone numbers, and email addresses. If contact information is not provided or incorrect for the purposes of verifying project experience, the Proposal may be deemed non-responsive.

5. Team Qualifications (up to 10 pages)

- a. Provide a list identifying: (1) each key person on the project team, (2) the contract manager (3) coin and data collection manager, (4) project delivery team, (5) the

role and tasks to be performed by each team member in the project, and (6) a written assurance that the key personnel identified in the Proposal will perform the work and will not be assigned to other projects until their work on this Project is complete without the SFMTA's prior approval.

- b. Provide a description of the experience and qualifications of each of the project team members.

6. Response to the Statement of Work (up to 50 pages)

Provide detailed responses to each of the six sections of the SOW. Proposers should organize their responses in the order shown in the SOW Table of Contents. Proposers must provide a response for each individual requirement within each section (i.e., respond to Section 1.A.1.a separately from Section 1.A.2). No points will be awarded for any requirement that does not have a corresponding response. Proposers must review all RFP documents, appendices, and attachments to ensure each requirement is addressed.

D. Part 2 – Contract Monitoring Division (CMD) Attachment 2

Submit completed and signed forms listed in RFP Appendix A, CMD Attachment 2: "Requirements for Architecture, Engineering and Professional Services Contracts," to document compliance with the LBE requirements described in Section VI.O of this RFP.

E. Part 3 – Cost Proposal

Proposers must submit a Cost Proposal as a separate electronic Excel Workbook file that includes the information requested in Appendix G. The Cost Proposal must include:

- a. Monthly amounts for Coin and Data Collection Management and Support Services Management fees.
- b. Monthly amounts for the following contract positions as listed in RFP Appendix H (SOW), Section 1.A: Program Manager, Coin and Data Collection Manager, Supervisor, Analyst, and Office Manager.
- c. Fully burdened billable hourly rates for the following three categories: revenue collector non-journeyman (1-12 months), revenue collector journeyman (12+ months), and revenue collector crew lead.

The SFMTA intends to award this contract to the Proposer that the Agency determines will provide the best overall program services to the Agency. The SFMTA reserves the right to accept other than the lowest-priced offer.

F. Part 4 – City Terms and Conditions

Proposer must acknowledge that it is willing and able to meet all of the SFMTA's proposed terms and conditions as outlined in Appendix C, the SFMTA's Sample Agreement for Professional Services, except that Proposers wishing to negotiate a modification of terms and conditions must attach a copy of the SFMTA's Agreement referring to the specific portion of the

Agreement to be changed and show proposed changes in track changes (redline) mode. The SFMTA's review and scoring of any Proposal that proposes changes to Sample Agreement terms and conditions does not constitute the Agency's acceptance of the proposed changes, which the Agency may accept or reject in its sole discretion. The SFMTA reserves the right to reject any Proposal as nonresponsive that seeks changes to contract terms and conditions that significantly shift risk to the Agency or otherwise would substantively change the benefit of the contract to the City.

The SFMTA will evaluate Proposals based on the Submission Requirements and City Terms and Conditions without considering Proposer's proposed changes.

With regard to the Cost Proposal, Proposers should submit a Cost Proposal which assumes that the SFMTA has not accepted Proposer's proposed changes. If the Proposer's proposed changes to the City Terms and Conditions, if accepted, would affect the submitted Cost Proposal, the Proposer should clearly indicate the potential price discrepancies that may occur as a result of acceptance of the Proposer's changes to the City's Terms and Conditions.

IV. Evaluation and Selection Criteria

A. Overall Evaluation Process

The evaluation process will consist of the phases specified below with the following allocation of points:

Evaluation Phase	Maximum Points
Screening of Minimum Qualifications	Pass/Fail
Written Proposal	
A. Firm Qualifications / References	100
B. Team Qualifications	100
C. Response to the Statement of Work	
1. Administration	100
2. Coin Collection Services	100
3. Coin Delivery Services	50
4. Data Collection Services	100
5. Support Services	75
6. Procurement Services	25
Written Proposal Score	650
Cost Proposal	
1. Monthly costs for Coin and Data Collection Management and Support Services Management fees, Program Manager, Coin and Data Collection Manager, Supervisor, Analyst and Office Manager.	190
2. Averaged fully burdened billable hourly rate based on the following three rates: revenue collector non-journeyman (1-12 months), revenue collector journeyman (12+ months), and revenue collector crew lead.	60
Cost Proposal Score	250
Oral Interview Score (if conducted)	100
TOTAL SCORE	1,000

B. Minimum Qualifications

The Minimum Qualifications (MQs) set forth below are required for a Proposer to be eligible to submit a Proposal in response to this RFP.

Proposers must provide documentation that clearly demonstrates each MQ listed below has been met. Minimum Qualification documentation should be clearly marked as “MQ1,” “MQ2,” and “MQ 3”, to indicate which MQ it supports.

Each Proposal will be reviewed for initial determination on whether Proposer meets the MQs referenced in this section. **This screening is a pass or fail determination and a Proposal that fails to meet the Minimum Qualifications will not be eligible for further consideration in the evaluation process.**

The SFMTA reserves the right to request clarifications from Proposers prior to rejecting a Proposal for failure to meet the MQs. Clarifications are limited exchanges between the SFMTA and the Proposer for the purpose of clarifying certain aspects of the Proposal and will not provide a Proposer the opportunity to revise or modify its Proposal.

MQ #	Description
MQ1	The Proposer must demonstrate that they have been actively engaged in the on-street or off-street parking meter coin collection business for a minimum of five years.
MQ2	The Proposer must be currently operating as a prime contractor or a subcontractor entity providing parking meter coin collection services to at least two municipalities or other government (e.g., states) located in North America.
MQ3	The Proposer must describe two on-street or off-street parking data collection projects/tasks performed in the last 36 months. Qualified tasks must involve parking related data collections with duration of not less than one calendar month, and a report or a collected data set transfer to a relevant party. Examples of parking data collection projects/tasks can be found in Appendix A, Section 4 – Data Collection Services.

Any Proposal that does not demonstrate that the Proposer meets these MQs by the deadline for submittal of Proposals may be deemed non-responsive.

C. Selection Criteria

An Evaluation Committee comprised of persons with expertise in coin revenue processing, municipal governance or administration will evaluate Proposals, using the criteria described below.

1. Firm Qualifications (100 points)

- a. Proposer’s firm (Prime Contractor) and the team’s (any relevant subcontracting firms, joint venture or partnership agreements) demonstrated qualifications,

commitment, strength, and technical capabilities to fulfill all services in the subject areas necessary to complete the tasks.

- b. Experience with projects or service assignments of similar scope, and staff demand.
- c. Strength or selected outcome of reference projects, including demonstrated adherence to scope, schedule, deadlines, and budgets.
- d. The SFMTA will check references for those firms that are short-listed for an oral interview (see below).

2. Team Qualifications (100 points)

- a. Recent experience (last five years) of staff assigned to the project and a description of the tasks to be performed by each staff person.
- b. Proposer’s and the assigned contract team’s demonstrated expertise in coin and data collections, and on-going support plan showing Proposer’s intention and ability to provide appropriate resources to the Project for the duration of the Agreement.

3. Response to Written Proposal (450 points)

Following is the breakdown of the total points to be allocated for the Statement of Work sections.

SOW Section	Category/Section	Points
1	Administration	100
2	Coin Collection Services	100
3	Coin Delivery Services	50
4	Data Collection Services	100
5	Support Services	75
6	Procurement Services	25
Total		450

Proposers must provide a response for each of the subject areas listed above (i.e., respond to Section 1.A.1.a separately from Section 1.A.2). No points will be awarded for any requirement where Proposal does not have a corresponding response.

4. Cost Proposal (250 points)

A Proposer’s Cost Proposal must be stated in (consist of) two parts:

- 1. Monthly Management Fees plus monthly amount for management labor categories (Appendix G, Part 1A), and;
- 2. Averaged fully burdened billable hourly rate (Appendix G, Part 1B).

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The Proposal with the lowest total monthly sum of costs for Coin and Data Collection Management and Support Services Management fees, Program Manager, Coin and Data Collection Manager, Supervisors, Analyst and Office Manager (total of RFP Appendix G, Part 1A) will receive the maximum **190** points.

The Proposal with the lowest averaged fully burdened billable rate (RFP Appendix G, Part 1B) will receive a maximum score of **60** points. See example below.

Part 1A - Proposer A			
Category	Qty	Monthly Cost	Max Points
Coin and Data Collection Management Fee	1	\$1.00	N/A
Data Collection Management Fee	1	\$1.00	
Support Services Management Fee	1	\$1.00	
Program Manager	1	\$1.00	
Coin and Data Collection Manager	1	\$1.00	
Supervisor	3	\$3.00	
Analyst	1	\$1.00	
Office Manager	1	\$1.00	
Subtotal		\$10.00	190
Part 1B - Proposer A			
Category	Qty	Fully Burdened Rate	Max Points
Averaged fully burdened billable hourly rate	1	\$10.00	N/A
Subtotal		\$10.00	60
Total Cost Proposal			250

Each of the other Proposers' Cost Proposals will be scored by dividing the lowest Cost Proposal score by the Proposer's respective Cost Proposal score, and then multiplying by **190 points** for Appendix G, Part 1A and by **60 points** for Appendix G, Part 1B. The result will be combined with the total points other selection criteria scores to arrive at the total number of points assigned to the Proposal.

See the following illustration as an example for scoring the fees for RFP Appendix G Cost Proposal, Parts 1A and 1B:

Proposer	Proposed Costs in Appendix G, Parts 1A and 1B	Calculation of Points	Points Assigned
Proposer A	1A. Management Fees plus management labor categories monthly costs: \$100,000 1B. Averaged fully burdened billable hourly rate: \$10	1A. Full 190 points 1B. Full 60 points	250
Proposer B	1A. Management Fees plus management labor categories monthly costs: \$200,000 1B. Averaged fully burdened billable hourly rate: \$20	1A. \$100,000 divided by \$200,000 multiplied by 190 = 95 points 1B. \$10 divided by \$20 multiplied by 60 = 30 points	125
Proposer C	1A. Management Fees plus management labor categories monthly costs: \$250,000 1B. Averaged fully burdened billable hourly rate: \$40	1A. \$100,000 divided by \$250,000 multiplied by 190 = 76 points 1B. \$10 divided by \$40 multiplied by 60 = 15 points	91

5. Oral Interview (100 points)

Following the evaluation of the Written Proposals and Costs Proposals, all firms that have a statistical chance of being the highest ranked Proposer (based on the scores of the Written Proposal and Cost Proposal scores and the total points possible from the oral interviews) may be interviewed by the Evaluation Committee to make the final selection. The interview will consist of standard questions asked of each Proposer and may include specific questions of individual Proposers intended to clarify their written Proposals. The Evaluation Committee panel will score each Proposer based on the Proposer team’s presentation and/or responses.

After the oral interview, the SFMTA will combine all scores, rank the Proposers and select the highest-ranked Proposer to commence contract negotiations.

The SFMTA reserves the right not to hold oral interviews and select a firm based on the Written Proposals and Cost Proposals only if based on the scores of the Written Proposals and Cost Proposals, the oral interview would not change the respective ranking of the highest ranked Proposer and the second highest ranked Proposer.

V. Pre-Proposal Conference and Contract Award

A. Pre-Proposal Conference

The SFMTA encourages Proposers to attend a virtual Pre-Proposal Conference via Microsoft Teams on December 20, 2021 at 10:00 AM PT. The SFMTA will address Proposers' questions and will provide any new or additional information concerning the RFP or selection process at the Pre-Proposal Conference. (The SFMTA will also issue written addenda to the RFP addressing questions raised at the Pre-Proposal Conference or new information the Agency may provide at that conference.)

To attend the meeting, Proposers can either click the " Click here to join the meeting " link below and/or call the phone number and enter the Conference ID.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

[+1 415-915-0757,,292612257#](#) United States, San Francisco

Phone Conference ID: 292 612 257#

[Find a local number](#) | [Reset PIN](#)

[Learn More](#) | [Meeting options](#)

For the Pre-Proposal Conference, Proposers are encouraged to submit questions in writing by email no later than December 17, 2021 at 10:00 AM PT and directed to: Carlos.Peza@sfmta.com.

Proposers are further encouraged to provide the following information to Carlos.Peza@sfmta.com to register for the Pre-Proposal Conference and have their information listed on the virtual sign-up list.

1. Attendee Name
2. Organization Name
3. Organization's Business Address
4. E-Mail/Phone Contact Information
5. Indicate if your firm is a Local Business Organization (LBE)
6. Indicate if your firm is interested in presenting a Proposal as a Prime Contractor, Subcontractor or both.

Proposers must submit all other questions concerning this Request for Proposals in writing by email only during the question-and-answer period, ending December 29, 2021 no later than 10:00 AM PT and directed to: Carlos.Peza@sfmta.com.

Please include “**SFMTA-2022-13**” in the subject line of your email.

Questions and answers will be posted publicly.

The Pre-Proposal Conference will begin at the time specified, and company representatives are urged to arrive on time. Topics already covered will not be repeated for the benefit of late arrivals. Failure to attend the Pre-Proposal Conference will not excuse the any Proposer from Proposal submission or content requirements and will not excuse the selected Proposer from any obligations of the Contract. Written Addenda will execute any change or addition to the requirements contained in this RFP, as a result of the Pre-Proposal Conference (see Section VI.D below).

It is the responsibility of the Proposer to check for any Addenda, Q&A postings, and other updates, which will be posted on the San Francisco City Partner website:

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

B. Contract Award

The SFMTA will evaluate, and rank Proposals as described herein, and intends to invite the highest-ranked Proposer to commence contract negotiations. The Agency’s ranking of any Proposal or invitation to any Proposer to negotiate a contract does not constitute or imply acceptance by the SFMTA of all terms of the Proposal, which are subject to further negotiations and approvals before the SFMTA may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time with a Proposer, then the SFMTA, in its sole discretion, may terminate negotiations with that Proposer and begin contract negotiations with the next highest-ranked Proposer.

VI. Terms and Conditions for Receipt of Proposals

A. Errors and Omissions in RFP

Proposers are responsible for reviewing all parts of this RFP and complying with all Proposal submission requirements. Proposers must promptly notify the SFMTA, in writing, if the Proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification must be directed to the SFMTA promptly after discovery, but in no event later than five working days prior to the date for receipt of Proposals. The SFMTA will issue modifications and clarifications to the RFP as Addenda as provided below.

B. Inquiries Regarding RFP

All communications regarding the RFP must be directed in writing to:

Carlos.Peza@sfmta.com

Please include “SFMTA-2022-13” in the subject line of your email.

C. Objections to RFP Terms

If a Proposer objects on any ground to any provision or legal requirement of the RFP, the Proposer must, not more than 10 days after the RFP is issued, provide written notice to the SFMTA setting forth with specificity the grounds for the objection and all relevant facts. The failure of a Proposer to object in the manner set forth in this paragraph constitutes a complete and irrevocable waiver of any such objection.

D. Addenda

The SFMTA may modify the RFP prior to the Proposal due date by issuing Addenda, which will be posted on the San Francisco City Partner website:
<https://sfcitypartner.sfgov.org/pages/index.aspx>.

The Proposer is responsible for ensuring that its Proposal reflects any and all Addenda issued by the SFMTA prior to the Proposal due date, regardless of when the Proposal is submitted. Therefore, the SFMTA recommends that the Proposer consult the San Francisco City Partner website frequently, including shortly before the Proposal due date, to confirm that the Proposer is aware of, and its Proposal is responsive to, all Addenda.

E. Term of Proposal

By submitting a Proposal, a Proposer warrants that the price stated and personnel proposed to perform the services described in the RFP are valid for 120 calendar days from the Proposal due date, and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

F. Revision of Proposal

A Proposer may revise its Proposal at any time before the deadline for submission of Proposals. The Proposer must submit a 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 SFMTA may require a Proposer to provide oral or written clarification of its Proposal. The SFMTA reserves the right to make an award without requesting such further clarification.

G. Errors and Omissions in Proposal

Failure by the SFMTA to object to an error, omission, or deviation in the Proposal will in no way modify the RFP or excuse the selected Proposer from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

H. Financial Responsibility

The SFMTA shall have no financial responsibility for any costs incurred by a firm in responding to this RFP. Submitted Proposals are the property of the SFMTA and may be used by the SFMTA in any way it deems appropriate.

I. Proposer's Obligations under the Campaign Reform Ordinance

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.

If a Proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the Proposer is prohibited from making contributions to:

- the officer's re-election campaign
- a candidate for that officer's office

- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. Criminal. Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to \$5,000 and a jail term of not more than six months, or both.
2. Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to \$5,000.
3. Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, Proposers must contact the San Francisco Ethics Commission at (415) 581-2300.

J. Communications Prior to Contract Award

It is the policy of the SFMTA that only SFMTA staff identified in the RFP as contacts for this competitive solicitation are authorized to respond to comments or inquiries from Proposers or potential Proposers seeking to influence the contractor selection process or the award of the contract. This prohibition extends from the date the RFP is issued until the date when the contractor selection is finally approved by the SFMTA Board of Directors and, if required, by the San Francisco Board of Supervisors.

All firms and subcontractor(s) responding to this RFP are notified that they may not contact any SFMTA staff member, other than the person(s) identified in the RFP as the authorized contact, for the purpose of influencing the contractor selection process or the award of the contract from the date the RFP is issued to the date when the contract award is approved by the SFMTA Board of Directors and, if required, by the San Francisco Board of Supervisors. This prohibition does not apply to communications with SFMTA staff members regarding normal City business not regarding or related to this RFP.

Any written communications sent to one or more members of the SFMTA Board of Directors concerning a pending contract solicitation will be distributed by the SFMTA to all members of the SFMTA Board of Directors and the designated staff contact person(s) identified in the RFP.

Except as expressly authorized in the RFP, where any person representing a Proposer or potential Proposer contacts any SFMTA staff for the purpose of influencing the content of the competitive solicitation or the award of the contract between the date when the RFP is issued and the date when the final selection is approved by the SFMTA Board of Directors, and, if required, by the San Francisco Board of Supervisors, the Proposer or potential Proposer will be disqualified from the selection process. However, a person who represents a Proposer or potential Proposer may contact City elected officials and may contact the Director of Transportation of the SFMTA if s/he is unable to reach the designated staff contact person(s) identified in the RFP or wishes to raise concerns about the competitive solicitation.

Additionally, the firms and subcontractor(s) responding to this RFP are prohibited from providing any gifts, meals, transportation, materials or supplies or any items of value or donations to or on behalf of any SFMTA staff member from the date the RFP is issued to the date when the contract award is approved by the SFMTA Board of Directors and if required, by the San Francisco Board of Supervisors.

All lobbyists or any agents representing the interests of a Proposer (including prime contractors and subcontractor(s)) are also subject to these prohibitions.

A Proposer must submit with its Proposal an executed Attestation of Compliance (see Appendix D) certifying compliance with these requirements. The Attestation of Compliance must be signed by all firms and subcontractor(s) named in the Proposal. A Proposal that does not include the executed Attestation of Compliance as required by this section will be deemed non-responsive and will not be evaluated. Any Proposer who violates the prohibitions of this section, directly or through an agent, lobbyist or subcontractor, will be disqualified from the selection process.

K. Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), Proposals and bids, all other documents submitted with the Proposal, and records of communications between the City and persons or firms seeking contracts will 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 that a Proposer provides that is covered by this section will be made available to the public upon request.

L. Public Access to Meetings and Records

If a Proposer 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 must also describe the

disposition of each complaint. If no such complaints were filed, the Proposer must 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 will be grounds for rejection of the Proposal and/or termination of any subsequent Agreement reached on the basis of the Proposal.

M. Reservations of Rights by the City

The issuance of this RFP does not constitute an agreement by the City that any contract will be awarded by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, Proposal, or selection process;
2. Reject any Proposal or all Proposals;
3. Reissue a Request for Proposals;
4. Prior to submission deadline for Proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the Proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

In submitting a Proposal, a Proposer acknowledges and agrees that the City shall not be liable for any costs or other damages incurred by a Proposer if the City determines not to award a contract, rejects any or all Proposals, or exercises any of the reserved rights described herein.

N. No Waiver

No waiver by the SFMTA of any provision of this RFP shall be implied from any failure by the SFMTA to recognize or take action on account of any failure by a Proposer to observe any provision of this RFP.

O. Local Business Enterprise Requirements

The requirements of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the San Francisco Administrative Code as it now exists or as it may be amended in the future (collectively the "LBE Ordinance") shall apply to this RFP.

1. LBE Subcontracting Participation

The LBE subcontracting participation requirement for this contract is five percent of the total labor value of the services to be provided. The LBE subcontracting requirements shall also apply to any labor value of the Additional Services authorized after issuance of the Notice to

Proceed. Proposers are advised that they may not discriminate in the selection of subcontractors on the basis of race, gender, or other basis prohibited by law, and that they shall undertake all required good faith outreach steps in such a manner as to ensure that neither Minority Business Enterprises (MBEs), Woman Business Enterprises (WBEs) and Other Business Enterprises (OBEs) are unfairly or arbitrarily excluded from the required outreach.

Each Proposer shall demonstrate, in its Proposal, that it either: 1) qualifies for the good faith efforts exception set forth in Section 14B.8(B) by demonstrating that it exceeds the established LBE subcontracting participation requirement by 35 percent or more, or 2) meets the established LBE subcontracting participation requirement AND used good-faith outreach to select LBE subcontractors as set forth in S.F. Administrative Code Chapter 14B Section 14B.8 and 14B.9. For each LBE identified as a subcontractor, the Proposal must specify the value of the participation as a percentage of the total value of the contract (that is, the total value of the goods and/or services to be procured, the type of work to be performed), and such other information as may reasonably be required to determine the responsiveness of the Proposal. LBEs identified as subcontractors must be certified with the Contract Monitoring Division as Small or Micro-LBEs at the time the Proposal is submitted, and must be contacted by the Proposer (prime contractor) prior to listing them as subcontractors in the Proposal. If a Proposer does not demonstrate in its Proposal that it exceeds the established LBE subcontracting participation requirement by at least 35 percent, such Proposer must meet the established LBE subcontracting participation requirement AND demonstrate adequate good faith efforts to meet the LBE subcontracting participation requirement. **Any Proposal that does not meet the requirements of this section will be deemed non-responsive.**

a. Documentation of Good Faith Outreach Efforts

In addition to demonstrating that it will achieve the level of subconsulting participation required under this RFP (but except if a Proposer exceeds the LBE subconsulting participation requirement by 35 percent or more), a Proposer must also undertake and document in its submittal the good faith efforts required by Chapter 14B.8(C) & (D) and CMD Attachment 2, Requirements for Architecture, Engineering and Professional Services Contracts.

Proposals that do not comply with the material requirements of S.F. Administrative Code Section 14B.8 and 14B.9, CMD Attachment 2 and this RFP will be deemed non-responsive and will be rejected. During the term of the contract, any failure to comply with the level of LBE subcontractor participation specified in the contract will be deemed a material breach of contract. Subcontracting goals can only be met with CMD-certified Small and/or Micro-LBEs located in San Francisco.

2. LBE Participation and Ratings Bonuses

LBE ratings bonuses do not apply to this RFP. The City strongly encourages Proposals from qualified LBEs.

3. CMD Forms to be Submitted with Proposal

a. A Proposal must include the following Contract Monitoring Division (CMD) Forms contained in the CMD Attachment 2: 1) CMD Contract Participation Form, 2) “Good Faith Outreach” Requirements Form, 3) CMD Non-Discrimination Affidavit, 4) CMD Joint

Venture Form (if applicable), and 5) CMD Employment Form. If these forms are not submitted with the Proposal, the Proposal may be determined to be non-responsive and rejected.

b. A Proposer must submit one electronic copy of the above forms with its Proposal as a separate electronic file on the media that contains the Proposal (see Section III.A).

If you have any questions concerning the CMD Forms, you may contact Preston Tom, SFMTA Contract Compliance Office at 415-701-5332 or preston.tom@sfmta.com.

P. Employment Non-Discrimination and Economically Disadvantaged Workforce Hiring Provisions

1. General

As a material condition of contract award, the Proposer and its subcontractors agree to comply with the nondiscrimination in employment provisions required by Chapter 12B of the Administrative Code and the hiring of economically disadvantaged persons, as required by the City's First Source Hiring Program, Chapter 83 of the Administrative Code.

2. Nondiscrimination Provisions

As a material condition of the contract, the selected Proposer represents and agrees that:

a. It does and will not, during the term of the contract or any contract amendment, discriminate in the provision of benefits between its employees with spouses and employees with domestic partners.

b. The selected Proposer and its subcontractors on this contract will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or AIDS/HIV status, weight, height, or association with members of classes protected under this chapter or in retaliation for opposition to any practices forbidden under this chapter. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of the Code. The consultant, contractor or subconsultant/subcontractor will take action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to the fact or perception of their race, color, creed, religion, ancestry, national origin, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, weight, height, or AIDS/HIV status. Such action may include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship.

3. Non-Compliance with Chapter 12B Prior to Contract Award

As a material condition for award of the contract, the selected Proposer and its subcontractors must be in compliance with the nondiscrimination provisions of Chapter 12B, on all existing City contracts prior to award of this contract. The SFMTA shall have the authority to

review the selected Proposer's and subcontractors' prior performance to ensure compliance with the nondiscrimination provisions of Chapter 12B.

If the SFMTA determines that there is cause to believe that any contractor or subcontractor is not in compliance with the nondiscrimination provisions of Chapter 12B, the SFMTA will attempt to resolve the non-compliance through conciliation.

- a. If the non-compliance cannot be resolved, the SFMTA will submit to the contractor or subcontractor a written Finding of Non-compliance.
- b. The SFMTA will give the contractor or subcontractor an opportunity to appeal the Finding.
- c. The SFMTA may, by written notice, stay the award of any contract to a Proposer where the Proposer or any subcontractor is the subject of an investigation for a violation of the City's non-discrimination ordinance(s).

4. Complaints of Discrimination after Contract Award

- a. A complaint of discrimination in employment initiated by any party after contract award will be processed in accordance with CCO procedures.
- b. A finding of discrimination may result in imposition of appropriate sanctions, including:
 - (i) There may be deducted from the amount payable to the contractor or subcontractor under this contract a penalty of \$50 for each person for each calendar day the person was discriminated against in violation of the provisions of the contract.
 - (ii) The contract may be canceled, terminated or suspended in part by the SFMTA.
 - (iii) The consultant, subconsultant or vendor may be determined ineligible to perform work or supply products on any City contract for a period not to exceed two years.

Said sanctions are not the City's exclusive remedies, which may be imposed in combination with additional legal remedies, sanctions or penalties.

5. Trainees – SFMTA Employment Training Program

- a. **Trainee Requirements:** Contractors must comply with the City's First Source Program, Administrative Code Section 83(see Section V.E below), which fosters employment opportunities for economically disadvantaged individuals. Contractors must notify the First Source Program of all open, entry-level positions and consider all program referrals fairly and equally.

In addition, the SFMTA requires contractors to hire 15 professional service trainees (over the term of the agreement) in the area of the contractor's expertise. These hires count toward the First Source Hiring requirements. Trainees may be obtained through the City's One Stop Employment Center, which works with

various employment and job training agencies/organizations or other employment referral source.

Number of Trainees

Project Fees	To Be Hired
\$0 – \$499,999	0
\$500,000 – \$899,999	1
\$900,000 – \$1,999,999	2
\$2,000,000 – \$4,999,999	3
\$5,000,000 – \$7,999,999	4
\$8,000,000 – \$10,999,999	5
\$11,000,000 – \$13,999,999	6
(> = \$14M, for each additional \$3 million in contractor fees, add one additional trainee)	

- b. The trainee must be hired by the contractor or by any subcontractor on the project team.
- c. No trainee may be counted towards meeting more than one contract goal.
- d. A trainee must meet qualifications for enrollment established under the City’s First Source Hiring Program as follows:
 - (i) “Qualified” with reference to an economically disadvantaged individual means an individual who meets the minimum bona fide occupational qualifications provided by the prospective employer to the San Francisco Workforce Development System in the job availability notices required by the Program, and
 - (ii) “Economically disadvantaged individual” means an individual who is either: (1) eligible for services under the Workforce Investment Act of 1988 (WIA) (29 U.S.C.A 2801 et seq.), as determined by the San Francisco Private Industry Council; or (2) designated “economically disadvantaged” for the First Source Hiring Administration, as an individual who is at risk of relying upon, or returning to, public assistance.
- e. On-the-job training (to be provided by the contractor): The contractor must hire the trainee on a full-time basis for at least 12 months or on a part-time basis for 24 months, with prior approval offering him/her on-the-job training which allows the trainee to progress on a career path.
- f. Contractor must submit for the City’s approval a description and summary of training proposed for the trainee, along with the rate of pay for the position.
- g. The trainee’s commitment does not require that he/she is used only on this project; the trainee may also be used on other projects under contract to the Proposer that may be appropriate for the trainee’s skill development.

Q. COVID Vaccination and Safety Requirements

Proposers are advised that the Agreement awarded from this RFP is subject to the requirements of the 38th Supplement to Mayoral Proclamation Declaring the Existence of a Local Emergency (“**Declaration**”) dated February 25, 2020, and the Vaccination Policy for City Contractors (“**Vaccination Policy**”) issued by the City Administrator on October 22, 2021. The Vaccination Policy requires employees of City contractors and subcontractors who spend substantial time working in close proximity to City employees while performing work under the contract at a City owned, leased or controlled facility (“**Covered Employees**”) to be fully vaccinated or granted an exemption based on medical or religious grounds. The Vaccination Policy is available on the website of the City Administrator at TBD. Each Proposer must certify their compliance with the Vaccination Policy as part of its Proposal, unless the City determines that a waiver should be granted for the reasons stated in the Vaccination Policy. Refer to Attachment TBD to the form Agreement for additional details related to the application of this Vaccination Policy to a contract awarded pursuant to this RFP. Those requirements include, but are not limited to:

1. Contractor shall identify its Covered Employees who are or will be performing Work or Services under this Agreement, and shall inform them of the COVID safety and vaccination requirements stated in the City’s Vaccination Policy and the Declaration.
2. Contractor shall maintain a list of its Covered Employees by name and position, which list shall not include the employees’ vaccination status. Contractor shall update the list to show all current Covered Employees, and Contractor shall provide that list to the City on request.
3. Prior to and as a condition of award of the Agreement, Contractor shall submit to the SFMTA the “Contractor Attestation Affirming Compliance With San Francisco’s Covid-19 Contractor Vaccination Policy” form (Attachment TBD) confirming its compliance with the Vaccination Policy.
4. Contractor shall be responsible for determining the vaccination status of any Covered Employees working for their subcontractors on a project. Contractor shall ensure that its covered subcontractors submit required information to the Contractor to ensure its covered subcontractors’ compliance with the Vaccination Policy
5. Contractor shall coordinate with the SFMTA to confirm that the SFMTA can safely accommodate at its worksite any Contractor Covered Employee for whom the Contractor has granted a medical or religious vaccination exemption, which may include ensuring that exempt the Contractor’s Covered Employees who are accommodated comply with any required health and safety protocols.

VII. Contract Requirements

A. Standard Contract Provisions

The selected Proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix C. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, may be deemed an abandonment of a contract offer. The SFMTA, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

B. Nondiscrimination in Contracts and Benefits

As a material requirement of the contract, the selected Proposer must comply with 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: <http://sfgsa.org/index.aspx?page=6058>.

C. Minimum Compensation Ordinance (MCO)

As a material requirement of the contract, the selected Proposer must comply with the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements.

For additional information about the MCO, and for the amount of hourly gross compensation currently required under the MCO, see <http://sfgov.org/olse/mco>. Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

D. Health Care Accountability Ordinance (HCAO)

As a material requirement of the contract, the selected Proposer must comply with the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors must 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 <http://sfgov.org/olse/hcao>.

E. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the City's First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify

the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors are directed to 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://oewd.org/first-source> and from the First Source Hiring Administrator, business.services@sfgov.org or call (415) 701-4848.

F. Conflicts of Interest

The selected Proposer must 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 selected 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 SFMTA on behalf of the selected 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 10 days of the SFMTA's notice of award of the contract.

G. Prevailing Wage and Employee Retention

Contractor must provide prevailing wages and benefits and transitional employment and retention for the prior contractor's employees, as required by San Francisco Administrative Code, Chapter 21, Section 21C.7 (which is an uncodified San Francisco Ordinance, attached to this RFP as Attachment 1).

Prevailing wage and related information for employees under the current Agreement for Coin and Data Collection Services and Associated Support is attached as Attachment 2 to this RFP.

VIII. Protest Procedures

A. Protest of Non-Responsiveness Determination

Within five working days of the SFMTA's issuance of a notice of non-responsiveness, any Proposer that believes the SFMTA has incorrectly determined that its Proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the SFMTA on or before the fifth working day following the SFMTA'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 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 SFMTA to determine the validity of the protest.

The SFMTA reserves the right to proceed with its selection process to evaluate responsive Proposals pending the Agency's determination of the validity of a protest.

B. Protest of Non-Responsible Determination

Within five working days of the SFMTA's issuance of a notice of a determination of non-responsibility, a vendor that would otherwise be the lowest responsive Proposer may submit a written notice of protest. The vendor will be notified of any evidence reflecting upon their responsibility received from others or adduced as a result of independent investigation. The vendor will be afforded an opportunity to rebut such adverse evidence, and will be permitted to present evidence that they are qualified to perform the contract. Such notice of protest must be received by the SFMTA on or before the fifth working day following the SFMTA's issuance of the notice of non-responsibility. 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.

C. Protest of Contract Award

Within five working days of the SFMTA's issuance of a notice of intent to award the contract, any firm that has submitted a responsive Proposal and believes that the SFMTA has incorrectly selected another Proposer for award may submit a written notice of protest. Such notice of protest must be received by the SFMTA on or before the fifth working day after the SFMTA'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 SFMTA to determine the validity of the protest.

The SFMTA reserves the right to proceed in contract negotiation with the selected Proposer pending the Agency's determination of the validity of a protest.

D. Delivery of Protests

All protests must be received by the due date. A protestor bears the risk of non-delivery within the deadlines specified herein. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered via email to:

Carlos.Peza@sfmta.com

Appendix A
City and County of San Francisco
Contract Monitoring Division
CMD Attachment 2
Requirements for Architecture, Engineering and Professional Services
Contracts, for contracts \$55,000 and over

Appendix A is a separate file to be downloaded from the online posting for this RFP on the San Francisco City Partner website.

You may access the website at the following link:

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

Appendix B Standard Forms

The requirements described in this Appendix are separate from those described in Appendix A.

A. How to become Eligible to Do Business with the City

Before the City can award any contract to a contractor, all vendors must meet the minimum requirements described below. There may be additional requirements placed upon a vendor depending on the type of good or service to be purchased.

B. Mandatory Forms

At a minimum, in order to become eligible to do business with the City, a vendor must submit the following documents to the Vendor File Support Division via the San Francisco City Partner website located at <https://sfcitypartner.sfgov.org/>.

1. [Vendor Application Packet](#) (includes *New Vendor Number Request Form* and *IRS Form W-9*)
2. [CCSF Vendor - Business Registration \(Electronic Submission - you must have a vendor number to complete\)](#)
3. [CMD 12B-101 Declaration](#) of Nondiscrimination in Contracts and Benefits

C. Vendor Eligibility and Invoice Payment



Vendors must have a City-issued vendor number, have all compliance paperwork submitted and approved by the City, and have an executed contract or purchase order before payments can be made. Once a vendor number has been assigned, an e-mail notification will be provided by the City's Vendor File Support Division. This notification will include instructions on how to sign up to receive payments through the San Francisco City Partner website located at <https://sfcitypartner.sfgov.org/>.

D. Vendor Eligibility Forms

Form	Purpose/Info	Routing
CCSF Vendor - Business Registration (Electronic Submission - you must have a vendor number to complete)	This declaration is required for city vendors to determine if you are required to obtain a Business Registration Certificate.	https://sfcitypartner.sfgov.org/
Declaration of Nondiscrimination in Contracts and Benefits with supporting documentation (Form CMD-12B-101)	This Declaration is used by the City's Contract Monitoring Division to determine if a vendor offers benefits to employees. When a vendor offers benefits, it must be verified that all benefits, including insurance plans and leaves, are offered equally to employees	https://sfcitypartner.sfgov.org/

	with spouses and employees with domestic partners. For more information and assistance, please visit the City Administrator's Contract Monitoring Division Equal Benefits web page.	
Vendor Profile Application	Includes New Vendor Number Request Form and IRS Form W-9.	https://sfcitypartner.sfgov.org/

E. Supplemental Forms

Form:	Required If:
Minimum Compensation Ordinance (MCO) Declaration ( pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 5 employees, including employees of any parent, subsidiaries and subcontractors.
Health Care Accountability Ordinance (HCAO) Declaration ( pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 20 employees (more than 50 employees for nonprofit organizations), including employees of any parent, subsidiaries or subcontractors.
Insurance Requirements (pdf)	The solicitation requires the selected Proposer to demonstrate proof of insurance.
Payment (Labor and Material) Bond (pdf)	The solicitation requires the awarded vendor to post a Payment (Labor and Material) bond.
Performance Bond (pdf)	The solicitation requires the awarded vendor to post a Performance bond.
Local Business Enterprise Program Application (Contract Monitoring Division)	You desire to participate in the City's Local Business Enterprise Program which helps certain financially disadvantaged businesses increase their ability to compete effectively for City contracts

For further guidance, refer to the City's supplier training videos that are located online at: <https://sfcitypartner.sfgov.org/> .

Appendix C

Sample Agreement for Professional Services (Form P-600)

Appendix C is a separate file to be downloaded from the online posting for this RFP on the San Francisco City Partner website.

You may access the website at the following link:

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

Appendix D

Attestation of Compliance

To be completed by all Proposing Firms and All Individual Subcontractors

(Please check each box, sign this form and submit it with your response.)

Name of individual completing this form: _____

The form is submitted on behalf of firm: _____

Name of RFP: **SFMTA-2022-13**

1. I attest that I and all members of the firm listed above will and have complied to date with Section VI.J of the above RFP. Yes

2. I understand that if my firm or any members of the firm listed above are found to be in violation of Section VI.J of the above RFP, this will disqualify my firm and any Proposal in which my firm is named from further consideration. Yes

I have entered required responses to the above questions to the best of my knowledge and belief.

Signature: _____

Date: _____

Appendix E

To be completed by all Proposing Firms and All Individual Subcontractors

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

By signing and submitting its Proposal, the Proposer or proposed subcontractor certifies as follows:

- (1) _____
(Proposer or Proposed Subcontractor Business Name)
- certifies to the best of its knowledge and belief that it and its principals:
- a. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from contracting with any federal, state or local governmental department or agency;
 - b. Have not within a three-year period preceding the date of this Proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) contract; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1)b of this certification; and
 - d. Have not within a three-year period preceding the date of this Proposal had one or more public contracts (federal, state, or local) terminated for cause or default.
- (2) Where the firm executing this RFP Appendix E is unable to certify to any of the statements in this certification, such firm must attach a detailed explanation of facts that prevent such certification.
- (3) The certification in this clause is a material representation on fact relied upon by the San Francisco Municipal Transportation Agency (SFMTA).

As the authorized certifying official, I certify that the above-specified certifications are true.

Business Name

Authorized Representative Name (print)

Authorized Representative Title (print)

Authorized Representative Signature

Date

Appendix F

To be completed by all Proposing Firms and All Individual Subcontractors

Certification Regarding Lobbying

(Proposer or Proposed Subcontractor Business Name)

Certifies that it will not and has not paid any person or organization for influencing or attempting to influence a member of the San Francisco Municipal Transportation Agency (SFMTA) Board of Directors, or an officer or employee of the SFMTA in connection with the contract to be awarded pursuant to this Request for Proposals (RFP), except as expressly authorized in this RFP. The Proposer or proposed subcontractor submitting this certification must also disclose the name of any lobbyist registered under Article II of the San Francisco Campaign and Governmental Conduct Code who has made lobbying contacts on its behalf with respect to the contract to be awarded pursuant to this RFP.

This certification is a material representation of fact upon which reliance was placed for the purposes of the SFMTA's evaluation of Proposals and award of a contract pursuant to the RFP. Submission of this certification is a prerequisite for submitting a Proposal responsive to the RFP.

Following submission of Proposals with this signed certification, any firm who 1) pays any person or organization for influencing or attempting to influence a member of the SFMTA Board of Directors, or an officer or employee of the SFMTA in connection with the contract to be awarded pursuant to this RFP, except as expressly authorized in the RFP, 2) fails to disclose the name of any lobbyist registered under Article II of the San Francisco Campaign and Governmental Conduct Code who has made lobbying contacts on its behalf with respect to the contract to be awarded pursuant to this RFP, or 3) pays or agrees to pay to any SFMTA employee or official or to any member of the selection panel or other person involved in the making of the contract on behalf of the SFMTA any fee or commission, or any other thing of value contingent on the award of a contract, will disqualify any Proposal in which that firm is named as a prime contractor, joint venture partner or subcontractor from the selection process.

By signing and submitting its Proposal, the Proposer or proposed subcontractor also certifies to the SFMTA that the Proposer or proposed subcontractor has not paid, nor agreed to pay, and will not pay or agree to pay, any fee or commission, or any other thing of value contingent on the award of a contract to any SFMTA employee or official or to any member of the selection panel or other person involved in the making of the contract on behalf of the SFMTA. As the authorized certifying official, I certify that the above-specified certifications are true.

Business Name

Authorized Representative Name (print)

Authorized Representative Title (print)

Authorized Representative Signature

Date

Appendix G

*To be completed by all Proposing Firms and Submitted as a Separate Electronic File;
Do Not Include the Cost Proposal in Your Main Proposal Document File*

Cost Proposal

Appendix G is a separate file to be downloaded from the online posting for this RFP on the San Francisco City Partner website.

You may access the website at the following link:

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

Appendix H

Statement of Work

Appendix H is a separate file to be downloaded from the online posting for this RFP on the San Francisco City Partner website.

You may access the website at the following link:

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

Appendix I

Liquidated Damages

Appendix I is a separate file to be downloaded from the online posting for this RFP on the San Francisco City Partner website.

You may access the website at the following link:

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