

File No. 160667

Committee Item No. 10

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

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Committee: Budget and Finance

Date June 16, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

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OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date June 10, 2016

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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.

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

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

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

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

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 RFO within two years of  
5 the original RFO; and,

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

8                   The City may not proceed under this subsection (c)(2) if it does not use the same RFO  
9 and the same scoring panel. Entities included on the list of prequalified entities pursuant to the  
10 original RFO shall not be required to re-qualify under the re-issued RFO, but may choose to submit  
11 updated information regarding their qualifications when the RFO 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 RFO.

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 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.

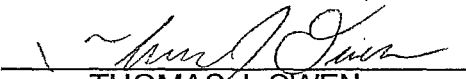
21 (1) For the procurement of Commodities and Services for which lists of  
22 prequalified entities are created by the City a department, selection of a Contractor for a  
23 particular contract may be made without the use of a further Solicitation if the list is maintained  
24 by issuing a new request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

1 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:

  
THOMAS J. OWEN  
Deputy City Attorney

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

## LEGISLATIVE DIGEST

[Administrative Code - Requests for Qualifications]

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

### Existing Law

The City generally must follow a competitive selection process when purchasing goods or services. The City may issue a "Request for Qualifications" or "RFQ" to determine the qualifications of prospective contractors to provide particular types of good or services. Based on the results of the RFQ process, the Purchaser may create Citywide lists of pre-qualified contractors for goods and services, and a department may create a list of pre-qualified contractors for professional services to be provided to that department. The City may select a contractor from the list for a particular contract without a further solicitation if the list is no more than two years old.

### Amendments to Current Law

The proposal is an ordinance that would amend the Administrative Code to allow the City to select contractors from a list of prequalified entities for up to four years, if:

- The City re-opened the list by re-issuing the same RFQ within two years of the original RFQ; and,
- The City used the same panel of evaluators to score the responses to the RFQ.

Prospective contractors included on the list following the first RFQ would not be required to re-qualify under the second RFQ, but could submit updated information regarding their qualifications.

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *EL* Mayor Edwin M. Lee *EL*  
RE: Administrative Code - Requests for Qualifications  
DATE: June 7, 2016

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Attached for introduction to the Board of Supervisors is an ordinance amending the Administrative Code to extend the permissible period for using a list of prequalified entities to contract for commodities and/or services following the issuance of a Request for Qualifications from two years to four years if certain conditions are met.

I respectfully request that this item be calendared in Budget & Finance Committee on June 16, 2016.

Should you have any questions, please contact Nicole Elliott (415) 554-7940.

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