

**RFP-1-2008**

**A locked setting providing care to adults and or older adults with mental illness, physical problems and behavioral problems**

**City and County of San Francisco  
DEPARTMENT OF PUBLIC HEALTH  
Community Behavioral Health Services**



**Request for Proposals (RFP) – 1 - 2008**

**DEPARTMENT OF PUBLIC HEALTH  
OFFICE OF CONTRACT MANAGEMENT AND COMPLIANCE  
1380 HOWARD STREET, SUITE 442  
SAN FRANCISCO, CA 94103**

**CONTACT  
MAHLET GIRMA  
CONTRACT ANALYST  
(415) 255-3504**

**Date issued: JANUARY 29, 2008  
E-Question Period: January 29 - February 15, 2008  
Proposal due: 12:00 p.m., February 29, 2008**

**Request for Proposals (RFP) – 1- 2008  
“Locked Facilities”**

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**Appendices:**

A. **Attachments:** RFP- 1- 2008 Zipped file:

*These forms must be completed in order for a proposer to be considered:*

- a. DPH Forms: RFP Form #1 Solicitation and Offer;  
RFP Form #2 Contractual Record Form;  
RFP Form #3 Prospective Contractor Financial Survey Form
- b. Budget Forms and CRDC Forms
- c. HRC 03.pdf Compliance Affidavit
- d. HRC Attachment 2

B. **Standard Forms:** Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code B-1

C. Agreement for Professional Services (form P-500) – separate document upon request  
*Note: The current DPH Standard Boilerplate “Agreement for Professional Services” (form P-500) can be furnished by the Contracts Office either electronically by email, or a hard copy by mail or pick up.*

I. INTRODUCTION AND SCHEDULE

A. General

The San Francisco Department of Public Health's (SFDPH) Community Behavioral Health Services (CBHS) is soliciting proposals from qualified vendors to provide psychiatric care to adults and/or older adults in a locked setting. The facilities licensed as a Skilled Nursing Facility (SNF) and or Mental Health Rehab Center (MHRC) will provide psychiatric care to adults and/or older adults in a locked setting. The facility will provide care to individuals with psychiatric problems, medical problems and behavior problems. The facility may also care for individuals with neurobehavioral diagnosis with a primary diagnosis of dementia. Individuals may be admitted with physical impairments requiring special needs that may include the use of a wheelchair, walker, or cane; they may also have vision and or hearing loss or speech impediments.

The overall program goal of each facility is to maximize each individual's functional capacity fostering self-care and return to the highest level of independent living possible in the community.

The contract shall have an original term from **July 1, 2008 to June 30, 2009**. In addition, the City shall have nine (9) options to extend the term for a period of one (1) year each for a total of **10 year contract**, which the City may exercise in its sole absolute discretion. The annual allocation for the contract is **\$14 million**.

B. Schedule

The anticipated schedule for selecting a consultant is:

<u>Proposal Phase</u>	<u>Time</u>	<u>Date</u>
RFP is issued by the City		January 29, 2008
E-Questions begin	12:00 Noon	January 29, 2008
E-Question end [Deadline for submission of written questions]	12:00 Noon	February 15, 2008
Proposals due	12:00 Noon	February 29, 2008
<i>Estimated Dates</i>		
Technical Review Panel meetings		Week of March 3, 2008
Contract Selection and Negotiation		Week of March 17, 2008
Health Commission Review		April 1, 2008
Board of Supervisors Approval		To be Determined
Contract Certified/ Start date		July 1, 2008

## II. SCOPE OF WORK

San Francisco residents admitted to these facilities recognized as SNF and or MHRC will be 18 years to 64 years and have an Axis I DSM-IV psychiatric diagnosis. San Francisco residents admitted to the facilities licensed as SNF and not having IMD designation will be 18 years of age and above and will have an Axis I DSM IV psychiatric diagnosis.

Individuals admitted to any of the facilities may also have concomitant medical problems and/or have physical impairments requiring special needs that might include the use of a wheelchair, walker, or cane; individuals may also have vision and/or hearing loss, or speech impediment.

The facility will primarily admit San Francisco residents directly from acute psychiatric inpatient units.

The Director of CBHS Placement or his/her designee will authorize referrals to the facilities into contracted beds. All such referrals will have been approved for locked psychiatric SNF or MHRC level of care.

Each San Francisco resident admitted to the facilities into a contract bed will be reviewed every thirty (30) days by the CMHS Utilization Review Nurse, who will monitor on-going treatment and progress toward treatment goals including discharge as soon as clinically appropriate.

If a San Francisco resident on voluntary status or a private conservatee is referred by Placement to the facility, an addendum to the admission agreement will be signed by private conservator or voluntary resident *in advance of admission* indicating that voluntary individual or private conservator will comply with CMHS' utilization management decisions regarding the individual's readiness to move to a lower level of care.

### Admission Expectations

The CBHS Placement Director or his/her designee will be informed of the decision whether to admit or not admit within 72 hours of receipt of the referral packet.

The facility's physician "Initial Assessment and Treatment Plan" must consist of the following components and be signed by the attending psychiatrist/physician within five (5) business days of admission, and the facility shall send a copy of the "Treatment Plan" to the conservator and CBHS UR nurse within fourteen (14) calendar days:

1. A 5-Axis DSM-IV diagnosis
2. Signs and symptoms of psychiatric impairment and any pre-existing medical conditions.
3. Long and short-term goals that are based on individual resident capabilities and that are realistically attainable by resident.
4. Measurable objectives with specific time frames with special emphasis on medication regimen.
5. Special treatment and interventions and services with identification of the professional discipline responsible for each element of care.
6. Estimated duration of treatment and continuously updated progress notes reflecting justification for continued stay and identification of obstacles to community placement.
7. Prognosis.
8. Dated legible physician notes and signature.
9. Specification of drug regimen or no drug regimen.
10. Evidence of communication with resident's former physician upon admission and with resident's future physician upon discharge.

Admission and documentation will include the following:

1. A non-psychiatrist physician must perform a history and physical examination within forty-eight (48) hours of resident's admission.
2. Physician must provide reason for deferment of either the physical examination or any process within the examination. Attempts to complete a physical examination must be documented weekly. If, after fourteen days (14), these attempts are not successful, the resident's conservator must be contacted to arrange a court date so that the court can mandate the necessary care.
3. The facility shall obtain a copy of the conservator's investigation report and this report shall be present in the legal section of the resident record.

## RFP for Locked Facilities

4. The following demographic data will be collected for the purpose of conducting treatment and outcome evaluations: sex, age, race, marital status, legal status, psychiatric diagnosis, and primary language. In addition, the facility will record information about the resident's previous placement, prior hospitalizations, and reason for current hospitalization.

## Ongoing Expectations

Facility will provide:

1. Annual physical examination
2. Annual update regarding medication consents (with witness signatures).
3. Documentation in resident's record the facility's follow-up care regarding dental and eye care in addition to any necessary medical care.
4. Transportation and escort for clinic visits when necessary.
5. Adherence to all protocols regarding conserved residents, including issues of resident refusal of medications or treatment services. In the case of conserved residents refusing laboratory tests, the facility may negotiate with San Francisco General Hospital for recommended tests to be done there provided there is a court order for the resident to receive such tests.
6. Assistance and cooperation in efforts to obtain resident entitlements. The facility will collect, document and report to the County the SSI, VA and other third party payments
7. No one to one patient services will be provided without PRIOR written authorization and continued need will be reviewed daily by telephone with the coordinator of acute inpatient authorization.
8. Participate fully in the County's Billing and Data Collection system regarding entitlements.
9. Submit to San Francisco CMHS Billing Office, monthly invoices per the agreement with San Francisco Billing Office. Invoice attachments will include specific to each facility:
  - a. Resident's last name
  - b. First name
  - c. Units of service provided for that quarter.San Francisco CBHS will make payment adjustments quarterly for any resident not authorized for treatment.
10. Attending psychiatrists court testimony when required and following conditions must be met:
  - a. Be fully prepared, i.e., review resident chart prior to proceedings
  - b. Appear on time and sit through the hearing process in order to provide expert testimony in resident's case
  - c. In case of inability to attend, sufficient notice must be given by the psychiatrist. If time does not permit mailing notice, then the notice must be faxed to the mental health court.
11. The facility will abide by all admission and discharge notification requirements for the keeping of comprehensive bed data for the web based program when applicable.

## Progress notes shall reflect the following:

**Psychiatrists:** the attending psychiatrist must make a note at least every thirty-(30) days that addresses:

1. Resident's current level of functioning, addressing all 5 Axis
2. Description of resident's behaviors that present as an obstacle to discharge.
3. Behavioral assessment of current behavioral barriers effecting discharge potential
4. Documentation to support significant changes in functioning level, progress/regression.
5. Specific justification as to why resident needs to remain at current level of care.
6. Document current dose of medication(s).
7. Resident's response to medication(s).
8. Resident's compliance with medication(s).
9. Resident's use of PRN medication.
10. Notes shall reflect physician's use of laboratory results to determine adjustment to medication(s).
11. There shall be evidence of a monthly assessment and update regarding PRN psychotropic medication

**Nursing Staff:** Nursing staff must make a note at least every seven- (7) days that addresses:

1. Nursing management of the resident specific to problems identified in the resident's treatment plan.
2. Areas of the resident's ADL's requiring nursing intervention and frequency of that intervention.

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### **Program Staff:**

1. Resident's attendance and participation will be documented in resident's chart.
2. Resident will receive at least weekly individual sessions with group leader to discuss program goals and progress.

### **Discharge Expectations**

Social work documentation shall begin at point of admission with updates based on evaluation of resident's functional capacity. Documentation shall be relevant to resident's treatment goals and plans. Barriers to discharge will be identified and interventions that will address and/or resolve those barriers will be documented.

CBHS Linkage Staff, working in the Placement Program and SPR staff will interface on a regular basis with the program social services staff regarding the discharge readiness of residents.

When requested to make a resident ready for discharge or transfer, the facility will prepare all paperwork for resident discharge and make all arrangements within five (5) working days of receipt of written or verbal request from conservator, CBHS Linkage/Placement staff, or SPR staff.

The program will notify Director of CBHS Placement or his/her designee by fax or telephone on the day of discharge of any San Francisco resident.

The program will send medication and prescription information with resident upon discharge.

### **Need for Acute Hospitalization**

In the event that the facility(s) staff determines that a San Francisco resident should return to the acute hospital sector, the following procedures will be observed:

1. Emergency returns during working hours, Monday-Friday: refer to Psychiatric-Emergency Return of San Francisco Residents Placed in out-of-county L-facilities (Manual No 3.03.3).
2. Non-emergency returns: an authorization is necessary from the Director of CBHS Placement or his/her designee.
3. Off-hour emergency returns: The CBHS Placement Director must be notified on the next working day of any emergency returns made during non-business hours.
4. The bed of any patient referred to the acute hospital will be held for seven (7) days pending his/her return.
5. There is an understanding and agreement by contractor that any patient returned to PES or SFGH for acute treatment will be returned ASAP. When the patient no longer meets the medical necessity criteria for acute inpatient according to Title IX, the referring program will be expected to accept the patient back into their facility in a timely manner that does not require administrative days.

### **County Payment for Physician Services**

The County will authorize payment of services rendered by physicians when itemized bills, which identify the resident(s) served, are submitted to the County. All bills for court testimony; administrative meeting and utilization review meetings must specify name of resident and duration of meeting in minutes.

The County reserves the right to interview and approve all physicians who are applying to assume responsibility for County residents, and the facility must provide notice to County in a timely manner regarding and physician resignations.

### **Service and Quality of Care**

Facilities shall maintain a regularly scheduled Continuous Quality Improvement Committee and extend an invitation to the County to attend as needed to facilitate the exchange of information. Committee membership shall consist of the following staff: one attending psychiatrist or Medical Director, Director of Nurses, Director of Program, and Social Worker. Attendance shall be documented and submitted as part of regular reports to the County.

### III. Submission Requirements

#### A. Time and Place for Submission of Proposals

Proposals must be received by 12:00 p.m., on **February 29, 2008**. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with DPH Office of Contracts Management and Compliance ("Contracts Office"), or mailed to:

**San Francisco Department of Public Health  
Office of Contracts Management and Compliance  
1380 Howard St., 4<sup>th</sup> Floor, # 442  
San Francisco, CA 94103**

Proposers shall submit one (1) original and six (6) copies of the proposal, and separately bound, of required Human Rights Commission (HRC) Forms in a sealed envelope clearly marked "**RFP-1-2008 – Locked Facilities**" to the above location. The original copy of the proposal must be clearly marked as "**ORIGINAL**". Proposals that are submitted by facsimile, telephone or electronic mail will not be accepted. Late submissions will not be considered.

#### B. Format

All submission must be typewritten and on recycled paper and printed on double-sided pages to the maximum extent possible. Please bind the proposal with a binder clip, rubber band or single staple or submit it in a three ring binder. Please do not bind your proposal with a spiral binding, glued binding or anything similar. You may use tabs or other separators within the document. If your response is lengthy, please include a Table of Contents.

#### C. Content

Firms interested in responding to this RFP must complete the attached DPH RFP Form # 1 – Solicitation and Offer and return it with the following information in the order specified below:

##### 1. Introduction and Executive Summary

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your firm that it is willing and able to perform the commitments contained in the proposal.

##### 2. Project Approach

Describe the services and activities that your firm proposes to provide to the City. Include the following information:

- a. Overall scope of work tasks; and
- b. Schedule and ability to complete the project within the City's required time frame; and
- c. Assignment of work within your firm's work team.

##### 3. Qualifications

Provide information on your agency's background and qualifications which addresses the following:

- a. Name, address and telephone number of a contact person;
- b. How your agency meets the minimum qualifications stated in this RFP (See Section IV);
- c. Proven ability to work with specialized populations seeking locked services.
- d. Cultural competence with the target population, evidence of consumer and family participation.
- e. Demonstration that over all program goal is to maximize each clients potential and functioning capacity fostering self care and return to the highest level of independent living possible in the community.

##### 4. Financial Management Capacity

The City intends to award this contract to the firm that it considers will provide the best overall program services. The City reserves the right to accept other than the lowest priced offer and to reject any proposals that are not responsive to this request.

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Please provide a fee proposal in a sealed envelope that includes the following:

- a. Total fee for each of the disciplines identified in the Scope of Work with a not-to-exceed figure;
- b. Copies of audited financial statements, a listing of financial management staff and accounting staff including names, job titles, and length of service.

### IV. Evaluation and Selection Criteria

#### A. Minimum Qualifications

Applicants must meet the minimum qualifications:

1. Demonstrated a minimum of 5 years experience in providing services as discussed in Section II.
2. Demonstrated expertise and practical experience in working with the San Francisco public health care services system.
3. Good standing, licenses, Etc. The provider must be a valid existing legal entity, qualified to do business and in good standing in the State of California. In addition, the Provider must have all necessary licenses, permits, approvals and authorizations to perform the Work and conduct the Providers business.
4. Other City Contracting Requirements. The Provider must be willing and able to comply with the City and contracting requirements set forth in Section VII of this RFP

The successful applicant must provide the following:

A summary of the qualifications of the organization, listing of the Board of Directors, in any, the name of a specific contact person with the appropriate administrative authority for contract negotiations, information on how the organization is becoming more culturally competent to meet the needs of clients, a statement regarding compliance with HIPPA, and an assurance that the financial statements of the organization have been audited in the past three years, all signed by the chief executive officer or the executive director of the organization.

(Minimum Qualifications shall comply with the Scope of Work Listed in Section II.) \_\_\_\_\_

Any proposal that does not demonstrate that the proposer meets these minimum requirements by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

#### B. Cultural Competency

Cultural Competency refers to being aware of cultural differences among diverse racial, ethnic, and other minority groups, respecting those differences, and taking steps to apply that knowledge to professional practice.

The Program will need to put together a comprehensive Culturally Competency Plan. They will need to demonstrate strengths including on-going attempts to improve their care in a culturally and linguistically appropriate way. Conduct on-going trainings for staff, regularly conduct surveys with clients to better ascertain their needs and desires. Partner with the community to continue to improve their care and their understanding of the diverse population that is treated in their facility. Along with scheduled input from staff and clients regarding cultural competence the program will need to review any complaints or concerns on an ongoing basis that may limit the ability of the facility to provide culturally and linguistically competent services. If any barriers are discovered, the Program Director will develop a study within the CQI Program and collect data, analyze it and propose a solution to the problem. The program will work diligently to serve the clients in a culturally competent manor and to make changes when a problem is discovered.

#### C. Selection Criteria

The proposals will be evaluated by a selection committee comprised of parties with expertise in long term care. The City intends to evaluate the proposals generally in accordance with the criteria itemized below.



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1. **Experience providing requested services** **25 points**
  - a. Minimum number of five (5) years providing requested or closely related services
  - b. Evidence of any related license or program certification
  - c. Use of license or certified staff (if relevant)
  
2. **Cultural competence with target population and emphasized needs** **25 points**
  - a. Employment of appropriate staff; documentation of linguistic capacity; documentation of Board of Directors cultural composition
  - b. Ability to provide gender focused services and to make specific accommodations for target populations needs
  - c. Evidence of consumer and family member participation in the development of the proposal and the design of the program
  
3. **Quality and comprehensive of proposed service plan** **25 points**
  - a. Proven ability to work with specialized population seeking locked services
  - b. Comprehensiveness of plan to provide services that are aimed to build a clients strengths and assist with community living when appropriate
  - c. The proposal will need to demonstrate the overall program goal is to maximize each individual's functional capacity fostering self-care and return to the highest level of independent living possible in the community
  
4. **Financial Management Capacity** **25 points**
  - a. Copies of audited financial statements and accompanying management letters for fiscal years 2004/2005, 2005/2006, and 2006/2007
  - b. Current cash flow statement and projection for the period of July 1, 2007 to June 30, 2008
  - c. A listing of financial management staff and accounting staff including names, job title, length of service and brief resume if needed

**TOTAL POINTS POSSIBLE FROM PROPOSAL:** **100 Points**

**TOTAL POINTS POSSIBLE UNDER LBE ORDINANCE:** **10 Points**

**This may include:**

- 10.0% discount to a LBE; or joint venture between or among LBEs;
- 5.0% discount to a joint venture with LBE participation that equals or exceeds 35.0%, but is under 40.0%
- 7.5% discount to a joint venture with LBE participation that equals or exceeds 40.0%
- 10.0% discount to a certified non-profit entity

**The Contract Analyst will calculate any LBE discount points**

**TOTAL POINTS POSSIBLE:** **110 Points**

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**V. E-QUESTION PERIOD AND CONTRACT AWARD**

**A. E-Questions**

Please note that there will be no Pre-Proposals Conference for this RFP.

All questions and requests for information must be received by electronic mail, fax and/ or US Mail and will be answered at the end of the E-Question period, by electronic mail, fax and or US Mail to all parties who have requested and received a copy of the RFP. The questions will be answered by the program staff. This is the only opportunity firms can ask direct programmatic questions of the Department staff. All questions are to be directed to the following e-mail address: [Mahlet.Girma@sfdph.org](mailto:Mahlet.Girma@sfdph.org), OR by electronic mail, fax and or US Mail to:

**Mahlet Girma, Contract Analyst  
San Francisco Department of Public Health  
Office of Contracts Management & Compliance  
1380 Howard St., 4<sup>th</sup> floor, #442  
San Francisco, CA 94103  
Phone (415) 255-3504 / Fax (415) 252-308**

E-questions may only be submitted from January 29, 2008 until 12:00 Noon February 15, 2008

**No questions or requests for interpretation will be accepted after 12:00 Noon on February 15, 2008.**  
If you have further questions regarding the RFP, please contact Mahlet Girma at 415-255-3504.

**B. Contract Award**

The Department of Public Health Community Behavioral Health Services (CBHS) and Housing and Urban Health (HUH) will issue Notices of Intent to Award to the selected Proposer with whom CBHS and HUH staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the Proposal, which may be subject to further negotiation and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time CBHS/HUH in its sole discretion may terminate negotiations with the recommended Proposer and begin contract negotiations with the next recommended Proposer.

**VI. TERMS AND CONDITIONS FOR RECEIPT OF PROPOSALS**

**A. Errors and Omissions in RFP**

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

**B. Inquiries Regarding RFP**

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed to:

**Mahlet Girma, Contract Analyst  
San Francisco Department of Public Health  
Office of Contracts Management & Compliance  
1380 Howard St., 4<sup>th</sup> floor, #442  
San Francisco, CA 94103  
Phone (415) 255-3504 / Fax (415) 252-3088  
E-mail: [Mahlet.Girma@sfdph.org](mailto:Mahlet.Girma@sfdph.org)**

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### **C. Objections to RFP Terms**

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to the Department setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

### **D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on the website. The proposer shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Change Notices.

### **E. Term of Proposal**

Submission of a proposal signifies that the proposed services and prices 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 a proposal on the proposer's own initiative at any time before the deadline for submission of proposals. The proposer must submit the 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 Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

### **G. Errors and Omissions in Proposal**

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

### **H. Financial Responsibility**

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed 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.

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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 should contact the San Francisco Ethics Commission at (415) 581-2300.

### J. Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

### K. Public Access to Meetings and Records

If a proposer is a non-profit entity that 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 shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall 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 shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

### L. Reservations of Rights by the City

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

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1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any 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.

### **M. No Waiver**

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

### **N. Local Business Enterprise Goals and Outreach**

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 Participation**

The City strongly encourages proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount will be in effect for the award of this project for any proposers who are certified by HRC as a LBE, or joint ventures where the joint venture partners are in the same discipline and have the specific levels of participation as identified below. Certification applications may be obtained by calling HRC at (415) 252-2500. The rating discount applies at each phase of the selection process. The application of the rating discount is as follows:

- a. A 10% discount to an LBE; or a joint venture between or among LBEs; or
- b. A 5% discount to a joint venture with LBE participation that equals or exceeds 35%, but is under 40%; or
- c. A 7.5% discount to a joint venture with LBE participation that equals or exceeds 40%; or
- d. A 10% discount to a certified non-profit entity.

If applying for a rating discount as a joint venture: The LBE must be an active partner in the joint venture and perform work, manage the job and take financial risks in proportion to the required level of participation stated in the proposal, and must be responsible for a clearly defined portion of the work to be performed and share in the ownership, control, management responsibilities, risks, and profits of the joint venture. The portion of the LBE joint venture's work shall be set forth in detail separately from the work to be performed by the non-LBE joint venture partner. The LBE joint venture's portion of the contract must be assigned a commercially useful function.

#### **2. HRC Forms to be Submitted with Proposal**

a. All proposals submitted must include the following Human Rights Commission (HRC) Forms contained in the HRC Attachment 2: 1) HRC Contract Participation Form, 2) HRC "Good Faith Outreach" Requirements Form, 3) HRC Non-Discrimination Affidavit, 4) HRC Joint Venture Form (if applicable), and 5) HRC Employment Form. If these forms are not returned with the proposal, the proposal may be determined to be non-responsive and may be rejected.

b. Please submit only two copies of the above forms with your proposal. The forms should be placed in a separate, sealed envelope labeled HRC Forms.

If you have any questions concerning the HRC Forms, you may call Human Rights Commission at (415) 252-2500.

## VII. CONTRACT REQUIREMENTS

### A. Standard Contract Provisions

The successful 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, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, (Chapter 12B.2 "Nondiscrimination; Penalties in the Agreement"); the Minimum Compensation Ordinance (Chapter 12P.5 "Requiring Minimum Compensation for Covered Employee" in the Agreement); the Health Care Accountability Ordinance (Chapter 12Q.2.9 "Requiring Health Benefits for Covered Employees" in the Agreement); the First Source Hiring Program (Chapter 83 "First Source Hiring Program" in the Agreement); and applicable conflict of interest laws, as set forth in paragraphs B, C, D, E and F below.

### B. Nondiscrimination in Contracts and Benefits

The successful proposer will be required to agree to comply fully with and be bound by the provisions of 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 HRC's website at [www.sfhrc.org](http://www.sfhrc.org)

### C. Minimum Compensation Ordinance (MCO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of 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 the contractual requirements of the MCO, see Sec.12P.5 of "Requiring Minimum Compensation for Covered Employee" in the Agreement.

For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.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.

Additional information regarding the MCO is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco).

### D. Health Care Accountability Ordinance (HCAO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should 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 [www.sfgov.org/olse/hcao](http://www.sfgov.org/olse/hcao).

### E. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the 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.

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Contractors should 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 [www.sfgov.org/moed/fshp.htm](http://www.sfgov.org/moed/fshp.htm) and from the First Source Hiring Administrator, (415) 401-4960.

### **F. Conflicts of Interest**

The successful proposer will be required to 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 successful 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 City on behalf of the successful proposer might be deemed consultants 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 ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

## **VIII. PROTEST PROCEDURES**

### **A. Protest of Non-Responsiveness Determination**

Within five (5) working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City 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 City on or before the fifth (5<sup>th</sup>) working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every 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.

### **B. Protest of Contract Award**

Within five (5) working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5<sup>th</sup>) working day after the City'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 City to determine the validity of the protest.

### **C. Delivery of Protests**

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Jacque Hale, Director  
Office of Contracts Management and Compliance  
San Francisco Department of Public Health  
101 Grove, Room 307  
San Francisco, CA 94102  
Phone (415) 554-2609/ Fax (415) 554-255

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**ATTACHMENTS:**

Provided on paper/hard copy or electronically (in a "zipped" file) for this RFP:

- DPH Forms:
    - RFP Form #1 Solicitation and Offer
    - RFP Form #2 Contractual Record Form
    - RFP Form #3 Prospective Contractor Financial Survey Form
  - Budget Forms and CRDC Forms
  - HRC 03 Compliance Affidavit
  - HRC Attachment 2 (*this contains the required HRC forms mentioned in Section VI.N2*)
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**Appendix B  
Standard Forms**

Before the City can award any contract to a contractor, that contractor must file three standard City forms (items 1-3 on the chart). Because many contractors have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing ([purchasing@sfgov.org](mailto:purchasing@sfgov.org)) and Purchasing will fax, mail or e-mail them to the contractor.

If a contractor has already filled out items 1-3 (see note under item 3) on the chart, **the contractor should not do so again unless the contractor's answers have changed.** To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller's Office at (415) 554-6702.

If a contractor would like to apply to be certified as a local business enterprise, it must submit item 4. To find out about item 4 and certification, the contractor should call Human Rights Commission at (415) 252-2500.

Item	Form name and Internet location	Form	Description	Return the form to; For more info
1.	Request for Taxpayer Identification Number and Certification  <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a>  <a href="http://www.irs.gov/pub/irs-fill/fw9.pdf">www.irs.gov/pub/irs-fill/fw9.pdf</a>	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
2.	Business Tax Declaration  <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a>	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits  <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a> –  In Vendor Profile Application	HRC-12B-101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. <b>Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.</b>	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

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Item	Form name and Internet location	Form	Description	Return the form to; For more info
4.	HRC LBE Certification Application  <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a> –  In Vendor Profile Application		Local businesses complete this form to be certified by HRC as LBEs. Certified LBEs receive a bid discount pursuant to Chapter 14B when bidding on City contracts. To receive the bid discount, you must be certified by HRC by the proposal due date.	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

**Where the forms are on the Internet**

**Office of Contract Administration**

Homepage: [www.sfgov.org/oca/](http://www.sfgov.org/oca/)  
 Purchasing forms: Click on "Required Vendor Forms" under the "Information for Vendors and Contractors" banner.

**Human Rights Commission**

HRC's homepage: [www.sfhrc.org](http://www.sfhrc.org)  
 Equal Benefits forms: Click on "Forms" under the "Equal Benefits" banner near the bottom.  
 LBE certification form: Click on "Forms" under the "LBE" banner near the bottom