

City and County of San Francisco

Port of San Francisco

Request for Qualifications

for

Micro-LBEs Set-Asides for As-Needed Construction Management Services



Date issued:

March 12, 2019

Pre-Submittal Conference:

April 2, 2019 at 11:00 A.M. (PST)

Submittals due:

May 3, 2019 at 2:00 P.M. (PST)

Table of Contents:

I.	Introduction and Schedule	Page 2
II.	Definitions	Page 4
III.	Scope of Work	Page 4
IV.	Bidder/Contractor Requirements and Qualifications.....	Page 4
V.	Submission Requirements	Page 5
VI.	Evaluation and Selection Criteria	Page 10
VII.	Pre-Submittal Conference and Contract Award	Page 13
VIII.	Terms and Conditions for Receipt of Submittals	Page 14
IX.	Contract Requirements	Page 18
X.	Protest Procedures	Page 19

Appendices:

- A. Scope of Work (For your reference)
- B. Fee Proposal (Needs to be submitted)
- C. Release of Liability Template (Needs to be submitted)
- D. Required Information of all Respondents (Needs to be submitted)
- E. P-600 Agreement (For your reference)
- F. Additional Contract Requirements (For your reference)
- G. 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. (For your reference)
- H. Contract Monitoring Division (CMD) Attachment 5:
 - Form 2A CMD Contract Participation Form
 - Form 3 CMD Non-discrimination Affidavit
 - Form 5 CMD Employment Form
 - (Needs to be submitted)
- I. Monthly Report Template (For your reference)
- J. Invoice Template and Guidelines (For your reference)

I. Introduction and Schedule

The City and County of San Francisco (“City”) acting by and through the Port of San Francisco (“Port”) issues this Request for Qualifications (RFQ) to solicit qualified firms that are interested in providing the Port construction management services for construction projects within the Port’s jurisdictional area along the San Francisco waterfront. This RFQ establishes minimum mandatory requirements that Respondents must meet in order to be eligible for consideration. This RFQ also specifies the information that interested parties are expected to include in their Submittals.

A. Background and Statement of Need

The City is the fourth largest city in California and serves as a center for business, commerce and culture for the West Coast. The City, established by Charter in 1850, is a legal subdivision of the State of California with the governmental powers of both a city and a county under California Law. The Port, a department within the City is a self-supporting, enterprise agency overseeing 7-1/2 miles of property along the western side of the San Francisco Bay (“Property”). The Port has held this Property in trust for the people of the State of California since 1969 pursuant to the California Burton Act (statutes 1698, ch 1333). As trustee, the Port is required to promote maritime commerce, navigation, and fisheries, as well as to protect natural resources and develop recreational facilities for public use.

The Port is engaged in a major 10-Year Capital Plan and Development and through this RFQ is seeking as-needed consulting services from highly qualified San Francisco firms certified by the Contract Monitoring Division (“CMD”) as Micro Local Business Enterprise (“LBE”) to provide construction management services in managing some upcoming construction projects in a timely and efficient manner to meet the Port’s capital project planning, development, maintenance, and property management needs. The Port will require assistance in the form of specialized knowledge, expertise, and state-of-the-art techniques that are either beyond the capabilities of its own staff or does not align with staff workload and availability. The requested services may involve an entire project, several projects, and part of a project or for any project phase. Consultants who are awarded contracts under this RFQ may be expected to work in conjunction with the Port’s technical staff and/or other consultants hired by the Port as part of a project team.

This RFQ is not directed at any one specific project. Through this RFQ process, the Port intends to evaluate and select team of consultants capable of providing the requested services. The Port will review qualifications of all Respondents including the Respondent’s prior project information, lead staff qualifications, and other information it deems relevant. Following the evaluation process described in this RFQ, the Port intends to award **two (2)** contracts with an initial term of **four (4) years** and an option to extend the term for a maximum of additional **one (1)** year.

The Port seeks to promote diversity within its contracting opportunities. We desire to engage contracting teams that reflect the diversity of our City and include participation of both businesses and residents from the City’s most disadvantaged communities including, but not limited to, the Bayview/Hunter’s Point, Chinatown, Mission, South of Market, Tenderloin, Visitacion Valley and Western Addition neighborhoods. As such, the City recommends that bidders consider the composition of their teams in terms of gender, age, ethnicity, and race, and to utilize teams that include a diverse mix of staff at all organizational levels.

B. Schedule

The anticipated schedule for selecting the contractors is:

<u>RFQ Phase</u>	<u>Date/Time</u>
RFQ is issued by the Port	March 12, 2019
Pre-Submittal conference	April 2, 2019
Deadline for submission of written questions or requests for clarification	April 5, 2019 at 5:00 P.M. (PST)
Submittals due	May 3, 2019 at 2:00 P.M. (PST)
Oral interview with firms selected for further consideration	TBD
Submittal evaluation	TBD
Contract award.....	TBD

Please be aware that these dates are tentative and subject to change. Any changes to these dates will be published in an addendum which will be posted on the Port's Contract Opportunities portal located at <https://sfport.com/rfps-rfq> and the City's Contract Opportunities portal located at <https://sfsupplierportal.sfgov.org/psp/supplier/SUPPLIER/ERP/h/?tab=DEFAULT>. It is each Respondent's responsibility to check the portals for any addendum/addenda and updates to this solicitation.

C. Contractors Unable to do Business with the City

1. Generally

Contractors 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. Some of the laws are included in this RFQ, or in the sample terms and conditions attached.

2. Companies Headquartered in Certain States

Any contract resulting from this RFQ shall be subject to the requirements of San Francisco Administrative Code Chapter 12X, which prohibits the City from entering into contracts with companies headquartered in states with laws that perpetuate discrimination against LGBT populations or where any or all of the work on the contract will be performed in any of those states. Respondents are hereby advised that Respondents which have their United States headquarters in a state on the Covered State List, as that term is defined in Administrative Code Section 12X.3, or where any or all of the work on the contract will be performed in a state on the Covered State List may not enter into contracts with the City. A list of states on the Covered State List is available at the website of the City Administrator.

II. Definitions

“Contract Service Order.” A Contract Service Order, or CSO refers to a project-specific work assignment requested/authorized by the Port under the terms and conditions of the Master Agreement.

“Consulting Team.” A Consulting Team is a grouping of consultant firms consisting of a Prime Consultant who will serve as the prime contractor if selected by the Port for contract award, and a set of sub consultants.

“Master Agreement.” A Master Agreement refers to a non-project specific, blanket contract between the Port and Prime Consultant. Also referred to as Agreement or Contract.

“Prime Consultant.” Prime Consultant is the lead firm or individual on a Consulting Team who is identified as such in the Submittal and who will manage the work of the sub-consultants. The term includes the officers and employees of the Prime Consultant identified in writing by the Prime Consultant.

“Respondent.” The Respondent refers to any entity submitting a response to this Request for Qualifications (“RFQ”).

“Submittal.” The Submittal refers to a qualifications package submitted in response to this RFQ. Also referred to as Statement of Qualifications or Proposal.

III. Scope of Work

See Appendix A for a detailed Scope of Work. Appendix A outlines the requirements and general service needs and areas that may be needed under any contract resulting from this RFQ. It is intended to be used as a general guide and is not intended to be a complete list of all services that will be required in all cases.

IV. Bidder/Contractor Requirements and Qualifications

Respondents SHALL meet all minimum requirements listed below to be considered eligible for the award of contract. It is the Respondents’ responsibility to ensure that information and documentation they provide is sufficient to satisfy all the requirements.

Minimum Qualifications (MQ)

Any SUBMITTAL that does not demonstrate that the Respondent meets the minimum qualifications described below by the response deadline will be considered non-responsive and not eligible for further consideration under this RFQ. Respondents shall provide the necessary references to allow the Port to verify that Respondents meet each of these minimum qualifications.

MQ1: Experience

Prime Consultants Qualification and Experience

- Prime Consultants must demonstrate a minimum of **three (3)** years of continuous experience consulting on maritime/port related projects within the most recent **five (5)** years;
- Prime Consultants must also demonstrate a minimum of **two (2)** projects completed within the most recent **five (5)** years.

Project/Contract Manager Qualification.

The Prime Consultant's Project/Contract Manager must:

- Demonstrate a minimum of **three (3)** years of continuous experience managing construction projects within the most recent **five (5)** years;
- Demonstrate a minimum of **two (2)** years of continuous experience overseeing contract administration within the most recent **four (4)** years;
- Possess a valid California engineering license in Civil, Structural, Mechanical, or Electrical engineering;

Sub Consultants Experience.

Sub consultants must demonstrate a minimum of **two (2)** years of continuous experience years as an established business or personal work experience in the field of work assigned to them within the most recent **four (4)** years.

MQ2: Licenses

Each Prime Consultant must possess a valid and current State of California Professional Engineer's license, which must be listed in the Submittal.

V. Submission Requirements**A. Time and Place for Submission of Submittals**

Submittals must be received by **2:00 P.M. (PST) on May 3, 2019**. Submittals received after this time will not be considered. Submittals may be (1) delivered electronically through the event page of this solicitation on the City's Supplier portal located at (<https://sfsupplierportal.sfgov.org/psp/supplier/SUPPLIER/ERP/h/?tab=DEFAULT>); or (2) delivered in person to the address below; or (3) mailed to the address below. Postmarks will not be considered in judging the timeliness of submissions. Submittals delivered by fax or email will not be accepted.

Albie Udom, Senior Contracts Analyst
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

If delivering the Submittal in person or by mail, please reference **RFQ for Micro-LBE Set-Asides for As-Needed Construction Management Services** on the envelope.

B. Format of Submittal

Submission of the responses must be by either of the following two methods:

i. Electronic Submission (City's Supplier Portal)

For electronic submission through the City's Supplier Portal, proposers should upload and submit all required documentation in portable document format (PDF). The fee proposal and the CMD forms should each be uploaded and submitted as separate attachments.

ii. Hard Copy Submission (Paper and USB Stick)

For hard copy submissions, proposers shall submit **seven (7)** hardcopies and one (1) electronic copy (USB stick) of the Submittal to the above location. Two copies each of the fee proposal and CMD forms marked accordingly should be included with the Submittal but placed in separate sealed envelopes.

Paper

As noted above, proposers shall submit **seven (7)** hardcopies. The Submittals should be placed in a three-ring binder for the Evaluation Panel. Please use three-hole recycled paper, print double-sided to the maximum extent practical, use recycled paper that is comprised of minimum of 30% post-consumer materials, and bind the Submittal with a binder clip, rubber band, or single staple, or submit it in a three-ring binder. Please do not bind Submittals with a spiral binding, glued binding, or anything similar. Please use tabs or other separators within the document to identify the different sections.

For word processing documents, the department prefers that text be unjustified (i.e., with a ragged-right margin) and use a serif font (e.g., Times Roman, and not Arial), and that pages have margins of at least 1" on all sides (excluding headers and footers).

Please number every page of the Submittal and include a Table of Contents.

USB Stick

As noted above, proposers shall submit one (1) electronic copy. Note that your electronic copy price proposal and CMD forms must separate attachments on the USB stick.

The Port may disqualify any submittals as non-responsive for the following reasons:

- a. Submittals that are provided via fax or e-mail.
- b. Submittals that are received late.
- c. Submittals that do not meet the minimum qualifications requirements as specified in **Section IV** of this RFQ.
- d. If acceptance of the Submittal would otherwise violate applicable City Codes, Ordinances, or other State or Federal laws.
- e. The Fee Schedule is not in the format required by the RFQ.
- f. Submittals are not in compliance with the requirements specified in the Format and Content of Submittals section of this RFQ (**Section V.C**).

C. Content of Submittals

Firms interested in responding to this RFQ must submit the following information, in the order specified below. Complete, but concise responses, are recommended for ease of review by the Evaluation Panel. Responses should provide a straightforward, concise description of the Respondent's capabilities to satisfy the requirements of the RFQ. Marketing and sales type information should be excluded. All parts, pages, figures, and tables should be numbered and clearly labeled.

1. Introduction and Executive Summary (up to 3 pages)

Submit a letter of introduction and executive summary of the submittal. The letter must be signed by a person authorized to obligate your firm to perform the commitments contained in the Submittal. The letter should address the firm's commitment to provide services requested

under this RFQ. It should summarize the firm's approach to the Port's as-needed professional services and the scope of the services contained in this RFQ. Submission of the letter will constitute a representation that the firm is willing and able to perform the commitments contained in the Submittal. The letter shall identify a primary contact person (with contact information including fax, telephone, mailing address and e-mail address) for future communications regarding the Submittal and acknowledge all addenda to the RFQ. The Executive Summary shall include a Project Team Service Matrix identifying team members that will provide the services listed in Appendix A Scope of Work.

Respondents must acknowledge having read the draft Professional Services Contract attached as Appendix E and agree to execute a contract in substantially the same form. Respondents must confirm that they have discussed the insurance requirements for the contract (Appendix F Additional Contract Terms) with their insurer or insurer's representative and can fully comply with said requirements within **seven (7)** business days of notification of acceptance to the as-needed consultant pool.

The receipt of any and all addenda must be acknowledged in the cover letter.

2. Approach (up to 6 pages)

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

- a. Overall approach to an "as-needed" contract including discussion of how your firm can support the Port based on your understanding of construction management issues that might be pertinent to the Port;
- b. Ability to complete work assignments in a timely and cost effective manner;
- c. Approach to assignment of work within your firm's work team and how your team will complete tasks and deliverables to assure high quality end product;
- d. State any constraints, problems and issues that should be anticipated during execution of the services to be provided and suggest approaches to resolving these constraints, problems and issues;
- e. Demonstrated understanding and acceptance of contract service orders when used for fixed price services versus time and materials services as applicable to the Port; and
- f. Project management and contract administration approach to facilitate smooth and cost-effective services (to Port), familiarity with contract service order and invoice processing i.e. earned value, project status reports, monthly billing (including sub consultant invoices) and budget/schedule/task completion accountability.
- g. Ability and commitment to provide monthly updates on Contract Service Order (CSO) projects in a format comparable to the template in Appendix I Monthly Report Template.

3. Prime Consultant /Firm Qualifications (up to 6 pages)

Provide information on the Prime Consultant firm's background and qualifications which addresses the following:

- a. A brief description of the firm and background;
- b. List of professional licenses, certifications and qualifications of the Prime Consultant;

- c. Evidence of adequate staffing to perform work assignments in timely and high quality manner;
- d. The address of the office where staff assigned to the Port's project(s) will work.
- e. A description of not more than three projects performed by the Prime Consultant. The descriptions must be limited to one page per project and identify the client, who in your firm worked on the project, their role, project budget (amount of consultant contract and construction budget), schedule, client reference contact information, and date of completion.

It is the Respondent's responsibility to assure that all contact information is current and includes names, telephone numbers, fax numbers and e-mail addresses. If contact information is not provided or incorrect for the purposes of verifying project experience, the Submittal may be deemed non-responsive. Current Port staff may not be listed as client references for these projects.

- f. Experience in providing project management and contract administration for as-needed contracts as well as experience tracking contract progress using earned value.

4. Team Qualifications (up to 6 pages)

Please refer to Minimum Qualifications in **Section IV** for additional information on team qualifications. It is critical that Submittals clearly demonstrate how the Respondent will organize and assemble an available team that will meet the RFQ needs.

Please be specific in addressing the following:

- a. Staffing and Availability:
 - (i) Provide a list identifying the Project/Contract Manager and each key person on the Respondent's team (staff who will spend at least 25% of their employment time on the contract);
 - (ii) Provide an organization chart showing each of the key team members;
 - (iii) Describe the role each key team member will play in the project;
 - (iv) Provide a written assurance that the identified key individuals will be performing the work and will not be substituted with other personnel or reassigned to another project without the Port's prior written approval;
 - (v) Some work will be security sensitive and may require a Transportation Worker Identification Credential (TWIC). Visit the Transportation Security Administration (www.tsa.gov) website for more information. Identify which employees meet the TWIC requirements.
- b. Background and experience of key staff and sub consultants. Provide a brief background on all sub consultants included in your team as well as a description of the experience and qualifications for each sub consultant's project team member, including summary of proposed assigned staff qualifications. More detailed resumes are to be included in an Appendix and must include education, licenses and verifiable related experience expressed in years.
- c. Commitment and availability of key staff at the Prime Consultant and sub consultant levels. Indicate percentage of work time each key member and sub consultant will be able to spend on the as-needed contract work awarded from this RFQ.

- d. Commitment to Local Business Enterprise Ordinance. Describe the Respondent's commitment to include certified Local Businesses Enterprises (LBEs) and other qualified sub consultant experts on the team. Where sub consultants do not have a previous working relationship or contract experience with the Port, describe how these sub consultant experts will be integrated as part of the team.
- e. Describe the Prime Consultant's previous working relationship with team members and how those working relationships will enhance the team synergy and quality of deliverable work product to the Port.

5. Professional References

Provide references for the proposed Prime Consultant and all key sub consultants, including the project title/agency, contract name, address and telephone number as well as e-mail addresses of three recent clients (preferably other public agencies). **No current Port of San Francisco employees may be listed as references.** These references will not be scored, but will be used to determine if the Respondent has satisfied the RFQ minimum qualifications. Submit a signed Release of Liability (Appendix C) for each reference submitted.

6. Fee Proposal

The Port intends to award contracts to the firms that it considers will provide the best overall program services and value. The Port reserves the right to accept a Submittal without the lowest priced fee schedule and to reject any Submittal where the fee schedule is deemed non responsive to this request.

The Submittal must include a fee proposal. See Appendix B Fee Proposal for a sample fee proposal format. For fair comparison purposes, all billing rates shall reflect 2019 billing rates. The Consultant Team will be allowed to escalate its 2019 billing rates based only on the annual percentage change of the Consumer Price Index (CPI) for the San Francisco Bay Area for Urban Wage Earners and Clerical Workers. The Prime Consultant should request an escalation of fees no later than **thirty (30)** days before the annual anniversary of the award of the contract to the Consulting Team. Any requests for escalation of fees should include evidence of the change in the CPI for the San Francisco Bay Area for Urban Wage Earners and Clerical Workers. Failure to request an escalation of fees no later than **thirty (30)** days as required or to provide evidence of the basis of the request may result in a denial of the request. The Port will review all requests for escalation of fees within **thirty (30)** days of receipt and notify the requestor of either an approval or denial. If approved, the new fees will become effective on the anniversary date of the contract or later. In no event will the start of the new fees be backdated unless it can be shown that there was a delay on the Part of the Port in reviewing the request for escalation of fees.

Fee proposals shall be provided in a separately sealed envelope. Fee proposals shall be provided for the Prime Consultant and all sub consultants. The fee proposal should include billable hourly rates for all team members including sub consultants.

The fee Proposal should include information on licenses, education, and experience for any variances within the same classifications. Employees with different titles that perform basically the same work may be included in the table with an added column (parallel) to reflect any "working" job titles that might be different.

7. CMD Forms

All Submittals shall include required CMD forms (Appendix H). Two copies of the completed and signed CMD Forms should be submitted in separate sealed envelopes marked "CMD Forms - RFQ for As Needed Micro LBE Civil Engineering and Professional Services."

8. Required Information of All Respondents

Provide a completed Appendix D - Required Information of All Respondents.

9. Other Forms

Respondents may be required to file other forms with the City to meet City requirements which may be required with the Submittal. For a list of the standard forms, see Appendix G.

VI. Evaluation and Selection Criteria

A. Overall Evaluation Process

This section describes the City's criteria for analyzing and evaluating the Respondents' RFQ Submittals. It is the City's intent to award Master Agreements to the two (2) Respondents that will provide the best overall service packages to the City. This RFQ does not in any way limit the City's right to solicit contracts for similar or identical services if, in the City's sole and absolute discretion, it determines the pre-qualified consultant firms are not fully capable of satisfying its needs.

B. Evaluation Panel

The Submittals will be evaluated by an evaluation panel comprised of people with knowledge of the services required by this RFQ. The City intends to evaluate the Submittals generally in accordance with the criteria shown below. The Port Contract Manager will establish and convene a panel to evaluate the Submittals. In accordance with the City's guidelines for administering a competitive bid process, members of the Evaluation Panel will be representative of the San Francisco community and no more than 50% of the members will be employees of the Port. The Evaluation Panel will be responsible for the evaluation and rating of the responses for final selection. Port administrative staff will perform the reference checks.

C. Evaluation Phases

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

Evaluation Phase	Maximum Points	Comments
Minimum Qualifications	Pass/Fail	Must pass to continue to the next phase of evaluation
Written Submittal	100	Four (4) top-scoring Respondents will be invited to interview
Oral Interview	100	
TOTAL	200	Two (2) top-ranked Respondents will be selected for negotiations and possible contract award

Minimum Qualifications (Pass/Fail)

The Submittals will be reviewed by Port staff for minimum qualifications. The evaluation results at this phase shall be based on pass/fail criteria. Only those Submittals that meet the minimum qualifications will be advanced to the next phases of the evaluation.

Content of Written Submittal (100 points)

The Evaluation Panel will evaluate the content of the Submittals that meet the RFQ minimum qualification. The Submittals will be evaluated and scored based on the experiences of the Respondents, the key personnel, supporting documentation provided, and previous project

experience as well as other matters called for in this RFQ. The maximum point possible for this phase is 100. The four (4) top-scoring Respondents will be invited to the next phase of the evaluation process which will consist of oral interviews.

Oral Interview (100 points)

The interview will consist of a presentation by the Respondents followed by standardized questions asked of each Respondent. The questions will be related to Respondent's qualifications, project approach, team organization, and any questions which seek to clarify Submittal components. The selection panel will evaluate each Respondent based on each Respondent's presentation and/or responses.

At the conclusion of the oral interview phase, the City will combine the scores for each of the four interviewees from the written submittal and oral interview phases to arrive at the final scores and ranking of the Respondents. The Port will select no more than two (2) highest-ranked Respondents to commence contract negotiations. The selection of any Respondent for contract negotiations shall not imply acceptance by the City of all terms of the Submittal, which may be subject to further negotiations and approvals. If a satisfactory contract cannot be negotiated in a reasonable time with a selected Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with the next highest scoring Respondent.

Detailed Evaluation Criteria

The criteria for evaluating the Written Submittals along with the possible point allocations are set out on the table below.

	Points
Evaluation Criteria	Written Submittal
As-Needed /Technical Approach	30
<ul style="list-style-type: none"> • Approach to addressing and completing the tasks to be assigned on an as-needed basis; • Understanding of the nature and implementation of as-needed professional services contracts required of the Port; • Project management and contract administration capability; and • Demonstrated ability to work with the public agency owner as a team, including other consultants hired to represent the owner. 	
Prime Consultant and Team Experience	20
<ul style="list-style-type: none"> • Expertise of the Consultant/team in the technical fields necessary to perform the categories of work listed in this RFQ; • Experience and results with similar professional services contracts involving the nature of work anticipated under this RFQ; • Experience and results with similar categories of work in the marine environment; and • Demonstrated capability to complete projects within the agreed upon budget and timeline. 	
Assigned Project Staff	20

<ul style="list-style-type: none"> • Relevant experience of staff assigned to the type of work anticipated in the RFQ; • Professional qualifications; • Availability of assigned staff; and • Demonstrated capability in producing cost effective project results. 	
Organization	20
<ul style="list-style-type: none"> • Capacity and flexibility to complete high quality work in a timely manner; • Ability to perform on short notice and manage multiple disciplines; • Presentation, clarity, organization of submittal, and responsiveness to project approach submittal requirements; and • Current workload and resources; 	
Sub consultant depth and resources	10
<ul style="list-style-type: none"> • Depth of available sub consultant resources in each specified discipline and commitment to the contract requirements. 	
<ul style="list-style-type: none"> • Demonstrated commitment to cost effective and accountable contracting processes; and • Demonstrated commitment to providing regular project and contract updates to Port staff; 	--
TOTAL POINTS	100

D. Reference Checks

Respondents' references will be reviewed and checked by Port staff as part of the evaluation for minimum qualifications. The references will be asked to verify the Respondent's experience in providing the referenced services, the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent's problem-solving, project management, communication abilities, performance on deliverables and outcomes, effectiveness in meeting or exceeding project objectives. Respondents must provide with Submittals, a release of liability for checking references, consistent with Appendix C.

VII. Pre-Submittal Conference and Contract Award

A. Pre-Submittal Conference

A Pre-Submittal Conference will be held as follows:

Location: Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

Date and Time: April 2, 2019 at 10:00 A.M. (PST).

Although not mandatory, attendance is strongly urged for all prospective bidders on this RFQ.

NOTE: Please bring a copy of this RFQ to the Pre-Submittal Conference.

The pre-submittal conference will begin at the time specified, and Respondents' 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-Submittal conference shall not excuse the successful Respondent from any obligations under the contract. Any change or addition to the requirements contained in this RFQ as a result of the pre-Submittal conference will be announced by an addendum.

If any addendum is issued, Respondents must acknowledge notice of that in the Introduction/Executive Summary section of their Submittal. Failure to acknowledge notice of an addendum may result in Submittal not being considered. The Port will assume no responsibility for oral instructions or suggestions. If the Port issues an addendum after a Respondent has submitted their Submittal but prior to the Submittal due date and time, the Respondent must retract the submitted Submittal, and resubmit it with the newly issued Addendum acknowledgment.

B. Contract Award

The Port intends to award at its discretion, a maximum of **two (2)** separate contracts, each with a not-to-exceed value of **One Million Dollars (\$1,000,000)** to **two (2)** different Consulting Teams. Following the completion of the evaluation process, the Port will select the **two (2)** top-ranked responsive and responsible Respondents with whom to commence contract negotiations. If contract terms are not successfully negotiated with one or both of the two top ranked Respondents, the Port will abandon those negotiations will commence negotiations with the next top ranked Respondent(s).

The Port intends to recommend that the Port Commission award contracts pursuant to this RFQ with an initial term of **four (4) years** to become effective on the date that the contracts are certified by the Controller. In addition, the Port intends to retain the option to extend the term for each contract for a period or periods up to **one (1) year**, which the Port may exercise in its sole, absolute discretion. The maximum contract term shall be **five (5) years**. However, the Port does not guarantee any contract award, the contract amount indicated, or any contract extension/renewal.

In determining the award, Port will take into consideration, but will not be limited to:

- Price (negotiated)
- Respondent's experience
- Satisfactory review of Respondent's qualifications
- Sufficiency personnel and equipment to properly perform all services called for under the contract.
- Responses to interview questions
- Any other factors deemed pertinent

VIII. Terms and Conditions for Receipt of Submittals

a. Errors and Omissions in RFQ

Respondents are responsible for reviewing all portions of this RFQ. Respondents are to promptly notify the Port in writing, if the Respondent discovers any ambiguity, discrepancy, omission, or other error in the RFQ. Any such notification should be directed to the Port

promptly after discovery, but in no event later than five working days prior to the date for receipt of Submittals. Modifications and clarifications will be made by an addendum as provided below.

b. Questions and Inquiries Regarding the RFQ

Any questions or objections concerning this RFQ, the scope of services, or requirements must be submitted, in writing, via email to Albie.udom@sfport.com by **5:00 P.M. (PST) on April 5, 2019**. All Respondents questions concerning the RFQ process (procurement process, vendor compliance, or CMD requirements) shall be submitted no later than 48 hours prior to the Submittal due date. Respondents who fail to do so will waive all further rights to protest, based on these specifications and requirements.

Respondents shall address any questions regarding the RFQ to the Contract Analyst named above. Respondents who contact any Port officials, executives, managers or employees of the Port about this RFQ will be referred to the Contract Analyst for a response. If necessary, a “Questions and Answers” document will be developed from all submitted questions, and posted on the Port’s Contract Opportunities Portal and the City’s Contract Opportunities Portal. It is the responsibility of the Respondent to check the portals for the Questions and Answers document and any addendum/addenda.

c. Objections to RFQ Terms

Should a Respondent object on any ground to any provision or legal requirement set forth in this RFQ, the Respondent must, no later than **5:00 P.M. (PST) on April 5, 2018**, provide written notice via email to Albie.udom@sfport.com setting forth with specificity the grounds for the objection. All Respondent questions concerning the RFQ process (procurement process, vendor compliance, or CMD requirements) shall be submitted no later than 48 hours prior to the Submittal due date. The failure of a Respondent 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 Port may modify the RFQ, prior to the Submittal due date, by issuing an addendum which will be posted on both the Port’s and City’s Contract Opportunities portals. Respondents shall be responsible for ensuring that their Submittals reflect any and all addendum/addenda issued by the Port prior to the Submittal due date regardless of when the Submittal is submitted. Therefore, the Port recommends that Respondents visit the portal frequently, particularly shortly before the Submittal due date, to ensure they have downloaded any and all addendum/addenda and documents. It is the responsibility of the Respondent to check the portal for any addendum, questions and answers document, and any updates.

e. Term of Submittal

A Respondent’s submittal in response to this RFQ signifies that the proposed services and prices are valid for 120 calendar days from the Submittal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

f. Revision of Submittal

A Respondent may revise a Submittal on the Respondent’s own initiative at any time before the deadline for submission of Submittals. The Respondent must submit the revised Submittal in the same manner as the original. A revised Submittal must be received on or before the Submittal due date. In no case will a statement of intent to submit a revised Submittal, or commencement of a revision process, extend the Submittal due date for any Respondent.

At any time during the Submittal evaluation process, the City may require a Respondent to provide oral or written clarification of its Submittal. The City reserves the right to make an award without further clarifications of Submittals received.

g. Errors and Omissions in Submittal

Failure by the City to object to an error, omission, or deviation in the Submittal will in no way modify the RFQ or excuse the Respondent from full compliance with the specifications of the RFQ or any contract awarded pursuant to the RFQ.

h. Financial Responsibility

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

i. Respondent's Obligations under the Campaign Reform Ordinance

Respondents 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 the termination of negotiations for such contract, or twelve (12) 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 Respondent 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 Respondent 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 Submittal, 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:

- i. 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.
- ii. 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.
- iii. 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, Respondents 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 RFQs 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 Respondent 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 Respondent must comply with Chapter 12L. The Respondent must include in its Submittal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to Respondent's meetings and records, and (2) a summary of all complaints concerning the Respondent'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 Respondent shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in Respondent's Chapter 12L submissions shall be grounds for rejection of the Submittal and/or termination of any subsequent Agreement reached on the basis of the Submittal.

l. Reservations of Rights by the City

The issuance of this RFQ 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:

- i. Waive or correct any defect or informality in any response, Submittal, or Submittal procedure;
- ii. Reject any or all Submittals;
- iii. Reissue a Request for Qualifications;
- iv. Prior to submission deadline for Submittals, 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 RFQ, or the requirements for contents or format of the Submittals;
- v. Procure any materials, equipment or services specified in this RFQ by any other means;
or
- vi. Determine that no contracts or projects will be pursued.

m. No Waiver

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

n. Local Business Enterprise Requirements 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 RFQ.

1. Contract Participation

This solicitation is a Micro-LBE Set-Aside pursuant to Administrative Code Chapter 14B. As such, only firms that are certified by CMD as a San Francisco Micro-LBE in the Engineering Category by the response due date eligible to be awarded contracts under this RFQ.

2. LBE Sub-Contracting Requirements

Pursuant to Administrative Code §14B.7(K)(4), there is no LBE sub-contracting requirement goal for this Micro-LBE Set Aside project. The Micro-LBE Prime may sub contract some of the work but must self-perform at least twenty-five percent (25%) of the services derived from this RFQ.

3. CMD Required Forms

Each solicitation process requires a **new submittal of CMD Attachment 5 forms**. The forms are attached herewith as Appendix H. They can also be downloaded at the following link, located under the heading “Attachment 5: Requirements for Micro-LBE Set-Aside Architecture, Engineering, & Professional Services Contracts”:

<http://www.sfgsa.org/index.aspx?page=6135>

- (1) Form 2A-CMD Contract Participation Form
- (2) Form 3- CMD Non-Discrimination Affidavit, and
- (5) Form 5- CMD Employment Form

4. CMD Contact

If you have any questions concerning the CMD Forms and to ensure that your response is not rejected for failing to comply with S.F. Administrative Code Chapter 14B requirements, please contact **Finbarr Jewell** on (415) 274 0511 or by e-mail at Finbarr.jewell@sfgov.org.

IX. Contract Requirements

a. Standard Contract Provisions

The successful Respondent will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix E “Sample P-600 Agreement.” 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.

b. Nondiscrimination in Contracts and Benefits

The successful Respondent 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 CMD’s website at <http://sfgov.org/cmd/12b-equal-benefits-program>.

c. Minimum Compensation Ordinance (MCO)

The successful Respondent 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 §10.7.

For the amount of hourly gross compensation currently required under the MCO, see 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 <http://sfgov.org/olse/minimum-compensation-ordinance-mco>.

d. Health Care Accountability Ordinance (HCAO)

The successful Respondent 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.

e. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the First Source Hiring Program (Administrative 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 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 <http://www.workforcedevelopmentsf.org/> and from the First Source Hiring Administrator, (415) 401-4960.

f. Conflicts of Interest

The successful Respondent 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 Respondent 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 Respondent 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 Respondent that the City has selected the Respondent.

g. Additional Contract Requirements

See Appendix F "Additional Contract Requirements" for additional requirements that may be applicable to contracts awarded as a result of this RFQ.

X. Protest Procedures

a. Protest of Non-Responsiveness Determination

Within five working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a Submittal and believes that the City has incorrectly determined that its Submittal 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 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 Respondent, and must cite the law, rule, local ordinance, procedure or RFQ 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 working days of the City's issuance of a notice of intent to award any contract, any firm that has submitted a responsive Submittal and believes that the City has incorrectly selected another Respondent for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth 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 Respondent, and must cite the law, rule, local ordinance, procedure or RFQ 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 may be delivered via email to Albie.udom@sfport.com.