



City and County of San Francisco

PORT COMMISSION

ADDENDUM #4

Request for Qualifications for

Public Relations and Media Services (As-Needed)

Addendum 2 Changes:

- Proposal Due Date Extended to Monday, October 3, 2011; noon
- Form 2B Good Faith Outreach Requirement for HRC Removed Pg. 2
- Updated micro-LBE requirements on Pg.16
- Time and Place for Submission Proposals -submission package clarified Pg.7
- Allow 5 Pages for the Team Qualification section, clarified that work product submissions are in the appendix, and may include digital formats Pg. 9
- Clarified Minimum Qualifications and IV A(4) in addendum 3 Pg. 10
- Clarified Section 5, "References" Pg. 9
- Removed "modified scope" verbiage Pg. 6
- Removed "Good Faith Outreach" requirements Pg. 17

Date issued: Tuesday, August 23, 2011
Addendum #3 issued: Wednesday, September 21, 2011; 3:30 p.m.

Pre-Proposal Meeting: Thursday, September 8, 2011; 2:00 p.m.
Pier 1, The Embarcadero

Proposal due: **Monday, October 3, 2011; noon**

Request for Qualifications for Public Relations and Media Services (As-needed)



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Appendices:

- A. HRC Attachment 2: Requirements for Architecture, Engineering and Professional Services Contracts, for contacts \$29,000 and over. (Separate document)
Proposers must submit the following forms:
 - Form 2A HRC Contract Participation form
 - Form 3 HRC Non-discrimination Affidavit
 - Form 5 HRC Employment form

The following form may be required, depending on the circumstances:

 - Form 4 Joint Venture Participation Schedule

- 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)

I. Introduction and Schedule

A. General

The Port of San Francisco ("Port") is a highly visible and self-supporting enterprise agency within the City and County of San Francisco (the "City") whose financial sustainability relies, to a large extent, on public perception, attraction of visitors, and the ability to issue public debt. The Port Commission is responsible for seven and one-half miles of waterfront property, which was transferred in trust from the State of California to the City in 1969. The Port's geographical area consists of property along the San Francisco waterfront extending from Fisherman's Wharf and Aquatic Park (north) to the Pier 98 shipping terminals and Heron's Head Park (south). Pursuant to California state law known as the Burton Act, the Port is trustee of this property to promote maritime commerce, navigation and fisheries, as well as to protect natural resources and develop recreational facilities for public use.

In preparation for the Port of San Francisco's 150th Anniversary in 2013 and in anticipation of the proposed 34th America's Cup Event ("Event") on San Francisco's waterfront in 2013, the Port seeks to establish a pool of qualified consultants to use for as-needed contract services basis to support the Port's Public Relations Manager in developing strategic media relations and marketing initiatives. To promote these strategies and initiatives, the Port seeks to connect with potential investors and visitors, and issues this Request for Qualifications ("RFQ") to firms who are interested and qualified to provide the strategic media relations services described herein.

Certain services described herein relate directly or indirectly to the Event including, but not limited to tenant relocation, infrastructure improvements to stage the Event, Event People Moving Plan, and the months of sailing races leading to the Final Event Match in September of 2013. Regarding any potential services related to the proposed 34th America's Cup Event (the "Event"), the Port advises all interested firms that the City's approval of the Event is subject to environmental review required by the California Environmental Quality Act ("CEQA"). As such, the City cannot take discretionary actions related to the Event until the City has completed its environmental review of the Event as required by CEQA. Until the CEQA review process is completed, the City and Port retain sole and absolute discretion and authority to: (i) require modifications to the Event, including agreements pertaining to the Event, as are deemed necessary to mitigate significant environmental impacts; (ii) require other feasible alternatives to avoid such impacts; (iii) balance the benefits against unavoidable significant impacts prior to taking final action if such significant impacts cannot otherwise be avoided; or (iv) determine not to proceed with the Event. Furthermore, the Port, may, in its sole discretion, terminate and remove any such services from the contracts resulting from this RFQ, without penalty or cost to the Port or City.

Each firm responding to this RFQ must have the capability of providing services on an "as needed" basis to develop and execute a comprehensive and strategic media relations program and to assist with promotion of the Port's facilities, tenants and public mission. The Port's Public Relations Manager is the official spokesperson for the Port. The services solicited hereby are intended to assist the Public Relations Manager who will remain the Port's spokesperson. The Port intends to award contract work to firms based upon individual project needs. At least 50% of the work will be awarded to micro-LBE firms.

The Port intends to establish a prequalified pool of consultants for a two-year period. This prequalified pool of consultants will expire two years after it is established. The Port may issue a new RFQ to re-establish the pool of consultants prior to the end of the initial two year period depending on the need for future services. The term of each contract awarded from this RFQ will vary depending upon the Port's specific project needs. However, the term of any contract, including any options to extend or renew the term, will not exceed a maximum term of 10 years, as determined by the Port in its sole discretion. Firms deemed prequalified

through this RFQ process may be contracted by other city departments for services covered under this solicitation.

B. Schedule

The anticipated schedule for selecting a consultant pool is:

<u>RFQ Phase</u>	<u>Date</u>
RFQ is issued by the Port	Tuesday, August 23, 2011
Pre-Submittal conference	Thursday, September 8, 2011
Deadline for submission of written questions or requests for clarification	Monday, September 12, 2011
Statement of Qualifications due	Monday, October 3, 2011; noon

II. Background and Scope of Work

A. Background

While the Port continues to offer the world’s shipping fleet major assets such as naturally deep water, hundreds of thousands of square feet of covered storage, on-dock rail, acres of unobstructed lay-down space and modern cargo terminals, it is redefining its marketing strategies. At one time industrial maritime uses dominated the northern edge of the city. Today cargo shipping and ship repair are located primarily south of China Basin. Cruise ships, excursion boats, passenger ferries, recreational boating, commercial and sport fishing activities and other commercial maritime operations remain on the northern waterfront which, because of its scenic value and lively mix of uses, is now visited by millions of visitors per year.

As a self-sustaining public enterprise agency managing the 7 ½ miles of San Francisco shoreline, the Port’s role as a commercial/industrial landlord to many tenants serves as over 58% of its revenue source, as projected for fiscal year 2011-12. Other major revenue sources include parking at 20%; cargo at 7%; harbor services, fishing and cruises all at 3% each; and special events at 0.19%. The goal of adding resources to support the Port’s public relations and media strategic initiatives is to take advantage of upcoming high visibility special events to attract new revenue sources and maintain existing revenue sources within guidelines as permitted by the State of California Lands Commission to benefit the people of California as a public use facility.

Some of the Port's largest revenue producing tenants include the following:

1. China Basin Ballpark Company
2. PIER 39 Limited Partnership
3. San Francisco Municipal Transit Agency
4. Imperial Parking
5. AMB Pier One, LLC
6. San Francisco Recycling & Disposal
7. Hornblower Yachts, Inc.
8. Central Parking System
9. Hanson Aggregates Mid-Pacific, Inc.
10. Ferry Building Investors, LLC
11. Scoma's Restaurant, Inc.
12. BAE Systems
13. San Francisco Redevelopment Agency
14. Princess Cruises
15. San Francisco Department of Elections
16. G. B. Associates
17. Lincoln PO FBOP Limited Partnership
18. Aardvark Storage Unlimited, Inc.
19. Blue & Gold Fleet, LP
20. Alioto Fish Company Ltd.

Some of the special events and media-related activities that are anticipated include but are not limited to:

- New Year's Eve Celebration
- Fisherman's Wharf Crab Festival
- Fleet Week
- July 4th Fireworks Celebration
- Potential Tenant Relocations
- Marketing of financing mechanisms including public debt
- Port's 150th Anniversary in 2013
- 34th America's Cup (subject to CEQA approval) in 2013
- New Cruise Terminal Grand Opening in 2013
- Pier 70 Opportunity Area, ongoing
- Sunday Streets at Fisherman's Wharf, annually
- Marketing of Maritime Operations, ongoing
- Miscellaneous

The Port of San Francisco employs one Public Relations Manager who handles media relations, special events and public records requests. The Public Relations Manager is the Port's Official spokesperson. Through this RFQ, the Port is soliciting assistance to develop a more comprehensive and strategic media relations and marketing program to maximize positive visibility for the Port and the City. Additionally, the Port seeks to expand its connections with potential investors and visitors. All such services will be directed by the Public Relations Manager who will remain the Port's Official spokesperson.

B. Scope of Work

The consulting firms responding to this RFQ should expect to perform services on an as-needed basis, when solicited by the Port, as generally described in this section. The Scope of Work described below is a general guide and is not intended to be a complete list of all work which the Port may authorize during the 2-year term of the consultant pool.

The Port's Public Relations Manager shall remain as the Port's official spokesperson at all times and Port liaison for any contracts resulting from this RFQ. Nothing conveyed in this solicitation is intended to grant rights to consultants to act as official spokesperson on behalf of the Port for any activity, unless such authority is specifically conveyed in writing, if and when the Port enters into a contract.

Public relations and media services projects may include, but would not be limited to the following:

- Work with the Port in developing an overarching media and communications strategy and provide strategic counsel to the Port to develop key messages, competitive analysis, and a proactive media relations campaign to engage with tenants, investors, stakeholders, influencers, and the general public
- Monitor news headlines, write and issue press releases, and proactively contact the media to place stories about the Port and port-related topics – utilizing conventional and social media tools including blogs, Facebook, Flickr, YouTube, and Twitter
- Provide established comprehensive media contacts with local, state, and national media – in print, TV, Radio, online/social media – across industries, such as maritime trades and investor relations
- Develop press materials – press kits, fact sheets, backgrounders, photographs, and video news clips
- Assist with the coordination of press conferences and/or speaking engagements for Port officials
- Execute targeted market media campaigns – statewide/nationwide
- Support the Port in community outreach efforts with information dissemination and provide support in community awareness & perception tracking
- Serve as back up to the Port's Public Relations Manager for media inquiries and announcements, etc. when the City's Department of Emergency Management activates the Joint Information Center
- Prepare and produce a quarterly "digital" publication to inform and educate Port tenants, investors, constituents and the general public about upcoming events, projects, and port-related issues
- Provide advertising design and development services for the Port's maritime marketing efforts

The following are work tasks assumed necessary to fulfill the Port's public relations and media service needs:

Strategic marketing and planning services for traditional and new media

- Marketing strategy and consultation
- Account and media planning
- Interactive brand positioning
- Online advertising
- Communications auditing
- Development of a branding policy
- Development of standards and guidelines
- Campaign development
- Social media strategy and training

Implementation, maintenance, and support services

- Creative Services
 - a) Interactive creative direction, art direction, and design
 - b) Interactive multimedia development, production, and animation
 - c) Content development
 - d) Broadcast, online commercials, and magazine ads
 - e) Film and video production
 - f) Print media design and production
- Technical Services
 - a) Web site development, maintenance, and management
 - b) Technical writing
 - c) Technical assessment
 - d) Web-based database development

Additional Services

The Port may retain any firm on the prequalified list of consultants to provide other services not listed above, but generally related to the scope of services described in this RFQ.

Means of Engagement

The engagement process will begin with the Port's determination that the required services cannot be performed by existing Port/City staff. The Port may, at its sole discretion, contract directly from the pool of prequalified consultants. The Port may also solicit competitive proposals from the pool of pre-qualified consultants through an informal RFQ process. For all contracts for services resulting from this RFQ, the Port will require a written proposal that includes understanding of the specific project, approach to completing the work (along with roles and responsibilities all personnel to be assigned to the contract), description of milestones, tasks, deliverables, schedule for completion of milestones/tasks and fee proposal including staff, classification, billing rates and level of effort.

After receiving a completed written proposal from consultants, the Port will negotiate contract terms and conditions for each contract awarded to consultants in the prequalified pool depending upon the Port's requirements. Compensation shall be based upon billable hourly rates established with the prequalified consultant list and specificity of the project/scope definition. Projects without a defined scope of work may be compensated on a time and materials basis, otherwise, compensation will be based upon a firm fixed fee

for the deliverable work product(s) completed within the requisite schedule and budget. It shall be the responsibility of all firms deemed prequalified for future work to maintain on file with the Port, current documentation of compliance with the Port's insurance requirements. Contracts will be issued at the Port's sole discretion following the identification of a specific project. The Port may, at its sole discretion, contract directly from the pool of prequalified consultants. The Port may also solicit competitive proposals from the pool of pre-qualified consultants through an informal RFQ process. Once a contract has been certified by the Controller's Office, a Notice to Proceed will be issued to the consultant to commence work. Consultants performing work without an official Notice to Proceed, do so at their own commercial risk and threat of non-payment.

III. Submission Requirements

A. Time and Place for Submission of Proposals

Statement of Qualifications ("SOQ") and Fee Submittals must be received by **Monday, October 3, 2011; noon**. Postmarks will not be considered in judging the timeliness of submissions. Submittals may be delivered in person or mailed to:

Linda Battaglia
Executive Secretary
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111

Submittals shall include five (5) sets of the SOQ and two sets of contracts and HRC documents in hard copy form and shall be submitted electronically on a Compact Disc (CD) in two sets. The fee schedule must be submitted as a hard copy and as an editable format in Microsoft Excel on CD in a separate envelope. All submittals shall be clearly marked with the respondent's name and the name of the solicitation marked *As-Needed Media Relations Services*. Submittals that are submitted by fax will not be accepted. Late submissions will not be considered.

- 5 sets of the SOQ (hard copy)
- 2 sets of the contract and HRC forms (hard copy)
- 1 Fee schedule (hard copy) and a CD that contains an editable format of the fee schedule in a separately sealed envelope
- 2 CDs that include the SOQs, contract, and HRC forms

B. Format

The Port will place submittals in three-ring binders for the review panel. Please use three-hole recycled paper, print double-sided to the maximum extent practical, and 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 SOQ with a spiral binding, glued binding, or anything similar. You must use tabs or other separators within the document to organize submittals in accordance with the content described below.

For word processing documents, the Port 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). A Table of Contents must be included.

C. Content

Firms interested in responding to this RFQ must submit the following information in their SOQ, in the order specified below (responses to 1 – 5 below are considered the Statement of Qualification):

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

Submit a letter of introduction and executive summary of your qualifications and response to this RFQ. The letter must be signed by a person authorized by your firm to obligate your firm to perform the commitments contained in the response. Submission of the letter will constitute a representation by your firm that your firm is willing and able to perform the commitments of any contract resulting from this RFQ. The letter should identify a contact (with contact information including fax, telephone, mailing address and e-mail address) for future communications regarding the submittal and acknowledge all addendums to the RFQ.

Respondents to the RFQ must acknowledge having read the P-500 Draft Contract and agree to execute a contract in substantially the same form. Proposers must also confirm that the Appendix E - Insurance requirements and Memorandum from the City's Risk Manager, also listed in the RFQ – Appendix C: P-500 Agreement for Professional Services; paragraph 15 have been discussed with the firm's insurer or insurer representative to determine the ability to comply within seven business days from the Notice of Intent to Award.

2. Approach (up to 5 pages)

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

- a. The consultant shall identify which of the following service areas being offered by its firm:
 - Community Outreach Services
 - Public Relations/Media Services
 - Marketing
 - Crisis Communication i.e. Joint Information Center support services in the Emergency Command Center
 - If offering comprehensive services encompassing all areas solicited in this RFQ

Each service area selected to offer services will include a description of how each service category will be rendered if selected to perform that service.

- b. Understanding the consultants' role in providing services as described in the RFQ Scope of Work/tasks for each of the above categories; and
- c. Availability to provide services on a short notice for each of the above categories; and
- d. Assignment of work within your firm's work team including the role of key personnel in delivery of services their availability and continuity of staff for each of the above categories.

3. Firm Qualifications (up to 3 pages)

This section shall include a brief description of the firm's size as well as the local organizational structure, and a discussion on the firm's financial stability, capacity, and resources.

4. Team Qualifications/Structure and Resources (up to 5 pages)

In this section, your submittal must demonstrate your team's/firm's capability to perform. Please include a brief description of the team/firm qualifications and previous experience on similar or related projects.

- a. Provide a list identifying: (1) each key person on the project team, (2) the project manager, (3) the role each will play in the project, and (4) a written assurance that the key individuals listed and identified will be performing the work and will not be substituted with other personnel or reassigned to another project without the City's prior approval.
- b. Provide a description of the experience and qualifications of the key team members, including detailed resumes in an appendix (not included in 5 page limit).
- c. Include a Project Team Service Matrix (1 page) identifying team members providing each of the categories listed in the RFQ under Section III. Scope of Work.
- d. A description of not more than three public relations and media services projects similar in size and scope to that described in this RFQ's Scope of Work completed by your firm including client, reference and telephone numbers, staff members who worked on each project, budget, schedule and project summary (3 pages). Descriptions should be limited to one page for each project. If you propose the use of joint consultants or subconsultants, provide the above information for each. Please provide a work product sample for each project. If you have press releases, media clips, TV commercials, brochures, etc. you may submit one short example per project, as long as they are directly connected to one of the three projects you have described. These examples must be included in an appendix. If they are digital format you can submit them on either a DVD, CD, or on a USB drive in a convenient digital format.

5. References (up to 2 pages)

Provide references including project title/agency, contract name, address and telephone/fax 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 client references. Provide a letter of reference from each of these three references in a separate appendix.

6. Fee Schedule

The submittal shall include fee schedules applicable for a two-year period or contract duration, as applicable. Such fee schedules shall be provided in a separately sealed envelope together with the submittal. The fee schedules do not affect the selection process and shall not be disclosed to the evaluation panel during the qualifications process.

Please provide a fee schedule that includes the following:

Assigned Staff Name	Professional Discipline/Job Classification	Job Description	Direct Rate*	Billable Hourly Rates

IV. Evaluation and Selection Criteria

A. Minimum Qualifications

Firms responding to this RFQ must carefully review the RFQ to assure that all of the submittal requirements have been met. Firms must include in the Submittal Section entitled: "Firm Qualifications," a detailed description of how the firm meets the following minimum qualifications.

- 1) Demonstrated experience as a community outreach, public relations/media, marketing, crisis communication or a full services firm for at least five (5) years;
- 2) Capability to access media sources on a national, statewide, regional, and local scale. Although not required, please include qualifications to access media sources on an international scale;
- 3) At least two years of experience in providing community outreach services that include broad and culturally diverse audiences;
- 4) At least two years of experience in working with ethnic media sources and outreach in the diverse communities of San Francisco;
- 5) Three examples of the firm or team's best work products reflecting its ability to create strategic marketing and media campaigns to support special event programs similar to the work described in the RFQ;
- 6) Submission of references as required in the RFQ.

Any submittal that does not demonstrate that the prospective consultant meets these minimum requirements by the submittal deadline will be considered non-responsive and the consultant will not be eligible for prequalification in the pool or award of any contract.

B. Selection Process

Only firms deemed responsive to the RFQ submittal requirements will be considered for selection of the prequalified list of consultants.

Submittal Evaluation

An evaluation panel will be comprised of at least one Port staff representative and two other individuals with experience in public and media relations related fields. The evaluation panel will evaluate submittals in response to this RFQ according to the scoring criteria outlined hereinafter. Firms must score at least 75% points in the evaluation process in order to be placed on the prequalified list.

Interview Evaluation No interviews will be held to establish the prequalified list. At the Port's discretion, interviews may be held during the subsequent Request for Proposal process, if any, to contract for services.

LBE Incentive Credit Points

All certified economically Local Business Enterprise (LBE) and micro-LBE credits shall be added to raw scores at each phase of the selection process. Refer to Section N of this RFQ.

Scoring Criteria

Submittals will be evaluated using the following criteria to determine which Consultant firms/teams are qualified to perform the required services:

Criteria	Submittal Score
Approach to Project/Scope of Work	30

<ul style="list-style-type: none"> • Understanding of how the Port intends to use contracts awarded from the RFQ process and the consultant's role (7.5); • Approach to addressing and completing the tasks to be assigned on an as-needed basis (7.5); and • Project Management and Contract Administration (7.5); • Demonstrated ability to work with the public agency owner as a team and follow the lead of the Port's Public Relations Manager (7.5). 	
Firm Capability to Perform	20
<ul style="list-style-type: none"> • Expertise of the Consultant/team in the fields necessary to complete the tasks listed in this RFQ (5); • Experience and results with similar professional services contracts involving the nature of work anticipated under this RFQ (5); and • Demonstrated capability to complete projects within the agreed upon budget and timeline(5); • References confirming successful completion of work similar in nature to the work anticipated in the RFQ (quality, schedule, and budget factors) (5). 	
Assigned Project Staff	20
<ul style="list-style-type: none"> • Relevant experience of staff assigned to the type of work anticipated in the RFQ (5); • Professional qualifications (5); • Availability of assigned staff (5); and • Demonstrated capability in producing cost effective project results (5). 	
Team Structure and Resources	20
<ul style="list-style-type: none"> • Current workload and resources (4); • Capacity and flexibility to complete high quality work in a timely manner (4); • Ability to perform on short notice and manage multiple disciplines (4); • Presentation, clarity, organization of submittal, and responsiveness to project approach submittal requirements (4). • Depth of available subconsultant resources in each specified discipline and commitment to the contract (4) 	
Sample Public and Media Relations documents from prior projects	10
TOTAL POINTS	100

V. Pre-Submittal Conference and Contract award

A. Pre-Submittal Conference

Firms interested in responding to this RFQ are encouraged to attend a pre-submittal conference on **Thursday, September 8, 2011; at 2:00 p.m.** to be held at the offices of **the Port of San Francisco, Pier 1, The Embarcadero, San Francisco, California, 94111**. All questions will be addressed at this conference and any available new information will be provided at that time. If you have further questions regarding the RFQ, please contact the individual designated in Section VI.B.

B. Contract Award

The Port of San Francisco intends to establish a pool of consultants whose services will be used on an as-needed basis and whose billable hourly rates will be subject to negotiation. The Port, in its sole discretion, may require firms accepted as a part of the qualified pool, to submit proposals at a later date to provide specific services to be determined. The Port may choose to solicit such proposals on a competitive basis from the qualified pool or, alternatively, and at its sole discretion, select from the pool a consultant it deems most suitable to meet the Port's needs before awarding a contract or authorizing the services for a particular project. The Port will negotiate fees for all services under this RFQ until the Port determines that the overall best value to the Port cannot be otherwise obtained from the established prequalified pool. If at any time, the Port deems consultant negotiations to be unsatisfactory such as prolonged or not in good faith on the part of the consultant, the Port may in its sole discretion, terminate such negotiations and begin to negotiate with any other prequalified consultant. The Port expects to award distinct contracts for distinct project and/or services. The Port further expects, but is not obligated to award contracts to multiple firms for distinct projects.

The Port does not guarantee an award of contract to any firms selected for the qualified pool of consultants for Public Relations and Media Services. However, it is the Port's intent to award at least 50% of the contracts from this RFQ process to firms certified by the San Francisco Human Rights Commission as micro-Local Business Enterprises (LBEs)¹.

VI. Terms and Conditions for Receipt of Proposals and Qualifications

A. Errors and Omissions in RFQ

Firms that respond to this RFQ are responsible for reviewing all portions of this RFQ. Proposers are to promptly notify the Port, in writing, of 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 proposals. Modifications and clarifications will be made by addenda as provided below.

B. Inquiries Regarding RFQ

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

Linda Battaglia
Executive Secretary
Port of San Francisco
Pier 1 – the Embarcadero
San Francisco, CA 94111
Phone: (415) 274-0509
E-mail: linda.battaglia@sfport.com

C. Objections to RFQ Terms

¹ A Micro-LBE is any business certified by the San Francisco Human Rights Commission that for professional and architectural/engineering has average annual gross receipts in the prior three fiscal years that do not exceed \$1,250,000.

Should a responding firm object on any ground to any provision or legal requirement set forth in this RFQ, the firm must, not more than ten calendar days after the RFQ is issued, provide written notice to the Port setting forth with specificity the grounds for the objection. The failure of a party 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 Change Notices, which will be posted on the Port's website either to direct to where this is in the RFQ or restate the request for qualifications. The responding firm shall be responsible for ensuring that its submittal reflects any and all Change Notices issued by the Department prior to the submittal due date regardless of the date the submittal is delivered to the Port. Therefore, the City recommends that the responding firm consult the website frequently, including shortly before the submittal due date, to determine if the firm has downloaded all Change Notices.

E. Term of Submittal

A responding firm's delivery of a submittal to the Port signifies that the proposed services and fees are valid for two years 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 responding firm may revise its submittal on its own initiative at any time before the submittal deadline. The responding firm 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 file a revised submittal, or commencement of a revision process, extend the submittal due date for any firm.

At any time during the RFQ evaluation process, the Port may require a responding firm to provide oral or written clarification of its submittal. The Port reserves the right to make selections for the prequalified pool without further clarifications of submittals received.

G. Errors and Omissions in Submittal

Failure by the Port to object to an error, omission, or deviation in the submittal of any responding firm will in no way modify the RFQ or excuse the party from full compliance with the specifications of the RFQ or any contract awarded pursuant to the RFQ.

H. Financial Responsibility

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

I. Proposer's Obligations under the Campaign Reform Ordinance

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

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

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

- The officer's re-election campaign
- A candidate for that officer's office
- A committee controlled by the officer or candidate.

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

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

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

3. Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to \$5,000 for each violation.

For further information, proposers 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 or 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 responding firm 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 firm must comply with Chapter 12L. The firm must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to firm's meetings and records, and (2) a summary of all complaints concerning the firm'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 firm 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 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 (of which the Port is a part) that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, submittal, proposal, or procedure;
2. Reject any or all submittals;
3. Reissue a Request for Qualifications;
4. Prior to the submittal deadline, 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;
5. Procure any materials, equipment or services specified in this RFQ by any other means; or
6. Determine that no project will be pursued and/or no contracts will be awarded.

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 proposer to observe any provision of this RFQ.

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 RFQ. At least 50% of the value of the contracts resulting from the RFQ will be awarded to micro LBE firms over the life of the pool.

1. LBE Subconsultant Participation Goals

This solicitation includes a 50 % micro-LBE set-aside but does not include an LBE subconsultant goal. The HRC will set subconsultant goals for the Port and other City Agencies using the prequalified pool resulting from the RFQ for projects over \$100,000, based on the scope of the project. The Port anticipates awarding several small contracts for under \$100,000 given the scope of the Port’s upcoming projects.

2. 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.

3. HRC Forms to be Submitted with Proposal

- a. All submittals must include the following Human Rights Commission (HRC) Forms contained in the HRC Attachment 2: 1) HRC Contract Participation Form, 2) HRC Non-Discrimination Affidavit, 3) HRC Joint Venture Form (if applicable), and 4) 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 [submittal/SOQ?]. The forms should be placed in a separate, sealed envelope labeled HRC Forms. These forms must also be included in the Compact Disc (CD) electronic submission of RFQ response documents.

If you have any questions concerning the HRC Forms, please submit questions using a Request for Information process through the RFQ Coordinator listed in this section of the RFQ.

VII. Contract Requirements

A. Standard Contract Provisions

The successful consultants will be selected for a prequalified pool for contract services. These prequalified consultants 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.

Responding firms are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, (§34 in the Agreement); the Minimum Compensation Ordinance (§43 in the Agreement); the Health Care Accountability Ordinance (§44 in the Agreement); the First Source Hiring Program (§45 in the Agreement); and applicable conflict of interest laws (§23 in the Agreement), as set forth in paragraphs B, C, D, E and F below.

B. Nondiscrimination in Contracts and Benefits

The consultants selected for the prequalified pool 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.

C. Minimum Compensation Ordinance (MCO)

The successful firms 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 §43 in the Agreement.

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 www.sfgov.org/olse/mco.

D. Health Care Accountability Ordinance (HCAO)

The successful firms 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 contracts resulting from this RFQ are for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply to this program. 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.

Consultants 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/fsdp.htm and from the First Source Hiring Administrator at (415) 401-4960.

F. Conflicts of Interest

The successful firms 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 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 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 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. 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:

Linda Battaglia
Executive Secretary
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111
Phone: (415) 274-0509
E-mail: linda.battaglia@sfport.com

Only protests that comply with the above requirements will be considered for action, at the Port's sole discretion.

Appendix B Standard Forms

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

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 RFQ 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) 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 www.sfgov.org/oca/purchasing/forms.htm www.irs.gov/pub/irs-fill/fw9.pdf	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 www.sfgov.org/oca/purchasing/forms.htm	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

Item	Form name and Internet location	Form	Description	Return the form to; For more info
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits www.sfgov.org/oca/purchasing/forms.htm – 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. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500
4.	HRC LBE Certification Application www.sfgov.org/oca/purchasing/forms.htm – 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

Office of Contract Administration

Homepage: 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
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