



118-2312020-002

Agenda Item **No.8(a)**
Meeting of December 1, 2020

INFORMATIONAL MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Nadia Sesay, Executive Director

SUBJECT: Issuance of a Request for Proposals to seek a consultant who can search for individuals who may be eligible to receive a Certificate of Preference; All Redevelopment Project Areas

EXECUTIVE SUMMARY

OCII is proposing to issue a Request for Proposals (“RFP”) seeking a qualified consultant who has the ability to locate and provide current contact information for individuals who may be eligible for a Certificate of Preference for affordable housing in San Francisco (“COP Holders”), using existing records of those displaced from San Francisco Redevelopment Agency (“SFRA”) actions several decades ago. The requested information will update a survey that SFRA conducted in 2009-2010 to confirm the status of displaced persons. Staff plans to issue the RFP on December 3rd, 2020, and responses will be due in mid-January. After a recommended consultant is under contract, the schedule for the scope of work is estimated to be six months. The Mayor’s Office of Housing and Community Development (“MOHCD”), which administers the Certificate of Preference Program, will then use the contact information for the potential COP Holders and notify them of the opportunity and process to confirm eligibility to receive a Certificate of Preference.

DISCUSSION

OCII and MOHCD require housing developers to reach out to active COP Holders with information about affordable housing opportunities in the, Mission Bay, Transbay and Candlestick Point-Hunters Point Shipyard project areas, approximately two years before construction begins.

London N. Breed
MAYOR

Nadia Sesay
EXECUTIVE DIRECTOR

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CHAIR

Mara Rosales
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Dr. Carolyn Ransom-Scott
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Affordable housing developers are required to partner with MOHCD approved housing counseling agencies to assist COP Holders in addressing barriers they may experience in their application for housing opportunities. There are approximately 850 COP Holders that MOHCD is currently in contact with via mail, email, and text messages. They receive outreach materials at the start of every marketing period initiated by either the MOHCD or OCII.

The purpose of this RFP is to locate additional people displaced by the actions of the former Redevelopment Agency (a disproportionate number of whom are African-Americans) and to supplement the 2009-2010 survey of persons eligible for the COP Program by:

- Locating individuals who could not be found in the 2009-2010 survey and who may be eligible for a COP Certificate by:
 - o Researching social media platforms
 - o Outreaching to local churches
 - o Interviewing family members.
 - o Providing new and innovative techniques and strategies using modern resources for locating individuals
 - o Partnering with member(s) of the community to assist with the search
 - o Updating records for those who are deceased

OCII staff will recommend a consultant for the Commission's consideration of a Personal Services Contract following staff's evaluation of the Statements of Qualifications and oral interviews. This opportunity is open to all businesses, both for-profit and non-profit. Contractors are advised that the OCII is committed to vigorous equal opportunity employment.

Scope of Services

OCII is seeking a creative "person finding" consultant who can develop a comprehensive plan to identify and locate as many of the remaining individuals who are eligible for a Certificate of Preference but not aware of their eligibility. The consultant must have strong research, data analytic skills, and be culturally competent, and who will be expected to find household members, obtain and update contact information, and update information about COP eligible household members that are deceased.

Activities shall include:

- The review of the methodology and results from 2009-2010 COP Holder search.
- Review and transcribe more than 5,000 Site Occupancy Records (SORs) to determine the full population of eligible COP household members
- Cross reference individuals to MOHCD's existing Salesforce database
- Identify contact information for each individual found, and currently not in the MOHCD Salesforce database

Deliverables will include:

- A database (similar to Access or Excel) of all occupants identified on SORs that MOHCD will use to operationalize outreach and confirm eligibility for COP certificates to newly identified individuals.
- List of current contact information for newly found individuals
- Memo or report and presentation of initial results to staff to obtain feedback
- Presentation of final results to staff in a written report
- Presentation of final results to OCII Commission

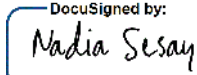
Outreach to Potential Proposers

In accordance with OCII's Purchasing Policy, the contractor will be selected via the RFP method and OCII staff will inform qualified SBE contractors, of the contracting opportunity. The RFP will be advertised through: 1) the OCII's website, 2) the City's "Bids and Contracts" website, 3) the San Francisco and Oakland Black Chambers of Commerce, 4) the Bay View, the Sun Reporter, and other local newspapers, and 5) the Mayor's Office of Housing and Community Development ("MOHCD") will publish a press release regarding the RFP.

NEXT STEPS

Staff plans to issue the RFP on December 3, 2020, with a submittal due date of January 14, 2021. Initially, the responses will be reviewed for completeness. Following the completeness review, the RFP responses will be evaluated by OCII and MOHCD staff members. Staff will select a consultant and enter into a Personal Services Contract by March 2021, for an approximate term of six-months. During this time period, the consultant will do the requested research, provide a written report to MOHCD and OCII staff, and the consultant's work will culminate with a presentation to the Commission in October 2021. MOHCD will then use the contact information for the potential COP Holders and notify them of the opportunity and process to confirm eligibility to receive a Certificate of Preference. Once individuals are located and deemed eligible by MOHCD, they will be informed of future affordable housing opportunities offered by OCII or MOHCD in San Francisco.

(Originated by Pamela Sims, Senior Development Specialist)

DocuSigned by:

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Nadia Sesay
Executive Director

Attachment A: Request for Proposals – Certificate of Preference Program Search



**OFFICE OF COMMUNITY INVESTMENT
AND INFRASTRUCTURE**

Request for Proposals

**Certificate of Preference Program
Search**

**RFP Available
December 3, 2020**

**Deadline for Submission
January 14, 2021**

**Issued by:
Office of Community Investment and Infrastructure
One South Van Ness Avenue, Fifth Floor
San Francisco, CA 94103**

**Contact: Pam Sims, Sr. Development Specialist
Email: pam.sims@sfgov.org
WFH Phone: (510) 206-9218**

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Request for Proposals Certificate of Preference Program Search

OVERVIEW

This Request for Proposals (“RFP”) seeks a consultant (“Contractor”) to locate, and provide current contact information of, individuals who were displaced from their residences several decades ago by actions of the former San Francisco Redevelopment Agency (“Displaced Persons”) and who may be income-eligible for a preference in affordable housing in San Francisco. The requested information will update a 2009-2010 survey that identified the status of the Displaced Persons. The Contractor is expected to have strong research and data analytics skills and is culturally competent.

BRIEF DESCRIPTION OF DELIVERABLES

- Review existing Site Occupancy Records (“SORs”) of the former San Francisco Redevelopment Agency to transcribe and create simple database (may be Access or Excel) from each SOR. (The SORs are currently in the custody of the Mayor’s Office of Housing and Community Development (“MOHCD”).)
- Consolidate the new database records with an existing database of Displaced Persons who have already been identified as eligible for a preference (“Certificate of Preference Holders”).
- For newly-identified Displaced Persons or those who did not respond to the 2010 survey, search and obtain their current contact information.

I. SUMMARY

In 1967, the former Redevelopment Agency established a Certificate of Preference Program for displaced residents and businesses in the Western Addition A-2 Redevelopment Project Area. Two years later, in 1969, the California legislature established a “priority” for low- and moderate-income persons displaced by redevelopment projects “in renting or buying” affordable housing developed by redevelopment agencies. This statutory preference is currently codified in the Community Redevelopment Law (“CRL”) at Section 33411.3 of the California Health and Safety Code, in the Property Owner and Occupant Preference Program of the Redevelopment Agency (Oct. 1, 2008) (the “Certificate of Preference Program” or “COP Program”), and in San Francisco Administrative Code, Section 47.3 (a).

The COP Program:

- implements state law;
- provides a housing lottery preference for displaced persons in rental and for-sale affordable housing in the OCII major development areas, which include either

OCII-funded or OCII-inclusionary, as well as affordable housing units sponsored by MOHCD;

- does not guarantee any particular housing unit. It provides the Certificate Holders with a preference over other applicants in an affordable housing lottery but the COP Holder's household must meet the financial and other program qualifications for the affordable housing opportunity.

Notably, the CRL limits the priority or "preference" to persons who have low or moderate incomes and who were "displaced by the redevelopment project." The priority applies only in housing that is affordable to low- and moderate-income households. Thus, the CRL places several limitations on the preference program, including, the applicant's income eligibility, the applicant's status as displaced, and the type of housing in which the preference applies. These limitations serve the purpose of preserving this preference for those households that the state legislature has determined to be particularly needy because they have suffered harm: low income displacees.

Current Implementation of COP Program

In 2012, the State of California dissolved the Redevelopment Agency and authorized the Successor Agency to the Redevelopment Agency (also known as the Office of Community Investment and Infrastructure or "OCII") to wind down redevelopment activities. Certain housing assets and obligations were transferred to MOHCD, which now manages the Certificate of Preference Program on behalf of OCII and the City. Nonetheless, OCII continues to fund and develop affordable housing as part of its obligation to complete the long-term development projects of the former Redevelopment Agency. In addition, MOHCD oversees marketing obligations of OCII's affordable housing developments and monitors compliance with other housing preferences required under redevelopment requirements.

OCII and MOHCD require housing developers to reach out to active COP Holders with information about affordable housing opportunities in the, Mission Bay, Transbay and Candlestick Point-Hunters Point Shipyard project areas, approximately two years before construction begins. Affordable housing developers are required to partner with MOHCD approved housing counseling agencies to assist COP Holders in addressing barriers they may experience in their application for housing opportunities. There are approximately 850 COP Holders that MOHCD is currently in contact with via mail, email, and text messages. They receive outreach materials at the start of every marketing period initiated by either the MOHCD or OCII.

The purpose of this RFP, as further described in Section IV below, is to locate additional people displaced by the actions of the former Redevelopment Agency (a disproportionate number of whom are African-Americans) and to supplement the 2009-2010 survey of persons eligible for the COP Program by:

- Locating individuals who could not be found in the 2009-2010 survey and who may be eligible for a COP Certificate by:
 - Researching social media platforms

- o Outreaching to local churches
- o Interviewing family members.
- o Providing new and innovative techniques and strategies using modern resources for locating individuals
- o Partnering with member(s) of the community to assist with the search
- o Updating records for those who are deceased

Once individuals are located and deemed eligible by MOHCD, they will be informed of future affordable housing opportunities offered by OCII or MOHCD in San Francisco.

OCII staff will recommend a Contractor for the OCII Commission's consideration of a **Personal Services Contract** following staff's evaluation of the Statements of Qualifications and oral interviews. This opportunity is open to all businesses, both for-profit and non-profit. Contractors are advised that the OCII is committed to vigorous equal opportunity employment.

II. IMPORTANT DATES AND SUBMISSION PROCESS

A. Important Dates

Proposals are due by 4:00 p.m., January 14, 2021.

RFP available on the OCII website	9:00 a.m., Thursday, December 3, 2020
Deadline for questions and requests for additional information	5:00 p.m., Tuesday, December 15, 2020
Submission deadline for Proposals	4:00 p.m., Thursday, January 14, 2021
Applicant interviews	Tuesday, February 9, 2021
OCII Commission consideration	Tuesday, March 2, 2021 *Dates subject to change

B. Questions and Requests for Additional Information

Please submit all questions and requests for additional information regarding this **RFP** must be received in writing by the OCII (via e-mail), on or before the date and time as shown in Section II. A to pam.sims@sfgov.org. Questions received after the deadline may not be answered. All responses and additional information will be distributed to all registered **RFP-Holders**. OCII reserves the sole right to determine the timing and content of the response, if any, to all questions and requests for additional information. In addition, OCII may respond via mail or e-mail.

D. Registration

Responses to this RFP will be accepted only from those Applicants who have registered with OCII by e-mailing registration information (Applicant organization, name of contact person, email address, and phone number) to pam.sims@sfgov.org and paid a non-refundable registration fee of fifty dollars (\$50.00), by check only (payee: OCII) mailed to OCII at 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103. Only registered Applicants will receive answers to submitted questions as well as a link to upload submittal packages. RFQ packets will be available on and following the issue date listed in Section II.A., above, online at <https://sfocii.org/rfp>

E. Submission Time, Place, Date, Contact

Electronic submittals must be uploaded by **Tuesday, January 14, 2021 at 4:00 p.m.** Registered Applicants will receive submittal instructions, including a OneDrive link to upload submittal materials.

III. BACKGROUND**Certificate of Preference Program Overview**

The COP Program was created to give a housing preference to low- and moderate-income persons who were displaced by the former San Francisco Redevelopment Agency activities, such as Agency property acquisition and other actions occasioned in the implementation of its redevelopment plans. Those redevelopment activities, especially in the Western Addition and in Hunters Point, displaced thousands of existing residents primarily in the 1960s and 1970s. Because the racial composition of those neighborhoods, the majority of those displaced were African American. Many of the displaced heads of households eventually received a Certificate of Preference, which provides documentation for the housing preference for affordable housing created by the former Redevelopment Agency or its successor.

In 1998, the Redevelopment Agency expanded eligibility for the COP Program to include persons who were minor children or adults who were not heads of households at the time of displacement, who appear in the Agency's SORs and who qualified for affordable housing assisted by the former Redevelopment.

In 2008, the Board of Supervisors expanded the supply of affordable housing for which COP holders were eligible to include City-funded affordable housing programs. Prior to this time, the only affordable housing in the COP Program was the housing created by the former Redevelopment Agency.

In 2009, the Redevelopment Agency hired the Keane Organization, Inc. ("Keane"), who completed the following: scanned and created digital records (PDFs) of the original SORs documenting the Certificate Holders who were displaced by Agency action since

1964; created an Access database of the scanned SORs; confirmed if the original Certificate Holders were still living (and provided a current/or last known address); and conducted an electronic and manual search for current/or last known addresses of other members of the household at the time of displacement.

Keane concluded its work in July 2010, with results as follows:

- Newly-identified heads of households who had been displaced (also known as Residential “A” certificate holders): 1,033
- Newly-identified household members who had been minor children at the time of displacement (also known as Residential “C” certificate holders): 287
- Deceased: 1,443

Due to the nature of the displacement, there may be individuals who are eligible for a Certificate of Preference but not aware of their eligibility. The objective of this Request for Proposals is to locate and identify individuals who may be eligible to receive a Certificate of Preference but have not yet been identified by OCII and MOHCD.

IV. SCOPE OF SERVICES

OCII is seeking a creative “person finding” consultant (“Contractor”) who can develop a comprehensive plan to identify and locate as many of the remaining individuals who are eligible for a Certificate of Preference but not aware of their eligibility.

The Contractor must have strong research, data analytic skills, and be culturally competent. The Contractor will be expected to find household members, obtain and update contact information, and update information about COP eligible household members that are deceased.

Activities shall include:

- **The review of the methodology and results from 2009-2010 COP Holder search.**
- **Review and transcribe more than 5,000 Site Occupancy Records (SORs) to determine the full population of eligible COP household members**
- **Cross reference individuals to MOHCD’s existing Salesforce database**
- **Identify contact information for each individual found, and currently not in the MOHCD Salesforce database**

Overall

Timing is anticipated to take approximately six months to complete the data collection. The contract will culminate with a presentation to the OCII Commission with outcomes which will include, but not be limited to, the number of newly found household members with updated contact information, and updated number of deceased individuals.

Applicants should include the following with your response:

- **A budget and timeframe for this work.**
- **A detailed scope of work with recommendation of strategies to identify additional Certificate of Preference Holders**
- **Stated expertise and experience in reviewing and transcribing handwritten, historic data.**

Deliverables will include:

- **A database (similar to Access or Excel) of all occupants identified on SORs that MOHCD will use to operationalize outreach and confirm eligibility for COP certificates to newly identified individuals.**
- **List of current contact information for newly found individuals**
- **Memo or report and presentation of initial results to staff to obtain feedback**
- **Presentation of final results to staff in a written report**
- **Presentation of final results to OCII Commission**

V. SELECTION PROCESS AND CRITERIA

A. Selection Process

- a) Submissions of **Proposals** by applicants wishing to be considered by the OCII to provide these services will be accepted electronically until the date and time shown in Section II. A.
- b) Submissions will be electronic, uploaded to electronic drive pursuant to instructions emailed to registered Applicants. No submissions received by facsimile or electronic mail will be considered. OCII staff will evaluate all submissions for completeness and minimum qualifications. Applicants may use the Submission Checklist (**Attachment #9**) as an aid in preparing the **Proposal**. Please note that the Checklist is merely an aid. Each Applicant is solely responsible for ensuring that all information requested in Section VI. Submission Requirements is submitted even if it does not appear on the Checklist.
- c) OCII staff will contact references.
- d) All or some of the applicants who have submitted complete and responsive **Proposals** may be interviewed. Interviews are scheduled to be held on the date(s) shown in Section II. A. ***These dates are subject to change.*** All applicants should advise OCII staff of availability on these days. Interviews will be conducted via video call.
- e) Further written material regarding qualifications or submittals may be requested prior to or following interviews.

- f) OCII staff will make a recommendation to the OCII Commission based on evaluation of the **Proposals**, interviews (if held), and reference checks. First consideration will be given in awarding contracts in the following order: (1) Project Area Small Business Enterprises (“SBEs”), (2) Local SBEs (outside an OCII Project or Survey Area, but within San Francisco), and (3) all other SBEs (outside of San Francisco). Non-local SBEs would be used to satisfy participation goals only if Project Area SBEs or Local SBEs are not available, qualified, or if their bids or fees are significantly higher than those of non-local SBEs. This order will be considered for Applicants that either are SBEs or utilizes SBE consultants in the performance of the contract.
- g) The OCII Commission will approve the selection of the successful applicant.
- h) The OCII will not consider an applicant’s public statements on matters of public concern, that are protected under the First Amendment to the United States Constitution and unrelated to the contract, in the evaluation and selection of the applicant for the contract.

B. Selection Criteria

The OCII will make the selection of the contractor based on the following factors:

- a) The strength of the contractor’s qualifications to undertake the subject scope of services and ability to meet deadlines;
- b) Overall expertise regarding the specific tasks in the scope of services;
- c) Ability to comply with the OCII’s policies, including but not limited to nondiscrimination, equal benefits, minimum compensation, healthcare accountability, small business enterprise requirements (if applicable), and insurance;
- d) The proposed staffing and budget for providing the requested services
- e) Demonstrated cultural competency and experience working effectively with diverse populations;
- f) Ability to interact courteously and professionally with the public;
- g) Ability/experience in protecting privacy and the compliance with City/OCII requirements to safeguard private information; and,
- j) Ability to provide weekly updates and coordinate activities with both MOHCD and OCII staff.

VI. SUBMISSION REQUIREMENTS

A. Submission of Proposals

The **Proposal** must contain all of the following information:

- a) A description of qualifications and any areas of specialty and professional capabilities.
- b) A resume that lists and provides detailed descriptions of previous work that is of a similar or related nature to the subject scope of services, providing the client name and contact information for each.
- c) A list of key employees who will perform the services, and the corresponding budget for this work. (The selected Contractor must notify in writing OCII within ten days of any change in the employment status of these key employees.)
- d) A signed Small Business Enterprise Agreement (**Attachment #1**).
- e) A signed Declaration of Nondiscrimination in Contracts and Benefits (**Attachment #2**).
- f) A signed Minimum Compensation Policy Declaration (**Attachment #3**).
- g) A signed Health Care Accountability Declaration (**Attachment #4**).
- h) Complete responses to all Disclosure Questions in **Attachment #5**.
- i) A signed Statement of Compliance with OCII Policies & Certification of Applicant (**Attachment #6**).

Electronic Submittal Deadline: January 14, 2021 at 4:00 p.m.

Via OneDrive link provided to registered Applicants

A submission checklist is provided as **Attachment #9** to ensure that the applicant's submittal is complete. Please use this sheet when completing your submittal.

The OCII will disqualify from consideration any **Proposal** received lacking all or part of any required submission element.

Applicants may submit a **Proposal** at any time prior to the submission deadline.

VII. AGREEMENT TO COMPLY WITH AGENCY POLICIES

Each applicant shall acknowledge receipt and understanding of the following OCII's contracting requirements and policies and state its ability and willingness to comply with each of them:

A. Small Business Enterprise Program

The OCII has adopted a Small Business Enterprise (“SBE”) Program, which provides first consideration in awarding contracts in the following order: (1) Project Area SBEs, (2) Local SBEs (outside an OCII project or survey area, but within San Francisco), and (3) all other SBEs (outside of San Francisco). Non-local SBEs should be used to satisfy participation goals only if Project Area SBEs or Local SBEs are not available, qualified, or if their bids or fees are significantly higher than those of non-local SBEs. **(See SBE Agreement, Attachment #1.)** The Contractor must make good faith efforts to achieve the goals of the SBE Program, which are 50% SBE participation for professional, personal services, and construction contracts. This goal also applies to the OCII when it is contracting directly for goods and services. SBEs must be certified with the OCII. Further information on the criteria for determining eligibility is located in **Attachment #1**. For any questions, please contact **Yvonne Kyrimis**, of the OCII’s Contract Compliance Department at Yvonne.Kyrimis@sfgov.org.

Once selected, a contractor that is performing services for OCII or the City may receive Personally Identifiable Information (“PII”) under the terms of the agreement. The agreement will have obligations for the contractor to safeguard the PII and not disclose the PII to third-parties. For example, a business associate agreement is required for OCII or the City to share PII with a contractor/grantee.

B. Applicant’s Duty of Loyalty

Applicant for itself and its subcontractors, if any, agrees to abide by the OCII’s duty of loyalty, which appears at Section IX.H. (Prohibited Activities of Present and Former Employees, Commissioners and Consultants) of the OCII’s Personnel Policy and which states in part the following: “Unless approved in advance in writing by the OCII, no present or former employee, Commissioner or **consultant** of the OCII shall knowingly act for anyone other than the OCII in connection with any particular matter in which the OCII is a party, or has a direct and substantial interest, and in which he or she participated personally and substantially as an OCII employee, Commissioner or **consultant** whether through decisions, recommendations, advice, investigation or otherwise. Violation of this section by a present employee, consultant or Commissioner may, in the case of an employee or consultant, be grounds for discharge or termination of the consultant contract, and in the case of a Commissioner, be considered misconduct in office pursuant of California Health and Safety Code Section 33115.”

C. Limitations on Contributions

Through execution of this Agreement, Applicant acknowledges that it is familiar with section 1.126 of the San Francisco Campaign and Governmental Conduct Code, which prohibits any person who contracts with the OCII for the rendition of personal services, for the furnishing of any material, supplies or equipment, for the sale or

lease of any land or building, or for a grant, loan or loan guarantee, from making any campaign contribution to (1) the Mayor or members of the Board of Supervisors, (2) a candidate for Mayor or Board of Supervisors, or (3) a committee controlled by such office holder or candidate, at any time from the commencement of negotiations for the contract until the later of either the termination of negotiations for such contract or six months after the date the contract is approved. Applicant acknowledges that the foregoing restriction applies only if the contract or a combination or series of contracts approved by the same individual or board in a fiscal year have a total anticipated or actual value of \$50,000 or more. Applicant further acknowledges that the prohibition on contributions applies to each prospective party to the contract; each member of Applicant's board of directors; Applicant's chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in Applicant; any subcontractor listed in the bid or contract; and any committee that is sponsored or controlled by Applicant. Additionally, Applicant acknowledges that Applicant must inform each of the persons described in the preceding sentence of the prohibitions contained in section 1.126.

Finally, Applicant agrees to provide to the OCII the names of each member of Applicant's board of directors; Applicant's chairperson, chief executive officer, chief financial officer and chief operating officer; any person with an ownership interest of more than 20 percent in Applicant; any subcontractor listed in the bid or contract; and any committee that is sponsored or controlled by Applicant.

D. Nondiscrimination in Contracts and Benefits

The OCII has established a policy prohibiting discrimination in contracting, which includes a prohibition on discrimination in providing benefits between employees with spouses and employees with domestic partners.

The applicant shall complete **Attachment #2**. Entities that have received certification from the San Francisco Human Rights Commission regarding their compliance with the Equal Benefits Ordinance of the City and County of San Francisco will be deemed in compliance with the OCII's policy. For further information, see instructions contained in **Attachment #2** or contact the OCII's Contract Compliance Department at Yvonne.Kyrimis@sfgov.org.

E. Minimum Compensation Policy and Health Care Accountability Policy

The OCII has adopted a Minimum Compensation Policy ("MCP") for all contractors under personal services contracts that require the payment of a minimum level of compensation to employees (**Attachment #3**). In addition, the Health Care Accountability Policy ("HCAP") requires that contractors offer certain health plan benefits to their employees or participate in a health benefits program

developed by the City's Department of Public Health, or make a payment in lieu of such benefits to the City's Department of Public Health (**Attachment #4**).

The applicant shall either submit a completed MCP Declaration Form and HCAP Declaration Form or state its intent to comply with these OCII policies.

F. Insurance

The selected applicant must procure and maintain insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the work under the OCII contract by the contractor, its agents, representatives, employees or subcontractors.

Unless otherwise approved by the OCII, the selected applicant must maintain insurance with an insurance company that has an A.M. Best rating of A:VII with the following coverages and limits:

- General Liability: \$2,000,000 per occurrence;
- Automobile Liability: \$1,000,000 per accident for bodily injury and property damage;
- Workers' Compensation and Employers Liability: Workers' Compensation limits as required by the State of California and Employer's Liability limits of \$1,000,000 for bodily injury by accident and \$1,000,000 per person and in the annual aggregate for bodily injury by disease. (Required only if Contractor has employees); and
- Professional Liability: \$2,000,000 per occurrence.

The insurance requirements may be modified by the OCII in its sole discretion.

G. Indemnity

The selected applicant shall defend, hold harmless and indemnify the OCII, the City and County of San Francisco and their respective commissioners, members, officers, agents and employees of and from all claims, loss, damage, injury, actions, causes of action and liability of every kind, nature and description directly or indirectly arising out of or connected with the performance of the OCII contract and any of the contractor's operations or activities related thereto, excluding the willful misconduct or the gross negligence of the person or entity seeking to be defended, indemnified or held harmless.

H. Disclosure Questions

Each consultant shall Complete **Attachment #5**, Disclosure Questions, and submit the completed form as part of its Statement of Qualifications.

I. Certification of Applicant

The selected applicant shall certify under penalty of perjury under the laws of the State of California that all the information provided in the **Proposal** is true and correct (**Attachment #6**).

VIII. ADDITIONAL TERMS AND CONDITIONS

A. Personal Services Contract

The selected applicant will be required to enter into a Personal Services Contract with the OCII (**Attachment #7**). The contractor will be required to comply with all of the provisions of the personal services contract, including, but not limited to, the OCII's policies and provisions regarding indemnification, insurance, small business enterprise requirements, and non-discrimination in employee benefits and hiring.

B. Contractor Expenses

Applicants responding to this **RFP** do so at their own expense. The OCII will not consider any contractor costs related to this **RFP** or to negotiating a Personal Services Contract as reimbursable or as eligible costs under the contract.

C. OCII Right to Modify or Suspend RFP

The OCII, through its Executive Director, reserves the right at any time and from time to time, and for its own convenience, in its sole and absolute discretion, to modify or suspend any and all aspects of the selection process, including, but not limited to this **RFP**, and all or any portion of the contractor selection process in or subsequent to the **RFP**; to obtain further information from any contractor, to waive any defects as to form or content of the **RFP** or any other step in the selection process; to reject any and all responses submitted; to reissue the **RFP**; procure the desired services by any other means or not proceed in procuring the services; to negotiate with any, all, or none of the respondents to this **RFP** as to fees, scope of services, or any other aspect of the **RFP** or services; to negotiate and modify any and all terms of an agreement; and to accept or reject any applicant for entry into a Personal Services Contract.

D. Claims Against the OCII

Should an actual or potential proposer object on any ground to any provision or requirement of this RFP, that person or entity must, not more than ten calendar days after this RFP is issued, provide written notice to OCII setting forth with specificity the grounds for the objection. The failure of a potential proposer to object as set forth above shall constitute a complete and irrevocable waiver of any such objection.

Each applicant by responding to this **RFP**, waives any claim, liability or expense whatsoever against the OCII and its respective officers, commissioners, employees and agents by reason of any or all of the following: any aspect of this **RFP**, the selection process or any part thereof, any informalities or defects in the selection process, the failure to enter into any agreement, any statements, representations, acts or omissions of the OCII, the exercise of any discretion set forth or concerning any of the foregoing, and any other matters arising out of all or any of the foregoing.

E. Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the proposal due date and that the prices are genuine and not the result of collusion or any other anti-competitive activity.

IX. ATTACHMENTS

- | | |
|----------------|---|
| Attachment #1: | Small Business Enterprise Agreement |
| Attachment #2: | Declaration of Nondiscrimination in Contracts and Benefits and Instructions |
| Attachment #3: | Minimum Compensation Policy Declaration |
| Attachment #4: | Health Care Accountability Policy Declaration |
| Attachment #5: | Disclosure Questions |
| Attachment #6: | Statement of Compliance with OCII Policies & Certification of Applicant |
| Attachment #7: | Form of Personal Services Contract |
| Attachment #8: | RFP Registration Form |
| Attachment #9: | Submission Checklist Sheet |