



REQUEST FOR QUALIFICATIONS FOR  
**Black Transgender Initiatives  
Grant Funding Opportunity**

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**Background**

San Francisco's transgender and gender nonconforming communities of color, specifically Black transgender and gender nonconforming people face multiple intersecting structural inequities linked to their sexual orientation, gender and racial identities. Black transgender and gender nonconforming communities, specifically Black transgender women, experience higher rates of violence, are more likely to live in poverty and have the some of the worst health outcomes.

The purpose of this funding opportunity is to advance initiatives by organizations providing economic security, stabilization, and arts and cultural enrichment programmatic services to transgender and gender nonconforming communities of color. The successful organization will have proven success in delivering actionable projects centering diverse transgender and gender nonconforming communities, specifically Black transgender and gender nonconforming populations, who face a myriad of systemic issues, including lack of access to employment, safe housing, and cultural healing spaces.

**Intent of this Request for Qualification (RFQ)**

It is the intent of the Human Rights Commission to create a prequalified list of organizations from which it may choose prospective grantees on an as-needed basis for up to two (2) years from the date the list is established. Organizations prequalified under this RFQ are not guaranteed a contract.

**Anticipated Contract Term**

The anticipated contract term for contracts resulting from this RFQ may last up to one (1) year, with the option to extend the contract for up to one (1) additional year. Actual contract term may vary, depending upon service and project needs at the City's sole, absolute discretion. Applicants selected for resulting contract(s) must be available to commence work on or before February 1, 2021. Thus, the anticipated contract term for this RFQ February 1, 2021 to January 31, 2023.

**Anticipated Contract Budget**

The anticipated not-to-exceed contract budget is up to \$687,500 per year for each contract resulting from this RFQ. Actual contract budget may vary, depending upon service and project needs at the City's sole and absolute discretion.

**No Subcontracting Requirement**

The Local Business Enterprise ("LBE") subconsulting goal for this RFQ and resulting contract(s) does not apply. However, the City strongly encourages responses from qualified LBEs.

**Schedule**

RFQ Issued: December 14, 2020

Notice of Protest deadline: December 18, 2020

RFQ E-Question Period: Dec. 15, 2020-Dec. 29, 2020

RFQ Answers available online: December 31, 2020

**Deadline for RFQ Responses: Jan. 8, 2021 5:00pm**

Prequalified List announced: January 22, 2021

Grant period dates: February 1, 2021 – January 31, 2022, with possibility of renewal up to Jan. 31, 2023

# 1. Introduction

## 1.1 General terms used in this Request for Qualifications (RFQ)

Terms and abbreviations used throughout this RFQ include:

- **CCSF or the City** – the City and County of San Francisco.
- **Contract Monitoring Division (CMD)** – San Francisco Contract Monitoring Division, a department of the City and County of San Francisco.
- **Contractor** – The Respondent(s) awarded a contract for services subsequent to prequalification under this RFQ.
- **Human Rights Commission** – San Francisco Human Rights Commission, a department of the City and County of San Francisco.
- **Local Business Enterprise (LBE)** – A business that is certified as an LBE under S.F. Administrative Code §14B.3.
- **Respondent/Proposer** – Any entity submitting a response to this Request for Qualifications.
- **Response/Proposal** – A Respondent's proposal submitted in response to this RFQ.

## 1.2 Statement of Need and Intent

### What Does the City Seek?

The City seeks responses from organizations designing and implementing successful projects working with the communities HRC serves providing economic security, stabilization, and art and cultural enrichment programming and services to Transgender and Gender nonconforming communities of color, specifically Black transgender and gender nonconforming communities.

### With Whom Will Grantees Work?

Grantees will work with the City through the San Francisco Human Rights Commission.

### What is the City's Intent with this RFQ?

Based on responses to this RFQ, it is the intent of the City to create a prequalified list of organizations from which the City may select prospective Grantees on an as-needed basis for services indicated below in Section 2, Scope of Work. The City may use the prequalified list, at its sole and absolute discretion, for selection of organizations and negotiations of contracts for one (1) year, and up to three (3) years, following establishment of the prequalification notification date. Contracts issued to prequalified organizations will have terms of varying lengths depending on the City's needs, but in no case longer than three (3) years. The City reserves the right to procure services similar or identical to the services specified in this RFQ by any other means. Multiple contracts may be awarded at the City's sole and absolute discretion in accordance to San Francisco Administrative Code, Section 21.8. No prequalified Respondent is guaranteed a contract.

### 1.3 Background of the City and County of San Francisco

#### What is the City?

San Francisco is the fourth largest city in California and serves as a center for business, commerce and culture for the West Coast. The City and County of San Francisco, known as the “City”, was established by Charter in 1850. It is a legal subdivision of the State of California with the governmental powers of both a city and a county under California law. The City’s powers are exercised through a Board of Supervisors serving as the legislative authority, and a Mayor and other independent elected officials serving as the executive authority. The services provided by the City include public protection, public transportation, construction and maintenance of all public facilities, water, parks, public health systems, social services, planning, tax collection, and many others.

#### What are the Roles and Responsibilities of the City Controller’s Office?

The City Controller is the chief accounting officer and auditor for the City and responsible for all financial management systems, procedures, internal control processes and reports that disclose the fiscal condition of the City to managers, policy makers and citizens. The City Controller is also the auditor for the City performing financial and performance audits of departments, agencies, concessions and contracts.

#### What is the San Francisco Human Rights Commission?

The San Francisco Human Rights Commission (“Department” or “HRC”) provides leadership and advocacy in securing, protecting and promoting human rights for all people. For nearly 50 years, HRC has grown in response to San Francisco’s mandate to address the causes of and problems resulting from prejudice, intolerance, bigotry and discrimination. HRC has the good faith and commitment of San Francisco’s leaders to be an independent voice of human rights protection for all people and, again and again, leads the way on groundbreaking initiatives in the realm of human and civil rights. To that end, HRC:

- **Advocates** for human and civil rights;
- **Investigates and mediates** discrimination complaints;
- **Resolves community disputes** involving individual or systemic illegal discrimination; and
- **Provides technical assistance**, information and referrals to individuals, community groups, businesses and government agencies related to human rights and social services.

HRC performs its Charter mandated obligations and duties pursuant to the following City ordinances and laws:

#### **San Francisco Charter**

[Article IV, Section 4.107: HRC as a Charter agency](#)

#### **San Francisco Administrative Code**

[Chapter 12A: Powers and Duties of HRC](#)

[Chapter 12B: Non-discrimination in CCSF Contracts](#)

[Chapter 12C: Non-discrimination in CCSF Property Contracts](#)  
[Chapter 12H: Sanctuary City Ordinance](#)  
[Chapter 12N: LGBT Youth Sensitivity Training](#)

### **San Francisco Police Code**

[Article 33: Non-discrimination in Housing, Employment and Public Accommodations](#)  
[Article 38: Non Discrimination based on HIV Status](#)  
[Article 1.2: Non Discrimination in Housing against Families with Minor Children](#)

### **Commission Bylaws**

[Commission Bylaws](#)

#### 1.4 Companies Headquartered in Certain States

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

## **2. Scope of Work**

This scope of work is a general guide to the work the City expects to be performed and is not a complete listing of all services that may be required or desired. The City is soliciting qualifications to create a prequalified list of organizations that may be selected for the services described below.

To minimize duplication of effort and to allow the City to coordinate data requests and data available for the multiple projects solicited within this RFQ, as well as for previous and future projects, the selected organizations' findings and data may be shared by the City with other City Contractors, as deemed appropriate by the City.

### Is My Organization Expected to Propose for a Specific Project?

No. The Human Rights Commission will create a list of prequalified organizations. Each Respondent should demonstrate its capabilities by providing concise, but comprehensive responses in **RFQ Attachment V, Response Template**. The City will negotiate the specific scope of services, budget, deliverables, and timeline with prequalified organizations selected for contract negotiations. For example, for the contracts resulting from this RFQ, the organization(s) may work on a project basis, with an engagement agreement for each project/task specifying the maximum number of hours, due date, and hourly rate to be charged. There is no guarantee of a minimum amount of work or compensation for any Respondent(s) selected for contract negotiations. The City may select organizations from the prequalified list in its sole and absolute discretion.

After the prequalified list has been established, the City may issue Request(s) for Proposals or Request(s) for Quotes to the prequalified list to better assess qualifications for a specific scope of service, which may include staffing, scheduling, deliverable, and cost considerations.

Does the City Prefer Organizations to Form A Coalition or Large Group to Cover More Services, or to Focus on An Area of Expertise, and Respond Individually?

The City prefers individual organization responses, focused on Service Areas that the organization and its lead staff can demonstrate the appropriate qualifications for. For any proposed Respondent partnerships, at least 50% of proposed work effort on the City's projects must come from the lead Respondent organization.

**Possible Contract Deliverables include, but are not limited to:**

- Showing of expertise in the enumerated Service Area;
- Deliverables outlined in the contract and scope of work;
- Monthly invoicing for expenses incurred in the performance of the contract;
- Quarterly performance reports detailing progress towards deliverables for the duration of the contract period;
- Financial and financial-related audit reports;
- Financial and internal control reviews, including routine auditing;
- Management letters indicating deficiencies or opportunities for accounting and reporting improvements, specifically identifying any reportable condition or material weakness;
- Disclosures of fraud, illegal acts, non-compliance, and abuse; and
- Additional data collection as required to assess performance of the contract.

**Demonstrated expertise is requested, but is not limited to, the following Service Areas:**

**2.1 Service Area 1: Technical Assistance and Capacity Building Services**

- Organizations will address their capacity, technical assistance, and/or organization/program support needs that are essential to the advancement of effective programming and services for San Francisco's diverse transgender and gender nonconforming communities of color, specifically Black transgender and gender nonconforming communities.

**2.2 Service Area 2: Black Transgender Initiatives**

- Organizations will develop and implement innovative, actionable projects providing economic security/empowerment, stabilization, and arts and cultural enrichment programmatic services to Black transgender and gender nonconforming communities, with an emphasis on supporting Black transgender women. Organization's services should be racially equitable, diverse and inclusive. Special consideration will be given to organizations with experience working with sex workers, formerly incarcerated people, marginally housed people, and survivors of violence.

**2.3 Service Area 3: Operations and Capacity Building**

- Organizations will address their operational, structural, and internal infrastructure needs to further develop their general operations.

### 3. City-Respondent Communications

There will not be a Pre-Response Conference for this RFQ. If Respondents have questions about this RFQ, Respondents are specifically directed not to contact any employees or officials of the City other than those specifically designated in this RFQ and its Attachments. Unauthorized contact may be cause for rejection of responses at the City's sole and absolute discretion.

#### 3.1 Deadline for RFQ "E-Questions" (Questions Submitted Electronically)

Please submit questions regarding this RFQ to Tuquan Harrison, LGBTQI Initiatives, via email at [tuquan.harrison@sfgov.org](mailto:tuquan.harrison@sfgov.org). No oral questions will be accepted. Questions must be in writing and received before **Tuesday, December 29, 2020**. No questions will be accepted after this time, with the exception of those concerning City vendor compliance.

#### 3.2 Summary of Information Requested and Presented

A summary of all questions, answers, and addenda pertaining to this RFQ will be posted on the Human Rights Commission's website at <https://sf-hrc.org/grant-opportunities> on or about **Thursday, December 31, 2020**. It is the Respondents' responsibility to check this website for any updates.

#### 3.3 City Communication Following Receipt of Responses

The City may contact Respondents for clarification or correction of minor errors or deficiencies in their Responses prior to deeming a Response as non-responsive. Clarifications are "limited exchanges" between the City and a Respondent for the purpose of clarifying certain aspects of the Responses, and do not give a Respondent the opportunity to revise or modify its Response. Minor errors or deficiencies are defined as those that do not materially impact the City's evaluation of the Proposal; for example, failing to label the "original" Response as an "original". For information regarding the City's Evaluation Process, see RFQ Section 5 - Evaluation Criteria.

### 4. Response Submission Requirements

#### 4.1 Time and Place for Submission of Responses

Responses and all related materials must be received by **Friday, January 8, 2021 at 5:00 p.m. PST**. Responses must be submitted electronically via email to Tuquan Harrison, LGBTQI Initiatives, at [tuquan.harrison@sfgov.org](mailto:tuquan.harrison@sfgov.org).

Late submissions will not be considered.

#### 4.2 Response Package and Format

Complete, but concise responses are recommended for ease of review by the Review Panel. Responses should provide a straightforward, specific, and concise description of the Respondent's capabilities to satisfy the requirements of the RFQ. Marketing and sales-type

information should be excluded. All parts, pages, figures, and tables should be numbered and clearly labeled.

For word processing and PDF documents, the Human Rights Commission prefers that text be unjustified (i.e., with a ragged-right margin) and single spaced, with a font size no less than 12 points and page margins of at least 1” on all sides (excluding headers and footers). Please also include a Table of Contents.

### **Response Item Checklist**

- RFQ Attachment I** – Acknowledgement of RFQ Terms and Conditions
- RFQ Attachment III** – City’s Administrative Requirements
- RFQ Attachment IV** – City’s Agreement Terms and Conditions
- RFQ Attachment V** – Response Template

Each Attachment must include all documents submitted for that Attachment in one, separate, complete file. Each of these separate files must be titled with Respondent’s name and Attachment number (e.g. **ABC Organization Attachment I, ABC Organization Attachment III**), in that specific order. Each file should include signatures, where applicable.

Respondents are advised to review RFQ Attachments I, III, and IV before beginning work on Response Template in RFQ Attachment V to ensure that City’s requirements can be met.

### **4.3 Content**

Organizations interested in responding to this RFQ must submit the information required in Section 5, in the order specified in Attachment V: Response Template. Even if using an alternative format for your response, the information in Attachment V must be included in the order specified to be scored appropriately.

Responses received under this RFQ that fail to address each of the requested items in sufficient and complete detail to substantiate that the Respondent can meet the City’s minimum qualifications, will be deemed non-responsive and will not be considered for prequalification. Note that responses stating, “to be provided upon request” or “to be determined” or the like, or that do not otherwise provide the information requested (left blank) are not acceptable and shall be deemed **non-responsive**.

### **4.4 Redact Confidential or Proprietary Information**

All documents under this solicitation process are subject to public disclosure per section 67.24 of the San Francisco Administrative Code, “The San Francisco Sunshine Ordinance of 1999.”

**4.4.1** Responses to RFQs, contracts, and all other records of communications between the City and Respondents shall be open to inspection immediately after a contract has been

awarded. Nothing in this Administrative Code 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 benefit *until and unless that person or organization is awarded the contract.*

**4.4.2** Respondents may redact any confidential or proprietary information, as appropriate, prior to submitting a response to this RFQ.

**4.4.3** Respondents should clearly indicate net worth or other proprietary financial data that the City should redact should the RFQ response be publicly disclosed, with the understanding that **this information cannot be redacted or withheld if a contract is awarded to the Respondent.**

## **5. Evaluation Criteria**

This section describes the guidelines used for analyzing and evaluating the responses and for Respondent prequalification. It is intended for reference purposes only; **RFQ responses to the Evaluation Criteria must be completed in Attachment V.** It is the City's intent to prequalify Respondent(s) that provide the best overall qualifications to the City and will provide the best overall service package inclusive of fee considerations. Organizations selected for prequalification are not guaranteed a contract. This RFQ does not in any way limit the City's right to solicit contracts for similar or identical services if, in the City's sole and absolute discretion, it determines the prequalified list is inadequate to satisfy its needs. There are two phases to the evaluation process. City and CMD staff first perform an Initial Screening as described in Section 5.1. Responses that pass the Initial Screening process (5.1) including Minimum Qualifications (5.2) will proceed to the Evaluation of Firms (that met Minimum Qualifications) described in Section 5.3.

City representatives will serve as the Review Panel responsible for evaluating Respondents. Specifically, the team will be responsible for the evaluation and rating of the responses for prequalification, and for interviews, if desired by the City.

### **5.1 Initial Screening**

The City will review each response for initial determination on responsiveness and acceptability in an Initial Screening process. Elements reviewed during the Initial Screening include, without limitation: compliance with submission requirements; compliance with Minimum Qualification requirements (Section 5.2), compliance with format requirements, response completeness, and verifiable references.

Responses are not scored during the Initial Screening process. Initial Screening is a pass/fail determination as to whether a response meets the threshold requirements described above. By **Friday, January 8, 2021**, the RFQ Response Deadline, any response that does not demonstrate that Respondent meets requirements in Section 5.1 will not be eligible for consideration in the Review Panel evaluation (that met Minimum Qualifications) described below in Section 5.3. The City reserves the right to request clarification from the Respondent prior to rejecting a response for failure to meet the Initial Screening requirements. Clarifications are "limited exchanges" between the City and a Respondent for the purpose of clarifying certain aspects of the Response and will not give a Respondent the opportunity to revise or modify its response.

## 5.2 Minimum Qualifications

The Human Rights Commission is committed to racial equity, diversity, inclusion, and broad-based community access, and to funding a variety of San Francisco's community organizations, non-profit agencies and service providers. All qualified applicants are cordially invited to submit applications. However, any response that does not demonstrate that the Respondent meets these minimum qualifications by the response deadline will be considered non-responsive and will not be evaluated or eligible for award of any subsequent contract(s).

1. Respondent must be an existing non-profit agency recognized as tax-exempt by the IRS under Section 501(c)(3) of the Internal Revenue Code and must demonstrate a history of providing services to communities within San Francisco. Departments of the City and County of San Francisco are not eligible to apply for funding.
2. Respondent must be a Vendor of the City and County of San Francisco or be willing and able to become a City Vendor. Organizations who are not yet City Vendors are urged to begin the Vendor application process as soon as possible in order to ensure that they meet this requirement if awarded a grant. To learn more about becoming a City Vendor, visit the City's Office of Contract Administration at <http://sfgsa.org/index.aspx?page=4762> which offers all of the necessary instructions and forms required to become a City Vendor. **Note: subcontractors and consultants to the Respondent need not be City vendors.**
3. Respondent must meet San Francisco's non-discrimination in contracts laws, Chapters 12B and 12C of the San Francisco Administrative Code. These laws include provisions prohibiting discrimination in employee benefits and public accommodations. For additional information, go to: <http://sfgsa.org/index.aspx?page=6126>
4. Respondent must be in good financial standing according to generally accepted accounting practices.
5. Respondent must offer services in an accessible and non-discriminatory manner regardless of race, color, ethnicity, class, age, economic level, education, language, religion, disability, immigration status, or sexual orientation.
  - a. Immigration Status: In keeping with San Francisco's policy as a Sanctuary City, Respondent must make services available to all clients regardless of immigration status.
  - b. Disability: Respondent must ensure compliance with the mandates of the Americans with Disabilities Act of 1992 (ADA), allowing accessibility for all clients who are physically and/or otherwise disabled.
  - c. Ethnicity/Culture/Language: Respondent must provide linguistically and culturally competent services.

## 5.3 Response Evaluation Criteria for Prequalification (100 points)

### Review Panel

City and community representatives will serve as the Review Panel responsible for evaluating Respondents. Specifically, the team will be responsible for the evaluation and rating of the responses for prequalification, for conducting reference checks, and for interviews, if desired by the City.

Each RFQ response that meets the Minimum Qualifications will be evaluated in accordance with the criteria below. A Respondent must receive a score of 70 points or above out of the 100 total possible points for the Service Area designated in Section 2.1, above, to be prequalified. There is no numerical limit to the number of organizations that may be prequalified.

### **5.3.1 Respondent Information – 0 points**

1. Organization Name:
2. Proposed Program Name:
3. Program Contact First and Last Names:
4. Program Contact Title:
5. Program Contact Email Address:
6. Program Contact Telephone Number:
7. Program Contact Fax Number:
8. Program Address:
9. Program Zip:
10. Will this Program utilize a Fiscal Agent or Sponsor? If YES, provide:
  - a. Fiscal Sponsor Name:
  - b. Fiscal Sponsor Contact First Name:
  - c. Fiscal Sponsor Contact Last Name:
  - d. Fiscal Sponsor Address:
  - e. Fiscal Sponsor Zip:
  - f. Fiscal Sponsor Phone:
  - g. Fiscal Sponsor Email:
11. Does your organization currently receive funds from City & County of San Francisco departments other than SFHRC? If “Yes”, for each funding source other than SFHRC, provide:
  - a. Contract Name:
  - b. City Department Name:
  - c. Contract End Date:
  - d. Contract Number:
  - e. Amount:
  - f. Purpose:

### **5.3.2 Respondent Capacity and Staff Profile – 20 points**

**(Responses for each section should be one page each)**

1. What is the mission of your organization?
2. In what year were you founded?
3. Describe your organization’s experience and key achievements in providing services to the Black transgender and gender nonconforming community in San Francisco.
4. Describe the organization’s policies and procedures for:
  - a. Setting goals and measurable objectives for services;
  - b. Collecting, using, and sharing data on participant and organizational performance; and
  - c. Advancing racial equity.
5. Briefly describe the roles and responsibilities of the proposed staffing structure (paid and volunteer), experience and knowledge in your service area, and how the staff design will effectively deliver services to the target population(s). You may cross reference the organization chart that must be attached as a requirement for this application.

**5.3.3 Budget Narrative – 10 points**

1. **Total Projected 12-Month Budget:** Please complete the following table for your total projected 12-month budget.

	12-Month Program Cost	12-Month Program Cost requested from SFHRC
<b>Total Amount (\$)</b>		
Total Amount as a % of Applicant's Total Budget for the Same Period		
Total Amount as a % of Fiscal Sponsor's Total Budget for the Same Period		

2. **12-Month Budget Breakdown:** Please provide a detailed breakdown of the “Total 12-Month Program Cost” and corresponding “Total 12-month Program Cost requested from SFHRC” indicated in the above table, including a summarized list of deliverables, the anticipated cost/budget for each deliverable, and a general deadline for completing each deliverable.

**5.3.4 Populations to Be Served – 0 Points**

1. What do you estimate the cumulative, unduplicated number of participants to be served during the 12-month period for which you will receive funding from SFHRC for your Proposed Program?
2. Please complete the following two tables with regard to the total anticipated cumulative, unduplicated number of participants identified in the previous question:

<b>Note: Participants can qualify for more than one category</b>	<b>Projected Percentage</b>
Black Transgender women	
Black Transgender people	
Black Nonbinary people	
Transgender and gender nonconforming communities of color	
Sex worker communities	
Incarcerated (currently or formerly)	
Marginally housed	
Involved in the Mental Health System	
Immigrant	
Survivor of violence	

<b>Breakdown by Ethnicity (Must equal 100%)</b>	<b>Projected Percentage</b>
Asian	
Pacific Islander	
Black/African American	
White	
Latino	
Multiethnic	
Native American / Native Alaskan	
Other:	
Total	100%

**5.3.4 Scope of Work – 60 points**

The purpose of this funding opportunity is to advance initiatives by organizations providing economic security, stabilization, and arts and cultural enrichment programmatic services to transgender and gender nonconforming communities of color. The successful organization will have proven success in delivering actionable projects centering diverse transgender and gender nonconforming communities, specifically Black transgender and gender nonconforming populations.

The service areas should include one or more of the following:

Service Area One:

**1. Technical Assistance and Capacity Building Services:**

- Organizations will address their capacity building, technical assistance, and/or organization/program support needs that are essential to the advancement of effective programming and services for San Francisco’s diverse transgender and gender nonconforming communities of color, specifically Black transgender and gender nonconforming communities.

Service Area Two:

**2. Black Transgender Initiatives:**

- Organizations will develop and implement, innovative actionable projects providing economic security/empowerment, stabilization, and arts and cultural enrichment services to San Francisco’s diverse transgender and gender nonconforming communities of color, with an emphasis on supporting Black transgender women. Organization’s services should be racially equitable, diverse and inclusive.

Service Area Three:

**3. Operations:**

- Organizations will address their operational, structural, and internal infrastructure needs to further develop their general operations.

Please complete following:

1. Name the service area(s) you are proposing to work on.
2. Describe one or more project(s) your organizations will undertake.
3. Submit three letters of recommendation from trans-serving organizations, highlighting your organizations demonstrated success, advancing work supporting the unique needs of Black Transgender and gender nonconforming communities in San Francisco.

#### **5.3.4 Completeness of Response Submission – 10 points**

Responses should conform to RFQ requirements and provide a straightforward, specific, and concise description of the Respondent's capabilities to satisfy the requirements of the RFQ. Responses should also be professionally presented and contain organized content and formatting.

#### **5.4 Prequalification Process**

Respondents scoring 70 points and above may be added to the prequalified list and eligible for potential contract negotiations with the City on an as-needed basis in the Service Area described in Section 2.1, above. Due to the varied nature of the services to be performed, the City reserves the right to contract with any or all prequalified Respondents.

#### **Reference Checks**

Reference checks, including, but not limited to, prior clients as indicated in Attachment V Prior Project Description(s), may be used to determine the applicability of Respondent experience to the services the City is requesting and the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent's problem-solving, project management and communication abilities, as well as performance on deliverables and outcomes, and effectiveness in meeting or exceeding project objectives. If reference checks deem that information included in a Prior Project Description or elsewhere in the response is untruthful, then the City will reject the response.

#### **Release and Waiver Agreement**

To effectuate the candid completion of the reference check above, Respondent is required to sign the RFQ Attachment I, Section 14, Release of Liability.

#### **5.5 Selection from Prequalified Lists of Consultants**

The City may select Contractors from the prequalified list in its sole and absolute discretion. After the prequalified list has been established, the City may issue Request(s) for Quotes or Request(s) for Proposals, Oral Selection Interviews/Demonstrations, conduct Reference Checks to the prequalified consultant list to better assess qualifications for a specific scope of service, which may include staffing, scheduling, deliverable, and cost considerations. The City reserves the right to request proposals, quotes, oral interviews/demonstrations, and conduct reference checks from vendors simultaneously. Award of contracts will be made in a manner consistent with San Francisco Administrative Code Chapter 21 Section 21.4(c).

#### **5.6 Other Terms and Conditions**

The selection of any prequalified Respondent for contract negotiations shall not imply acceptance by the City of all terms of the response, which may be subject to further negotiation and approvals before the City may be legally bound thereby.

If a satisfactory contract cannot be negotiated in a reasonable time with any prequalified Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with any other remaining prequalified Respondents.

The City, in its sole discretion, has the right to approve or disapprove any staff person assigned to a firm's projects before and throughout the contract term. The City reserves the right at any time to approve, disapprove or modify proposed project plans, timelines and deliverables. Such approvals will not be unreasonably withheld.

## **6. Protest Procedures**

### **6.1 Protest of RFQ Terms**

Failure of a Respondent to comply with the protest procedures set forth in this section will render a protest inadequate and non-responsive, and will result in rejection of the protest.

Should a prospective Respondent object on any ground to any provision or legal requirement set forth in the RFQ (including all Appendices and all Addenda), including but not limited to Protests based on allegations that: (i) the RFQ is unlawful in whole or in part, (ii) one or more of the requirements of the RFQ is onerous, unfair, or unclear; (iii) the structure of the RFQ does not provide a correct or optimal process for the solicitation of the Services; (iv) the RFQ contains one or more ambiguity, conflict, discrepancy or other error; or (v) the RFQ unnecessarily precludes alternative solutions to the Services or project at issue, the prospective Respondent must provide timely written notice of Protest as set forth below.

By 5:00 p.m. P.S.T on the third (3rd) working day of the issuance of the RFQ, **Friday, December 17, 2020**, any Respondent may submit a written notice of Protest via e-mail to Tuquan Harrison, LGBTQI Initiatives, at [tuquan.harrison@sfgov.org](mailto:tuquan.harrison@sfgov.org) as directed by Section 6.1. Protests or notices of Protests delivered orally (e.g., by telephone) will not be considered.

The Protest shall state the basis for the Protest, refer to the specific requirement or portion of the RFQ at issue, and shall describe the modification to the RFQ sought by the prospective Respondent. The Protest shall also include the name, address, telephone number, and email address of the person representing the prospective Respondent.

If required, the City may extend the response submittal deadline to allow sufficient time to review and investigate the Protest and issue Addenda to incorporate any necessary changes to the RFQ.

### **6.2 Protest of Non-Responsiveness Determination**

By 5:00 p.m. PST on the fifth (5th) working day of the City's issuance of a notice of non-responsiveness, any Respondent that has submitted a response and believes that the City has incorrectly determined that its response is non-responsive, may submit a written notice of protest by e-mail (fax is not acceptable) as directed in Section 6.4. Such notice of protest must be received by the City on or before 5 p.m. PST of the fifth (5th) 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 reason asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

### **6.3 Protest of Establishment of Prequalified Consultant List**

By 5:00 p.m. PST on the fifth (5th) working day of the City's issuance of a Notice of Intent to Establish a Prequalified Consultant List, any consultant firm that has submitted a responsive response and believes that the City has incorrectly selected another Respondent for prequalification may submit a written notice of protest as directed in Section 6.4. Such notice of protest must be received by the City on or before 5 p.m. PST of the fifth (5th) working day after the City's issuance of the Notice of Intent to Establish a Prequalified Consultant List.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the Respondent, and must cite the law, rule, local ordinance, procedure or RFQ provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

### **6.4 Delivery of Protests**

All protests must be received by the specified dates and time deadlines specified in Section 6.1, 6.2 and 6.3. Protests or notice of protests made orally (e.g., by telephone) or by fax will not be considered.

Protests must be delivered via email to Tuquan Harrison, LGBTQI Initiatives, at [tuquan.harrison@sfgov.org](mailto:tuquan.harrison@sfgov.org).

### **6.5 Protest Review**

The Human Rights Commission will confirm receipt of notice of protest by Respondent which must be submitted in accordance to Section 6.1, 6.2, 6.3, and 6.4.

If a Respondent submits a complete and timely protest, the Human Rights Commission will review notice of protest soon after receipt of the protest to determine validity of notice, including, but not limited to: (1) receipt by due date; (2) inclusion of a written statement specifying in detail each and every one of the grounds asserted for the protest; (3) signed by an individual authorized to represent the Respondent; (4) citation of the law, rule, local ordinance, procedure or RFQ provision on which the protest is based; and (5) specification of facts and evidence sufficient for the City to determine the validity of the protest.

A Respondent may not rely on a Protest submitted by another Respondent, but must timely pursue its own Protest.

The City, at its discretion, may make a determination regarding a protest without requesting further documents or information from the Respondent who submitted the protest. Accordingly, the initial protest must include all grounds of protest and all supporting documentation or evidence reasonably available to the prospective Respondent at the time the protest is submitted. If the Respondent later raises new grounds or evidence that were not

included in the initial protest, but which could have been raised at that time, then the City may not consider such new grounds or new evidence.

If the notice of protest is determined to be valid, the Human Rights Commission shall review facts and evidence to determine the outcome of the protest, citing any applicable laws, rules, ordinances, procedures, and/or provisions. The review shall be an informal process conducted by the Human Rights Commission or its designee and will be based upon the information submitted by the Respondent in its protest letter. The Human Rights Commission may seek input from the City Attorney's Office, Office of Contract Administration, Contract Monitoring Division, and/or other City departments as needed or appropriate. The Human Rights Commission will notify the Respondent in writing of its decision at the conclusion of the review. The Executive Director of the Human Rights Commission or the Director's designee shall make the final determination regarding the outcome of the protest. The decision of the Human Rights Commission is final.

## **7. Vendor Compliance**

Respondent Team must fulfill the City's administrative requirements for doing business with the City and become a compliant vendor prior to contract award. Fulfillment is defined as completion, submission and approval by applicable City agencies of the forms and requirements referenced in RFQ Attachment III.