

# **City and County of San Francisco**



## **Request for Proposals for Preparing a Business Case for Developing an Accessible, Open Source Voting System**

**REG RFP #2017-01**

<b>Schedule</b>	
<b>Proposal Phase</b>	<b>Date</b>
RFP is advertised and issued by the Office of Contract Administration	May 22, 2017
Deadline for submission of written questions or requests for clarification	June 5, 2017
Proposals due	July 12, 2017

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### **Appendices:**

- A.** Contracts Monitoring Division (CMD) Attachment 2: Requirements of Architecture, Engineering and Professional Service Contracts, for contracts \$50,000 and over document (separate document).

Proposers must submit the following Forms 2A, 3, and 5. Proposers must submit Form 4 only if applicable.

1. Form 2A: CMD Contract Participation form
2. Form 3: CMD Non-discrimination Affidavit
3. Form 5: CMD Employment form
4. Form 4: Joint Venture Participation Schedule, only if applicable
5. Form 5: CMD Employment Form

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

- C.** Agreement for Professional Services (Form P-600), separate document
- D.** Fee Worksheet (Appendix E), separate document
- E.** Minimum Qualifications Worksheet

## **Request for Proposals for Contractor to Prepare a Business Case for Developing an Accessible, Open Source Voting System**

### **I. Introduction and Schedule**

#### **A. General**

The City and County of San Francisco (City) is considering the feasibility of its options for developing a highly accessible, open source voting system (System), and the costs and time frames associated with those options. A System must support the City in conducting ranked-choice voting elections in multiple languages: English, Chinese, Spanish, and Filipino.

To identify the options available to the City in developing the System, the City's Department of Elections (Department) is issuing this request for proposals (RFP) from individuals or firms (Contractors) who are qualified to prepare a business case to inform the City of its options and the associated costs and timelines. Further, the business case must consider post-development matters as well.

The Contractor must complete the business case by January 26, 2018, for review by the Mayor's Office and the Committee on Information Technology (COIT), which will inform the City's next steps regarding possibly developing a System.

As described in greater detail in Section II, "Scope of Work," the City is seeking proposals intended to provide the City with strategic, financial, technical, and transactional advisory services that analyze the City's options for developing, certifying, and implementing an accessible, open source voting system which also incorporates the highest possible levels of accuracy, transparency, security, and auditability.

The Contractor's assessment will extend beyond the City's options to develop a System, but also will assess the requirements associated with maintaining the System after an initial implementation. For instance, the business case must contemplate that the System will require ongoing development due to changes in law, election processes, or other factors such as voters' user preferences. Additionally, the business case must also provide an assessment and options for reviewing the System's functions after initial implementation occurs, including the testing and maintenance of the System during non-election periods.

The City is seeking a Contractor with a record of success in advising public entities on large, multi-phase, multi-year, technical development projects. Respondents must demonstrate whether they have successfully advised agencies previously on various project options of the size, type, and level of complexity similar to those associated with this System.

The City desires that the Contractor has experience in developing, implementing, or supporting the use of voting systems and voting equipment, including their maintenance, testing, and upgrading, as well as having experience in software development. Such experience will inform the Contractor's preparation of the business case for providing detail on the costs and timelines associated with the City possibly developing its own accessible, open source voting system.

The City anticipates that any project to develop an accessible open source voting system will require several phases. The City considers Phase 1 to be the preparation and completion of the business case, and expects the business case to inform the City on possible additional phases necessary to develop an open source voting system.

Any Contractor who prepares or assists in preparing the business case described in this RFP will not be eligible to perform subsequent services for the City in relation to the possible development of an accessible, open source voting system.

## B. Principles

The City expects the business case to apply the following principles associated with the possible development of a System while assessing the City's options. The Contractor may consider and apply additional principles while preparing the business case.

1. **Accessible:** A System must comply with all accessibility standards applicable to the use of voting equipment and election processes specifically, and technical equipment generally. Any System the City develops must provide all voters with access to voting in an independent and private manner in accordance with sections 504 and 508 of the Rehabilitation Act of 1973, the Help America Vote Act, and the most recent version of the Voluntary Voting System Guidelines (VVSG).
2. **Accurate:** A System will incorporate methods to verify the accuracy of the System's transactions, including the counting of votes cast, and include methods that verify the System's accuracy that the public can easily access and understand.
3. **Auditable:** A System must have the capability to provide information on each of its transactions so that each transaction can be evaluated and that all transactions are verifiable. The System must also allow for the highest levels of after-election auditing of vote tabulation.
4. **Commercial off-the-shelf (COTS) hardware:** The design of a System would allow for the City to utilize COTS hardware components rather than build System-specific hardware.
5. **Cost Efficient:** The design of a System will purposely minimize the City's costs and risks to develop, certify, implement, maintain, and improve a System and its individual components, not only in comparison to other certified voting systems but also in comparison to other large technical projects.
6. **Modular:** A System's preferred design will be based on discrete, integrated components that are individually whole and functioning. This design approach will facilitate a System being more easily adaptable to new functionalities due to changes in law, voter requests for new features, etc.
7. **Multiple Languages:** A System must support the formatting, production, and tabulation of ballots in multiple languages: English, Chinese, Spanish, and Filipino, and seamlessly support additional languages.
8. **Ranked-Choice Voting:** A System must support conducting ranked-choice voting elections as stipulated in City Charter section 13.102.
9. **Secure:** A System must incorporate methods to protect it from security threats and provide indications when possible attacks have occurred.

**10. System Software Accessibility:**

- a. **Open Source Software:** The City intends to use software that would be open source and would be placed onto an accessible Internet site for anyone in the public to review, beginning with the earliest instances of development and continuing until development is completed.
  - b. **Version 3, GNU General Public License:** The City prefers that a System utilize software using the GNU Public License, version 3. When considering existing software to incorporate into the System, the City would select software that provides other users the greatest access to view, modify, and use a System's software code.
  - c. **Copyleft:** The City prefers that any potential System's open source software would apply copyleft characteristics so that anyone would be permitted to freely use and change the System's software but on the condition that all subsequent uses and changes would also apply copyleft permissions.
- 11. Transparent:** A System will provide the public with the information and tools necessary to verify that the System operates as expected and in a manner free from defects or manipulation. System software will be posted in a manner that allows members of the public or other jurisdictions to build or reconstruct the System, and to enable a non-City entity to provide services to support the System.
- 12. Usable:** A System must anticipate how users will interact with the equipment and election processes and determine designs and procedures that will establish best practices and strategies that facilitate the System's users to effectively interact with the System.

**C. Additional Information:**

1. San Francisco Board of Supervisors, Resolution #460-14.  
<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/resolutions14/r0460-14.pdf>
2. San Francisco Elections Commission, Resolution from November 18, 2015.  
[http://sfgov.org/electionscommission/sites/default/files/Documents/Miscellaneous/Elections\\_Comm\\_Open\\_Source\\_Voting\\_Res.pdf](http://sfgov.org/electionscommission/sites/default/files/Documents/Miscellaneous/Elections_Comm_Open_Source_Voting_Res.pdf)
3. San Francisco Department of Elections, Request for Information and Associated Responses.  
<http://sfgov.org/elections/request-information-rfi-new-voting-system>
4. San Francisco Department of Elections, Presentation to the Committee on Information Technology, pages 43 – 48.  
[http://sfcoit.org/sites/default/files/Subcommittee%20Presentation%2004\\_01\\_2016.pdf](http://sfcoit.org/sites/default/files/Subcommittee%20Presentation%2004_01_2016.pdf)

5. San Francisco Voting Systems Task Force, Recommendations, 2011.  
<http://sfgov.org/ccsfgsa/voting-systems-task-force>
6. San Francisco Local Agency Formation Commission, Report from October 23, 2015.  
[http://sfgov.org/electionscommission/sites/default/files/Documents/Miscellaneous/Elections\\_Comm\\_Open\\_Source\\_Voting\\_Res.pdf](http://sfgov.org/electionscommission/sites/default/files/Documents/Miscellaneous/Elections_Comm_Open_Source_Voting_Res.pdf)
7. Los Angeles County Voting Systems Assessment Project.  
<https://www.lavote.net/vsap/about>
8. Request for Information for Voting Systems Assessment Project, RFI #17-001, County of Los Angeles, Registrar-Recorder/County Clerk – Contracts Section.  
<http://vsap.lavote.net/wp-content/uploads/2017/04/RFI-ISD.pdf>
9. Travis County, Texas, STAR-Vote System, Statement of Intent and Request for Proposals.  
<http://sfgov.org/electionscommission/sites/default/files/Documents/meetings/2017/2017-02-15-commission/STAR-Vote%20Statement%20of%20Intent.pdf>  
[http://sfgov.org/electionscommission/sites/default/files/Documents/meetings/2017/2017-02-15-commission/RFP\\_STAR-Vote\\_Unofficial\\_Copy.pdf](http://sfgov.org/electionscommission/sites/default/files/Documents/meetings/2017/2017-02-15-commission/RFP_STAR-Vote_Unofficial_Copy.pdf)
10. U.S. Election Assistance Commission, Voluntary Voting System Guidelines.  
<https://www.eac.gov/voting-equipment/voluntary-voting-system-guidelines/>
11. California Secretary of State, Website page regarding voting systems.  
<http://www.sos.ca.gov/elections/voting-systems/>
12. Section 504, Rehabilitation Act of 1973.  
<https://www.dol.gov/oasam/regs/statutes/sec504.htm>
13. Section 508, Rehabilitation Act of 1973.  
<https://www.dol.gov/oasam/regs/statutes/sec508.htm>
14. 2002 Help America Vote Act (HAVA).  
<https://www.eac.gov/assets/1/6/HAVA41.PDF>

**15.** California Elections Code.

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=ELEC>

**16.** San Francisco Charter Section 13.102, Ranked-Choice Voting.

[http://library.amlegal.com/nxt/gateway.dll/California/charter\\_sf/charter?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$anc=JD\\_Charter](http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/charter?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Charter)

**17.** San Francisco Municipal Elections Code.

[http://library.amlegal.com/nxt/gateway.dll/California/elections/municipalelectionscode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco\\_ca\\$sync=1](http://library.amlegal.com/nxt/gateway.dll/California/elections/municipalelectionscode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sync=1)

**D. Schedule**

The anticipated schedule for selecting a Contractor is shown below:

<b>Proposal Phase</b>	<b>Date</b>
a. The City advertises and issues this RFP.	May 22, 2017
b. Deadline for submission of written questions or requests for clarification.	June 5, 2017 5 p.m., PDT
c. Proposals due.	July 12, 2017 5 p.m., PDT
d. Oral interview with proposers selected for further consideration	TBD

## II. Scope of Work

### A. Description of the Scope of Work

The City's current voting system is nearing end of life and the City is preparing to possibly lease a replacement system in the short term, and is considering developing its own voting system in the long term. Before possibly developing its own accessible, open source voting system, the City must understand the tasks, related costs, and timelines relevant to assessing the feasibility of any development options.

The City must also understand the tasks, costs, and time required to implement and support a System after development phases are completed. For instance, before the City could implement a System, it must be approved by the Secretary of State for use in California, which will require the development of detailed use procedures. Another example is a System's software and firmware will require modifications after implementation, which would then require again seeking approval from the Secretary of State to use the System.

Thus, the Contractor's responsibility will be to prepare a business case that evaluates the feasibility of the City's options to potentially develop an accessible, open source voting system, and which addresses post-development matters as well. The business case will consider the City's options to develop a System as one large project, or to undertake an agile approach to incrementally develop and integrate components of a System. Further, among the options assessed in the business case, the Contractor must assess the development of a System using version 3 of the GNU General Public License when possible, or similar licenses with copyleft characteristics.

A System would need to incorporate the highest possible levels of usability and accessibility features and functions, and incorporate the highest possible levels of accuracy, transparency, security, and auditability.

Not only shall the business case inform the City of its options to build a System, but also must inform subsequent steps required to develop a System or its individual components. The business case will provide an assessment of the City's options in a manner that facilitates the City using content from the business case for possibly developing and issuing subsequent Requests for Information, Requests for Qualifications, or Requests for Proposals.

When considering the City's options, the business case must include information and recommendations regarding which components of a System the City could develop initially, and which components could follow this initial development. When identifying components, the business case must recommend whether the City should specify in detail the design specifications for any component. Conversely, the business case must consider whether the City should instead state the purpose of the components and then allow for the development of the components according to a bidder's expertise and experiences.

The business case must evaluate the manner by which the City can ascertain whether different components will work together when developed, and methods that the City can utilize to determine that components are being developed according to specifications or a bidder's designs.

At the conclusion of Phase 1, the City will consider possible subsequent phases to develop an open source voting system.

**B. Deadline for Submitting Business Case**

1. A final draft of the business case must be submitted to the Department no later than January 26, 2018.
2. The final draft of the business case will consider all of the items listed in this Scope of Work, which includes sections II. D., E., F., and G. of this RFP.
3. The Contractor will provide the final draft of the business case in an electronic format.

**C. Monitoring Progress**

1. Monthly, the Contractor will provide the City written updates, in an electronic format, that describe the Contractor's progress in relation to the Contractor's project plan.
2. The City will evaluate these monthly updates in consideration of whether the Contractor will successfully complete the project.

**D. Consideration of High Level Issues.**

1. The feasibility of the City developing its own highly accessible, open source voting system, and the costs and time frames associated with each possible development option.
2. The available options, strategies, and development approaches that the City may utilize to develop a System.
3. An implementation schedule that corresponds to each option, strategy, and development approach presented in the business case.
4. A description of the potential challenges the City will encounter, including, but not limited to, the following matters:
  - a. During development of the software.
  - b. When identifying a System's hardware.
  - c. When testing a System and its components during development and before, during, and after an election.
  - d. Applying to the Secretary of State's Office for approval to use a System.
  - e. Implementing a System into the Department's operations as well as implementing a System for voters to use.
  - f. Maintaining a System before, during, and after an election, including during storage.
  - g. Supporting a System's functioning on Election Day and during an election cycle.
5. An assessment of risk profiles associated with adopting any of the City's options or combination of options for developing a System, including the risks if set timelines for development are unmet.

6. Consideration of whether the City owning the rights to all, part, or none of the software or a combination of these approaches is best, including having a separate entity own all or part of the software.
7. The methods the City can utilize to identify and attract qualified contractors to develop a System, and the methods the City can use to monitor and evaluate any contractor developing the System.
8. A determination on whether the City would develop a System by its individual components, and, if so, determine the order by which the City would need to develop such components or if components can be developed in parallel.
9. The number of development phases that will be required for each option and whether the phases must be developed in a set order or can be developed simultaneously.
10. Whether the City would need to identify one contractor to develop a System or if multiple contractors could participate in development, and, an estimated number of firms that could contribute to developing a System.
11. Whether the City can utilize agile development methods within the City's customary procurement policies.
12. The methods the City may follow to ensure a System does not infringe on existing patents or intellectual property rights.
13. The methods the City can utilize during a subsequent planning phase to identify and collect a System's requirements.
14. Whether incorporating ranked-choice voting functionalities in accordance with City Charter section 13.102 would need to be considered as a separate component when developing a System.
15. Whether there are limits to the types and quantity of language-related services and functionalities a System can provide and whether developing functionalities associated with language services ought to be considered as a separated component of a System.
16. At what points in developing the software and identifying the hardware should a System's functionalities to provide accessible services be considered, and whether developing functionalities associated with accessibility ought to be considered as a separate component of a System.
17. A consideration of how the City can identify and evaluate potential Contractors (e.g. holding a competition, requesting the development of prototypes).
18. How and whether the City can develop a System to ensure the System is secure and able to respond to security issues if they arise.

**E. Consideration of Development Phase Issues.**

1. The manner of incorporating preventative maintenance between election cycles of both the software and hardware as a specification to apply when developing a System.
2. The steps required for the City to complete and then submit an application for review and approval by the California Secretary of State for use of a System's software and hardware and for approval related to subsequent changes to a System's software or hardware.
3. The possible challenges that may occur when applying for the Secretary of State's review of the System for approval and whether any related challenges might impact the development and implementation of a System or any of its components.

4. Whether the available options allow for dividing System development into components.
5. The methods the City can implement to address public responses to the posted software code for matters such as deficiencies, incorrectness, requests to contribute, etc., and how to manage such interactions over time.
6. The possible approaches to addressing issues found during the certification process such as should the contractor responsible fix the issues or should the City have a separate contractor review the issues and cure them.
7. The areas or points in development that might cause cost overruns and delays which would result in missing established development deadlines.
8. The criteria the City must develop to identify the best hardware components to include with a System and ensure that the software development allows for providing voters with hardware that facilitates the highest levels of accessibility and usability.
9. The approaches during development to follow to ensure System integrity and security during the entirety of a System's use and whether System integrity and security would need to be developed as separate components of a System rather than developed as an element of the overall design.
10. The feasibility of collaborating with other jurisdictions or entities.
11. The feasibility of incorporating technology or software developed by another jurisdiction or entity.

**F. Consideration of Post Development Phase Issues.**

1. The City's responsibilities for maintaining any licenses associated with a System, including any costs associated with maintaining the original open source, copyleft license.
2. The methods or approaches to implement a System, such as implementing a System in its entirety citywide in all polling places, implementing a System or components or modules of a System in some polling places as part of a pilot program for public use of a System, pilot-testing a System, etc.
3. The storage, maintenance, transport, and upgrading of a System between and during election cycles.
4. Obtaining approval for use of a System from the Secretary of State after the City modifies or upgrades any of the System's components.
5. The level of training necessary for Department personnel, poll workers, and users relevant to a System's operation, maintenance, transport, and repair during Election Day.

**G. Consideration of the following Issues regarding Costs.**

1. The long-term total cost of ownership of a System under various options.
2. Assessments of the costs the City can expect in relation to the available options during the various terms of a System's lifecycle:
  - a. Assessing criteria for a System and its components.
  - b. Developing software and firmware.
  - c. Identifying or developing a System's hardware to operate with the software developed for a System.

- d. Costs associated with applying for and obtaining the Secretary of State's approval to use the System.
  - e. Manufacturing costs for any non-COTS components.
  - f. Testing methods necessary for the System's software and hardware components during the development phase as required under each available option.
  - g. Implementing a System into the Department's operations, including training poll workers and City personnel, preparing use procedures, changing existing processes to accommodate a new System, etc.
  - h. Costs associated with updating a System's software and hardware due to changes in law, the Department's operations, and voters' preferences.
3. Consideration of costs if the City were to partner with other jurisdictions to develop a System, which must include a review of how such partnerships could occur in practice, and the manner by which each jurisdiction would have input into the development of a System.
  4. Partnering with non-profit or commercial entities in a public-private partnership.
  5. Assess whether costs can be reduced by obtaining funding from other sources like the State of California.
  6. Assess whether other organizations or companies could contribute to the project by providing funding, resources, and technical skills.

### **III. Submission Requirements**

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

Proposals must be received by 5:00 p.m., Pacific Standard Time (PST), July 12, 2017. The Department will only accept proposals submitted electronically, as follows.

1. Submit an electronic copy of the proposal and required CMD forms via e-mail at the following address, [reg.rfp@sfgov.org](mailto:reg.rfp@sfgov.org), and with the following subject, "Proposal for Preparing a Business Case for Developing a Highly Accessible, Open Source Voting System."
2. Questions regarding this RFP must be sent via e-mail to the following e-mail address no later than 5:00 p.m., PST, June 5, 2017: [reg.rfp@sfgov.org](mailto:reg.rfp@sfgov.org)

#### **B. Content**

Submit the following information, in the order specified below:

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

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

**2. Project Plan** (up to 12 pages)

A description of the services and activities that the Contractor proposes to provide to the City. Include the following information:

- a. How the Contractor will provide information relevant to the deliverables described in Section II., Scope of Work.
- b. The Contractor's ability to complete the project within the City's required schedule, including a listing of Contractor-based milestones that demonstrate key markers that indicate the Contractor is progressing successfully and will provide the final draft of the business case by the January 26, 2018 deadline.
- c. The Contractor's overall approach to conducting the work.
- d. If applicable, describe how tasks associated with the preparation of the business case would be assigned within the Contractor's work team or organization.

**3. Contractor/Sub-Contractor Qualifications** (up to 3 pages for each firm)

Provide information on the Contractor's and, if applicable, each subcontractor's background and qualifications, which addresses the following:

- a. Name, address, and telephone number of contact persons for each participating entity.
- b. A description of the services that the Contractor provides, as well as how any joint venture or association would be structured and the services provided by subcontractor participant.
- c. For the Contractor, and any subcontractor, a description of the relevant project experience that corresponds to the deliverables stated in Section II., Scope of Work. Where appropriate, briefly describe the expected approach to preparing the business case, including insights and issues associated with the program area, and/or tasks or deliverables. Include any relevant information associated with similar clients as the City, budgets for similar projects, schedules, and project summaries.
- d. A description of the Contractor's experience developing, implementing, or supporting the use of voting systems and voting equipment, including their maintenance, testing, upgrading, the providing of training to poll workers and elections officials, or evaluating the effectiveness of voting systems.
- e. A description of any experience in analyzing the business, technical, and operational models for voting systems.
- f. Information on experience developing software, especially instances when the Contractor was the project lead or project manager for developing software, and responsible for implementing the software for end-user interfacing with hardware.
- g. A description of any relevant experience in advising public sector entities on developing or implementing a voting system, large software projects, and/or large technical projects over the past 10 years, especially focusing on experiences in project scoping and analyzing costs associated with large technical projects.



#### IV. Evaluation and Selection Criteria

The City intends to select a Contractor with a record of success in assessing the feasibility of options relevant to large technical and software development projects, such as developing voting systems, for the public sector; and also assessing the costs and time frames associated with identified possible options.

Process and Scoring Summary			
Step	Description	Criteria	Total Points
One	Minimum Qualifications	Pass/Fail	No points
Two	Evaluation of written proposals	<ul style="list-style-type: none"> <li>1. Understanding of the project. (10 points).</li> <li>2. Understanding of the Scope of Work. (20 points).</li> <li>3. Project plan clearly states how the proposer will meet the project's goals. (20 points).</li> <li>4. Project plan provides certainty the project will be completed according to the RFP's requirements, including the meeting of deadlines and costs. (40 points).</li> <li>5. Proposal indicates proposer possesses relevant experiences and skills to fulfill the project. (40 points).</li> </ul>	130 Points
Three	Oral interviews (three or fewer of the top ranking proposals).	Panel scoring of responses to standard questions.	30 Points
Final		Combined scores from Steps Two and Three.	160 Points

**A. Step One: Evaluation of Minimum Qualifications on a Pass/Fail Basis. (No points)**

Proposers must demonstrate that they meet the following minimum qualifications by completing Appendix E, Minimum Qualifications Worksheet. Any proposal that does not demonstrate that the proposer meets these minimum requirements will be considered non-responsive and will not be evaluated by the selection panel.

1. Experience in three or more large projects within the last ten years for which the proposer evaluated options for developing or implementing technologies or software to meet specific operational requirements.
2. Experience within the last ten years in preparing three or more written assessments of development models for large technical and/or software development projects, which included costs and timelines.

**B. Step Two: Evaluation of Written Proposals. (130 points total)**

The proposals will be evaluated by a selection committee composed of individuals with expertise in subject matter areas relevant to this RFP.

The selection panel will interview no more than three respondents who received the highest scores. The City reserves the right to accept the most responsive proposal that offer the City the best value and certainty for successfully completing the project.

The selection panel will assign the highest scores to those proposals that demonstrate that the proposer has an understanding of the project's goals, carefully considered the scope of work, submitted a clearly stated project plan, developed a project plan that provides certainty that the project's goals will be met and within the set deadline, indicated the experience and abilities to successfully perform and complete the work, and indicated an appropriate cost to successfully complete the project.

**1. Demonstrates an understanding of the project's goals. (10 points)**

- a. Proposal indicates that the proposer will assess the feasibility of the City's options to develop an accessible, open source voting system.
- b. Proposal indicates that the proposer will assess the costs associated with and time necessary to fulfill each feasible option.

**2. Demonstrates a responsiveness to the scope of work. (20 points)**

- a. The overall proposal is clearly written and organized in a manner that reflects close attention to the scope of work.
- b. The project plan clearly indicates the proposal is based on the deliverables stated in the scope of work.

**3. Provides a clearly stated project plan. (20 points)**

- a. Provides an outline that exemplifies an organized approach to meeting the project's goals.
- b. Provides a project plan that indicates the proposer is able to prepare a business case that will encompass and address the deliverables included in the scope of work.

- 4. Provides certainty that the project will be successfully completed. (40 points)**
  - a. Provides a timeline relevant to the scope of work.
  - b. Sets and clearly states milestone dates for completing specific parts of the business case, which are identified in the project plan.
  - c. Provides a statement and examples indicating that the proposer possesses the resources and available time to successfully fulfill the project's goals.
  - d. Provides a statement on the project management approach, and the organization of staff, if applicable.
- 5. Indicates proposer possesses appropriate experience and skills. (40 points)**
  - a. Describes experiences and skills relevant to the project.
  - b. Provides descriptions or examples of previous work product relevant to the project.
  - c. Provides proof of completed, similar projects within the previous ten years, including providing relevant references.
  - d. Provides proof of meeting schedules, deadlines and budgets in completed, similar projects.

**C. Step Three: Selection Panel Conducts Oral Interviews (30 points)**

Following the evaluation of the written proposals, as many as three proposers receiving the highest scores may be invited to an oral interview. Interviews will be worth up thirty points.

**V. Contract award**

**A. Pre-Proposal Conference**

The Department will not hold a pre-proposal conference regarding this RFP.

**B. Contract Award**

The selection panel will select a proposer with whom the City shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiations and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time, the City, in its sole discretion, may terminate negotiations with the highest ranked proposer and begin contract negotiations with the next highest ranked proposer.

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, which is attached as Appendix C.

**C. Term of Contract**

The City expects the Contractor to complete and submit the business case by January 26, 2018. The contract shall have a term that reflects this time frame.

## **VI. Terms and Conditions for Receipt of Proposals**

### **A. Errors and Omissions in RFP**

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

### **B. Inquiries Regarding RFP**

Inquiries regarding the RFP and including requests for modification or clarification of the RFP, must be directed by e-mail to the Department:

E-mail: [reg\\_rfp@sfgov.org](mailto:reg_rfp@sfgov.org)

Subject: Inquiry: **REG RFP #2017-01**

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

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

### **D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing Bid Addendum(s), which will be posted on the Department's website as well as the Office of Contract Administration's site. The proposer shall be responsible for ensuring that its proposal reflects any and all Bid Addendum(s) issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Bid Addendum(s).

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

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

### **F. Revision of Proposal**

A proposer may revise a proposal on the proposer's own initiative at any time before the submission deadline. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the submission deadline.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

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

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

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

#### **H. Financial Responsibility**

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

#### **I. Proposer's Obligations under the Campaign Reform Ordinance**

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which asserts the following:

1. 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.
2. 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 following.
  - a. The officer's re-election campaign.
  - b. A candidate for that officer's office.
  - c. A committee controlled by the officer or candidate.
3. 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.

4. Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:
  - a. **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.
  - b. **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.
  - c. **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.
5. For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

#### J. Sunshine Ordinance

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

Information provided which is covered by this paragraph will be made available to the public upon request.

#### K. Public Access to Meetings and Records

If a proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

**L. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City to actually enter or execute any contract. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure.
2. Reject any or all proposals.
3. Reissue another request for proposals.
4. Prior to the submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals.
5. Procure any materials, equipment or services specified in this RFP by any other means.
6. Determine that no project will be pursued.

**M. No Waiver**

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

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

The requirements of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the San Francisco Administrative Code as it now exists or as it may be amended in the future (collectively the “LBE Ordinance”) shall apply to this RFP.

**O. LBE Subconsultant Participation Goals**

The Department will post an addendum regarding possible sub-consulting goals.

**1. LBE Participation**

The City strongly encourages proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount will be in effect for the award of this project for any proposers who are certified by CMD 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 CMD 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% bid discount shall be applied to Small LBEs and Micro-LBEs bidding as primes; or
- b. A 2% bid discount will be applied to an SBA-LBE, except that the 2% discount shall not be applied at any stage if it would adversely affect a Small LBE or Micro-LBE bidder.

## **2. Applying for a Rating Discount as a Joint Venture**

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. CMD Forms to be Submitted with Proposal**

- a.** All proposals submitted must include the following Contract Monitoring Division (CMD) Forms contained in the CMD Attachment 2:
  - i.** Form 2A: CMD Contract Participation Form.
  - ii.** Form 3: CMD Non-Discrimination Affidavit.
  - iii.** Form 4: CMD Joint Venture Form (only if applicable), and
  - iv.** Form 5: CMD Employment Form.
- b.** A proposal may be determined as being non-responsive and may be rejected if the abovementioned CMD Forms are not submitted with the proposal.
- c.** Submit an electronic copy of the completed, signed forms listed above with the proposal.
- d.** Contact Shane Burgos at the Department at (415) 554-6991 regarding questions associated with the CMD Forms.

## **VII. Contract Requirements**

### **A. Contract Execution**

The successful proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, which is attached as Appendix C. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsements, 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 Contractor and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits, (§10.5 in the Agreement); the Minimum Compensation Ordinance (§10.7 in the Agreement); the Health Care Accountability Ordinance (§10.8 in the Agreement); the First Source Hiring Program (§ 10.9 in the Agreement); and applicable conflict of interest laws (§ 10.2 in the Agreement), as set forth in paragraphs B, C, D, E and F below.

**B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the CMD's website at [www.sfCMD.org](http://www.sfCMD.org).

**C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires Contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see §10.7 in the Agreement.

For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that Contractors will be required to pay any such increases to covered employees during the term of the contract.

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

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

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgov.org/olse/hcao](http://www.sfgov.org/olse/hcao).

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

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires Contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at <http://www.workforcedevelopmentsf.org/> and from the First Source Hiring Administrator, (415) 401-4960.

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

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

### **VIII. Protest Procedures**

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

Within five working days of the City's issuance of a notice of non-responsiveness, any Contractor 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 RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

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

Within five working days of the City's issuance of a notice of intent to award the contract, any proposer that has submitted a responsive bid and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day after the City's issuance of the notice of intent to award.

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

**C. Delivery of Protests**

All protests must be received by the relevant 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:

**E-mail:**

[reg.rfp@sfgov.org](mailto:reg.rfp@sfgov.org)

Subject: **Protest: REG RFP #2017-01**

**U.S.P.S. or Delivery Service:**

Department of Elections  
1 Dr. Carlton B. Goodlett Pl, #48  
San Francisco, California 94102