

City and County of San Francisco

Request for Proposals for Leasing or Renting a Voting System



REG RFP #2018-01

Date Issued:	February 1, 2018
Pre-Proposal Conference:	February 9, 2018, 10 a.m.
Proposals Due:	February 28, 2018, 5 p.m.

**City and County of San Francisco
Request for Proposals for Leasing or Renting a Voting System**

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction and Schedule	1
II. Scope of Work	3
III. Submission Requirements	10
IV. Evaluation and Selection Criteria	12
V. Pre-Proposal Conference and Contract Award	19
VI. Terms and Conditions for Receipt of Proposals	20
VII. Contract Requirements	27
VIII. Protest Procedures	29

Appendices:

- A. Standard Forms: Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code.
- B. Agreement for Professional Services (Form P-600), which is a separate document to this RFP.
- C. Insurance Requirements During Pilot Programs.

City and County of San Francisco

Request for Proposals for Leasing or Renting a Voting System

I. Introduction and Schedule.

A. Introduction.

The City and County of San Francisco (City) is issuing this request for proposals (RFP) to lease or rent a voting system that the California Secretary of State (SOS) has approved for use in California, which can fully conduct ranked-choice voting elections, and which provides ballot content in English, Chinese, Filipino, and Spanish. The City's Department of Elections (Department) will administer the processes associated with this RFP.

The City intends to enter an agreement that begins in January, 2019. Proposers are advised to develop proposals for a lease or rental agreement that contemplates initial terms of two, three, and four years. Additionally, each proposal should also include a maximum of three one-year options that would only be exercised after the initial term expires. The cost of any agreement is not to exceed \$14 million. Any final agreement will require the Proposer to maintain a performance bond for the duration of the agreement in the amount of \$1.5 million.

Currently, the Department serves approximately 500,000 voters and organizes nearly 600 polling places each election. In City Hall, the Department stages one Voting Center and also receives and processes returned vote-by-mail ballots. The Department operates an offsite warehouse in which voting equipment is stored, maintained, and also staged for transport to and from the polling places.

The City's purpose in leasing or renting, rather than purchasing, a voting system is to increase the City's flexibility in adopting better technologies and/or transitioning to different voting models during the term of the contract. For instance, under the agreement, the Contractor will replace voting equipment with newer or updated equipment without additional costs to the City.

One possible model the City may adopt is all voters receiving vote-by-mail ballots and the Department organizing several Vote Centers as defined under the California Voter Act (SB 450). The final agreement will require the successful Proposer to provide the necessary equipment and services associated with the City adopting different service models without additional costs to the City.

The City's policies associated with voting systems support the use of open source software and commercial-off-the-shelf (COTS) components. The City is currently assessing the feasibility of its options to develop a highly accessible, open source voting system. The City may potentially seek to implement pilot programs using open source components alongside the use of the leased or rented system. Additionally, the City may seek to install components of an open source voting system that have been approved by the SOS to use in place of certain components of the leased or rented system.

The selection process associated with this RFP will include Pilot Programs that allow members of the public to use and assess the proposed systems. To participate in the Pilot Programs, selected Proposers must provide complete, fully functioning systems and all necessary equipment and support. The assessments provided by members of the public will be included in the evaluation scoring of the selected systems.

The Department intends for its Voting Accessibility Advisory Committee to assist in developing the evaluation methods for reviewing the voting systems during the Pilot Programs. Voting systems that provide the highest levels of accessibility for voters, especially those with disabilities and seniors, may receive additional points added to their evaluation scores.

The Department practices and promotes the City's open data initiatives and has for several years posted data sets on its website in machine-readable formats. The Department intends to continually increase the data that is publicly available in open formats, including data generated by the leased or rented system. Relatedly, the Department intends to post cast vote records and the system's adjudications of each marking of votes.

Proposers' responses to this RFP must also describe the functionalities of their systems that support the Department in implementing risk-limiting post-election audits. The Department is most interested in conducting ballot-level audits of multiple contests simultaneously. Ballot-level audits are likely the most efficient type of audit in assessing, and predicting, whether election results for one or more contests are valid.

A primary reason for the City's preference to obtain an image-based voting system is that such systems can more effectively support the implementation of risk limiting post-election auditing. Further, systems that can append the interpretation of each vote-marking to ballot images could provide an additional layer of review regarding the system's accuracy. Appending the interpretation records to the ballot images can provide a type, or hybrid, of transitive auditing in which there are two statements of election results, one based on the results reported and a second audit based on the tallying of the interpretations of the vote-markings.

The Department cryptographically hashes all results reports and documents associated with the certification of elections. For the past few years the Department has applied a SHA-512 cryptographic hash to all daily results reports, including reports for ranked-choice voting elections, as well as the statement of the vote, and the letter of certification the Department submits to the Board of Supervisors for the Board's formal declaration of the election results.

The Department expects to extend this practice to other reports the leased or rented system generates such as transaction log reports. Proposers may obtain additional points to their evaluation scores for systems that facilitate the hashing of results reports and other system-related information and data upon issuance of such data. Ideally, at the time the system generates results reports, the system will also generate a cryptographic hash for the content that can be posted on the Department's website.

The Department encourages Proposers to provide solutions regarding the disposition of the City's current voting system. Any disposition of the current system must comply with the California Secretary of State's (SOS) requirements that, prior to disposal, all software and firmware be removed so that the system and all equipment are non-functioning.

B. Schedule.

Following is the anticipated schedule for selecting a proposal:

<u>Proposal Phase</u>	<u>Date</u>
City issues the RFP	February 1, 2018
Pre-proposal conference	February 9, 2018
Deadline for submission of written questions or requests for clarification	February 23, 2018
Proposals due	February 28, 2018
Oral interviews (if requested by the selection panel)	March 15, 2018

II. Scope of Work.

All descriptions and requirements stated in Section I of this RFP are to be considered inclusive to the Scope of Work stated in Section II.

A. Minimum Requirements.

1. Minimum Qualifications: Required Criteria for Reviewing Any Proposal.

All proposals must represent voting systems that fulfill the following minimum qualifications. Any proposal representing a system that does not meet the minimum qualifications will not be eligible for review by the selection panel evaluating the proposals.

- a. Provide a System and All Necessary Equipment.** The Proposer must provide a system and all necessary equipment to conduct elections that meet the following criteria:
 - i.** Approved by the SOS.
 - ii.** Supports up to 600,000 registered voters.
 - iii.** Uses paper ballots.
 - iv.** Supports accessible voting to occur in 600 polling places.
 - v.** Provides for the tabulating of ballots on-site in each polling place.
 - vi.** Allows for the printing of hard copy results reports of votes cast at each polling place for posting at each polling location.
 - vii.** Supports the processing of vote-by-mail ballots comprised of up to five ballot cards.
 - viii.** Ability to process 1.5 million returned vote-by-mail ballot cards within a three-week time period during which over 200,000 ballot cards arrive on Election Day.
 - ix.** Ability to process provisional ballots returned from polling places.

- b. System Approved by the SOS under 2014 Standards.** The City will only consider proposals associated with voting systems approved by the SOS under the California Voting System Standards issued in October 2014. These standards are hereby incorporated by reference to the scope of work for this RFP. A link to the SOS' website to the 2014 Voting System Standards follows:

<http://elections.cdn.sos.ca.gov//pdfs/california-voting-system-standards.pdf>

- c. System Capable of Conducting All Types of Elections.** Systems must be capable of conducting all regular, consolidated, recall, special, and district elections. In the event the Department must prepare for more than one election simultaneously, the system must facilitate preparations and ballot formatting for multiple, separate elections within the same time frame.
- d. Ranked-Choice Voting Elections.** The voting system approved by the SOS must be capable of fully conducting ranked-choice voting elections (RCV) in accordance with San Francisco Charter (Charter) section 13.102, and in a manner that allows all of the systems' vote accumulation and tallying to be fully auditable using the systems' transaction audit logs.

The Charter stipulates that ranked-choice ballots provide as many rankings as there are candidates in a contest, and no less than three rankings if it is impossible for the system to provide the rankings equal to the number of candidates. A link to Charter section 13.102 follows:

[http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/articlexiiiielections?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sanc=JD_13.102](http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/articlexiiiielections?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_13.102)

- e. Certain Non-Citizens Voting in School Board Elections.** The proposed systems must facilitate the conducting of elections for certain non-citizens to vote only in school board elections in accordance with Charter section 13.111, which voters adopted during the November, 2016, election as local Proposition N. The elections involving non-citizens will occur simultaneously with the City's regularly scheduled general elections. A link to Charter section 13.111 follows:

[http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/articlexiiiielections?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sanfrancisco_ca\\$sanc=JD_13.111](http://library.amlegal.com/nxt/gateway.dll/California/charter_sf/articlexiiiielections?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$sanc=JD_13.111)

- f. Support Multiple Languages.** The proposed systems must allow for official ballot content to be formatted in English-Chinese, -Filipino, and -Spanish in hard copy, digital, and audio formats. The system must also allow the Department to format facsimile ballots in English-Korean and -Vietnamese. The systems must demonstrate the capability to increase the number of languages available for ballot formatting.

- g. Image-Based Systems.** All proposals must represent voting systems using technology that captures images of ballot cards and is able to tabulate vote tallies from the images. The systems must capture all ballot images from all ballot cards voted at polling places and by vote-by-mail voters. The systems must also be capable of accumulating both sets of ballot data for tallying and results reporting. While not an element included in the minimum qualifications for reviewing proposals, the City prefers an imaged-based system that will facilitate the formatting and issuing of ballots to voters using a remote accessible vote-by-mail voting system.
- h. Adjudication Programs or Applications.** The systems represented in all proposals must facilitate an image-based adjudication application or program that describes how the systems interpreted each vote-marking. The systems must either incorporate an adjudication application or program into the functions of the base system as approved by the SOS, or, the systems must facilitate an adjudication function that is separate from the base systems but have also obtained approval from the SOS.
- i. Participation in Pilot Programs.** Any proposed systems selected to participate in the Pilot Programs must be fully functioning during the Pilot Programs and include all necessary equipment in accordance with the approval granted by the SOS. The Proposers must also provide all necessary support to set up, test, and operate the system in a manner similar to the systems' use when conducting elections. At the time of submitting their proposals, Proposers must assert that their systems currently are able to fully participate in the Pilot Programs and provide users with all of the systems' functionalities.

B. Contractors Must Demonstrate the Ability to Do Business with the City.

- 1. Contractors must comply with laws set forth in San Francisco's Municipal Codes.** This RFP references some of these laws and other laws are found in the sample terms and conditions in the attached model contract (Form P-600) as Appendix B.
- 2. Administrative Code Chapter 12X, Company Headquarters in Certain States.** This Contract is subject to the requirements of Administrative Code Chapter 12X, which prohibits the City from entering into contracts with companies headquartered in states with laws that perpetuate discrimination against LGBT populations or where any or all of the work on the contract will be performed in any of those states. Proposers are hereby advised that Proposers 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. The states on the Covered State List is available at the website of the City Administrator using the following link:
<http://sfgsa.org/chapter-12x-anti-lgbt-state-ban-list>.

C. System Features.

1. Accessibility.

The Department encourages Proposers to highlight features of their systems which exceed any accessibility requirements included in the 2014 Voting Systems Standards.

Proposers are also encouraged to describe their commitment to improving access to voting by indicating how Proposers could implement future versions of the proposed systems, or new systems and equipment, under the lease or rental agreement that increase voting options and enhances access to voting.

2. Open Source Software.

While the City considers the feasibility of its options regarding the development of a highly accessible, open source voting system, the City expects the leased or rented system to facilitate the development and installation of open source applications and tools using data extracted from votes tabulated using the system's ballots, equipment, and software. Such applications or tools include a method that allows the public to tally votes using the ballot images posted on the Department's website and provides for conducting risk-limiting post-election audits using the posted ballot images and adjudication records.

The City may potentially seek to implement pilot programs using open source components alongside the use of the leased or rented system. Additionally, the City may seek to install components of a voting system that have been approved by the SOS, and developed using open source software, in place of certain components of the proposed systems.

- a.** Systems that utilize open source software and COTS components may receive additional points added to their evaluation scores.
- b.** For those systems not utilizing open source software, the Department encourages Proposers to demonstrate programs or applications that use open source code to verify their systems are functioning correctly. Examples of such applications or programs follow:
 - i.** Methods to utilize risk-limiting audits.
 - ii.** Allows members of the public to tally votes from ballot images and cast vote records that the Department posts on its website using open source programs or applications.
 - iii.** Methods to catalogue and report transaction log data.
- c.** The selection panel may add bonus points to proposals for systems that apply a Version 3, GNU General Public License to any of the proposed systems' components or associated applications.
- d.** The selection panel may also add bonus points for open source software programs and applications that apply copyleft permissions.

3. Ranked-Choice Voting.

In addition to the criteria listed in the minimum requirements, the proposed systems must accurately collect votes cast in RCV contests from all equipment staged in polling places, the City Hall Voting Center, and all returned vote-by-mail ballots. The systems must then combine the votes from the various voting equipment and tabulate the votes. The systems must also issue results reports of all votes cast on each ballot card for each RCV contest, report round-by-round tallying of the compiled votes from each ballot card for each RCV contest, and in a manner that allows for reviewing whether the systems accurately accumulated, tallied, and reported votes from the various equipment. The proposed systems must also account for resolving ties when using the ranked-choice method when one candidate did not obtain a majority of first-choice votes.

4. Open Data Initiative.

The Department practices and promotes the City's Open Data Initiative and continually seeks to increase the data sets available to the public and posted on the Department's website. To further the City's Open Data Initiative, the Department intends to post on its website the cast vote records and the system's adjudications of each vote-marking. The Department realizes the file formats for such data sets may not be machine-readable or fully comply with standard definitions of "open data"; however, providing these data sets to the public does increase the level of transparency for the City's elections and will be available to any user. Proposers are encouraged to list and describe other system- or election-related data sets that their systems can generate in machine-readable, open data formats, and any data which increases the transparency of election-related processes.

5. Warranty.

For the duration of any final agreement, the selected system will be under full warranty. The warranty will cover all aspects of the voting system, including all equipment and all components attached or necessary to functionally use the equipment to conduct elections in the City. The warranty must also cover any software or firmware patches, fixes, and updates, including any associated installation, testing, approval by the SOS, and the necessary support to implement the changes.

6. Adjudication of Ballot Markings.

The Department intends to post all ballot images on its website to increase the transparency of vote tallying and election results. Additionally, the Department intends to post information indicating how the system interpreted each vote-marking for each contest on every ballot. All proposals must clearly state and provide examples of how the related systems will facilitate adjudications and the posting of the ballot-specific adjudication records for each vote-marking and related data sets on the Department's website.

7. Risk-Limiting Post-Election Auditing of Election Results.

Proposers must describe how their systems will support the application of risk-limiting post-election audits. Proposers must indicate how or whether their systems support the following:

- a. Ballot-level comparisons using the systems' cast vote records or adjudication programs or applications.
- b. Simultaneous audits of multiple contests.
- c. Determining if appended adjudication records can be utilized in a manner similar to conducting a transitive audit of results.
- d. Whether the system supports the production of a ballot manifest to allow for identifying and gathering the physical, randomly selected ballot cards for auditing. One example is describing whether the systems' scanners can imprint an inventory number or code onto ballot cards after scanning occurs. Then, describe whether the systems can export the numbering in a manner the Department could cross-reference when gathering cards that were randomly selected for auditing.

8. Pilot Programs to Assess the Proposed Systems.

The Department will organize Pilot Programs allowing the Department, members of the selection panel, and members of the public to use and assess the proposed systems. All Proposers whose bids meet the minimum qualifications associated with this RFP must participate in the Pilot Programs. The Pilot Programs will occur inside and immediately adjacent to the Department's office in City Hall.

Proposers will provide all hardware and software components for their systems. All components of the proposed systems must have received SOS approval prior to the time proposals are submitted in response to this RFP. The Department's Voting Accessibility Advisory Committee (VAAC) will provide input on the methods used by members of the public to assess the voting systems. The Department will then ask participants to provide their evaluations of the proposed systems. The selection panel will review these evaluations when scoring the proposals.

a. System Requirements During the Pilot Programs.

- i. During the Pilot Programs, the proposed systems shall be fully functional and meet all of the requirements for conducting elections in San Francisco, including ranked-choice voting elections and elections in which certain non-citizens can vote for school board members.
- ii. The Department will provide content for the ballots to use during the Pilot Programs and Proposers will be responsible for formatting and printing ballot cards using the content. Proposers will be responsible for preparing any digital versions of the ballot content as well.

b. Proposers Responsible for System Support During the Pilot Programs.

- i. During the Pilot Programs, each Proposer must provide all support necessary to provide users with fully functioning systems.
- ii. Proposers must deliver, install, set-up, test, operate, support, maintain and remove the proposed systems.
- iii. Proposers must provide full disclosure on all potential error/omission messages and their exact definitions and consequences must be given prior to

the start of the Pilot Programs.

D. System Support Services.

1. Installation of the System.

The Proposer selected under this RFP will be responsible for all aspects of the initial implementation of the system. The Proposer will also be responsible for providing the necessary materials and documentation associated with system implementation to the Department.

- a.** Initial acceptance testing to ensure all system components are operating according to specifications as approved by the SOS.
- b.** Deliver entire system and all components to the City as directed by the Department.
- c.** Prepare the system network to ensure the system is secure and operating properly.
- d.** Installation of all components to fully conduct elections.
- e.** Provide system documentation.
 - i.** Use Procedures.
 - ii.** Training materials.
 - iii.** Maintenance plans and procedures.
- f.** Approval testing to verify that all installed components operate properly, operate as a complete, fully-functioning system, and in accordance with the approval of the system by the SOS.
 - i.** Conducting end-to-end testing on the system prior to final approval.
 - ii.** Preparing the system for and conducting logic and accuracy testing using scripts approved by the Department.
 - iii.** Conducting functional testing that includes stress testing of the system to ensure that all components will properly process the volumes of materials and data similar to volumes the Department expects during an election cycle.

2. Training and Instruction.

The final agreement will require the selected Proposer to provide instruction to the Department's personnel to successfully and independently conduct elections using the voting system. All Proposers must describe the manner by which Department personnel will be trained and instructed to successfully and independently use all aspects of the system. Additionally, proposals must include descriptions of the Proposers' ability, upon the request of the Department, to provide on-site support for critical processes such as those listed below, and to also factor such on-site support into the prices for the proposals:

- a.** Formatting ballots.
- b.** Logic and accuracy testing.
- c.** Ballot processing.
- d.** Conducting ranked-choice voting elections.
- e.** Results accumulation.
- f.** Results reporting.
- g.** Equipment repair and preventative maintenance.
- h.** Storage and off-cycle maintenance.

3. Election-Specific Support

The final agreement will set levels of support the successful Proposer must provide to the City during each election regarding the operation and maintenance of the system and including equipment used in the polling places and at the Department's office in City Hall:

- a. Assigning personnel experienced in the operation and maintenance of the system to staff a phone bank on Election Day in City Hall.
- b. Assigning personnel to fulfill roles as field technicians who will support specific geographical areas of the City on Election Day to ensure all equipment is operating appropriately at all polling places and in City Hall.
- c. Assigning personnel during the election cycle and on Election Day who are experienced in repairing the system's equipment.
- d. Assigning personnel to support the system's functions that accumulate voting results data and generate results reports.
- e. Maintaining an inventory of parts for repairing equipment to remove risks that the system or its equipment are inoperable due to a lack of spare parts.
- f. Assigning personnel to assist the Department in performing preventative maintenance and repairs should the Department request assistance.

III. Submission Requirements

A. Deadline for Submitting Proposals.

1. Proposals must be received by 5:00 p.m., on **February 28, 2018**.
2. All proposals must be submitted electronically, excluding faxes, and when printed all documentation must fit on paper that is sized 8.5 x 11 inches.
3. Late submissions will not be reviewed and will be considered as being non-responsive to this RFP.

B. Methods for Submitting Proposals.

1. Acceptable methods of electronic delivery are via e-mail, USB stick, or compact disc.
2. Proposers shall submit all materials associated with their proposals, including all required Contract Monitoring Division (CMD) Forms, in electronic formats.
3. Faxed submissions of proposals will not be accepted and will not be reviewed.
4. E-mail proposals as follows:

Subject Field: Proposal REG RFP #2018-01
To **Leo Samuelson**
Address: reg.rfp.2018-01@sfgov.org

C. Formatting for Proposals.

1. All content associated with all proposals must be submitted in electronic formats, and which allow for printing the content using sheets of paper sized 8.5 x 11 inches.
2. For word processing documents, the Department prefers that the documents provide a table of contents, that text is left aligned, unjustified (i.e., with a ragged-right margin) and that the text is a serif font (e.g., Times New Roman, and not Arial), and that page margins are set to a minimum of one-inch on all sides (excluding headers and footers).

D. Content.

All responses to this RFP must include the following information, in the order specified below. A proposal shall not exceed 65 pages when printed.

1. Introduction and Executive Summary (5 pages maximum).

- a. Each proposal must include a letter of introduction which includes an executive summary of the proposal. Submission of the letter will constitute a representation that the Proposer is willing and able to perform the commitments contained in the proposal. The letter must be signed by a person authorized by the organization to obligate the Proposer to perform the commitments contained in the proposal.

- b. **Certification that United States Headquarters Located in a State in Accordance with Administrative Code Chapter 12X.**

The letter of introduction must also include a statement that identifies the location of the Proposer's United States headquarters and indicates that the Proposer will inform the City if the location of the headquarters changes. Below is sample language to use in this statement:

"I certify that the United States headquarters for [Organization Name] is located at the following address, and that I will notify the City if the location of the headquarters changes:"

Organization Name
Address
City, State, and Zip Code

2. Guidelines for Responses to this RFP (40 pages maximum).

- a. Proposers must address each minimum qualification listed in Sections II. A. and B. and describe the manner that their systems meet the stated minimum qualifications.
- b. Preferably, Proposers will organize the content of the proposal in the order that requirements and information are presented in this RFP.
- c. For Proposers to receive the highest number of points during the selection panel's scoring of the proposals, Proposers will provide descriptions and content regarding their systems' ability to meet all of the criteria included in this RFP as well as the stated preferences for voting system functions and features.
- d. Proposers must describe how they will allocate resources and personnel to fulfill the requirements stated in this RFP to support the Department in successfully conducting elections using the proposed systems.
- e. Proposers, when describing the personnel to be assigned to support their systems' implementation and subsequent use in conducting elections in the City, must describe the responsibilities assigned to specific positions and the roles the positions fill in the Proposers' respective organizations.

3. Contractor's Qualifications (5 pages maximum).

Each Proposer must provide information on the Proposer's background and qualifications which addresses the following:

- a. Name, address, and telephone number of a contact person for matters associated with this RFP.
- b. A brief description of the organization, as well as how any joint venture or association would be structured.
- c. A description of not more than three projects similar in size and scope to the criteria and requirements stated in this RFP and project summaries. Descriptions should be limited to one page for each project. If joint consultants or sub-consultants are proposed provide the above information for each.

4. References (5 pages maximum).

Proposers must provide references who can verify the Proposers' qualifications to fulfill the requirements stated in this RFP. Proposer's references will be used to confirm and verify that the Proposers meet the minimum qualifications. The Proposers' references must include the names, addresses, telephone numbers, and e-mail addresses for at least three but no more than five recent projects. The Department encourages Proposers to provide references from jurisdictions that conduct elections using the ranked-choice voting method.

5. Price Proposals (10 pages maximum).

The City intends to enter a final agreement with the Proposer who the City considers will provide the best overall program services. The City reserves the right to accept other than the lowest priced proposal and to reject any proposals that are not responsive to this request.

Proposers must provide a fee proposal in a separate electronic file or folder:

- a. State the total fee for deliverables with a not-to-exceed figure; and
- b. Hourly rates for all team members. Hourly rates and itemized costs may be used to negotiate changes in the Scope of Work if necessary.

IV. Evaluation and Selection Criteria.

A. Minimum Qualifications.

Minimum Qualifications are listed in Sections II. A and B. Proposers must clearly demonstrate that their systems meet these minimum qualifications. Insufficient or incomplete information may result in a proposal being considered non-responsive and ineligible for entering a final agreement. If required information is complete, but the selection panel determines that the Proposer does not meet the minimum qualifications, the Proposer may be deemed non-responsive.

B. Selection Criteria.

The proposals will be evaluated by a selection panel whose members have experience relative to this RFP. The City intends to evaluate the proposals generally in accordance with the criteria itemized below. Up to three of the Proposers who submitted responsive proposals and whose proposals attained the highest scores may be interviewed by the selection panel. The panel may select less than three Proposers.

Overall Evaluation Process.

The evaluation process will consist of the phases specified below. The selection panel will score the proposals during each phase and will allocate points representing their evaluations of the proposals according to the point totals listed in the following table.

Evaluation Phase	Maximum Points
1. Screening of Minimum Qualifications	Pass/Fail
2. Evaluation of Written Proposals (200 points)	
a. Proposer Meets City Contractor Requirements	20
b. Open Source Software Features	30
c. Ranked-Choice Voting Features	20
d. Supports City’s Open Data Initiative	20
e. Warranty	20
f. Price	20
g. Adjudication Programs or Application	30
h. Supports Cryptographic Hashing of System and Election-Related Data and Reports	20
i. Supports Risk Limiting Post-Election Auditing	20
3. Evaluation of Support Services (60 points)	
a. Installation Plan	20
b. Training and Instruction	20
c. Election-Specific Support	20
4. Evaluation of Pilot Programs (40 points)	
a. Proposers provided full systems	20
b. Assessment of the systems during the Pilot Programs by members of the public, especially in relation to the systems’ accessibility features.	20
5. Evaluation of Oral Interviews (if applicable) (10 points)	10
TOTAL	310

1. Screening of Minimum Qualifications.

The selection panel will review the proposals to assess whether the proposals clearly indicate the Proposers' systems meet the minimum qualifications referenced in Sections II. A. and B. of this RFP. The level of review of the minimum qualifications is a pass or fail determination, and will not be scored. Only those proposals that meet the minimum qualifications are eligible to proceed to the succeeding evaluation phases.

The City reserves the right to request clarifications from Proposers prior to rejecting a proposal for failing to meet the minimum qualifications. Clarifications are limited exchanges between the City and Proposers for the purposes of clarifying certain aspects of the proposals and will not provide Proposers the opportunity to revise or modify their proposals.

2. Evaluation of Written Proposals (total of 200 points available for this phase).

The selection panel will evaluate the proposals generally in accordance with the criteria itemized below.

a. Proposers Meet City Contractor Requirements (20 points).

The City's Contracts Monitoring Division (CMD) will review the documentation that Proposers submit to determine whether, at the time of submitting the proposals, Proposers meet all of the requirements necessary for Contractors to do business with the City. After verifying with CMD that Proposers have met the City's requirements for contractors, the Department will inform the selection panel.

b. Open Source Software Features (30 points).

The City supports voting systems using open source software and based on commercial off-the-shelf (COTS) hardware. Evaluations of Proposers' proposals will determine the ability of the systems to incorporate open source components or applications and COTS hardware.

- i.** Uses or has the ability to incorporate open source components, programs, or applications into or in conjunction with the Proposer's system.
- ii.** Uses or has the ability to incorporate COTS hardware.
- iii.** Supports programs or applications to conduct post-election risk-limiting audits using open source programs or applications incorporated into or in conjunction with the Proposer's system.
- iv.** Uses or has the ability to incorporate open source software applying Version 3, GNU General Public License with copyleft permissions.
- v.** Uses or has the ability to incorporate open source applications such as a method for the public to tabulate election results using posted ballot images.

c. Ranked-Choice Voting (RCV) Features (20 points).

A determination of the systems' functionalities associated with conducting ranked-choice voting elections. Including the requirements stated in the minimum qualifications, systems will be evaluated on the functionalities of their RCV applications.

- i.** Ability to format more than one RCV contest on the same side of one ballot card.
- ii.** Ability to format more than one RCV contest on both sides of the same ballot card.
- iii.** Ability to format RCV contests on the same side of a ballot card that also includes non-RCV contests.
- iv.** Ability to list a number of rankings equal to the number of nominated candidates.

d. Supports City's Open Data Initiative (20 points).

The Department practices and promotes the City's open data initiatives. An evaluation of the proposals will determine the ability of the Proposers' systems to increase the data available in machine-readable formats for posting on the Department's website and made available to the public.

e. Warranty (20 points).

During the term of a lease or rental agreement, Proposers will ensure a warranty on all aspects of their systems. The warranty must also cover any software or firmware patches, fixes, and updates, including any associated installation, testing, approval by the SOS, and necessary support to implement the changes.

- i.** Proposer indicates the lease or rent agreement will provide warranty for hardware.
- ii.** Proposer indicates the lease or rent agreement will provide warranty on all software, firmware, patches, and fixes, including those required by the SOS or by changes in law.

f. Price (20 points).

The City intends to award this contract to the Proposer that the City considers will provide the best overall services. The City reserves the right to accept other than the lowest priced proposal and to reject any proposals that are not responsive to this RFP.

However, the price for leasing or renting a system and the provision of all support services is not to exceed \$14 million in the final agreement. This includes the City possibly transitioning, without incurring additional costs, from conducting elections using polling places to a model in which all voters receive vote-by-mail ballots and the Department also organizes several Vote Centers as defined under the California Voter Act (SB 450).

The Price Proposal score will be determined by the equation below and will be based on the total price proposal.

$$\text{Score} = (\text{Lowest Proposed price} / \text{Proposer's price}) \times (\text{max Price points possible})$$

g. Adjudication Programs or Applications (30 points).

The City prefers a system with a robust ballot adjudication program or application that clearly explains how the system interpreted each vote-marking, on each ballot card, and for each contest and measure, and which is incorporated into the system's functions as approved by the SOS.

- i.** Proposed system incorporates an adjudication program or application that is referenced in the SOS' approval documentation for the system.
- ii.** Proposed system utilizes an adjudication program or application that is not referenced in the SOS' approval documentation for the system but which a separate entity developed and which the SOS approved for use in California.
- iii.** The adjudication program or application operates seamlessly with tabulation processes with minimal additional steps or processing.
- iv.** The adjudication program or application exports interpretations of vote-markings for posting on the Department's website.
- v.** The adjudication program or application provides easy-to-read ballot-level reports.
- vi.** The adjudication program or application provides clear association between adjudication reports and the original ballots.

h. Supports Cryptographic Hashing of System- and Election-Related Data and Reports (20 points).

The Department applies SHA-512 cryptographic hashes to all daily results reports, including results reports for ranked-choice voting elections, as well as the statement of the vote, and the letter of certification the Department submits to the Board of Supervisors to formally declare the results of an election.

Definition:

A **cryptographic hash function** is a special class of [hash function](#) that has certain properties which make it suitable for use in [cryptography](#). It is a mathematical [algorithm](#) that [maps](#) data of arbitrary size to a [bit string](#) of a fixed size (a hash) and is designed to be a [one-way function](#), that is, a function which is [infeasible](#) to invert. (Wikipedia).

Ideally, at the time the systems generate results reports, the systems will also generate and archive a cryptographic hash for content that can be posted on the Department's website. Proposals may receive additional points on their evaluation scores if the systems facilitate the hashing of results reports and other system-related information and data when generated by the system.

i. Supports Implementation of Risk-Limiting Post-Election Auditing (20 points).

The City seeks a system that will facilitate the implementation of risk-limiting auditing of election results to increase the public's confidence in a voting system's tallying of results and generating results reports. While the proposed systems may not have risk-limiting auditing functionalities incorporated into their SOS-approved functions, the systems may still support this verification method.

- i. The system scans ballot cards using COTS hardware capable of imprinting an inventory code onto the cards post-scanning that the Department can cross-reference when retaining and archiving voted ballot cards.
- ii. The system produces appended adjudication records that support transitive audits that allow for reviewing the system's interpretation of vote-markings.
- iii. The system produces images of ballot cards in a manner that support the simultaneous auditing of multiple contests.

3. Evaluation of Support Services (total of 60 points available for this phase).

a. Installation Plan (20 points).

- i. Provides clear plans, outcomes, and documentation regarding the installation of the system.
 - aa. Delivering the system to the City.
 - bb. Conducting initial acceptance testing.
 - cc. Preparing the system network, ensuring the system is secure and operating properly.
 - dd. Installing all system components to fully conduct elections.
 - ee. Providing system documentation and user manuals, training materials, and maintenance plans and procedures.
 - ff. Conducting approval testing to verify all components are operating properly and in accordance with the system's approval by the SOS.
 - gg. Conducting end-to-end testing prior to final acceptance.
- ii. Provides clearly stated project approach.
- iii. Provides an understanding of the project and the tasks to be performed.
- iv. Provides reasonable work schedule and project approach.
- v. Indicates the availability of personnel with recent experience in similar projects and a description of the tasks to be performed.
- vi. Demonstrates successfully completing recent similar projects with an adherence to stated schedules, deadlines and budgets.

b. Training and Instruction (20 points).

All Proposers must describe the manner by which Department personnel will be trained and instructed to successfully and independently use all aspects of the system.

Proposers must demonstrate that they are able, upon the request of the Department, to provide on-site support for critical processes such as those listed below:

- i. Formatting ballots.
- ii. Logic and accuracy testing.
- iii. Ballot processing.
- iv. Conducting ranked-choice voting elections.
- v. Results accumulation.
- vi. Results reporting.
- vii. Equipment repair and preventative maintenance.
- viii. Storage and off-cycle maintenance.

- c. Election-Specific Support (20 points).**
Proposers must provide detailed information regarding their ability to provide support during each election regarding the operation and maintenance of their systems and equipment at the polls and at the Department's office in City Hall.
- i.** Assigning up to eight personnel experienced in the operation and maintenance of the system to staff a phone bank on Election Day in City Hall.
 - ii.** Assigning up to 22 personnel to fulfill roles as field technicians in specific areas of the City on Election Day to support the system and all equipment in operating appropriately at all polling places and in City Hall.
 - iii.** Assigning personnel to support the system's functions that accumulate voting results data and generate results reports.
 - iv.** Assigning an adequate number of personnel during the election cycle and on Election Day who are experienced in repairing the system's equipment.
 - v.** Maintaining an inventory of parts for repairing equipment during testing and use during election cycles to remove risks that the system or its equipment are inoperable due to a lack of spare parts.
 - vi.** Assigning personnel to assist the Department in performing preventative maintenance and repairs.
- 4. Evaluation of Pilot Programs (total of 40 points available for this phase).**
- a. Proposer Provided Full System for Duration of Pilot Programs (20 points).**
- i.** Delivered, installed, set-up, tested, operated, supported, and maintained systems to participate in the Pilot Programs.
 - ii.** Provided complete systems for review during the entire period of the Pilot Programs.
 - iii.** During the Pilot Programs, the system was fully functional and met all of the requirements required to conduct elections in San Francisco, including ranked-choice voting elections.
 - iv.** Provided hard copy and any necessary digital ballots for the Pilot Programs using content provided by the Department.
 - v.** Provided full disclosure on all potential error/omission messages and their exact definitions with consequences and provided information and interpretations of such messages prior to the start of the Pilot Programs.
- b. Proposer's System was fully functioning and available during the programs so that members of the public could assess Proposer's systems, especially the accessibility-related features (20 points).**
- i.** During the Pilot Programs, members of the public were provided opportunities to assess the voting systems and all of its functions and features.
 - ii.** The Department's Voting Accessibility Advisory Committee (VAAC) was provided full access to using the systems and providing assessments of their experiences.

5. Evaluation of Oral Interviews (if applicable) (total of 10 points available for this phase).

Following the evaluation of the written proposals, no more than three Proposers receiving the highest scores may be invited to participate in an oral interview.

Following the evaluation of the proposals and participation in the Pilot Programs, the selection panel will total the scores for each proposal and Proposers will be ranked starting with the Proposer receiving the highest score, then continuing with the Proposer receiving the second highest score, and so on.

No more than three Proposers receiving the highest scores may be invited to an oral interview. The selection panel will determine the format and the scoring criteria to be used during the interview. The interview may consist of standard questions asked of each of the Proposers, and/or may involve questions or clarification specific to the proposals.

After the oral interviews, the selection panel will combine all scores, rank the proposals and select the highest ranked proposal to determine the Proposer with whom the City may enter contract discussions.

V. Pre-proposal Conference and Contract Award.

A. Pre-Proposal Conference.

Proposers are encouraged to attend a pre-proposal conference on **February 9**, at **10 a.m.** to be held at the Department's office in City Hall Room 48. Proposers' questions will be addressed at this conference. If Proposers have further questions regarding this RFP, contact Leo Samuelson via e-mail at reg.rfg.2018-1@sfgov.org.

B. Question and Answer Period.

Proposers shall submit all questions concerning this RFP or the RFP process in writing by e-mail only during the Question and Answer Period, ending **February 23**, at **5 p.m.**, PST, and directed to Leo Samuelson, at reg.rfp.2018-01@sfgov.org. Questions and Answers will be posted publicly. All questions concerning this RFP itself or the RFP process shall be submitted no later than February 23, by 5 p.m., PST.

Subject line: Questions Regarding REG RFP #2018-01

To: Leo Samuelson

E-mail Address: reg.rfp.2018-01@sfgov.org

The Pre-Proposal Conference will begin at the time specified. Topics already covered will not be repeated for the benefit of late arrivals. Failure to attend the Pre-Proposal Conference shall not excuse any Proposer from meeting the requirements associated with this RFP.

Before and after the Pre-Proposal Conference, Proposers are responsible for reviewing the City's Bids and Contracts website for any RFP Addendums, Q&A postings, and other updates using the following address:

<http://mission.sfgov.org/OCABidPublication>

C. Contract Award.

The City may commence contract negotiations after the selection panel completes its evaluation of proposals. 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 Department, in its sole discretion, may terminate negotiations with the highest ranked Proposer and begin contract negotiations with the next highest ranked Proposer.

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 Proposers discover any ambiguity, discrepancy, omission, or other error in this RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than February 23, 5 p.m., PST. Modifications and clarifications will be made by addenda as provided below.

B. Inquiries Regarding RFP.

Proposers shall submit all questions concerning this RFP, scope of services or requirements in writing by e-mail only during the Question and Answer Period, ending February 23, no later than 5 p.m. PST and directed to: Leo Samuelson, at the following address: reg.rfp.2018-01@sfgov.org. All Proposers' questions concerning the bid process shall be submitted no later than February 23, and no later than 5 p.m., PST. Proposers who fail to do so will waive all further rights to protest, based on these specifications and conditions.

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 provide written notice to the Department setting forth with specificity the grounds for the objection by February 23, and no later than 5 p.m., PST. 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 objection.

D. Change Notices.

The Department may modify the RFP, prior to the proposal due date, by issuing an Addendum to this RFP, which will be posted on the website. Proposers are responsible for ensuring that their proposals reflect 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 Proposers consult the City's Bids and Contracts website frequently,

including shortly before the proposal due date, to determine if the Proposer has reviewed all Bid Addendum(s): <http://mission.sfgov.org/OCABidPublication>

E. Term of Proposal.

Submission of a proposal signifies that the Proposers' services and prices are valid for 180 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. Proposers can determine that their proposals remain valid beyond the 180-day period in the circumstance of extended contract negotiations.

F. Revision of Proposal.

Proposers may revise their proposals on the Proposers' own initiative at any time before the deadline for submission of proposals. Proposers must submit the revised proposals in the same manner as the original. Revised proposals must be received on or before, but no later than the proposal due date and time.

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 Department may require a Proposer to provide oral or written clarification of its proposal. The Department 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 a proposal will in no way modify this RFP or excuse Proposers from full compliance with the specifications of this RFP or any contract awarded pursuant to this RFP.

H. Financial Responsibility.

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

I. Proposers' Obligations under the Campaign Reform Ordinance.

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

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

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

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

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor.

Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

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

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

For further information, Proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

J. Sunshine Ordinance.

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to 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 that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. Prior to 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; or
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.

Each solicitation process requires a **new submittal of CMD Attachment 2 forms** at the following link, located under the heading "Attachment 2: Requirements for Architecture, Engineering, & Professional Services Contracts":

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

1. Form 2A – CMD Contract Participation Form.
2. Form 2B – CMD “Good Faith Outreach” Requirements Form.
3. Form 3 – CMD Non-Discrimination Affidavit.
4. Form 4 – CMD Joint Venture Form (if applicable), and
5. Form 5 – CMD Employment Form

Please submit Forms 2A, 2B, 3 and 5 (and Form 4 if Joint Venture response) with your Response Package. The forms should be part of the “Original” of your response. The forms with original signatures must be provided to the Department in electronic format such as PDF.

The City intends to reject as non-responsive any bid that does not include these forms at the time the proposal is submitted.

1. Local Business Enterprise Goals and Outreach.

The requirements of the Local Business Enterprise (LBE) and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the S.F. Administrative Code as it now exists or as it may be amended in the future (collectively the “LBE Ordinance”) shall apply to this solicitation. More information regarding these requirements can be found at the following website address:

<http://www.sfgov.org/cmd>

2. LBE Sub-consultant Participation Requirement.

Please refer to San Francisco Administrative Code Chapter 14B and *CMD Attachment 2* for information concerning the City's LBE program.

The LBE sub-consulting goal have been waived for this RFP. Note: Employment and LBE subcontracting requirements are still applicable despite the waiver of Chapter 14B subcontracting goals.

3. Link to LBE Sub-Consultant Directory

This following link is to a directory of current Local Business Enterprises.

http://mission.sfgov.org/hrc_certification/

4. Good Faith Outreach to Select LBE Sub-Consultants.

Each firm responding to this solicitation shall demonstrate in its response that it has used good-faith outreach to select LBE sub-consultants as set forth in S.F. Administrative Code §§14B.8 and 14B.9, and shall identify the particular LBE sub-consultants solicited and selected to be used in performing the contract. For each LBE identified as a subcontractor, the response must specify the value of the participation as a percentage of the total value of the goods and/or services to be procured, the type of work to be

performed, and such information as may reasonably be required to determine the responsiveness of the response. LBEs identified as sub-consultants must be certified with the Contract Monitoring Division at the time the response is due, and must have been contacted by the (prime contractor) prior to listing them as subcontractors in the response. Any response that does not meet the requirements of this paragraph will be non-responsive.

5. Documentation of Good Faith Outreach Efforts.

In addition to demonstrating that it will achieve the level of sub-consulting participation required by the contract, a Respondent shall also undertake and document in its submittal the good faith efforts required by Chapter 14B.8(C) & (D) and CMD Attachment 2, Requirements for Architecture, Engineering and Professional Services Contracts.

Responses which fail to comply with the material requirements of S.F. Administrative Code §§14B.8 and 14B.9, CMD Attachment 2 and this solicitation will be deemed non-responsive and will be rejected. During the term of the contract, any failure to comply with the level of LBE sub-consultant participation specified in the contract shall be deemed a material breach of contract.

Note: If Respondent meets/exceeds LBE participation by 35% (i.e. 31.05% LBE participation for this contract), Good Faith Outreach documentation is not required.

6. LBE Participation and Rating Bonuses.

The City strongly encourages responses from qualified LBEs. Pursuant to Chapter 14B, the following rating bonuses will be in effect for the award of this project for any Respondents who are certified as a Small or Micro-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 (415) 581-2310. The rating bonus applies at each phase of the selection process. The application of the rating bonus is as follows:

- a. A 10% bonus to a Small or Micro LBE—including Non-Profit; or a joint venture between or among LBEs; or
- b. A 5% bonus to a joint venture with LBE participation that equals or exceeds 35%, but is under 40%;
- c. A 7.5% bonus to a joint venture with LBE participation that equals or exceeds 40%;

7. Joint Venture Rating Bonus.

If applying for a rating bonus 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 response, 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.

8. Application of the Rating bonus:

The following rating bonus shall apply at each stage of the selection process, i.e., qualifications, proposals, and interviews:

- a.** Contracts with an Estimated Cost in Excess of \$10,000 and Less Than or Equal To \$400,000. A 10% rating bonus will apply to any proposal submitted by a CMD certified Small or Micro LBE. Proposals submitted by SBA-LBEs are not eligible for a rating bonus.
- b.** Contracts with an Estimated Cost in Excess of \$400,000 and Less Than or Equal To \$10,000,000. A 10% rating bonus will apply to any proposal submitted by a CMD certified Small or Micro-LBE. Pursuant to Section 14B.7(E), a 5% rating bonus will be applied to any proposal from an SBA-LBE, except that the 5% rating bonus shall not be applied at any stage if it would adversely affect a Small or Micro-LBE Proposer or a JV with LBE participation.
- c.** Contracts with an Estimated Cost In Excess of \$10,000,000 and Less Than or Equal To \$20,000,000. A 2% rating bonus will apply to any proposal submitted by a Small LBE, Micro LBE and SBA-LBE.
- d.** The rating bonus for a Joint Venture ("JV") with LBE participation that meets the requirements of Section 2.02 below is as follows for contracts with an estimated cost of in excess of \$10,000 and Less Than or Equal to \$10,000,000:
 - i.** 10% for each JV among Small and/or Micro LBE prime Proposers.
 - ii.** 5% for each JV which includes at least 35% (but less than 40%) participation by Small and/or Micro-LBE prime Proposers.
 - iii.** 7.5% for each JV that includes 40% or more in participation by Small and/or Micro-LBE prime Proposers.
 - iv.** The rating bonus will be applied by adding 5%, 7.5%, or 10% (as applicable) to the score of each firm eligible for a bonus for purposes of determining the highest ranked firm. Pursuant to Chapter 14B.7 (F), SBA-LBEs are not eligible for the rating bonus when joint venturing with a non LBE firm. However, if the SBA-LBE joint ventures with a Micro-LBE or a Small-LBE, the joint venture will be entitled to the joint venture rating bonus only to the extent of the Micro-LBE or Small-LBE participation described in Section 2.01B.4b. and c. above.
- e.** The rating bonus does not apply for contracts estimated by the Contract Awarding Authority to exceed \$20 million.

9. CMD Contact

Proposers must contact CMD with any questions concerning the CMD Forms and to ensure that your response is not rejected for failing to comply with S.F. Administrative Code Chapter 14B requirements, please call Selormey Dzikunu, the CMD Contract Compliance Officer for this solicitation at (415) 554-8369 or by e-mail at selormey.dzikunu@sfdpw.org; or the main CMD phone number (415) 581-2310. The forms will be reviewed prior to the evaluation process associated with the written proposals.

VII. Contract Requirements.

A. Standard Contract Provisions.

The successful Proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix B. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

B. Nondiscrimination in Contracts and Benefits.

The successful 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 <http://sfgov.org/cmd/>.

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 amount of hourly gross compensation currently required under the MCO, see www.sfgov.org/olse/mco.

Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

Additional information regarding the MCO is available on the web at www.sfgov.org/olse/mco.

1. 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.

2. 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://oewd.org/first-sourceand> from the First Source Hiring Administrator, (415) 701-4848.

3. 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 Proposer 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 a contract, any Proposer that has submitted a responsive proposal 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 Proposer must specify facts and evidence sufficient for the City to determine the validity of the protest.

C. Delivery of Protests

All protests must be received by the due date via e-mail. The subject line must indicate the message regards a protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered via e-mail:

Subject: Protest: REG RFP #2018-01
To: Leo Samuelson
Address: reg.rfp.2018-01@sfgov.org