# REQUEST FOR QUALIFICATIONS FOR
As-Needed Consultant Services for Structural Design and Geotechnical Review

**DBIRFQ2020-26**
**CONTACT:** dbi.rfp@sfgov.org

## Background
The San Francisco Department of Building Inspection ("City" or "Department") seeks proposals from interested consultants that demonstrate successful experience and expertise in one or more of the following areas: (1) Structural Design Review/Practicing Structural Engineer; (2) Structural Design Review/Academia; or (3) Geotechnical and Geological Engineering Review. The Department will select a pool of consultants with which the Department may enter into contracts to provide advice to the Department on geotechnical and structural design and plan review for privately sponsored projects. The Department does not guarantee that any Consultant prequalified under this RFQ will receive a contract to perform services.

## Intent of this Request for Qualifications (RFQ)
The City may use the prequalified list, at its sole and absolute discretion, to select consultants/professionals and academic experts and negotiate contracts on an as-needed basis for two (2) years, which the Department may extend in its sole discretion up to four (4) years from the prequalification date, if the Department has met the requirements of San Francisco Administrative Code Section 21.4 (c) (2).

## Schedule*
<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFQ Issued</td>
<td>04-24-2020</td>
</tr>
<tr>
<td>Deadline for RFQ Questions</td>
<td>05-8-2020 (1 pm PST)</td>
</tr>
<tr>
<td>Deadline for RFQ Answers</td>
<td>05-22-2020 (5 pm PST)</td>
</tr>
<tr>
<td>Deadline for RFQ Responses</td>
<td>06-12-2020 (1 pm PST)</td>
</tr>
<tr>
<td>Notice of Intent to Establish a Prequalified List</td>
<td>06-26-2020</td>
</tr>
</tbody>
</table>

* Each date subject to change. All hours are Pacific Standard Time. Check [http://sfdbi.org/rfp](http://sfdbi.org/rfp) for the latest schedule.

## Anticipated Contract Term
The anticipated contract term for contracts resulting from this RFQ is up to two (2) years; the Department in its sole discretion may exercise the option to extend the contract for up to two (2) additional years. Actual contract term may vary, at the City’s sole, absolute discretion, depending upon service and project needs. Respondents selected must be available to commence work on or before June 2020.

## Anticipated Contract Budget
For each contract resulting from this RFQ, the anticipated not-to-exceed contract budget is $100,000. Actual contract budget may vary, depending upon service and project needs at the City’s sole and absolute discretion.

## Important City’s Supplier and Bidder Resources
- **City Supplier and Bidder Portal:** [https://sfcitypartner.sfgov.org/](https://sfcitypartner.sfgov.org/)
- **Bid Opportunities:** [https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx](https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx)
- **Frequently Asked Questions:** [https://sfcitypartner.sfgov.org/pages/faq.aspx](https://sfcitypartner.sfgov.org/pages/faq.aspx)
- **User Support:** [https://sfcitypartner.sfgov.org/pages/contact.aspx](https://sfcitypartner.sfgov.org/pages/contact.aspx)
- **User Support tel.** (415) 944-2442

## Subcontracting Requirement
Waived
The San Francisco Contract Monitoring Division (CMD) has waived the S.F. Administrative Code Chapter 14B Local Business Enterprise (LBE) sub-consulting requirement for this RFQ. Notwithstanding, CMD requires submission of specified documentation with responses to this RFQ. If respondent fails to submit the correct CMD documentation by the Deadline for RFQ Responses, the Department may deem respondent ineligible to be on the Prequalified Consultants List selected based on this RFQ. If you have any questions regarding the CMD Forms (Attachment II), please contact Maria-Zeniadia Camua, the CMD Contract Compliance Officer for the Department of Building Inspection at Maria-Zeniadia.Camua@sfgov.org.

## RFQ Questions and Communications
Applicants must submit any questions in writing in time for receipt by the Department by the Deadline for RFQ Questions. To ensure fair and equal access to information about this RFQ, e-mail your questions to dbi.rfp@sfgov.org. The Department will not accept any questions after the Deadline, except the Department will continue to accept questions about City vendor requirements after the Deadline.

## Submission of Proposal Requirements
The Department will reject Proposals that the Department receives after the **Deadline for RFQ Proposals.** (The Department will not consider postmarks.) Timely proposals must include all required documents, including all CMD forms. Proposers must be registered to be eligible to submit a Proposal in response to this RFQ so it is important to follow the instructions at the links set forth above.
1. Introduction

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

Terms and abbreviations used throughout this RFQ include:

- **CCSF or City** – The City and County of San Francisco.
- **Consultant or Contractor** - The Proposer(s) awarded a contract for services subsequent to prequalification under this RFQ.
- **Contract Monitoring Division (CMD)** – San Francisco Contract Monitoring Division, a department of the City and County of San Francisco.
- **Department** – The San Francisco Department of Building Inspection.
- **Local Business Enterprise (LBE)** - A business that is certified as an LBE under S.F. Administrative Code §14B.3. Only certified Small and Micro-LBEs can be used to satisfy the LBE subcontracting participation goal.
- **Proposal** - A Proposer’s written proposal submitted for this Request for Qualifications.
- **Respondent** - refers to any entity submitting a response to this Request for Qualifications (“RFQ”) to be considered for inclusion on a pre-qualified consultant list

1.2 Statement of Need and Intent

The Department seeks responses from Respondents demonstrating expertise in one or more of the following Areas: (1) Structural Design Review/Practicing Structural Engineer; (2) Structural Design Review/Academia; or (3) Geotechnical and Geological Engineering Review.

Consultants will work with the private entity project sponsor, DBI staff as well as other City Departments.

The City may use the prequalified list, at its sole and absolute discretion, to select consultants/professionals and academic experts and negotiate contracts on an as-needed basis for two (2) years, which term the Department in its sole discretion may increase up to four (4) years from the prequalification date if the Department meets the requirements of San Francisco Administrative Code Section 21.4 (c) (2). The Department does not guarantee that it will enter into a contract with firms prequalified under this RFQ.

The City reserves the right to procure services similar or identical to the services specified in this RFQ by any other means. The City may award multiple contracts to prequalified firms at the City’s sole and absolute discretion in accordance to San Francisco Administrative Code, Section 21.8.

To minimize duplication of effort and to allow the City to coordinate data requests and data available for the multiple projects receiving services from Consultants prequalified under this RFQ, as well as for previous and future projects, the City may share selected Consultants’ findings and data with other City Consultants as deemed appropriate by the City.
Any Respondent interested in being considered for more than one service should indicate the areas of expertise for which they would like to be considered in RFQ Attachment V, Response Template. Please note that the Department will evaluate qualifications separately for each expertise.

DBI will create a pool of Consultants to draw from for potential projects as discussed in Section 2, Scope of Work. Each Respondent should demonstrate its capabilities by providing Prior Project Descriptions as part of Attachment V. The City will negotiate the scope of services, budget, deliverables, and timeline for each project it decides to pursue. There is no guarantee of a minimum amount of work or compensation for any of the pre-qualified Consultants. The City may select Consultants from the pre-qualified pool in its sole and absolute discretion.

1.3 Background of The Department of Building inspection (DBI)

San Francisco voters created the Department of Building inspection (DBI) by a referendum amending the City Charter under Proposition G in 1994. The Charter amendment established the Building Inspection Commission (BIC) to provide representation for the various communities that interact with the Building Department. Under the direction and management of the seven-member citizen Building Inspection Commission, DBI’s mission is to oversee the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Plumbing, Electrical, and Mechanical Codes, along with the Disability Access Regulations. DBI’s purpose is to serve the City and County of San Francisco and the general public by ensuring that life and property within the City and County are safeguarded and to provide a public forum for community involvement in that process.

1.4 Companies Headquartered in Certain States

This RFQ and any Contract entered into pursuant to this RFQ 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 LGBTQ populations and states with restrictive abortion laws or where any or all of the work on the contract will be performed in any of those states. The Department advises Proposers that have their United States headquarters in a state on the Covered State List, as that term is defined in Administrative Code Section 12X.3, or where any or all of the work on the contract will be performed in a state on the Covered State List, may not enter into contracts with the City. A list of states on the Covered State List is available at this link: http://sfgov.org/oca/qualify-do-business.

1.5 Tentative Schedule

The anticipated schedule for establishing the Pool is:

- RFQ Issued: 04-24-2020
- Deadline for RFQ Questions: 05-08-2020 (1 pm PST)
- Deadline for RFQ Answers: 05-22-2020 (5 pm PST)
- Deadline for RFQ Responses: 06-12-2020 (1 pm PST)
- Notice of intent to Establish a Prequalified List: 06-26-2020
2. Scope of Work

The scope of services listed below is representative of the work the City expects Consultants to perform, but is not a complete listing of all services the City may require. Consultants will work under the direction of the DBI Director ("Director") or DBI staff designee.

2.2 Scope of Service

The Director or designee will determine the scope of services, and expertise required to perform such services, that the Department will task the Structural and Geotechnical Engineer Reviewer Consultants to perform in order to supplement the Department’s project plan reviews. The scope of services may include, but shall not be limited to, review of the following documents prepared by the project sponsor through its project architect and engineers of record:

1. Geotechnical report
2. Site soil classification
3. Foundation recommendations
4. Deep foundation evaluation
5. Earth pressure recommendations
6. Soil-Structure interaction review
7. Building settlement analysis
8. Excavation and ground water monitoring
10. Site-specific ground motion characterization.
12. Basis of design, design methodology and acceptance criteria.
15. Member selection and design.
16. Detail concepts and design.
17. Construction Documents, including drawings and specifications.
18. Isolator or damper testing requirements and quality control procedures.
19. At the discretion of the Director, the scope of services for the Structural Design and Geotechnical Reviewer Consultants may include the review of other building aspects, including design for wind resistance, design of special foundation or earth retaining systems, or the design of critical non-structural elements.

The services listed above may not be comprehensive of all work that the Department will need. The Department may reach out to the pre-qualified respondent pool as a result of this RFQ to solicit additional consulting work not included on this list.

The Department will prequalify Respondents that the Department deems qualified only for the expertise(s) for which they have provided qualifications and experience.
The Department will establish pools of pre-qualified as-needed Consultants for services described in 2.1 Scope of Services that DBI will utilize to review proposed private development projects requiring review by: (1) a Structural Design Review/Practicing Structural Engineer; (2) a Structural Design Review/Academia; and/or (3) a Geotechnical and Geological Engineer.

3. **City-Respondent Communications**

The Department directs Respondents NOT to contact any employees or officials of the City other than those specifically designated in this RFQ and its Attachments. Unauthorized contact may be cause for rejection of Responses at the City’s sole and absolute discretion.

3.1 **Deadline for RFQ Questions**

Please e-mail any questions to dbi.rfp@sfgov.org. Questions must be in writing and received before the Deadline for RFQ Questions on the RFQ schedule. The Department will not accept oral questions. All inquiries should include the number and title of the RFQ. The Department will provide substantive replies through written addenda. The Department will not accept questions after the Deadline for RFQ Questions date on the RFQ schedule with the exception of questions about City vendor requirements.

3.2 **Summary of Information Requested and Presented**

The Department will post a summary of all addenda, and questions and answers pertaining to this RFQ, on the City’s website at the following link listed under Sourcing Events, “DBI[2020-06 Structural Design and Geotechnical Review” :  [https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx](https://sfcitypartner.sfgov.org/pages/Events-BS3/event-search.aspx)

It is the Proposers’ responsibility to check this Website for any updates.

3.3 **City Communication Following Receipt of Qualifications**

The Department may contact a Respondent for clarification or correction of minor errors or deficiencies in a Response prior to rejecting a Response. Clarifications are “limited exchanges” between the City and a Respondent for the purpose of the Department seeking clarification on a portion of a Response and does not give a Respondent the opportunity to revise or modify its Response. This RFQ defines minor errors or deficiencies as those that do not materially impact the City’s evaluation of the Response; for example, failing to label the “original” Response as an “original”. For information regarding the City’s Evaluation Process, See RFQ Section 5 - Evaluation Criteria.

4. **Response Requirements**

4.1 **Time and Submission Requirements of Responses**
The Department must receive responses and all related materials, including all CMD forms, by the Deadline for RFQ Responses listed in the RFQ schedule. Proposers must deliver responses in person or by mail to:

**Department of Building Inspection**  
**Attn: DBIRFQ2020-26 As-Needed Consultant Services for Structural Design and Geotechnical Review**  
1660 Mission Street, 6th Floor  
San Francisco, CA 94103

The Department will not consider postmarks. A proposal will be late if not received by the Department by the deadline.

Respondents must submit four (4) hard copies of the response package. Respondents must label submissions clearly the following title: **DBIRFQ2020-26 As-Needed Consultant Services for Structural Design and Geotechnical Review.**

If a Respondent is applying for more than one expertise area, the respondent must submit a separate set of materials to the above location for each area of expertise.

Respondents must also submit one (1) USB flash drive containing entire contents of Response, including all RFQ Attachments. All electronic files on the flash drive must be in unprotected PDF or Word format. Electronic files for each Attachment must include all documents submitted for that Attachment in one, separate, complete, electronic file. Each of these separate electronic files must be titled with Respondent’s name and Attachment number (e.g. ABC Company Attachment I). Electronic files should include signatures, where applicable.

The Department will not consider late submissions.

### 4.2 Response Package

**A. Statement of Minimum Qualifications**, a completed RFQ Attachment V: Response Template, specifying the Respondent’s name, affiliation, and contact information for all communications pertaining to the Respondents’ SOQ, including telephone number, email address and mailing address; and identifying the Area(s) of Expertise for which the Respondent is seeking pre-qualification. The Respondent may state interest for multiple Areas of Expertise.

**B. Letter of Interest**, to include the following information:

1) Statement of the Respondent’s overall skills, expertise and qualifications to perform the work.

2) Statement that the Respondent agrees to comply fully with all applicable RFQ Terms and Conditions, attached hereto as RFQ Attachment I: Acknowledgement of RFQ Terms and Conditions.
3) Statement that the Respondent agrees to comply fully with all applicable City’s Local Business Enterprise Requirements, attached hereto as RFQ Attachment II: CMD Local Business Enterprise Forms (this requirement has been waived; however, each Respondent still must submit the required CMD forms).

4) Statement that the Respondent agrees to comply fully with all applicable City’s Administrative Terms, attached hereto as RFQ Attachment III: Administrative Requirements.

5) Statement that the Respondent agrees to comply fully with the terms and conditions of the Standard Agreement for Professional Services (P-600), attached hereto as RFQ Attachment IV: City’s Agreement Terms and Conditions.

6) Statement listing Respondent’s hourly rate(s).

Proposal Item Checklist, to complete and submit:

**RFQ Attachment I** – Acknowledgement of RFQ Terms and Conditions

**RFQ Attachment II** – Contract Monitoring Division’s (CMD) Local Business Enterprise Forms
1. Form 2A – CMD Contract Participation Form (if requesting a rating bonus)
2. Form 3 – CMD Compliance Affidavit
3. Form 4 – CMD Joint Venture Form (if applicable)
4. Form 5 – CMD Employment Form

**RFQ Attachment III** – City’s Administrative Requirements

**RFQ Attachment IV** – City’s Agreement Terms and Conditions

**RFQ Attachment V** – Proposal Template

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

The Department advises Proposers to review RFQ Attachments I through IV before beginning work on Proposal Template in RFQ Attachment V to ensure that Proposer can meet the City’s requirements.

C. **Curriculum vitae (CV) and/or resume** for the selection panel to evaluate the Respondent’s ability to complete the tasks outlined in the scope of services successfully. The CV and/or resume should clearly demonstrate that the Respondent meets the minimum qualifications in the selected Area of Expertise. It should also include any previous Technical Assistance Panel experience, including project name and description, performance duration, and scope attached hereto as RFQ Attachment V: Response Template.
4.3 Minimum Requirements

A. Structural Design Review/Practicing Structural Engineer - Respondent shall have a minimum of fifteen (15) years recent experience in the following areas:

1) Practicing in structural engineering with expertise in:
   a. Structural engineering;
   b. Earthquake engineering;
   c. Performance-based seismic engineering;
   d. Nonlinear seismic response history analysis of building; and
   e. Tall building design.

2) Structural peer review.

3) Development of structural building codes, and guidelines for buildings.

4) Respondent shall have project experience of buildings with at least one of the following types of design in the past fifteen (15) years:
   a. Buildings using non-prescriptive design;
   b. Buildings using performance-based design;
   c. Buildings heights exceeding 240 feet;
   d. Buildings using seismic response history analyses;
   e. Buildings using seismic isolation design;
   f. Buildings using seismic damping;
   g. Buildings with irregular and unusual configurations or systems; or
   h. Buildings in Class F soils.

5) Respondent shall be a licensed Structural Engineer in California.

6) Prior Project Descriptions - Respondent shall submit all prior project descriptions that have been successfully completed within the last fifteen (15) years from the date of this RFQ.

B. Structural Design Review/Academia - Respondent shall have a minimum of fifteen (15) years’ experience in the following areas:

1) Researching in structural engineering with expertise in:
   a. Structural engineering;
   b. Earthquake engineering;
   c. Performance-based seismic engineering;
   d. Nonlinear seismic response history analysis of building; and
   e. Tall building design.

2) Structural peer review.

3) Development of structural building codes and guidelines for buildings.

4) Respondent shall have project experience (e.g. proprietary/commercial experience, or consultation services for a government entity/jurisdiction or research) on buildings with at least one of the following types of design in the past fifteen (15) years:
   a. Buildings using non-prescriptive design;
   b. Buildings using performance-based design;
   c. Buildings heights exceeding 240 feet;
d. Buildings using seismic response history analysis;
e. Buildings using seismic isolation design;
f. Buildings using seismic damping;
g. Buildings with irregular and unusual configurations or systems; or
h. Buildings in Class F soils.

5) Prior Project Descriptions - Respondent shall submit all prior project descriptions that Respondent would like the City to consider in evaluating Proposer’s qualifications and expertise as part of the RFQ Attachment V response. Respondent must provide projects that they have successfully participated in within the last fifteen (15) years from the date of this RFQ.

C. Geotechnical and Geological Engineering Review - Respondent must have a minimum of fifteen (15) years’ experience in the following areas:
1) Geotechnical and geological engineering with expertise in:
   a. Geotechnical and geological engineering;
   b. Generation of site-specific ground motions of use in linear and nonlinear analyses;
   c. Performance-based seismic design for tall buildings;
   d. Site soil classification;
   e. Foundation recommendation;
   f. Deep foundation evaluation;
   g. Earth pressure recommendation;
   h. Soil-structure interaction;
   i. Building settlements analysis; and
   j. Excavation and ground water monitoring.
2) Geotechnical peer review.
3) Development geotechnical requirements for building codes, and design guidelines of buildings.
4) The respondent must have project experience on buildings with any of following types of design in the past fifteen (15) years:
   a. Buildings using non-prescriptive design;
   b. Buildings using performance-based design;
   c. Buildings heights exceeding 240 feet;
   d. Buildings using seismic response history analyses;
   e. Buildings using seismic isolation design;
   f. Buildings using seismic damping;
   g. Buildings with irregular and unusual configurations or systems; or
   h. Buildings in Class F soils.
5) Respondent must be a licensed Geotechnical Engineer in California.
6) Prior Project Descriptions - Respondent must submit all prior project descriptions that Respondent would like the City to consider in evaluating Proposer’s qualifications and experience as part of the RFQ Attachment V response. Respondent must provide projects that have been successfully completed within the last fifteen (15) years from the date of this RFQ.

3. Client References
Respondents must provide client reference information (client, project name, and reference name, email, and phone number) for a minimum of the three (3) most recent projects similar to the services requested in this RFQ.

Responses should be complete, but concise, to aid the Evaluation Team’s review. Specifically, responses should provide a straightforward, concise description of the Respondent’s qualifications and experience relevant to those sought by this RFQ.

A. Please save Attachments as individual files. All files should be submitted in unprotected PDF or Word format. Electronic files should include signatures, where applicable. RFQ attachments include:

- RFQ Attachment I  Acknowledgement of RFQ Terms and Conditions
- RFQ Attachment II  CMD Local Business Enterprise Forms
- RFQ Attachment III  City’s Administrative Requirements
- RFQ Attachment IV  City’s Agreement Terms and Conditions
- RFQ Attachment V  Response Template

4.4 LBE Subcontracting Goal for Respondents

CMD has waived S.F. Administrative Code Chapter 14B Local Business Enterprise (LBE) subcontracting requirements for this RFQ and resulting contract(s). However, Respondents are still required to submit the correct CMD documentation by the Deadline for RFQ Responses.

The Department may reject without review any submission that does not include all required CMD documents. If you have any questions regarding the CMD LBE requirements and CMD Forms (Attachment II), please contact Ryan Young, the CMD Contract Compliance Officer for the Department of Building Inspection at 415-581-2305 or Maria-Zeniada. Camua@sfgov.org.

5. Evaluation Criteria

This section describes the guidelines the Department will follow in analyzing and evaluating the Respondents’ submissions. The Department plans to pre-qualify Respondent(s) that offer the best qualifications including fee considerations. The Department does not guarantee contract awards to Consultant firms selected for pre-qualification. This RFQ does not in any way limit the Department’s right to solicit contracts for similar or identical services if, in the Department’s sole and absolute discretion, it determines the pre-qualified list is inadequate to satisfy the Department’s needs. There will be two phases to the evaluation process. I1) Initial Screening process; and (2) Evaluation Process.

5.1 Initial Screening Minimum Requirements

The Department will review each response for an initial determination in an Initial Screening process. Elements the Department will review include, without limitation: Response completeness, compliance with format requirements, compliance with Minimum Qualification requirements, and verifiable references.
The Department will not score responses during the Initial Screening process. Initial Screening will be a pass/fail determination as to whether a response meets the threshold requirements described above. A response that fails to meet these requirements will not be eligible for consideration in the Evaluation Process described below.

The City will review the CMD Forms (Attachment II) during the initial screening process which is prior to the evaluation process. If your firm fails to submit the correct CMD documentation by Deadline for RFQ Responses date, the City may reject the response and Respondents will not be eligible to be selected to be on the Prequalified Consultant List for this RFQ. If you have any questions regarding the CMD LBE requirements and CMD Forms (Attachment II), please contact Maria-Zeniada.Camua, the CMD Contract Compliance Officer for the Department of Building Inspection at 415-581-2301 or Maria-Zeniada.Camua@sfgov.org.

The Department reserves the right to request clarification from the Respondent prior to rejecting a response for failure to meet the Initial Screening requirements. Clarifications are “limited exchanges” between the City and a Respondent for the purpose of the Department seeking clarification on a portion of a Response that do not give a Respondent the opportunity to revise or modify its Response. Responses that meet the Initial Screening requirements will proceed to the Evaluation Process.

5.2 Statement of Minimum Qualifications

The Department will not give further consideration to any response that does not demonstrate that the Respondent meets the Minimum Qualifications threshold.

Each Respondent must certify that it meets the following Minimum Qualifications:

5.3 Scoring Of Responses

The Department will evaluate qualifications in accordance with the criteria below and the information provided by the Respondent. Evaluation criteria for scoring of responses will be collectively worth 100 points.

5.3.1 Consultant/Firm Qualifications – 40 points

a) Respondent’s history and structure, including total staff size and composition.
b) Respondent’s experience providing As-Needed Consultant Services for Structural Design or Geotechnical Review to similar government agency clients, or clients whose size and structure are similar to the Department. Respondents should include representative list of the relevant clients to whom the firm has provided these services.
c) Respondent’s experience with the scope of service described in Section 2.1 of this RFQ.

5.3.2 Staff Qualifications – 40 points
a) Qualifications and educational backgrounds of lead staff members, including subcontractor staff, if applicable, proposed to perform services for the Department.
b) The combined experience of staffing plan expertise to provide services listed in Section 2.1 of this RFQ.

5.3.3 Approach and Cost – 10 points

5.3.4 Completeness of Response Submission – 10 points

5.3.5 Consultant Pre-Qualification Process

The Department will add Respondents scoring a minimum of 70 out of 100 points for each expertise area applied for to the pre-qualified list for as-needed services for those areas of expertise. The Department reserves the right to contract with any or all pre-qualified Respondents. The Department does not guarantee that it will award a contract to a respondent that achieves pre-qualified status.

Reference Checks

The Department may use reference checks, including, but not limited to, prior clients as indicated in RFQ Attachment V, Response Template, to determine the applicability of Respondent experience to the services the Department is requesting and the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent’s problem-solving, project management and communication abilities, as well as performance on deliverables and outcomes, and effectiveness in meeting or exceeding project objectives. If reference checks reveal that information included in a Prior Project Description, staffing qualifications, or elsewhere in the response is untruthful, then the Department may reject the response.

Release and Waiver Agreement

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

5.4 Selection from Pre-qualified Lists

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

5.5 Other Terms and Conditions

Sunshine Ordinance: In accordance with San Francisco Administrative Code §67.24(e), contracts, contractors’ bids, responses to solicitations and all other records of communications
between Department 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 or organization’s net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. Information provided that is covered by this paragraph will be made available to the public upon request. Respondent understands that any writing presented under this RFQ may be subject to public disclosure.

The selection of any pre-qualified Respondent for contract negotiations does not imply acceptance by the Department of all terms of the response, which may be subject to further negotiation and approvals before the Department may be legally bound thereby.

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

The Department, in its sole discretion, has the right to approve or disapprove any staff person assigned to a firm’s projects before and throughout the contract term. The Department reserves the right at any time to approve, disapprove, or modify proposed project plans, timelines and deliverables.

6. **Protest Procedures**

6.1 **General**

The protest procedures set forth in this section are mandatory. The Department will reject any protest that fails to comply with these mandatory procedures.

6.2 **Protest of RFQ Terms**

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

b) By 5:00 p.m. P.S.T on the third (3rd.) working day of the issuance of the RFQ, any Respondent may submit a written notice of Protest via e-mail to dbi.rfp@sfgov.org as directed by Section 6.1. The Department will not consider and will reject protests or notices of protests delivered orally (e.g., by telephone), by mail, or by fax. The Department will only accept protests submitted by email message.
c) The Protest must state the basis for the Protest, refer to the specific requirement or portion of the RFQ at issue, and shall describe the modification to the RFQ sought by the prospective Respondent. The Protest shall also include the name, address, telephone number, and email address of the person representing the prospective Respondent.

d) If required, the Department may extend the proposal submittal deadline to allow sufficient time to review and investigate the Protest, and issue Addenda to incorporate any changes to the RFQ.

6.3 Protest of Non-Responsiveness Determination

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

6.4 Protest of Establishment of Prequalified Consultant List

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

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

6.5 Delivery of Protests

All protests must be received by the specified date and time deadline. Protests should be transmitted via e-mail that objectively will establish the date and time that the Department received the protest. The Department will not consider and will reject any protests or notice of protests made orally (e.g., by telephone), delivered by mail, or submitted by fax.
Protests must be delivered by email to: dbi.rfp@sfgov.org

6.6 Protest Review

a) DBI will confirm receipt of any notice of protest, which must be submitted in accordance with Sections 6.1, 6.2 or 6.3.

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

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

d) The Department, at its discretion, may make a determination regarding a protest without requesting further documents or information from the Respondent who submitted the protest. Accordingly, the initial protest must include all grounds of protest and all supporting documentation or evidence reasonably available to the prospective Respondent at the time the protest is submitted. If the Respondent later raises new grounds or evidence that were not included in the initial protest, but which could have been raised at that time, then the Department may not consider such new grounds or new evidence.

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

7. Vendor Compliance

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