

SAN DIEGO
WORKFORCE

PARTNERSHIP[®]

REQUEST FOR PROPOSAL FOR

CUSTODIAL SERVICES

ISSUED MARCH 7, 2014

Proposal must be received no later than 4:00 P.M.

Pacific Daylight Time (PDT)

April 4, 2014

ABSOLUTELY NO EXCEPTIONS

An Equal Opportunity Employer
Auxiliary Aids and Services are Available upon Request
to Individuals with Disabilities

CUSTODIAL SERVICES RFP

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**NOTIFICATION OF REQUEST FOR PROPOSALS
FOR
CUSTODIAL SERVICES
MARCH 7, 2014**

1.0 REQUEST FOR PROPOSALS INTRODUCTION

The San Diego Workforce Partnership, Inc. (SDWP) is issuing this Request for Proposals (RFP) to interested applicants with experience or related experience in custodial services. The purpose of this request is to procure a qualified provider for one year with the option to extend the agreement for two (2) additional one-year periods based on need, performance, and funding availability. The period of performance for the agreement to be awarded is twelve (12) months beginning July 1, 2014 and ending June 30, 2015.

Through this RFP, the SDWP is soliciting proposals from vendors to provide cost-effective, quality after hour's custodial services for the SDWP's two Metro Region Career Centers.

SDWP is committed to equal opportunity in its contracting process.

1.1 Solicitation/ Scope of Services

SDWP hereby solicits proposals using a competitive bid process to select a vendor for the purposes of providing custodial services from:

- For-profit organizations;
- Non-profit organizations;
- Public agencies; and/or
- A collaboration of these organizations.

Custodial services for the Metro region includes two locations; the Metro building and the South Metro building. The Metro building is a four story general classroom and office space building located at 3910 University Avenue, San Diego CA. The contract/agreement will include custodial services for the entire third and fourth floors, totaling 36,575 square feet of office space. The remaining portion of the building manages their own custodial services. Please see **Metro Space Plan- Attachment A**.

The second building is the South Metro Career Center located at 4389 Imperial Avenue, San Diego CA. This is a one-story building with a total of 32,400 square feet of general office and classroom space. The total contract/agreement will include custodial services for 68,975 square feet of classroom and general office space. Additionally there are requests for general building maintenance services outside the standard nightly custodial cleaning. These service requests would be on an as needed basis and could include painting, wall repair, replacing light bulbs, removing broken office furniture, minor plumbing, electrical, and mechanical work. Please see **South Metro Space Plan- Attachment B**.

Proposals that include services for just one location will not be considered. Respondents that do not provide all of the necessary documents requested in this RFP will not be considered for evaluation.

1.2 Submittal of Proposals

SDWP must receive the proposal(s) marked "(Name of Agency) Proposal" no later than 4:00 P.M., PDT, Friday, April 4, 2014. Submit one (1) proposal with original signatures, three (3) copies, and one (1) electronic PDF copy on a USB flash drive to:

Evelyn Ramirez, Procurement Advisor
3910 University Avenue, Suite 400
San Diego, CA 92105

Late proposals will not be accepted. SDWP will provide a receipt verifying the time and date the proposal is received. If Respondents send their proposals via U.S. Postal Service, UPS, or any other type of delivery service, Respondents are responsible for requesting proof of delivery date and time from their chosen carrier.

1.3 RFP Schedule and Timeline

Beginning March 7, 2014, the RFP will be available to download from SDWP's website <http://workforce.org/vendor-opportunities>. If you are unable to download the RFP please contact:

Jared Palmer, Director of Administrative Services
3910 University Ave., Suite #400
San Diego, CA 92105
619-228-2930
Email: custodial@workforce.org

<u>Activity</u>	<u>Date</u>
Issue RFP	March 7, 2014
Respondents' Orientation	March 13, 2014
Last Day to Submit Questions	March 28, 2014
Last Day Answers Posted on Website	April 2, 2014
Statement of Qualification (SOQ) Submission (by 4:00 P.M., PDT)	April 4, 2014
Proposals Due by 4:00 P.M., PDT	April 4, 2014
Evaluation Completion	April 18, 2014
SDWP Board of Directors Approval	May 7, 2014
Effective Date of Agreement(s)	July 1, 2014

1.4 Respondents' Orientation

SDWP will provide a Respondents' orientation to present the RFP requirements and address questions. All questions posed during the Respondents' orientation will be compiled and posted on SDWP's website within 3 business days. No other communication besides Q & A is allowable as per section 1.5 RFP Questions. The Respondents' orientation and technical assistance session will be held on Thursday, March 13, 2014 from 3:30 P.M., PDT to 5:30 P.M., PDT at the SDWP office located at 3910 University Avenue, San Diego, CA 92105, on the third floor in the Julie Benedict Community Room. The Respondents' Orientation will include RFP overview, Q & A, and a walkthrough of both sites where custodial services will be performed. We will tour the University Avenue location and then end the Respondents' Orientation at the Imperial Avenue location at 5:30 P.M., PDT.

1.5 RFP Questions

To ensure a fair and objective evaluation, questions related to the RFP that arise after the Respondents' Orientation must be submitted via e-mail to: custodial@workforce.org. Written questions will be accepted through Friday, March 28, 2014. Questions received after the deadline will not be answered.

Written responses to questions received by SDWP will be posted on the website, <http://www.workforce.org/vendor-opportunities> within three (3) business days of day the question was submitted. The last date answers will be provided to questions is Wednesday, April 2, 2014. **It is the respondents' responsibility to check the website on a regular basis for updated information and written responses to all questions submitted.**

NOTE: With the exception of the Respondents' orientation, and the technical assistance session, oral questions will NOT be accepted.

Only the responses on the website are considered clarifications to the instructions contained in this RFP. In the event that responses modify any of the terms, conditions, or provisions of this RFP, documentation will be given via a subsequent amendment to the RFP.

Respondents are warned that no other individuals are to be contacted in this regard. No other sources of responses or clarification are considered valid.

Respondents are strictly prohibited from contacting members of SDWP Board of Directors (Board of Directors), Workforce Investment Board (WIB), San Diego Consortium Policy Board (Policy Board), Adult Programs Committee (APC), San Diego Youth Council (Youth Council) or SDWP staff other than as stated in Section 5.7 Conflict of Interest.

1.6 Statement of Qualifications (SOQ)

SDWP is using a Statement of Qualifications (SOQ) to establish a Respondent's qualifications to bid for workforce development funds. The submission of a SOQ determines an organization's legal, administrative, and fiscal capacity to meet SDWP, state, and federal government requirements. The SOQ places organizations on the Qualified Agencies List (QAL), which allows the organization to be eligible to respond to RFP's and to be awarded a contract/agreement with SDWP. The SOQ must be updated annually and filed with SDWP. Completion of the SOQ is a **required** step in the process.

SDWP encourages the participation of Respondents who are certified as small businesses, minority-owned firms, and women's business enterprises whenever possible. Such certification shall be documented in their SOQ.

One (1) **original** and one (1) **copy** of all SOQ documents are due **no later than 4:00 P.M. (PDT), Friday, April 4, 2014** to:

Attn: Evelyn Ramirez, Procurement Advisor
3910 University Avenue, Suite 400
San Diego, CA 92105

Detailed information and the necessary forms are available for download from SDWP's website www.workforce.org. If you have difficulty or problems downloading the document please contact: Evelyn Ramirez, Procurement Advisor at (619) 228-2954 or evelyn@workforce.org.

1.7 Addenda to this RFP

At the discretion of SDWP, if it becomes necessary to revise any part of this RFP, an addendum will be posted on SDWP's website, www.workforce.org.

Respondents are responsible for checking the website frequently to remain informed about the procurement process, receive addenda to the RFP, read responses to questions and remain updated on other information that may affect this RFP.

1.8 Right to Cancel

SDWP reserves the right to delay, amend, reissue, or cancel, all or any part of this RFP at any time without prior notice. SDWP also reserves the right to modify the RFP process and timeline as deemed necessary.

This RFP does not commit SDWP to accept any proposal, nor is SDWP responsible for any costs incurred by the Respondents in the preparation of responses to this RFP. SDWP reserves the right to reject any or all proposals, to accept or reject any or all items in the proposal, and to award the agreements in whole or in part as is deemed to be in the best interest of SDWP. SDWP reserves the right to negotiate with any Respondent after proposals are reviewed and awarded, if such action is deemed to be in the best interest of SDWP.

1.9 Termination Due to Availability of Funds

When funds are not appropriated or otherwise made available by SDWP to support continuation of this contract/agreement, this contract/agreement shall be cancelled as of the effective date set forth in the termination notice and Contractor shall be reimbursed for the reasonable value of any nonrecurring cost incurred but not yet recovered under this contract/ agreement.

2.0 BACKGROUND INFORMATION

2.1 Organizational Overview

SDWP is a 501(c)(3) tax exempt organization chartered by the County and the City of San Diego to fund job training programs in the San Diego region. The organization's primary funding is allocated by the Department of Labor under the provisions of the Workforce Investment Act (WIA).

SDWP serves as a source of information on the region's current and projected labor market. Research specialists analyze workforce needs and trends in San Diego County, offering jobseekers, employers, educators, trainers, and researchers data on topics such as wages and salaries, occupational projections, employment statistics, and San Diego County's economy.

The organization's mission is to empower job seekers to meet the current and future workforce needs of employers in San Diego County. The vision of SDWP is that every business in our region has access to a skilled workforce and every job seeker has access to meaningful employment. Our community will view us as the leader for innovative workforce solutions, which add great value to our region.

For additional information, please visit www.workforce.org.

2.2 Workforce Investment Act of 1998 (WIA)

The concept of America's Job Centers of California (AJCC) began in the early 1990's under the U.S. Department of Labor. The AJCC's were to provide easy access to a full array of employment and training

services in a community with a “no wrong door” approach to meet the needs of jobseekers and businesses. The first center in San Diego was opened by SDWP in 1992 and was operated under the federal Job Training Partnership Act (JTPA).

On August 7, 1998, President Clinton signed the Workforce Investment Act (WIA) of 1998, replacing JTPA effective July 1, 2000. WIA reformed federal job training programs and created a new comprehensive workforce system. The reformed system is intended to be customer focused, providing individuals, including youth, access to the tools needed for managing their careers and helping businesses find skilled workers.

WIA is up for reauthorization. The terms and conditions of this RFP may change based on the new legislation. Respondents to this RFP will be expected to remain informed on WIA and its regulations and requirements. Technical assistance on legislative changes will be available from SDWP.

2.3 WIA Guiding Principles

Key guiding principles embodied in WIA emphasized reform of the workforce system. WIA guiding principles driving employment services include:

- Streamlining services through AJCC service delivery systems;
- Empowering individuals through information and access to training services;
- Providing universal access to employment related services;
- Increasing accountability (i.e. improving clients’ employment retention and earnings, improving the quality of the workforce, sustaining economic growth, enhancing productivity, and reducing welfare dependency); and
- Improving youth programs by linking them more closely to local labor market needs and community youth programs and services, and ensuring strong connections between academic and occupational learning.

A copy of the WIA, and the WIA regulations, are available for review at the U.S. Department of Labor (DOL) Employment and Training Administration website at www.doleta.gov. In addition, respondents are encouraged to keep track of the federal reauthorization of the WIA legislation located on the California Workforce Association’s website at www.calworkforce.org. Respondents should also make themselves familiar with California State Directives that set state policy (accessible at www.edd.ca.gov) and local policy (available on SDWP’s website at www.workforce.org).

2.4 SDWP Governance

SDWP, under the leadership of the Board of Directors, WIB, and the Policy Board, is responsible for the fiscal and programmatic administration of federal employment and training funds for the City of San Diego and County of San Diego under a Joint Powers Agreement.

SDWP Boards provide the framework for administering federal, state, and local funding to provide workforce development activities that increase individuals’ earnings and skills, and are responsive to business’ needs.

The Policy Board is comprised of two San Diego City Council members, two San Diego County Supervisors, and one business representative appointed by the United Way. The Policy Board oversees funding and policy development under WIA. The Policy Board appoints the members of the WIB.

The WIB is a federally mandated board that shares responsibility with the Policy Board for overseeing funding and policy development under the WIA. The board's expertise is in labor market conditions and the development of effective responses to regional economic needs.

The Board of Directors represents an array of San Diego’s booming industries, including healthcare, life sciences, and technology. This board is responsible for the oversight of SDWP operations.

There are two other deliberative bodies that oversee SDWP’s activities. The Youth Council, a sub-committee of the WIB, is the primary body providing expertise in youth policy and is responsible for oversight of the contracted youth workforce development services and programs. The Adult Programs Committee (APC), also a sub-committee of the WIB, is responsible for oversight of the Adult and Dislocated Worker programs. The APC oversees the operations and performance of the America’s Job Centers of California Network in the San Diego Region.

For more information on SDWP and its boards please visit SDWP website at www.workforce.org/boards.

3.0 PROPOSAL REQUIREMENTS

Respondents must submit their proposal in a format suitable for ease of review with a minimum of repetitious material. The proposal should clearly demonstrate the Respondent's ability to provide the requested services.

In order to simplify the review process and obtain the maximum degree of comparison the proposal shall be organized as follows:

3.1 Page Limits

Respondents shall adhere to the following proposal order, page limits and formatting requirements:

- Title Page
- Table of Contents
- Executive Summary – 2 pages
- References – 3 pages
- Proposal Content (Qualifications and Work Plan) - 10 pages
- Pricing – 3 pages
- All other attachments

No other page limits are in effect. SDWP will remove any excess pages from proposals exceeding these limits before the proposals are distributed for review and evaluation. Custodial equipment specifications, cleaning products and supplies proposed, quality control and management tools, organizational charts, references and resumes of key staff, noted in section 3.7 should be included as attachments of the proposal and are not subject to the page limits above.

3.2 Formatting Requirements:

Respondents shall adhere to the following formatting requirements:

- Font size: 12 point
- Font: Times New Roman
- Margins: at least one inch
- Line spacing: Double-spaced
- Pages: single-sided
- Page numbering: right justified at the bottom of each page
- **NO BINDERS**, copy ready format
- Language: English

3.3 Title Page

The title page shall include the:

- RFP Name
- Company name, address, phone number, and federal tax identification number;
- Name of the person authorized to negotiate agreements and make decisions for the organization including the telephone number, fax number, and e-mail address; and
- Authorized signature and submittal date.

3.4 Table of Contents

Include a table of contents that shows a clear identification of the material in the proposal by section and by page number.

3.5 Executive Summary

The executive summary shall include a brief overview of the entire proposal including:

- A brief description of the Respondents' organization.
 - List the contact name, address, phone number, fax number, and email address of organization/company facilities in San Diego County that would service the SDWP's account.
 - Include how long your company has been doing business in San Diego County.
- A summary of the Respondent's understanding of services requested; and
- An overview of the proposed scope of work.

3.6 References

The Respondent must provide at least three (3) complete references from companies that utilize your service exclusively for custodial services. References shall include the following information:

- Reference's organization/company name;
- Reference's address and phone number, and email address if possible;
- Contact person; and
- Description and date of project and/or services provided for each reference.

3.7 Organization & Staff Qualifications

3.7.1 Organization Qualifications

Respondents must provide a description of the qualifications of their organization/company, including the following:

- A brief description of the services that would be provided to SDWP.
- A description of how the organization/company would ensure the quality and timeliness of communication with SDWP. Include guaranteed response times for the following:
 - Response to telephone or voicemail messages;
 - Proposed communication and response to SDWP regarding building maintenance requests that arise outside the normal evening custodial services routine;
 - Process for ordering and storing custodial cleaning and consumable supplies;
 - Routine oversight and management of the custodial services performed; and
 - Reporting measures used to ensure quality assurance is being maintained and provided to the SDWP.
- A description of how the organization/company would respond to the SDWP if these guarantees above were not met.

3.7.2 Staff Qualifications

Respondents must provide a description of the qualifications of their staff, including the following:

- Identify supervisors and staff who will oversee the custodial staff services and performance standards are met
- Describe the staffing plan for each locations and qualifications of the custodial staff providing the custodial and maintenance services requested.

3.8 Work plan

The proposal content, excluding the executive summary, table of contents, and pricing shall not exceed ten (10) double-spaced pages and shall include the following elements:

- Quality of nightly custodial services – Please describe a detailed outline of the evening custodial cleaning routine. Describe the training and supervisory support that the on site custodial staff receive to ensure consistent quality performance of their cleaning responsibilities. Provide and outline the cleaning duties assigned to custodial personnel to ensure that the **minimum** cleaning requirements outlined below are met for nightly, weekly, and monthly service:
 - Nightly cleaning requirements five (5) nights per week:
 - Vacuum traffic areas, sweep, and or wet mop vinyl and ceramic flooring surfaces
 - Spot clean stains in carpet areas that are smaller than 6” in diameter
 - Clean and wipe down all vertical surface areas, sinks, plumbing fixtures, and appliances in restrooms. Provide a detailed description of restroom cleaning procedures performed nightly.
 - Clean and wipe down all vertical surface areas, sinks, kitchen appliances, and fixtures within the kitchen/break room area.
 - All trash and recycling containers emptied. Boxes and larger trash in hallways that are identified as trash to be disposed are removed.
 - Doors, hardware, interior glass in general office space and around the exterior of the building on the interior side of the window are free from smudges, fingerprints and grime
 - Conference room and general office tables and chairs are wiped down.
 - Weekly cleaning requirements performed at least once per week:
 - Meticulous dusting of furniture, all vertical ledges within the office where dust can accumulate. The only exception is around areas where personal staff belongings are located (i.e. staff desks, bookcases where staff “knick knacks” are located, etc.)
 - Specialized cleaning of door trim, polishing wood surfaces, deep cleaning “top to bottom” of bathroom walls, entire stall partitions, odor neutralizing floor drains, refilling feminine napkin dispensers.
 - Cleaning the interior of microwave, refrigerator, toaster ovens, and damp dust vinyl kitchen chairs.
 - Monthly cleaning requirements performed at least once a month
 - Detailed vacuuming of all carpeted areas (“wall to wall” vacuuming)
 - Clean ceiling vents
 - Wipe down entire surface of all interior glass

*Please note that the above items are **MINIMUM** requirements. Please be as detailed as possible on your organizations cleaning services to be provided for SDWP’s two (2) general office space locations.*

- Description of the custodial cleaning equipment and products
 - Description of the equipment the custodians will use and if stored on site, or brought with them at the time of each service;

- Description of custodial cleaning products used for the various cleaning function listed above (detergents, glass cleaner, disinfectants, polish, etc.). MSDS information should be provided as additional attachments and not as a part of the 10-page proposal content maximum.
- Description of the process that the organization/company uses to oversee the effectiveness and consistency of services provided by custodial staff on a recurring basis.
 - Performance review materials
 - Supervisory checklists and quality assurance measures
 - Customer reports on quality of service, performance standards kept, improvement notices requested etc.
 - Forms/process for providing customer notice of building maintenance, repair work recommendations
 - Other measures and forms of building maintenance and custodial cleaning oversight and quality control
- Description of additional building maintenance services performed on an as needed basis
 - Carpet cleaning and repair. Provide information on the process and equipment used, and if service is provided in house or sub contracted out. If sub contracted out, provide information on company used.
 - General plumbing, electrical, painting, and other building maintenance requests. Provide information on the process SDWP would go through to request such service and if service is provided in house or sub contracted out. If sub contracted out, provide information on company used.
- Custodial compensation
 - Describe the rate of pay for the custodians performing services at the SDWP locations. The **minimum** rate of pay must be \$10.50/Hr
 - Describe any benefits provided by the organization to the staff and custodians as a part of the pricing proposed by the Respondent.
 - Describe other compensation that the staff and custodians receive as a part of the pricing proposed by the Respondent.

The Work plan shall include a brief description of each service/activity that demonstrates the Respondent understands the work to be done, as described in this RFP. The information described in the Work plan is *MINIMUM* requirements. If the Respondents' organization provides other services that are centered on general interior building maintenance, repair and cleaning it would be appropriate to provide that information in this section of the proposal content.

4.0 FINANCIAL REQUIREMENTS

4.1 Pricing

As stated in Section 1.0 of this RFP, the period of performance for the agreement to be awarded is twelve (12) months beginning July 1, 2014 and ending June 30, 2015.

Pricing is expected to be at guaranteed rate for the twelve (12) month term of the contract/agreement and the two (2) subsequent optional twelve (12) month extensions. Respondent must provide information on pricing increase structure if proposal submittal is otherwise noted. Respondents are required to provide a breakout of guaranteed costs for the following services in the bullet points listed below and explained in detail in section 3.8 of this RFP:

- General custodial services performed based upon the *minimum* nightly, weekly, monthly standards outlined in section 3.8.
 - Pricing must be broken out by site
 - Pricing must include the cost of all cleaning supplies, equipment, and material necessary to perform the requested services.
 - Pricing must be provided as a total guaranteed cost per month for the twelve (12) month term. Provide monthly pricing for the two (2) optional twelve (12) month terms.
 - Pricing must reflect a minimum custodial wage of \$10.50/Hr provided to all custodial staff performing services at the SDWP locations.
- Day Porter services for each location Monday – Friday 2 hours per day for mid day restroom cleaning and general office cleaning.
- A breakout of costs for other services provided on an as needed basis
 - Hot water carpet extraction provided as a guaranteed cost per square foot.
 - Vinyl and ceramic floor scrubbing and waxing provided as a guaranteed cost per square foot.
 - General building maintenance labor rate per hour. If labor rate is different for painting, plumbing, electrical, and general maintenance, Respondent should provide labor rate costs per each service provided.
- A sample breakout of costs for general consumable products.

Product Description	Unit of Measure	Price
<i>Example: Toilet Paper</i>	<i>CS (48)</i>	<i>\$55.00</i>
Tri Fold Towels		
Hand Soap		
Toilet Paper		
Toilet Seat Covers		
Metered Air Fresheners		
Odor Neutralizer		
30X37 8n Trash Bag		
40X48 12n Trash Bag		
Urinal Screens		
4' T-8 Fluorescent Light Tubes		
9W LED Light bulbs 800 Lumens		

It is expected that any and all management, oversight, and support to custodial services will be all inclusive in the monthly estimate. Respondent to provide details of any other pricing structure proposed for custodial services outlined in section 3.

5.0 EVALUATION PROCESS AND AGREEMENT AWARD

5.1 Review

Upon receipt of proposals, staff will review submitted proposals for completeness and technical compliance with the terms and conditions of the RFP. Incomplete proposals or those clearly found to be inconsistent with legal, regulatory, or RFP requirements will be eliminated and not forwarded to the evaluation panel. SDWP reserves the right to reject any proposal submitted. SDWP will remove any excess pages from proposals exceeding these limits before the proposals are distributed for evaluation.

5.2 Evaluation Criteria

The review panel will score and rank all proposals using the criteria described within the RFP, and specifically developed to examine the competence of the Respondents and suitability of their proposals. Scoring will be given to the following sections:

SUMMARY POINT TOTAL	Points Available	Points Awarded
1. Section 3.3- 3.6	20	
2. Section 3.7- 3.7.2	20	
3. Section 3.8	30	
4. Section 4.1	30	
Total Points	100	

5.3 Selection

The review panel will recommend as the successful Respondent the organization whose proposal is determined to best meet the needs of SDWP, based on the evaluation criteria discussed above.

The selection of the successful proposal will be based upon information supplied by the vendor in response to this RFP and upon other information that will be obtained by the evaluation team, as deemed necessary. The lowest-cost proposal may not be determined to be the most responsive when all factors of evaluation of the proposal have been considered. However, the quoted cost schedule will be an important factor in the determination of the successful proposal.

The Board of Directors may award a contract/agreement based upon a recommendation from the proposal evaluation team. This RFP does not commit SDWP to award a contract/agreement.

SDWP reserves the right to negotiate with any Respondent after proposals are opened, if such action is deemed to be in the best interest of SDWP. SDWP reserves the right to reject any proposal submitted.

5.4 Appeals Process and Access to Evaluation Information

The information below outlines the appeals process and procedure to access evaluation information.

An appeal will only be considered valid if there has been a violation of the one of the following criteria:

- The procurement process as outlined by the RFP was violated in some manner; and/or
- Federal, state, and/or SDWP procurement guidelines have been violated.

An appeal would not be allowed:

- To contest individual scores, the rating system, or dissatisfaction with the evaluation results unless there is a violation of the process as outlined above; or
- By those other than RFP respondents.

The appeals process shall consist of the following steps:

- A written letter of appeal shall be delivered to SDWP's Director of Administrative Services;
- The written appeal shall specify evidence for valid appeal and the specific relief sought;
- The written appeal must be received by SDWP within three (3) business days from the date the RFP recommendation is first publicly posted on SDWP's website. Pursuant to

the Ralph M. Brown Act (Cal. Gov't Code §54950 et al.), the agenda for a publicly noticed meeting shall be posted no later than 72 hours prior to the meeting being held. Therefore, the agenda for the May 7, 2014 Board of Directors shall be posted no later than Friday, May 2, 2014 at: <http://workforce.org/boards>;

- A designated third-party, appeals review panel comprised of non-SDWP staff shall have 10 business days to determine if the criteria for a valid appeal have been met. The decision of the review panel shall be final with no provision for reconsideration.

Access to Score Sheet and Comments

Individual score sheets and comments used during the evaluation process may be provided in the form of summaries as prepared by SDWP staff. Actual individual scores sheets will not be disclosed. These summaries will be provided to applicants of the RFP who submit a written request. Requests for this information shall be responded to within ten (10) business days of the Board of Directors approving the recommendation and any appeals submitted. The purpose for releasing this information is for technical assistance and continuous improvement and not for purpose of an appeal.

5.5 Board Action

The review panel's recommendations will be presented to the Board of Directors at its meeting on May 7, 2014. These dates are subject to change at SDWP's discretion. The Board of Directors will make the final selection to designate the award of the agreement(s), based upon consideration of the review panel's recommendations. Agreement negotiations and agreement signing will follow board approval. These target dates are subject to revision.

5.6 Agreement Award

Once the successful Respondent is approved, arrangements will be made to begin contract negotiations and contract implementation. The term of the agreement will be for one year, with the option to extend the contract/agreement for two (2) additional one-year periods based on need, performance, and funding availability. The agreement budget shall be renewed annually based on the availability of funds and service needs.

5.6.1 Negotiation/Agreement

All Respondents shall designate an authorized negotiator. (The name and contact information for this person must be included on the title page of the proposal.) This designated person must be empowered to make binding commitments for the successful Respondent and its subcontractors, if any. SDWP reserves the right to negotiate the final terms of the agreements with the successful Respondent(s). Items that may be negotiated include, but are not limited to, the scope of work, the staff as proposed, the implementation schedule, and the final award amount.

5.7 Conflict of Interest

5.7.1 Ex-Parte Communication

It is the policy of SDWP to prohibit ex-parte communication with any board member (Policy Board, WIB, APC, Youth Council, or Board of Directors), SDWP staff, consultants or other persons serving as an evaluator during the procurement process. Respondents that directly contact board members or evaluators risk elimination of their proposals from further consideration.

Any written communication to a board member or evaluator from potential Respondents will be distributed to all board members and evaluators. Collaboration with members of the various SDWP

boards and committees on or about the proposal is a violation of the ex-parte communication rule. However, recognizing the value that such collaborations may bring to our system, SDWP has developed **Conflict of Interest Disclosure Form - Attachment C** to ensure that these types of arrangements do not place Respondents in jeopardy. Any Respondent who wishes to collaborate with a member of any SDWP board or committee **MUST** fill out the attached form and submit with proposal.

NOTE: Under no circumstances may an individual who is part of the proposal review committee collaborate with any Respondent. All such individuals will be asked to sign the “Conflict of Interest Certification for Request for Proposal” stating they have not collaborated with any respondent.

Proposals submitted to the SDWP for consideration/evaluation shall be accompanied by **Conflict of Interest Disclosure Form - Attachment C** and an assurance that WIA funds will not be used to duplicate facilities or services available (with or without reimbursement) from other Federal, State, or local resources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve performance/service goals.

5.7.2 Cooling Off Period

SDWP, the WIB and the Policy Board shall not approve or contract with, and shall reject any bid or proposal submitted by, an individual or entity who within the preceding twelve (12) months, was themselves or employs anyone who:

1. Is a current, dismissed, separated, or formerly employed person of SDWP
 - a. Was employed in any position(s) of substantial responsibility in the area of service to be performed by the agreement; or
 - b. Participated in any way in the negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the proposed contract/service agreement, or was or is employed in a role of substantial responsibility in the same general subject area as the proposed agreement; or
 - c. Is an owner, officer, principal, partner, or major shareholder of the proposed contractor.

This prohibition shall apply to any qualified person(s) leaving the employ of SDWP after September 21, 2012, and shall apply at all times during the twelve-month period beginning on the date the person left the employment of SDWP, and shall apply to any procurement issued or agreement executed within that twelve-month period. The San Diego Consortium Policy Board may, upon a showing of special circumstances that would justify the approval of such an agreement, waive this prohibition.

5.8 Communications

SDWP takes sole responsibility for any and all outreach and distribution of information about the status of contracts/agreements and/or public relations matters to the media and/or other parties. Any and all media or information inquiries about SDWP contracts/agreements and/or public relations matters should be immediately directed to SDWP’s communications team at communications@workforce.org or 619-228-2900.

5.9 Insurance

The prospective vendor shall be required to comply with SDWP’s insurance and OSHA safety standards. SDWP insurance standards are that the vendor satisfies the requirements of the State of California workers compensation for occupational injury. Prospective vendors must also carry liability insurance, naming SDWP as an additional insured and must cover bodily injury and property damage liability claims to \$1,000,000, with excess liability coverage of an additional \$4,000,000. The vendor must carry fidelity coverage bonding insurance to cover losses sustained by customers as a result of the dishonesty of an

employee or employees of the vendor. ***Copies of the vendor's workers compensation, liability insurance, and fidelity bonding policies must be provided in the proposal.***

5.10 Agreement Terms and Litigation Warranty

SDWP will negotiate agreements with the successful Respondent(s). SDWP's standard agreement terms are included in the **Services Agreement Template - Attachment D**. These will be the terms and conditions used by SDWP in its agreement, and will form the basis for agreement negotiations.

The RFP, any addenda, and the Respondent's response shall also become part of the agreement between SDWP and the Respondent. SDWP is not responsible for oversights in this RFP that are not brought to the attention of SDWP prior to starting agreement negotiations. The Respondent shall indicate in its proposal any exceptions that the Respondent takes to the terms and conditions in **Services Agreement Template - Attachment D**, or to any of the contents of this RFP. Agreement terms required by the Respondent must be included or attached to the Respondent's proposal.

Respondents, by submitting a proposal, warrant that they are not currently involved in litigation or arbitration concerning their performance as it relates to the same or similar services to be supplied pursuant to the referenced agreement and that no judgments or awards have been made against the Respondents on the basis of their performance in supplying the same or similar services, unless such fact is disclosed to SDWP in the proposal(s). Disclosure will not automatically disqualify the Respondents; however, SDWP reserves the right to evaluate proposal(s) on the basis of facts surrounding such litigation or arbitration. These will be reviewed and decided upon at the discretion of SDWP.

5.11 Funding Warranty

Respondents, by submitting a proposal(s), warrant that in the preceding three (3) years they have not had one or more public transactions (federal, state, or local) terminated for cause or default.

5.12 Work for Hire

Respondent agrees that all intellectual properties created by the Respondent in the course of performance of Respondent's duties under an agreement with SDWP, including without limitation, all patentable and copyrightable inventions and recordings, in every format, are each a "work for hire" and are the sole and exclusive property of the State, except as provided in 37 CFR Regulations part 401.14 and CFR 97.34 where it is the property of DOL, as indicated in the WIA Subgrant Agreement, provision 19.

In the event the agreement does not qualify as a "work for hire" agreement, in partial consideration for the compensation paid to the Respondent pursuant to the agreement, the Respondent hereby irrevocably assigns to SDWP, on behalf of the State and DOL, in perpetuity, all of the Respondent's rights, title, and interest in and to all copyrights, patents, know-how, and other forms of intellectual property created by the Respondent in the course of performance of Respondent's duties under an agreement with SDWP.

Respondent agrees to execute any forms of assignment or transfer reasonably requested by SDWP during or following the term of this Agreement in order to evidence the foregoing agreement of the parties.

5.13 Restriction on Disclosure

Confidential Information: Any information deemed confidential or proprietary by Respondent must be clearly marked and identified by Respondent as such and include an explanation of why such information is exempt from disclosure under applicable law. Such clearly marked and identified confidential or proprietary information will be protected and treated with confidentiality only to the extent permitted by California Public Records Act (CPRA) and the Freedom of Information Act (FOIA) law. Information not protected from disclosure by law will be considered a public record.

If Respondent does not mark information as confidential or proprietary, SDWP will assume that Respondent believes such unmarked data should be released to the public.

Bids submitted in response to a Request for Proposals (RFP), amounts actually paid by the government under an agreement, and cost and pricing data incorporated into a contractual document such as line item prices, agreement award prices, and modifications are released. Explanatory material and headings associated with costs and pricing data are normally released unless Respondent can justify their deletion.

Proposals will be received, maintained, and disclosed to the public consistent with the CPRA and FOIA. In general, proposals will be exempt from disclosure until the evaluation and selection process has been completed. Respondents should be aware that SDWP is required by law to make its records available for public inspection and copying, with certain exceptions (see California Public Records Act, California Government code Section 6250 et.seq. and the Freedom of Information Act - 5 U.S.C. Sec. 552).

SDWP will not notify Respondent of requests for release of information or that SDWP released data unless SDWP receives a request for information previously marked and identified by Respondent as confidential or proprietary. If SDWP receives a request for release of such previously marked and identified confidential or proprietary information, SDWP will notify Respondent of such request to allow Respondent to challenge such request consistent with applicable law.

Respondent, by submission of materials marked confidential or proprietary, expressly acknowledges and agrees that neither SDWP nor the City or County of San Diego will have any obligation or liability to the Respondent in the event a court of competent jurisdiction compels the disclosure of these materials.

Any data to be returned should be so marked by Respondent and will be returned if not essential to the proposal or agreement record.

6.0 ATTACHMENTS

Attachments are separate documents to this RFP and maybe downloaded from SDWP's website www.workforce.org.

- Attachment A** - **Metro Space Plan**
- Attachment B** - **South Metro Space Plan**
- Attachment C** - **Conflict of Interest Disclosure Form**
- Attachment D** - **Services Agreement Template**