

**SAN DIEGO
WORKFORCE
PARTNERSHIP[®]**

**REQUEST FOR PROPOSAL FOR
TEMPORARY STAFFING 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

TEMPORARY STAFFING SERVICES

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**NOTIFICATION OF REQUEST FOR PROPOSALS
FOR
TEMPORARY STAFFING 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 those interested and qualified to provide temporary staffing services. The purpose of this request is to procure a qualified provider or providers 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. Respondents are invited to submit a proposal in accordance with the instructions indicated in this RFP.

SDWP utilizes temporary staffing services to fill short-term staffing needs in the area of, but not limited to, administrative support, technical support, human resources and finance. We require qualified individuals to assist SDWP staff in project completion, or for interim placement necessary because of employee turnover or individual leave/vacation.

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 purpose of providing temporary staffing needs. It is anticipated that we would utilize at least one temporary staff person for 40 out of 52 weeks of the year. SDWP does not anticipate the need for more than a total of 6 temporary staff at any given time. The duration of temporary staff assignments is usually from 1 to 6 weeks. Normally we do not use temporary staff for long-term assignments exceeding 3 months however; depending on our staffing needs assignments may exceed the 3-month timeframe.

The positions most often required include but are not limited to: Data Entry Clerk, Customer Service Representative, Executive Assistants, Administrative Assistants, Human Resources Clerk, Human Resources Coordinator, Finance /Accounting Clerk, Finance Analyst/Accountant, Helpdesk Technician, and IT Support Specialist. These positions may also require an individual to be bilingual (English/Spanish fluency).

Due to the varying differences that may be present in Administrative and Technical services. SDWP is looking for respondents to submit separate proposals for Administrative temporary staffing services and Technical temporary staffing services.

In addition to regular temporary staffing services, we would also have the occasional need to payroll staff through the temporary staffing agency. In this case, SDWP would select an individual and send them to the agency for payrolling.

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:

Terri Freepartner, Human Resources Analyst
3910 University Ave., Suite #400
San Diego, CA 92105
619-228-2924
Email: TSProposals@workforce.org

<u>Activity</u>	<u>Date</u>
Issue RFP	March 7, 2014
Respondents' Orientation	March 14, 2014
Last Day to Submit Questions	March 28, 2014
Last Day Answers Posted on Website	April 2, 2014
Required Statement of Qualification 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 Friday, March 14, 2014 from 10:00 am, PDT to 11:30 am, PDT at the SDWP office located at 3910 University Avenue, San Diego, CA 92105, on the fourth floor in the SDWP Executive Boardroom.

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: TSProposals@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://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 respondent's 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 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. Respondents that are submitting two proposals will only need to submit one SOQ. However, if Administrative or Technical services are run by a subsidiary of the company, Respondent must submit a separate SOQ for each company subsidiary.

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 <http://workforce.org/vendor-opportunities>. 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, <http://workforce.org/vendor-opportunities>.

Respondents are responsible for checking the website frequently to remain informed about the procurement process, receive addendum 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 respondent's 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, 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 SDWP 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. 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, which 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(s) 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 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 –1-3 pages
- All other attachments– 5 pages

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.

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
- Organization/ 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:

- Provide a brief description of the proposer organization/company.
- List the facilities in San Diego County that would service the SDWP's account. Include how long the organization/company has been doing business in San Diego County.
- A summary of the respondent's understanding of program; 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 the temporary staffing services proposed. 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;
 - Filling of routine temporary staffing requests; and
 - Reporting of temporary staff absences and same-day replacement if requested
- 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:

- Description of the individual(s) that would be responsible the servicing SDWP's account including their qualifications and length of service in their current position.
- Describe what you would do to ensure consistency of the service to SDWP in the event that there is a change in the primary contact assigned to SDWP.

3.8 Work Plan

The Work Plan, not including the executive summary, table of contents, budget, and budget narrative shall not exceed five (5) double-spaced pages and shall include the following elements:

- Description of the ongoing recruitment and selection process used to maintain an ample pool of qualified temporary staff. Include the total number of individuals that are currently available to fill temporary staff positions.
- Description of the process that the organization/company uses to ensure the workplace readiness of temporary staff personnel including:
 - Professional appearance;
 - Reliability – punctuality, attendance; and
 - Basic workplace skills including communication skills, telephone skills, customer service, and time management.
- Description of the process that the organization/company uses to assess the job specific skill levels of temporary staff.

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.

Examples of the temporary staffing positions for Administrative and Technical positions are outlined in the tables below. Respondents must provide rate ranges that would be guaranteed for the term of this agreement for the following positions:

Please complete the table that corresponds to the proposal being submitted.

ADMINISTRATIVE STAFFING POSITIONS

	Employee Pay-Rate		Bill Rate	
	Low	High	Low	High
Data Entry Clerk				
Receptionist				
Customer Service Representative				
Administrative Assistant				
Executive Assistant				

TECHNICAL STAFFING POSITIONS

	Employee Pay-Rate		Bill Rate	
	Low	High	Low	High
Human Resources Clerk				
Finance / Accounting Clerk				
Human Resources Coordinator				
Finance Analyst / Accountant				
Helpdesk Technician				
IT Support Specialist				

In addition to the rate ranges above, Respondents must also provide the markup percentage rate for payroll a worker with the Respondents organization/company.

5.0 EVALUATION PROCESS AND AGREEMENT AWARD

5.1 Compliance 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	

Respondents must have a total average score of 85 points or higher to be recommended for funding. SDWP reserves the right to recommend multiple proposals to governing boards. In the event that the primary respondent recommended fails to provide services outlined in the agreement and proposal, SDWP may use an alternate respondent to perform services based on a score of 85 points or higher and approved by the governing board.

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 determination of the successful respondent will be based upon information supplied by the respondent in response to this RFP and upon other information that will be obtained by the review panel as is deemed necessary. The budget structure will be an important factor in the selection of the successful proposal.

Through the proposal evaluation process, SDWP will develop “First Call Agreements” for Administrative and Technical services and “Back-up Agreements” for Administrative and Technical services with the most responsive and qualified Temporary Staffing Agencies. SDWP also reserves the right to choose multiple vendors based on pricing for our different staffing needs. 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 reviewing the final agreement recommendations 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 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.

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 A** 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 both **Conflict of Interest Disclosure Form - Attachment A** 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

A full line of business insurance will be required of all successful Respondents. Please refer to SDWP's **Services Agreement Template - Attachment B** for complete information.

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 B**. 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 B**, 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 the 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 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 - Conflict of Interest Disclosure Form

Attachment B - Services Agreement Template