Request for Proposal (RFP) for:

IT Managed Services

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>RFP Issued</td>
<td>March 20, 2018</td>
</tr>
<tr>
<td>Respondents Orientation</td>
<td>April 2, 2018</td>
</tr>
<tr>
<td>Final Day to Submit Questions</td>
<td>April 4, 2018</td>
</tr>
<tr>
<td>Proposals Due</td>
<td>April 13, 2018</td>
</tr>
<tr>
<td>In Person Interviews</td>
<td>April 20, 2018</td>
</tr>
<tr>
<td>Evaluation Completion</td>
<td>April 30, 2018</td>
</tr>
<tr>
<td>Anticipated Award Notification</td>
<td>May 1, 2018</td>
</tr>
<tr>
<td>Contract Start</td>
<td>June 1, 2018</td>
</tr>
</tbody>
</table>

Proposal must be received no later than 3:00 p.m. Pacific Daylight Time (PDT)
April 13, 2018

ABSOLUTELY NO EXCEPTIONS

SDWP is an equal opportunity employer and is committed to equal opportunity in its contracting process. Auxiliary aids and services are available upon request to individuals with disabilities.
# Table of Contents

1. **Introduction and Scope of Work** ................................................................. 1  
   1.1 Purpose of RFP ........................................................................................ 1  
   1.2 Scope of Work ......................................................................................... 3  
   1.3 Contract Period ..................................................................................... 5  
   1.4 Organizational Overview & Governance ............................................... 5  
   1.5 Eligible Applicants .................................................................................. 6  
   1.6 Addenda to this RFP .............................................................................. 6  
   1.7 Right to Cancel ...................................................................................... 6  
   1.8 Submittal of Proposals .......................................................................... 6  
   1.9 Questions and Answers about the RFP ............................................... 6  
   1.10 Respondents Orientation ..................................................................... 6  

2. **Proposal Submission** ................................................................................. 7  
   2.1 Cover Page ............................................................................................. 7  
   2.2 Proposal Narrative .................................................................................. 7  
      2.2.2 Organizational Qualifications and References (25 points) ............... 7  
      2.2.3 Solution Profile (40 points) .............................................................. 7  
   2.3 Project Budget (25 Points) ................................................................... 8  
   2.4 In Person Interview (10 Points) ............................................................ 9  

3. **Evaluation Criteria and Contract Award** ............................................... 9  
   3.1 Evaluation Criteria and Access to Evaluation Information ................... 9  
   3.2 Contract Award .................................................................................... 9  
      3.2.1 Negotiation/Contract ....................................................................... 9  
   3.3 Conflict of Interest .............................................................................. 10  
      3.3.1 Cooling Off Period ......................................................................... 10  
   3.4 General Provisions ............................................................................... 10  
      3.4.1 Contract Terms, Insurance and Litigation Warranty ...................... 10  
   3.5 Appeal Process ................................................................................... 11  
   3.6 Restriction on Disclosure .................................................................... 11
1. Introduction and Scope of Work

1.1 Purpose of RFP

The San Diego Workforce Partnership (SDWP) seeks to transform its IT support to better meet the business needs for performance, flexibility, stability and redundancy. IT is a critical component for the organization, and is used daily by every employee, contractor, Job Center partner, and end users to provide services to the community. SDWP requires a solution that is capable of the following:

- Expanding IT system management capabilities and improving system stability. SDWP seeks to address the gap between existing and required competencies as identified in the IT Assessment performed by SDWP’s consultant, Phase X Solutions, for managing the existing and potential future IT technology stacks. Additionally, SDWP requires project delivery to support large IT transitions (e.g. move of sites or transition to co-location facility) which leverage a bench of system experts to meet technical needs.
- Bringing system configuration and security to industry best practice standards, improving performance, and reducing support issues.
- Improving the end-user experience by providing a high-quality Help Desk for business users.
- Providing flexibility in meeting future system needs as the IT infrastructure evolves.

Cost, technical skills and flexibility of solution are all key considerations.

SDWP’s environment has 7 sites with approximately 100 users at the headquarters location running Mac laptops, with some Windows devices, and 170 remote users primarily using terminals with Citrix Clients accessing SDWP’s internally hosted systems. SDWP has a small data center at the headquarters and utilizes Office365 for email hosting and desktop productivity applications. Approximately 7,000 clients a month access SDWP’s web based applications. SDWP’s network is made up of the following components.

<table>
<thead>
<tr>
<th>Device Type - Currently Deployed</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thin Clients</td>
<td>138</td>
</tr>
<tr>
<td>PC Laptops</td>
<td>28</td>
</tr>
<tr>
<td>MacBooks</td>
<td>57</td>
</tr>
<tr>
<td>Desktops</td>
<td>234</td>
</tr>
<tr>
<td>iPads</td>
<td>89</td>
</tr>
<tr>
<td>Printers</td>
<td>46</td>
</tr>
</tbody>
</table>

Wide Area Network (WAN)

SDWP currently has a hub and spoke wide area network (WAN) created with an AT&T proprietary Layer 2, ASE (AT&T Switched Ethernet) service. The six Job Center locations all connect to the SDWP headquarters Local Area Network (LAN) over an aggregated 100 Mbps ASE connection to an SDWP owned Cisco 3845 gateway device. Access to the Internet is provided by an AT&T managed Cisco 2821 gateway router with a 150 Mbps AT&T Internet service provided at SDWP’s headquarters. Internet security is handled by an (out of date)
redundant pair of SDWP owned Cisco ASA firewalls and a FortiGate security device acting as a web filter. Note: There is an active project to replace this WAN & Internet topology with direct Internet access at each site and a VPN network connecting the sites to the headquarters/core Data Center. Redundant connections for 3 key locations (including the HQ) are also being considered. Please see recent SDWP procurements for more information.

**Local Area Network (LAN)**
SDWP recently upgraded all of the network switches with Cisco 2960’s. Each of the Job Centers has a Cisco 2821 Router but no security appliance as all Internet traffic is currently routed through the SDWP headquarters (this will change with the new ISP project). Internet security is provided by a Cisco ASA stack, with a FortiGate web filter. The headquarters location has an out of life Wi-Fi system sourced from AT&T. There are plans to replace this system, and there is an active project to add Wi-Fi to 3 of the Job Center locations. Please see recent SDWP procurements for more information. SDWP anticipates that Job Center Wi-Fi systems will be built on a Cosco Meraki stack.

**Core System**
SDWP uses VMWare and a network storage system to meet its needs for delivering applications and services (including specialized applications), security, and storage. The core system is made up of a 4 VMWare servers with approximately 34 guests (virtual servers), being managed with vCenter. This system utilizes many of VMWare’s technology including vMotion. Two Tegile T4100 NAS devices with all flash storage are used for primary and backup storage. Additionally, a Synology 415 NAS is used for real time file versioning and recovery of user data stores.

SDWP uses Citrix for remote users to provide corporate desktop and network application access. Active Directory is used for user identity and resource management. This system is federated with SDWP’s O365 environment. SDWP plans to move its core servers (datacenter) from the HQ location to a Co-Location facility in Q3. The facility has yet to be determined, and the chosen vendor will be expected to participate in the selection and migration to the Co-Lo facility.

**Workstations**
SDWP headquarters users primarily run Mac laptops. There are approximately a dozen Windows desktops at the HQ location. Remote users at the Job Centers primarily connect to SDWPs network via terminal devices with Citrix client.

**Applications**
SDWP primarily utilizes COTS applications including Abila for finance, Office 365 for standard business applications as well as e-mail hosting, SharePoint, and increasingly for file storage. SDWP also has a suite of custom applications built on a FileMaker platform. Most of these applications are being transitioned in the coming year to commercial cloud/SaaS solutions, or to a Salesforce stack.

**Phones**
SDWP currently uses, and is responsible for managing, a legacy NEC digital PBX for the headquarters office and one of the Job Centers. There is an active RFP to replace this system with a cloud hosted VOIP system including expanded service capabilities. Please see recent SDWP procurements for more information.
IT is also responsible for managing mobile phones for approximately 2 dozen managers/leadership. The majority are iPhones although there are also some Android devices in circulation.

**Remote Offices/Job Center Support**
SDWP’s IT team is located at the headquarters office and is able to support most users and resolve issues from this location. Given the use of Citrix and thin clients there is a low amount of travel to support the job centers - typically 1 or fewer visits per job center per month to address issues that require on-site maintenance or hands on support.

**Onboarding & Off boarding**
SDWP onboards and offboards approximately 1-2 people per week, mostly temporary staff. Temporary staff are given thin clients; replacement hires typically take over existing equipment. Net-new additions to head count typically start with a thin client while funding approval is completed to purchase new equipment (typically a laptop, docking station, monitors, etc.).

![Figure 2: Current Sites](image)

<table>
<thead>
<tr>
<th>Site Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
<th>Users</th>
<th>Minimum Speed Down/Up in Mbs</th>
<th>Redundancy Needed?</th>
<th>Reason</th>
<th># of Phones Needed</th>
</tr>
</thead>
<tbody>
<tr>
<td>SDWP</td>
<td>3910 University Ave Suite 400</td>
<td>San Diego</td>
<td>CA</td>
<td>92105</td>
<td>95</td>
<td>250/250</td>
<td>Y</td>
<td>Backup &amp; Quality of Service</td>
<td>100</td>
</tr>
<tr>
<td>ECCC</td>
<td>924 East Main</td>
<td>El Cajon</td>
<td>CA</td>
<td>92021</td>
<td>30</td>
<td>100/100</td>
<td>Y</td>
<td>Backup</td>
<td>NA</td>
</tr>
<tr>
<td>Downtown Library</td>
<td>330 Park Ave</td>
<td>San Diego</td>
<td>CA</td>
<td>92101</td>
<td>5</td>
<td>25/25</td>
<td>Y</td>
<td>Backup</td>
<td>NA</td>
</tr>
<tr>
<td>NCCC</td>
<td>1949 Avenida Del Oro Suite 106</td>
<td>Oceanside</td>
<td>CA</td>
<td>92056</td>
<td>25</td>
<td>100/100</td>
<td>Y</td>
<td>Backup</td>
<td>NA</td>
</tr>
<tr>
<td>NICC</td>
<td>613 W. Valley Parkway Suite 220</td>
<td>Escondido</td>
<td>CA</td>
<td>92025</td>
<td>10</td>
<td>50/50</td>
<td>Y</td>
<td>Backup &amp; Quality of Service</td>
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<tr>
<td>SCCC</td>
<td>1111 Bay Blvd</td>
<td>Chula Vista</td>
<td>CA</td>
<td>91911</td>
<td>36</td>
<td>100/100</td>
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<td>Backup &amp; Quality of Service</td>
<td>NA</td>
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<tr>
<td>SMCC</td>
<td>4389 Imperial Ave</td>
<td>San Diego</td>
<td>CA</td>
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<td>150/150</td>
<td>Y</td>
<td>Backup &amp; Quality of Service</td>
<td>57</td>
</tr>
</tbody>
</table>

*Please note that over time there may be changes in Job Center or HQ locations and addition of a co-location site.*

### 1.2 Scope of Work

SDWP seeks to procure IT Managed Services for a period of one base year with two option years for a total of three years of service. Proposals should outline what, if any, costs will require an initial capital investment versus monthly service fees.

The scope of work of this RFP is centered on a successful configuration, maintenance and ongoing support for the SDWP network which includes the following:

- System stability and performance tuning
- Managed services for all network devices (including Wi-Fi), servers, desktop and laptop devices, Active Directory, Office365
• Documentation for network, security and support
• Help-desk services

Onboarding: A recent IT Audit and Recommendations project by SDWP consultant Phase X Solutions identified a list of equipment and systems in need of configuration and performance tuning, and security hardening so as to bring the systems to industry accepted best practice configurations, and to improve routine performance and stability. Respondent will be expected to leverage recently created documentation and analysis of systems to support integration and on-boarding. SDWP expects the successful respondent to begin remediation of these concerns in parallel to onboarding end user support/help-desk, and implementation of management and monitoring functions. Remediation must be completed prior to transition of servers to co-location, anticipated to occur in August or September.

System Enhancements: Additionally, as outlined in the IT roadmap, SDWP is undergoing several major systems enhancements. Examples include site moves, transition to co-location and upgrade of telecommunications infrastructure. Successful respondent will be expected to support these transitions as well as to engineer, plan and design services in the future (including equipment, software, and license agreements) for other system enhancements, including installations and upgrades of new and existing systems as needed or directed by SDWP.

Documentation: Successful respondent will be expected to ensure proper documentation for the implementation of new technology, general management and operations. This includes basic user communications around IT practices to secure network such as onboarding/off boarding practices or addressing SPAM and phishing attempts, and virus protection. Respondent shall develop procedural documentation.

Network Administration: Successful respondent will be responsible to provide general and routine maintenance and monitoring of SDWP’s IT infrastructure including Wi-Fi systems, switches, firewalls, routers and other network and security devices. Respondent will also perform the installation and maintenance of network devices and servers, and patches and upgrades as needed to stay current with security and configuration standards and best practices. Respondent shall implement a proactive monitoring system of the network equipment including alert notifications to in the event of device failure (SDWP currently uses PRTG but vendor may use alternate technology) to monitor and report on network performance and capacity, etc.

Respondent will be responsible for adding, deleting or changing user network and O365 accounts and ensure that each account is working efficiently and effectively free of errors. Respondent shall develop procedural documentation and back-up plans.

Hardware/Software Administration: Successful respondent shall manage hardware, software, and operating systems necessary for the quality, security, performance, availability, recoverability and reliability of the system. Respondent shall ensure scheduled preventive maintenance for equipment is promptly performed including changes, upgrades, patches, etc. Respondent shall also carry out the installation and maintenance of printers, scanners, phones (physical and software based), cellular phones, servers, network devices and other computer peripherals. This includes all configuration management, and support of software products relating to servers and workstations; timely response to repair and maintenance work for the user is critical.
Security and Backup Services: Successful respondent shall ensure that all servers, desktops and laptops are protected by antivirus and anti-malware software and that adequate firewalls are in place and configured to prevent unwanted intrusion into the network and end user devices. Procedures shall be implemented to notify SDWP management when system securities are breached. Successful respondent shall perform regular security audits and notify SDWP’s management immediately of suspected breach of security or intrusion detection. Respondent shall also manage a backup system and process to prevent loss of data and functionality as well as reduce downtime. (Note that at this time SDWP has not yet implemented a comprehensive backup, disaster recovery, email archiving solutions. This is expected to be addressed as part of the IT roadmap; respondent will be expected to support implementation)

Help Desk: Successful respondent will diagnose and correct desktop applications issues, configure all computers for standard applications; identify and correct end user hardware problems and perform advanced troubleshooting; identify and correct end user hardware problems and perform advanced troubleshooting; install PC’s, laptops, tablets, printers, phones (physical and software), cellular phones, peripherals, and software. Respondent shall have access and be available during normal business hours with after-hours support required for system upgrades or emergencies. Successful respondent must be capable of supporting Apple Mac OSX and iOS devices, Android devise, Microsoft Windows 7 and Windows 10 devices. Experience with JAMF software is a plus.

Software/Hardware Procurement: Successful respondent will be required to support SDWP’s procurement policies for hardware/software to include obtaining quotes from vendors, interfacing with vendors on renewals, and supporting build vs. buy analysis.

Leadership Reporting: Successful respondent will be expected to produce weekly and monthly dashboard reporting on the health of the SDWP network and systems for executive stakeholders. Respondent will also be required to participate in regular leadership briefings.

Please note, these are high level tasks to help inform bidders’ proposal narratives and budget. Final contract Scope of Work with be based on SDWP needs, the selected bidders proposed timeline and approach (see section 2.0), and final negotiations with the selected bidder prior to contract award.

1.3 Contract Period
SDWP intends to award one contract with a base year that will begin on June 1, 2018 and two option years starting June 1, 2019 and June 1, 2020 respectively.

1.4 Organizational Overview & Governance
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 U.S. Department of Labor (DOL) under the provisions of WIOA and is overseen under the leadership of the Workforce Development Board (WDB) and the Policy Board. For additional information on SDWP, visit workforce.org.
1.5 Eligible Applicants
For-profit and nonprofit organizations, public agencies, consortiums, and/or a collaboration of these organizations are all encouraged to apply. Consortiums, joint ventures, or collaboration of organizations with complementary skills and experience are encouraged to apply, but proposals need to clearly identify one legal entity as the prime respondent that will hold contracting responsibilities and liabilities.

1.6 Addenda to this RFP
SDWP may revise any part of this RFP and will release an addendum that will be posted on SDWP’s website, workforce.org/procurement. Respondents are responsible for checking the website to remain informed about the process and any changes that may affect the RFP. If respondents have difficulty or problems accessing the website or downloading information, contact SDWP at (619) 228-2954 or procurement@workforce.org.

1.7 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 necessary. This RFP does not commit SDWP to accept any proposal or execute an agreement with any bidders, 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 contracts 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.

1.8 Submittal of Proposals
SDWP must receive proposals no later than 3:00 p.m. PST, Friday April 13, 2018.

PDF versions of written and signed proposals should be sent to procurement@workforce.org with the title of “IT Managed Services RFP – [name of bidder] response”.

Late proposals will not be accepted.

1.9 Questions and Answers about the RFP
All questions about this RFP must be submitted in writing to procurement@workforce.org with the name of the RFP in the subject line. The final day to submit questions will be on April 4, 2018 at 3pm PDT. Questions received after that time will not be answered.

All questions and answers will be posted online at http://workforce.org/procurement. SDWP will respond to questions on a rolling basis.

1.10 Respondents Orientation
A virtual webinar session will be held on April 2, 2018 from 2 to 3 pm PDT. This is an opportunity for potential respondents to request additional clarity on both the current state as well as future state needs. No inquiries will be answered outside of the respondents’ orientation or Q&A process outlined in section 1.9.

Link to Orientation: https://attendee.gotowebinar.com/register/8956027273575213059
2. **Proposal Submission**

<table>
<thead>
<tr>
<th>Section</th>
<th>Section Title</th>
<th>Page Limit(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Cover Page</td>
<td>1 page</td>
</tr>
<tr>
<td>2.2</td>
<td>Proposal Narrative</td>
<td>15 pages</td>
</tr>
<tr>
<td>2.3</td>
<td>Project Budget</td>
<td>1 page</td>
</tr>
</tbody>
</table>

2.1 **Cover Page**
Include company name, address, phone number, website and federal tax identification number, as well as the name, phone number, email, and electronic signature for the person authorized to negotiate the contract and make decisions for the organization.

2.2 **Proposal Narrative**
The written narrative portion of the RFP cannot exceed 15 double-spaced pages. Content beyond the 15-page limit will be removed before proposals are evaluated. Proposals that do not include a proposal narrative will be disqualified and will not be considered for funding.

Respondents must address the following sections in the proposal narrative:

2.2.2 **Organizational Qualifications and References** (25 points)

- Please provide an overview of your organization and your organizations experience and qualifications for similar sized projects; includes demonstrating that your organization has sufficient size and depth of management, financial strength, resources and services to support the need

- Please provide at least three references for other clients where you have provided the same/similar services

- Please describe the experience and qualifications of the project lead/project manager and other key members of the project team. Indicate what certifications your staff hold, including Microsoft – Server and Network (AD) Administration, Office 365, Windows Desktop, Cisco, VMWare, Apple, and any other relevant certifications

- Please provide a timeline with key milestones and roles of responsibilities of contractor and SDWP to achieve each milestone. Examples of a sample Integration Plan for onboarding a client such as SDWP which includes tasks, duration, dependencies for deployment, etc. strongly preferred

- Please provide specific risks you see related to this project and how your organization will manage/mitigate these risks through your project management approach.

2.2.3 **Solution Profile** (40 points)

Please address the following:

- General
  - Approach for providing Managed IT Services, performance tuning, and security hardening
Platforms and tools you use for remote management, monitoring, access, documentation, project management, reporting, and automation

- Defined tiers/levels of service
- Model for dedicated staffing assignments vs. rotating positions
- Support for special projects
- Experience with transition to co-location facility as well as site moves
- Any third party out-sourced partnerships for installation, support, etc
- Organization’s account management, support teams, processes, etc

Planning & Project Service
- Description of Ad-hoc project services you can provide, including architecture and implementation, strategic planning and forecasting, Disaster Recovery and Business Continuity planning as well as pricing models for any additional costs, if relevant
- Proactive approach to system enhancements
- Procurement and purchase ordering process
- Relationships with VARs and OEM channels that you have. Include details on any margins/incentives/commissions or other form of compensation you receive
- Communication strategy for communicating routine and urgent notifications to end users and management including: system upgrades, outages, remediation, security warnings (virus alerts, phishing concerns, system breaches), etc.

Help Desk Support
- Solution for end user support including staffing model
- Hours of operation both during and outside normal business hours, weekend and holidays
- Options available for contact outside of normal Help Desk hours, if needed
- SLA response time options
- Standards for ticket resolution and customer satisfaction surveys

Network
- Approach to provide installation, maintenance, configuration management, patching and monitoring for network devices
- Mechanisms to stay current with security and configuration standards and best practices.
- Communication methods and approach to communicating with end users about outages, maintenance cycles, etc
- Approach to performing regular security audits, addressing breaches/intrusion, preventing loss of data and functionality as well as reducing downtime

Reporting and Documentation
- Approach to documenting implementation of new technology, general management and operations.
- Weekly and monthly dashboard reporting on the health of the network
- Other reporting tools

2.3 Project Budget (25 Points)

Please provide a clear and concise budget that outlines all monthly service delivery costs as well as any software or start-up/activation costs. Budget should clearly specify pricing approach (e.g.
by user, machine, task, hourly rate). Both start up and annual costs will be a consideration in vendor selection. The prices quoted should be valid for a period of 3 years.

Budget should include pricing for blended and full support models; note that SDWP currently has one IT manager and one network technician. Please clearly state which model(s) you can provide.

Please clearly outline any/all provisions and defined termination clauses and penalties for closing or changing amount of services (number of users/computers, number and location of sites, data center changes) as needed.

2.4 In Person Interview (10 Points)

Respondents who receive the highest score and within 10 points of the highest rated proposal will move on to the oral interviews. Respondents will be allowed 30 minutes for oral interviews to walk through their proposed solution. The Panel will ask a series of questions to allow respondents to clarify or highlight aspects of their proposal. The respondent’s authorized negotiator or delegate and at least one key technical resource must be in attendance for the oral interview. The respondent is limited to a presentation team of five individuals. Finalists will be notified of interview time slot via email.

3. Evaluation Criteria and Contract Award

3.1 Evaluation Criteria and Access to Evaluation Information

An RFP Scoring Panel will score and rank proposals and make a recommendation for funding. The selection will be based upon proposal information supplied by the respondent in response to this RFP.

The following details the points assigned per section:

<table>
<thead>
<tr>
<th>Proposal Section</th>
<th>Point Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.2.1 Organizational Qualifications and References</td>
<td>25</td>
</tr>
<tr>
<td>2.2.2 Solution Profile</td>
<td>40</td>
</tr>
<tr>
<td>2.3 Project Budget</td>
<td>25</td>
</tr>
<tr>
<td>2.4 In Person Interview</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total Points</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

3.2 Contract Award

The RFP Scoring Panel’s recommendations will be finalized and all bidders will be notified of the results by May 1, 2018.

3.2.1 Negotiation/Contract

The respondent’s designated authorized negotiator 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 contract agreements with the successful respondent(s). Items that may be negotiated include, but are not limited to, the scope of work, the implementation schedule, and the final award amount. If any respondent recommended for funding fails to provide services outlined in the agreement and proposal, SDWP may use an alternate respondent to perform services upon board approval.

3.2.2 This project is investment in SDWP’s infrastructure and operations (i.e. – is not a programmatic funding contract to a subrecipient). Per SDWP’s approved signature authority guidelines approved by the Board on February 18, 2016, such investments, if included in a budget previously approved by the WDB and Policy Board, does not require separate board approval.

3.3 Conflict of Interest

A completed Conflict of Interest Disclosure Form – Attachment E must be submitted even if there are no actual or potential conflicts of interest.

3.3.1 Cooling Off Period

SDWP, the WDB and the Policy Board shall not approve or contract with, and will reject any bid or proposal submitted by an individual or entity who within the preceding twelve (12) months was themselves or employs anyone who is a current, dismissed, separated, or formerly employed person of SDWP, and:

a) Was employed in any position(s) of substantial responsibility in the area of service to be performed by the contract; 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 contract; or

c) Is an owner, officer, principal, partner, or major shareholder of the proposed subrecipient.

This prohibition will apply to any qualified person(s) leaving the employ of SDWP, and will apply at all times during the twelve-month period beginning on the date the person left the employment of SDWP, and will apply to any procurement issued or contract executed within that twelve-month period. Potential respondents must detail any Cooling Off Period disclosures on the Conflict of Interest Disclosure Form - Attachment. The Policy Board may, upon a showing of special circumstances that would justify the approval of such a contract, waive this cooling off provision.

3.4 General Provisions

3.4.1 Contract Terms, Insurance and Litigation Warranty

The RFP, any addenda, and the respondent’s response shall also become part of the contract agreement between SDWP and the respondent. The respondent shall indicate in its proposal any exceptions that the respondent takes to the terms and conditions in the Contract General
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 contract 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 of litigation will not automatically disqualify the respondents; however, SDWP reserves the right to evaluate proposals based on facts surrounding such litigation or arbitration.

3.5 Appeal Process

Only respondents to this RFP may appeal the results if the procurement process was violated in some manner, and/or Federal, State, and/or SDWP procurement guidelines have been violated. An appeal will not be allowed to contest individual scores, the rating system, disqualification, or dissatisfaction with the evaluation results.

The appeal process is:

- A written letter of appeal will be sent to procurement@workforce.org including:
  - evidence for appeal and the specific relief sought.
- The written appeal must be received by SDWP within five business days from the date the RFP recommendation is posted on SDWP’s website.
- An appeal review panel appointed by the WDB Chair will review the appeal.
- The panel will review the appeal and collect information. At their discretion, the panel may request a meeting with the respondent and SDWP staff, and/or use other methods to gather relevant information.
- Once all the information is gathered and reviewed, the panel will issue a written decision to the appellant and the WDB.
- The decision of the appeal review panel will be final.

3.6 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 identified confidential or proprietary information will be protected and treated with confidentiality to the extent permitted by 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 treat the information as public. All sections of the proposal including attachments are subject to release.

Proposals will be received, maintained and disclosed to the public consistent with the California Public Records Act and the Freedom of Information Act. 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

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 contract record.