

**City and County of San Francisco**

**Request for Proposals for the**

**Old Mint Restoration Project**



Date issued:	December 18, 2015
Pre-submittal conference:	11:00 a.m., January 6, 2016
Submittal due:	5.00 p.m., February 3, 2016

Request for Proposals for the  
Old Mint Restoration Project

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## **Request for Proposals**

### **Old Mint Restoration Project**

#### **I. INTRODUCTION**

The United States Old Mint, located at Fifth and Mission Streets, is one of the most significant buildings in the San Francisco Bay Area region, if not the whole of the West. Listed on local, state, and federal historic registers, the story of the Mint is woven into that of the growth, devastation, and ultimate rebirth of San Francisco itself.

In recognition of this unique role in the region's history, and for its remarkable architecture, the City and County of San Francisco ("**City**") wants to transform the Mint into a fully retrofitted and physically-restored building that houses a set of dynamic, publicly-accessible cultural activities, and provides both a vibrant public space and a permanent and sustainable cultural facility (the "**Old Mint Restoration Project**"). By maximizing its public use and enjoyment, the City wishes to reactivate this important landmark to its full potential – potential that has, unfortunately, not been reached since the Mint's transfer from the federal government. The City believes that the Old Mint can, and should, become one of San Francisco's great cultural venues – a destination for residents and visitors alike, for years to come.

To this end, the City's Office of Economic and Workforce Development ("**OEWD**") is requesting proposals ("**Proposals**") from qualified entities that wish to enter into a revocable one-year Exclusive Negotiation Agreement ("**ENA**") with City to negotiate a long-term lease or management/operating agreement for the Old Mint (either, a "**Future Agreement**") that will help bring the Old Mint Restoration Project to fruition. Proposals may be made by a qualified organization or a team that partners various entities together. Any Future Agreement negotiated under the ENA may be subject to review and approval by the Board of Supervisors ("**Board**").

OEWD also seeks a qualified party to help the City with the following (collectively, the "**Analysis Activities**"): identifying the various technical and feasibility studies (e.g. viability of cultural use at the Mint, capital campaign feasibility analysis) needed for the Old Mint's restoration, advising on the parties best equipped to provide such studies, and reviewing and providing analysis of any such studies. It is expected to take approximately one year for the City to complete the Analysis Activities.

This RFP describes the type of Proposal of interest to the City, and the additional input and assistance the selected respondent would be expected to provide for the Analysis Activities. It also provides a description of the relevant experience and basic qualifications a successful respondent will possess, and offers an overview of the selection criteria, process, and other submission requirements.

Respondents to this RFP may be non-profit organizations, for-profit entities, or a team that partners different types of groups together.

#### **II. SCHEDULE**

The anticipated schedule for selecting a successful respondent is:

## RFP for Old Mint Project

<u>Proposal Phase</u>	<u>Date</u>
RFP is issued by the City	December 18, 2015
Pre-submission conference	11:00 a.m., January 6, 2016
Deadline for submission of written questions or requests for clarification	5:00 p.m., January 8, 2016
Submittals due	5:00 p.m., February 3, 2016

### III. BACKGROUND

The United States Old Mint (“**Old Mint**”) occupies an entire city block (Block 3704, Lot 11), located at 88 Fifth Street, and is bounded by Mission Street to the south, Mint Street to the west, and Mint Plaza (formerly Jessie Street) to the north. Designed by Alfred B. Mullet and completed in 1874, the Old Mint is a designated National Historic Landmark (“**NHL**”) – the highest level of recognition given by the federal government to historic places. A thorough discussion of the building’s history and architecture can be found in the Historic Structures Report (“**HSR**”) prepared for the City whilst negotiating the Old Mint’s conveyance from the General Services Administration (“**GSA**”). [*United States Old Mint, Historic Structures Report*. Architectural Resources Group, June 26, 2002]. The HSR is available at [oewd.org/OldMintRFP](http://oewd.org/OldMintRFP). The Old Mint is also a locally-listed historic resource (Landmark #236, Appendix A to Article 10 of the Planning Code) based on its association with economic and governmental history of San Francisco and the nation, and because of its Greek Revival architecture.

The Federal government transferred the Old Mint to the City in 2003 on the terms specified in a quitclaim deed (“**Deed**”) and a programmatic agreement (“**PA**”). The Deed contains covenants requiring the City or any subsequent owners to comply with the Secretary of the Interior’s Standards for the Rehabilitation and Guidelines for Rehabilitating Historic Buildings (the “**Secretary’s Standards**”) in any alteration or rehabilitation of the Old Mint. The Deed and the PA also require approvals by the State’s Historic Preservation Officer (“**SHPO**”) regarding such alterations at various stages in the design and construction processes. The Deed and PA are available at [oewd.org/OldMintRFP](http://oewd.org/OldMintRFP).

The City previously negotiated and approved a Lease Disposition and Development Agreement (“**LDDA**”) with a developer who had committed to fully renovate the building, and to establish and operate a mixed-use facility (cultural and retail) onsite. The City terminated the LDDA in 2015 due to the developer’s lack of performance.

Activate San Francisco Events (“**Licensee**”) currently holds a revocable license to schedule cultural programming, third-party rentals, and other events at the Mint. Licensee is required to provide certain maintenance activities to the Mint during its license term.

### IV. DESIRED SERVICES /DELIVERABLES

OEWD seeks a party that, in collaboration with the City, can 1) help cause the Old Mint Restoration Project come to fruition through a Future Agreement, and 2) advise and assist with the Analysis Activities. The Proposal should present the respondent’s vision for a revitalized Mint; explain how the respondent can contract with the City to permanently restore and activate the Old Mint, the specifics of which would be the subject of a Future Agreement; and describe the respondent’s expertise and knowledge that can help guide the City’s work during the Analysis Activities. A respondent’s submittal should also describe the programming, tasks and

timing involved for the respondent's revitalization scheme. If desired, the Proposal can describe how the respondent, working with the City, would select additional parties (such as subtenants or third party operators) to perform selected activities or offer selected services to further the Old Mint Restoration Project, the specifics of which would be detailed in a Future Agreement, if any.

Mayor Ed Lee has directed OEWD staff to lead the Old Mint Restoration Project, working closely with the building's manager, the Real Estate Division of the City's General Services Agency ("**RED**"). OEWD has convened a City Advisory Group ("**Advisory Group**"), consisting of RED and other City agencies and departments with particular expertise needed to advance the Old Mint Restoration Project. Among others, this group includes the Directors of the City's Arts Commission, War Memorial and Performing Arts Center, Grants for the Arts, History Center at the Public Library, as well as the Planning Department's Preservation Coordinator and staff from the Mayor's Office of Legislative Affairs. The Advisory Group will provide critical guidance throughout the Analysis Activities and in the formulation of any Future Agreement to ensure the success of the Old Mint Restoration Project.

The selected respondent will advise and collaborate with the City on all aspects of the Analysis Activities, including due diligence, pre-development work, and possible fundraising needed for them. The Analysis Activities entail helping to coordinate the production and review of the following ("**Deliverables**") by various technical consultants:

- capital campaign feasibility analysis
- cost estimates
- structural assessments of the building
- cultural viability study
- fundraising plan

As requested by City, the selected respondent will help the City select these consultants and provide advice on the information needed in these studies. Such Deliverables could include, but would not be limited to, the following:

#### *Building Assessment*

After a review of previously produced assessments and plans for the building, and in coordination with the City Architect in the Department of Public Works, the selected respondent will provide advice on any additional building or structural analyses needed for the development of a restoration plan for the Old Mint.

#### *Governance and Ownership*

The selected respondent will work with the City to evaluate potential governance and ownership models for the Mint in City's effort to develop a proposal that will support the public's long-term enjoyment of the space and ensure the City's successful stewardship of the resource.

#### *Fundraising*

The selected respondent will advise the City on all financial aspects of the Old Mint Restoration Project, including the development of a general cost estimate, overall financing scheme (including possible use of historic tax credits), and fundraising plan.

#### *Design*

As described above, the Deed and PA impose certain preservation-related standards on the rehabilitation of the Mint. The selected respondent will work with the City to solicit, review and obtain design services, if needed, and to obtain the necessary approvals from state and federal regulatory bodies.

The City has established the Old Mint Restoration Project as a priority project. In support of this goal, the City has identified funding to support the evaluation and production of the Deliverables

needed for the Old Mint Restoration Project, should any require the services of technical professionals. City retains sole discretion to determine and revise the Deliverables it will order for this evaluation.

A specific list of project tasks to be performed by the Selected Respondent will be contained in a subsequent ENA in a form, negotiated by the parties, that incorporates the project proposal, the RFP terms, and required City contract provisions. This ENA will describe the parties' roles and responsibilities for performing the Analysis Activities and determining the terms of a possible Future Agreement. If OEWD staff and the selected respondent successfully negotiate the terms of a Future Agreement during the ENA term, it may be subject to the final review and approval of the Board.

#### Temporary Activation

In partnership with the City and the building's Licensee, opportunities for occasional near-term programming at the Mint may exist. Respondents are encouraged to detail how they would approach this opportunity, if interested. (Respondents would not be required to handle "day to day" operational needs at the Mint, so responses need not cover those issues). Further, the City is planning a "community open house" weekend at the Mint for early March 2016. Respondents may detail if/how they would like to be involved in shaping this public event.

#### Pro Bono Advisory Role

Although this solicitation may result in a Future Agreement for the Old Mint, the selected respondent is also expected to provide, and to want to provide, advice on the Analysis Activities, including the selection and review of any Deliverables, to enhance the success of the Old Mint Restoration Project and of any Future Agreement. Respondents acknowledge that, if selected, they would be willing to provide this advice in a pro bono capacity. While City staff will negotiate in good faith with the Selected Respondent on the terms of a Future Agreement, the parties may not be able to reach mutual agreement on such terms, or such terms may not be approved by the City's Board of Supervisors. Respondents should detail how they would be able to perform under this scenario, including how much time (and with what level of staff) they are able to commit to providing advice on the Analysis Activities and to negotiating a possible Future Agreement.

The Selected Respondent is *not* expected to produce all the necessary technical assessments, described above, in-house or as part of their pro bono services (e.g. building materials evaluation, capital campaign feasibility study, etc.). Instead, the Selected Respondent will work with the City to identify a list of critical outstanding analyses, assist in devising the scopes for such work, and potentially advise in the identification, selection, and management of consultants to perform the relevant studies.

#### Project Approvals

Through this solicitation, the City is seeking to receive advice on the Analysis Activities and to negotiate mutually-agreeable terms of a Future Agreement in support of the Old Mint Restoration Project. Approval of any Future Agreement may be subject to the final approval of the City's Board and Mayor. This RFP does not grant or otherwise commit the City to any specific program or occupancy at the Old Mint.

## **V. SELECTION PROCESS AND CRITERIA**

A selection committee, consisting of members of the Old Mint City Advisory Group and individuals appointed by the Director of OEWD ("**Director**"), will review all responses and submit to the Director a list of all respondents ranked according to the selection criteria described below, together with any background information deemed relevant or requested by the Director.

RFP for Old Mint Project

The Director will then select a preferred respondent, in his sole and absolute discretion, with which the City shall enter into an ENA and exclusively negotiate the terms of the Future Agreement, in accordance with the terms of this RFP. It is expected that the final terms of any Future Agreement will be informed by the collective knowledge gained through the Analysis Activities.

This selection process *may* include an interview of respondents, though one is not here required nor guaranteed. The Director and the selection committee will make this determination based on the number and quality of responses the City receives to this RFP.

The selection committee will use the following criteria in the evaluation of responses to this RFP:

	<b>Evaluation Criteria</b>	<b>Points</b>
<b>A.</b>	<p><b>Experience and qualifications:</b></p> <ul style="list-style-type: none"> <li>- Experience in developing and executing cultural programming on a large scale.</li> <li>- Experience with the management or operations of cultural facilities or resources.</li> <li>- Ability to successfully fundraise for cultural activities.</li> <li>- Demonstrated ability to successfully collaborate with other cultural organizations and/or operate in partnership with governmental, non-profit, private, and philanthropic groups.</li> <li>- Knowledge and understanding of the current funding landscape for cultural assets, activities, and organizations at the state and federal level.</li> <li>- Experience with historic preservation issues.</li> </ul>	<b>45</b>
<b>B.</b>	<p><b>Vision:</b></p> <ul style="list-style-type: none"> <li>- Compatibility of Respondent’s general reuse concept for the Mint with the City’s stated vision for the building.</li> <li>- Reasonableness of Respondent’s concept for an ongoing role with programming/operations at the Mint (if any).</li> </ul>	<b>25</b>
<b>C.</b>	<p><b>Availability:</b></p> <ul style="list-style-type: none"> <li>- Respondent demonstrates a sufficient staff time commitment to the project to assist City in determining the scope of the Analysis Activities, obtaining and analyzing the Deliverables, and to negotiate the final form of a possible Future Agreement during the term of the ENA.</li> </ul>	<b>20</b>
<b>D.</b>	<p><b>Possible near-term use of space:</b></p> <ul style="list-style-type: none"> <li>- Respondent’s ideas for immediate, occasional programming at the Mint, including the upcoming community open house event. (NOTE: The presentation of such events would require coordination with the City and the Licensee, and require a mutually agreeable form of programming agreement)</li> </ul>	<b>10</b>
	<b>Total Points</b>	<b>100</b>

## **VI. SUBMISSION REQUIREMENTS**

### **A. Time and Place for Submission of Proposals**

Submittals must be received by 5:00 p.m., on February 3, 2016. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with the receptionist in room 448, City Hall, for Jon Lau or mailed to:

Jon Lau, Project Manager  
Office of Economic and Workforce Development  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 448  
San Francisco, CA 94102

Respondents shall submit five (5) hard copies of the proposal and two copies, separately bound, of required CMD Forms in a sealed envelope clearly marked Old Mint Restoration Project to the above location. In addition, respondents shall email an electronic copy of their submittal to [jon.lau@sfgov.org](mailto:jon.lau@sfgov.org). Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

### **B. Content**

Entities interested in responding to this RFP must submit the following information:

#### **1. Cover letter**

Submit a letter of introduction and executive summary of the proposal. The letter must be signed by a person authorized by your organization to obligate it to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your organization that it is willing and able to perform the commitments contained in the proposal.

#### **2. Project Approach**

An interested party's submittal should demonstrate how the Respondent's experience and vision for the Old Mint will help the City advance its goals on the Old Mint Restoration Project, as stated in the RFP. To this end, describe the services and activities that your group proposes to provide to the City during the term of the ENA with respect to the Analysis Activities, how your proposed lease or management of the Old Mint would further the Old Mint Restoration Project, and the assignment of work within the proposed work team with respect to the Analysis Activities and negotiating the terms of any Future Agreement. If interested, describe how your team would approach the near-term opportunities at the Mint, described above.

#### **3. Statement of Qualifications**

Provide information on your group's background and qualifications which addresses the following:

- a. Name, address, and telephone number of a contact person;
- b. A description of your organization, as well as how any joint venture or association would be structured;
- c. Provide a list identifying each key person on the project team, (and the role each will play in the project); and
- d. Provide a description of the experience and qualifications of the project team members, including brief resumes if necessary.



#### **4. Letters of Recommendation (optional)**

If desirous of such, provide no more than three (3) letters from entities recommending your organization's proposal, and its ability to assist with the Analysis Activities as described in this RFP.

### **VII. PRE-SUBMISSION CONFERENCE AND CONTRACT AWARD**

#### **A. Pre-submission Conference**

Respondents are encouraged to attend a pre-submittal conference on Wednesday, January 6, 2016, at 11:00 a.m. to be held at the **Old Mint, 88 Fifth Street** (meet at the side entrance, located off of Mint Plaza, on the north side of the building). All questions will be addressed at this conference and any available new information will be provided at that time. If you have further questions regarding the RFP, please contact the individual designated in Section VIII.B.

#### **B. Contract Award**

The Director will select a Respondent with whom OEWD staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the proposal, which may be subject to further negotiations and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time OEWD, in its sole discretion, may terminate negotiations with the highest ranked proposer and begin contract negotiations with the next highest ranked proposer.

### **VIII. TERMS AND CONDITIONS FOR RECEIPT OF SUBMITTALS**

#### **A. Errors and Omissions in RFP**

Proposers are responsible for reviewing all portions of this RFP. Respondents are to promptly notify OEWD, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to OEWD promptly after discovery, but in no event later than ten working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

#### **B. Inquiries Regarding RFP**

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed to:

Jon Lau, Project Manager  
Office of Economic and Workforce Development  
(415) 554-6123

All inquiries should be submitted via email to:

[jon.lau@sfgov.org](mailto:jon.lau@sfgov.org)

#### **C. Objections to RFP Terms**

Should a respondent object on any ground to any provision or legal requirement set forth in this RFP, the respondent must, not more than 14 calendar days after the RFP is issued, provide written notice to OEWD setting forth with specificity the grounds for the objection. The failure of a respondent to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

**D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing Addendum(s), which will be posted on the website. The respondent shall be responsible for ensuring that its submittal reflects any and all Addendum(s) issued by OEWD prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the respondent consult the website frequently, including shortly before the proposal due date, to determine if the respondent has downloaded all Addendum(s).

**E. Term of Proposal**

Submission of a response signifies that the proposed services are valid for 120 calendar days from the proposal due date.

**F. Revision of Proposal**

A respondent may revise a submittal on the respondent's own initiative at any time before the deadline for submission of proposals. The respondent must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.

At any time during the response evaluation process, OEWD may require a proposer to provide oral or written clarification of its submittal. OEWD reserves the right to make an award without further clarifications of proposals received.

**G. Errors and Omissions in Proposal**

Failure by OEWD to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

**H. Financial Responsibility**

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

**I. Proposer's Obligations under the Campaign Reform Ordinance**

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

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

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

- the officer's re-election campaign
- a candidate for that officer's office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

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

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

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

#### **J. Sunshine Ordinance**

In accordance with S.F. Administrative Code Section 67.24(e), contractors' bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

#### **K. Public Access to Meetings and Records**

If a proposer is a non-profit entity that receives a cumulative total per year of at least \$250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer's meetings and records, and (2) a summary of all complaints concerning the proposer's compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer's Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Future Agreement reached on the basis of the proposal.

#### **L. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;

2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

**M. No Waiver**

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

**IX. Contract Requirements**

**A. Standard Contract Provisions**

The successful proposer will be required to enter into the ENA, which will be in a form negotiated by the parties, and that incorporates the project proposal, the terms of this RFP, and required City contract provisions. Failure to timely execute the ENA, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the ENA, shall be deemed an abandonment of the offer to enter into the ENA. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits; the Minimum Compensation Ordinance; the Health Care Accountability Ordinance; the First Source Hiring Program; and applicable conflict of interest laws, as set forth in paragraphs B, C, D, E and F below.

**B. Nondiscrimination in Contracts and Benefits**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation. Additional information on Chapters 12B and 12C is available on the CMD's website at [www.sfcMD.org](http://www.sfcMD.org).

**C. Minimum Compensation Ordinance (MCO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see <http://sfgov.org/olse/minimum-compensation-ordinance-mco>.

For the amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco). Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

Additional information regarding the MCO is available on the web at [www.sfgov.org/olse/mco](http://www.sfgov.org/olse/mco).

#### **D. Health Care Accountability Ordinance (HCAO)**

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the HCAO is available on the web at [www.sfgov.org/olse/hcao](http://www.sfgov.org/olse/hcao).

#### **E. Conflicts of Interest**

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the ENA or any Future Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.

#### **F. Standard Contract Provisions for any Future Agreement**

Any Future Agreement will include all applicable City contract provisions, including those described above and those specific to any lease, operation or management of City property.

### **X. PROTEST PROCEDURES**

#### **A. Protest of Non-Responsiveness Determination**

Within five working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

#### **B. Protest of Contract Award**

Within five working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of

protest must be received by the City on or before the fifth working day after the City's issuance of the notice of intent to award.

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

**C. Delivery of Protests**

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Jon Lau, Project Manager  
Office of Economic and Workforce Development  
1 Dr. Carlton B. Goodlett Place, Room 448  
San Francisco, CA 94102

## Appendix A

### Standard Forms

Before the City can award any contract to a contractor, that contractor must file three standard City forms (items 1-3 on the chart). Because many contractors have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see bottom of page 2), and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing ([purchasing@sfgov.org](mailto:purchasing@sfgov.org)) and Purchasing will fax, mail or e-mail them to the contractor.

If a contractor has already filled out items 1-3 (see note under item 3) on the chart, **the contractor should not do so again unless the contractor's answers have changed.** To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller's Office at (415) 554-6702.

If a contractor would like to apply to be certified as a local business enterprise, it must submit item 4. To find out about item 4 and certification, the contractor should call Contract Monitoring Division at (415) 252-2500.

Item	Form name and Internet location	Form	Description	Return the form to; For more info
1.	Request for Taxpayer Identification Number and Certification  <a href="http://sfgsa.org/index.aspx?page=4762">http://sfgsa.org/index.aspx?page=4762</a>  <a href="http://www.irs.gov/pub/irs-fill/fw9.pdf">www.irs.gov/pub/irs-fill/fw9.pdf</a>	W-9	The City needs the contractor's taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
2.	Business Tax Declaration  <a href="http://sfgsa.org/index.aspx?page=4762">http://sfgsa.org/index.aspx?page=4762</a>	P-25	All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as "conducting business in San Francisco" must register with the Tax Collector	Controller's Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102  (415) 554-6702
3.	S.F. Administrative Code Chapters 12B & 12C Declaration: Nondiscrimination in Contracts and Benefits  <a href="http://sfgsa.org/index">http://sfgsa.org/index</a>	CMD-12B-101	Contractors tell the City if their personnel policies meet the City's requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with	Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

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Item	Form name and Internet location	Form	Description	Return the form to; For more info
	aspx?page=4762  In Vendor Profile Application		spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.	

**Where the forms are on the Internet**

**Office of Contract Administration**

Homepage: [www.sfgov.org/oca/](http://www.sfgov.org/oca/)  
 Purchasing forms: Click on “Required Vendor Forms” under the “Information for Vendors and Contractors” banner.

**Contract Monitoring Division**

CMD’s homepage: <http://sfgsa.org/index.aspx?page=5365>  
 Equal Benefits forms: <http://sfgsa.org/index.aspx?page=5359>