



Request For Proposals (RFP)

Gender-Based Analysis

September 17, 2020

Please respond by October 16, 2020

1. BACKGROUND

On December 19th, 2017, San José City Council unanimously passed the Women’s Bill of Rights, a local implementation of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This ordinance requires a gender analysis of city departments, programs and policies. It tasks the volunteer Human Services Commission with overseeing the implementation of this bill.

In June 2019, the San Jose City Council approved \$50,000 for a pilot gender equity analysis. In September, the Human Services Commission voted to have the Police Department be the focus of this analysis

2. PURPOSE

2.1. The purpose of this project is to complete and provide the City of San Jose with at least one possible method to conduct an intersectional gender analysis of City departments, programs, and policies. Please see 5.3.9 "Gender analysis" for what we consider an intersectional gender analysis. This analysis would produce information about whether those departments, programs, and policies benefit or harm women, non-binary people, and men differently; it also includes a pay equity analysis. This RFP should result in a complete analysis of at least part of the policies, programming, and budget of the Police Department, and an such analysis should serve as guide for how the City could adopt a consistent method for future gender equity analyses for all departments.

2.2. This RFP does not commit the City to enter into an agreement, nor does it obligate the City to pay for any costs incurred in the preparation and submission of this RFP or in anticipation of an agreement. The City reserves the right to accept, reject or use without obligation or compensation any information submitted in response to the RFP.

3. CONTACT INFORMATION

Please submit questions and responses via Biddingo, email, regular mail, or courier to:
Sabrina Parra-Garcia
Executive Analyst
City of San José

Telephone: (408) 535-8171
sabrina.parra-garcia@sanjoseca.gov

4. RFI PROCESS

Once this RFP is released, the process is as follows:

- 4.1. Interested parties may participate in an optional meeting with City staff to answer technical questions related to this RFP.
- 4.2. Receive questions from interested parties in the even that additional information is required in order to make a determination if the City’s requirements meet your consultancy’s business model.
- 4.3. City responds to all questions received.
- 4.4. RFP response due.

- 4.5. RFP response evaluated
- 4.6. Oral presentations. Not less than two consultants will be invited to present capabilities to City staff and the Human Services Commission’s CEDAW ad hoc committee, and respond to questions.

5. **RFI TIMELINE**

RFI Release date	September 18, 2020
Deadline for consultant questions	October 2, 2020
City response to questions published	October 9, 2020
RFI Response Due (to contact in Section 3)	October 16, 2020
Finalist Oral Presentations	Week of October 26, 2020

6. **RESPONSE INFORMATION**

6.1. General

Your response should include information that is sufficient for the City to make a recommendation about whether or not to hire a consultant for this kind of work. A description of the services sought can be found in Attached A. The City is not limiting or restricting responses. However, a concise summary response is preferred over volumes of marketing material. It may be possible to respond to this RFP in fewer than 10 pages, single spaced.

6.2. Specific

Beyond responses related to Attachment A, please include the following information in your response to this RFP:

- a. Section 1: Background information on your consultancy / program including who you propose to conduct different aspects of this project.
- b. Section 2: Identification of past experience conducting qualitative and quantitative surveys of the kinds of large and vulnerable groups of people who receive government services. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.
- c. Section 3: Your familiarity with the needs of and experience working with LGBTQIA+, non-binary, and genderqueer people. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.
- d. Section 4: Your facility with working on an intersectional analysis of gender that includes race, disability and mental health, sexual orientation, gender identity, age, familial status, culture, and language, and how residents’ multiple identities interact with their experiences of violence against women and non-binary people and gender inequity (please see next section for a definitions of terms). If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.
- e. Section 5: Your experience conducting independent reviews of government programs, policies, and departments where their findings may present a conflict of interest with their other regular responsibilities, such as representing or advising the government in gender discrimination cases and other human resources matters. If you do not have such experience, explain how your other experiences would enable you to conduct this sort of work.

- f. Section 6: Examples of analyses you have performed on the disparate impact government services and budgets have on adults and children of different genders (e.g., whether spending on homeless services benefits non-binary people, women, and men who are without housing; whether non-binary people receive the same access to government forms and the services they provide; whether girls' and boys' sports teams receive the same level of investment from the Parks and Recreation Department), etc. In addition, we'd like to know more about your past analyses of salaries, hiring data, and evaluating compensation based on work of equal value.
- g. Section 7: Answer the following scope, proposed methodology, and impact questions:
 - i. What would you prioritize if limited by resources (time, money, available data)?
 - ii. How would you collect information and what data would you expect to result?
 - iii. How would you recommend data be organized and stored that is collected?
 - iv. How do you recommend government take steps to implement findings and make continuous improvement?
 - v. Are there previous government gender analyses you would use as a model?
 - vi. Are you familiar with government RFPs for gender analysis that clearly explain expectations, and could you share them with us?
 - vii. What budget would you find prudent for this work (please substantiate with examples from past work, yours or others).
- h. Section 8: Share your familiarity with using proxies for demographics data for any information the City is not able to provide. Such as, in some cases: some genders, ethnic and racial, and disability status. In addition, share how you would collect that data, e.g. surveys, interviews, observation, program reviews, etc.
- i. Section 9: References from two clients for whom you have performed an intersectional and/or gender analysis of the type described above. It is preferable that past clients also be cities, but if you do not have this experience, please provide the best relevant reference you can get.

6.3. Definitions

The following words and phrases shall have the meanings indicated as follows:

- 6.3.1. "CEDAW" shall mean The Convention on the Elimination of All Forms of Discrimination Against Women.
- 6.3.2. "City" shall mean the City of San Jose.
- 6.3.3. "Commission" shall mean the San Jose Human Services Commission.
- 6.3.4. The "Council" shall mean the City Council of San Jose.
- 6.3.5. "Women" shall mean all persons who identify with the sex category woman, whether or not assigned to that category at birth. This includes both cisgender and transgender women.
- 6.3.6. "Disaggregated data" shall mean information collected and analyzed by enumerated categories in order to identify the disparities existing between people

of different genders. These categories shall include, to the extent permitted by law, sex, race, immigration status, parental status, language, sexual orientation, disability and mental health, age and other attributes. This data will be collected in a manner that will facilitate intersectional analysis.

- 6.3.7. "Discrimination against women" shall include, but not be limited to, any distinction, exclusion or restriction made on the basis of sex or gender that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of all people, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. The definition of discrimination includes gender-based violence against women, that is, violence that is directed against a woman because she is perceived as a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty by family, community or government. Any difference in treatment based on race, color, religion, ancestry, national origin, place of birth, sex, sexual orientation, romantic orientation, affectionate orientation, gender, gender identity or expression, familial status, age, handicap or disability, or use of support animals.
- 6.3.8. "Gender" shall mean a social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex one is assigned at birth; a set of social, psychological and emotional traits, often influenced by societal expectations. Gender is a person's internal sense of self as male, female, both or neither (gender identity), as well as one's outward presentation and behaviors (gender expression). Gender norms vary among cultures and over time. Gender is also the way society produces, positions, and policies women and men as "opposite", mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles. Gender produces, positions, and policies women and men as "opposite," mutually exclusive, natural categories of persons, and organizes ideas, interactions, and roles on the basis of presumed differences. It can be used to establish hierarchies between women, men, and non-binary people and the use of a gender binary (i.e. the proposal that there are only two genders) erases the experiences of non-binary people.
- 6.3.9. "Gender analysis" shall mean an intersectional examination of the racial, ethnic, cultural, disability and mental health, economic, social, civil, legal, and political relations between women, men and non-binary people within a certain entity, recognizing that women, men and non-binary people have different social roles, responsibilities, opportunities, and needs and that these differences, which permeate our society, affect how decisions, including budgetary decisions, and policy are made.
- 6.3.10. "Gender equity" shall mean the redress of discriminatory practices and establishment of conditions enabling women to achieve full equality with men, recognizing that needs of women and men may differ, resulting in fair and

equitable outcomes for both. It includes the redress of discriminatory practices and establishment of conditions enabling all persons identifying as transgender, non-binary, and gender non-conforming to achieve full equality.

- 6.3.11. "Human rights" shall mean the rights every individual possesses that are intended to improve the conditions in society that protect each person's dignity and well-being and the humanity of all people. These rights are possessed by a person regardless of immigration status, including immigrant visa holders who come to the United States to live permanently, or immigrants who come to the United States for time-specific purposes, such as tourism, education, training, and temporary workers as well as undocumented persons living in the United States.
- 6.3.12. "Racial discrimination"; shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- 6.3.13. "Sex"; for the purposes of this ordinance, shall mean the gender of a person, as perceived, presumed or assumed by others, including those who are changing or have changed their gender identification.
- 6.3.14. "Violence against women" shall mean any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, girls, and non-binary people including threats of those acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, including domestic violence.
- 6.3.15. "Work of Equal Value" shall mean that an employer shall not pay any of its employees at wage rates less than the rates paid to employees of the opposite sex for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. An employer shall not pay any of its employees at wage rates less than the rates paid to employees of another race or ethnicity for substantially similar work, when viewed as a composite of skill, effort, and responsibility, and performed under similar working conditions. For the purposes of this statute, pay includes wages, benefits, and total compensation.
- 6.3.16. "Age Discrimination" shall also mean discrimination based upon age against women, girls and non-binary people of any age and shall also include any person so protected by further amendment to the Federal Age Discrimination in Employment Act or the California Fair Employment and Housing Act.
- 6.3.17. "Familial Status" shall have the definition given in California Government Code Section 12955.2.

- 6.3.18. “Culture” shall mean the sum of attitudes, customs, and beliefs that distinguishes one group of people from another.
- 6.3.19. “Non-binary” shall mean a spectrum of gender identities that are not exclusively masculine or feminine— identities that are outside the gender binary. Non-binary is an umbrella term that can include people who identify as having no gender, that is, are agender; who identify with both man and woman, such as bigender people; people whose gender identity may contain but not be limited to man or woman, such as genderfluid people. Intersex people may or may not identify as non-binary. Non-binary people may use they/them pronouns, though some nonbinary people use she/her or he/him or other pronouns entirely.

7. GENERAL INFORMATION

The RFP process will result in the recommendation and selection of a consultant, and subsequent contract with the City. Confidential or proprietary information should not be included in your response. Responders are responsible for any and all expenses that may be associated with responding to this RFP.

8. ORDINANCE INFORMATION

The text of the Women’s Bill of Rights, as well as an amended version that the Human Services Commission recommended to City Council to ensure the inclusion of non-binary and transgender residents may be found in the following exhibits.

- 8.1. EXHIBIT A - [The final ordinance language](https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT2AD_CH2.08BOBUCO_PT49WOBIRI)
(https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT2AD_CH2.08BOBUCO_PT49WOBIRI)
- 8.2. EXHIBIT B - The proposed ordinance language that is inclusive of non-binary and transgender people
- 8.3. EXHIBIT C - Guidance on conducting a gender analysis survey:
- [Defining and Implementing a Meaningful Gender Analysis - SF](https://sfgov.org/dosw/sites/default/files/How%20to%20do%20a%20Gender%20Analysis%20081114.pdf)
(<https://sfgov.org/dosw/sites/default/files/How%20to%20do%20a%20Gender%20Analysis%20081114.pdf>)
 - [Gender Analysis Guidelines – SF](https://sfgov.org/dosw/index.aspx?page=2099) (<https://sfgov.org/dosw/index.aspx?page=2099>)
 - [What is Gender-Based Analysis Plus? – Canada](https://swc-cfc.gc.ca/gba-acs/index-en.html) (<https://swc-cfc.gc.ca/gba-acs/index-en.html>)
 - [Gender Responsive Budgeting: A Path to Accountability & Data-Based Policy-Making – San Francisco](https://sfgov.org/dosw/ftp/uploadedfiles/dosw/reports/GenderResponsiveBudgeting_DataCollectionSurvey_FinalReport_Feb2010.pdf)
(https://sfgov.org/dosw/ftp/uploadedfiles/dosw/reports/GenderResponsiveBudgeting_DataCollectionSurvey_FinalReport_Feb2010.pdf)
- 8.4. EXHIBIT D - Example of a [gender analysis of San Francisco’s commissions and boards](http://citiesforcedaw.org/wp-content/uploads/2018/01/SFDOSW-Gender-Analysis-of-Commissions-and-Boards-2017-FINAL-1.pdf)
(<http://citiesforcedaw.org/wp-content/uploads/2018/01/SFDOSW-Gender-Analysis-of-Commissions-and-Boards-2017-FINAL-1.pdf>) as well as [their general implementation](http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW_report_SAN-FRANCISCO-101810-1.pdf)
(http://citiesforcedaw.org/wp-content/uploads/2017/01/CEDAW_report_SAN-FRANCISCO-101810-1.pdf)

ATTACHMENT A

Because we have a pre-determined funding source for this work, we are asking each applicant to include a scope of work that they have designed to maximize the work achievable within that funding source. In addition to the questions found in section 6.2 of the Request for Proposals, please include a sample Scope of Work for the work you recommend done to complete a pilot Gender Equity Analysis with the following requirements:

- The work must fall within the \$50,000 budget.
- The work should be completed within 6 months of beginning.
- Some or all of the analysis must include at least a partial work force analysis and a partial programmatic analysis of the City of San Jose's Police Department.
- If your proposal allows for additional analysis, please include a breakdown of analysis that could be done on the Parks Department (work force, programmatic, budgetary, and/or policy).
- As a final product, the analysis should include recommendations for the Police Department to make improvements.
- The scope should include a timeline broken down with specific deliverables for each line item.
- The scope should include a projected budget breakdown for the work.
- The scope and timeline should include a method to share your process, best practices, and lessons learned with staff. This process is meant to be a pilot that will inform how City staff will monitor the changes in the Police Department based the recommendations received in this analysis and to provide a baseline analysis for other departments throughout the City.