



REQUEST FOR PROPOSAL

(Qualifications Based RFP)

RFP Number #: **SJOCIDS01**

RFP Name: **Consultant Services for Digital Inclusion and Broadband Strategies**

RFP release date:	December 7, 2016
RFP can be obtained from:	Register and download from www.BidSync.com . City of San Jose – Consulting
Contact name: Phone: E-mail address:	Dolan Beckel, Office of Civic Innovation and Digital Strategy 408-535-8260 dolan.beckel@sanjoseca.gov
Deadline for questions and objections:	December 14, 2016 8:30 AM PDT
RFP due date: Time: Location:	December 21, 2016 4:00 PM PDT City of San Jose Office of Civic Innovation and Digital Strategy Attn: Dolan Beckel 200 E. Santa Clara Street, 17 th Floor San José, CA 95113

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1 INTRODUCTION

The City of San José (“City”), through its Office of Civic Innovation and Digital Strategy (“OCIDS”), is seeking proposals from qualified firms (“Consultant”) to provide consulting services to develop Digital Inclusion and Broadband Strategies (“Strategies”). Consultants shall have relevant expertise, experience, an approach that demonstrates their ability to engage a very diverse community and develop these Strategies, and a teaming chemistry demonstrated through investment in this project.

2 BACKGROUND

The City of San José is transforming itself into a “smart city” and becoming a global leader for civic innovation. Becoming a “smart city” means that game-changing technologies and data-driven decision-making will drive continuous improvement in how the City serves the community, and to promote concrete benefits in safety, sustainability, economic opportunity, and quality of life.

Key goals of the City of San José’s Smart City Vision include:

1. Inclusive City
2. User Friendly City
3. Safe City
4. Sustainable City
5. Demonstration City

Achieving these goals require a robust city-wide public and private sector digital infrastructure (assets which can be leveraged to provide internet service) and the availability of affordable and appropriate high speed broadband internet access for residents, businesses, and other Non-Governmental Organizations (NGOs).

Broadband internet is increasingly viewed as a critical issue for San José – it is a key foundation in the realization of San José’s Smart City Vision and a key element of urban planning for the 21st century. Over the past year, critical questions around digital infrastructure policy (e.g., one dig) as well as digital inclusion policy to help our city’s underserved population were on the City Council agenda. In order to effectively address these key policy questions, The City of San José needs to develop a fact base around what digital assets are available (and at what price and quality level), where are the gaps, and how best to address the gaps (i.e., through the private sector or through municipal fiber). In parallel, understanding why low-income or marginalized populations currently are not connected is critical to digital inclusion.

Broadband internet is a major equality issue. Over 14% of San José households do not have broadband access at home largely due to affordability of these elements but also due to lack of understanding, lack of relevant applications, and lack of skills. In fact, 40% of households in San Jose that make less than \$20,000 per year are not online. Reasons of access, affordability, and adoption are preventing a significant number of San José residents from improving their quality of life by participating in the digital world.

The City of San José has several broadband Wi-Fi initiatives underway for the benefit of the general public and underserved community segments, including a partnership with Facebook for public Wi-Fi, a school/community Wi-Fi pilot in the East Side Union High School District, free public Wi-Fi in certain community gathering areas, and significant interest in leasing city assets to deploy Wi-Fi technologies throughout The City. The City is also developing a strategy for digital inclusion that will drive further capacity and capability needs of the City’s digital infrastructure to provide a certain level of free and/or affordable broadband internet to underserved segments of the community including residents, businesses, and nonprofits.

Broadband management is a complex process, requiring diverse skills including infrastructure design and implementation, cross-department collaboration, and future-proof planning to account for new technologies. Municipal fiber is expensive and often uneconomical, but managing private investment in the space is equally challenging. The City needs to assess its digital infrastructure in light of its Smart City Vision and Digital Inclusion goals, as well as develop a broadband strategy to understand where the current market forces are meeting the expectation of access, affordability, adoption, and service quality (across residents, businesses, nonprofits, and city and other public facilities), and where potential strategic interventions are necessary to close gaps; the nature of these interventions needs to be defined. Finally, a roadmap for the evolution of the broadband infrastructure is necessary to guide the City's decision-making and make best use of existing and new resources.

A Smart City is a learning city. Specifically, San José needs to assess its digital infrastructure, develop a broadband strategy, and complete a digital inclusion strategy to answer the following questions:

Digital Infrastructure Assessment:

- What are the capabilities, capacities, and resiliencies of the existing city digital infrastructure?
- What are the gaps in knowledge of existing city and service provider digital infrastructure that prevent efficient or effective decision making?
- What impact will current and future planned Smart City Vision goals and initiatives have on the digital infrastructure including but not limited to:
 - a. Inclusive City: Digital inclusion and civic engagement
 - b. Safe City: Public Safety
 - c. Sustainable City: Sustainability, Transportation, and Urban Planning
 - d. Demonstration City: Piloting new processes and technologies
 - e. User Friendly City: improving engagement using digital technologies and applications
 - f. Education and Health
 - g. Economic development
- What is the status of the service provider digital infrastructure (speed, reliability, coverage, build-out plans)?
- How well is the service provider broadband market performing on a granular geographic basis? What are the areas of improvement in affordability, reliability, and speeds necessary to support residents and businesses and where are these improvement areas located?
- What are the gaps in the City and service provider digital infrastructure that would prevent scaling existing or future initiatives?
- Is the City of San José prepared for the future (e.g., new tools and emerging technologies)?

Digital Inclusion Strategy

- What are the current digital inclusion efforts and how well are they performing? What are the gaps and opportunities? Is the City of San José positioned to get the most impact out of current activities?
- What are leading city best practices in digital inclusion for cities similar to the City of San José?
- What is the nature of broadband internet usage and barriers across different underserved segments so the City of San José can target and prioritize our digital inclusion efforts?
- How can the City of San José improve access, adoption, and affordability for low income households with students, seniors over the age of 65, other underserved segments and small business, incubators, and entrepreneurs?
- What activities can provide the most meaningful impact with a fixed amount of resources?
- What funding opportunities and public-private partnerships are available for the City of San José to enhance existing or develop new digital inclusion services?
- What is the right role (governance model) for the City of San José relative to external stakeholders?

Broadband Strategy:

- What is the total picture of the digital infrastructure gaps and broadband market gaps relative to the needs?
- What is the right strategic approach for the City of San José on broadband and what strategic interventions are recommended?
- What role(s) does the municipality play to facilitate broadband at leading cities?
- How might we coordinate and maximize impact from the broadband initiatives that are currently in flux?
- What governance and processes improvements should be implemented?
- What are cooperative approaches between transportation, public safety, emergency management, community, technology?
- What models for Internet Service providers have been successful (including staffing and cost, ISP vs. backhaul provider, and customer promise equipment implications)?
- Do we have opportunities to leverage the City of San José's infrastructure assets to finance potential broadband network infrastructure improvement projects in certain areas through public-private partnerships, right-of-way development efforts, Indefeasible right of use (IRU) agreements, and other opportunities?
- What other forms of funding might be able available to the City of San José?
- What incentives and creative funding mechanisms (e.g., public-private partnerships, subsidies) would accelerate investment in broadband in the City of San José?

3 SCOPE OF WORK

The successful proposal submittal(s) shall demonstrate that the Consultant has the appropriate professional and technical background as well as access to adequate resources to fulfill the stated Scope of Work. Specific tasks will be developed by the Consultant, in collaboration with City staff; all agreed upon work shall be authorized through separate Service Orders prepared prior to the start of work, which will also include the time limit within which such services must be completed and the compensation for such services. Consultant shall not perform any services unless authorized by a fully executed Service Order. The City of San José is not obligated to issue any Service Orders under a Master Agreement.

The Scope of Work includes:

3.1 Assess San José digital infrastructure current state

3.1.1 Understand Smart City Vision and current and planned initiative that drive digital infrastructure.

3.1.2 Understand the City of San José's current approach for public residential and commercial broadband.

3.1.2.1 Current programs and initiatives.

3.1.2.2 Current governance approach.

3.1.2.3 Current market summary.

3.1.3 Understand the City of San José's current approach for the City's internal broadband capability.

3.1.4 Assess digital infrastructure.

3.1.4.1 Identify assessment criteria and level of detail with key stakeholders.

3.1.4.2 Define domain of assets to be assessed that may include but is not limited to buildings, poles, conduit, fiber, macro cell towers, and small cells.

3.1.4.3 Assess city assets.

3.1.4.4 Assess non-public City assets such as schools, libraries, and county assets.

3.1.4.5 Assess service provider assets.

3.1.4.6 Map access from top residential and commercial providers.

3.1.4.7 Benchmark San José against peer and leading US and global cities on residential and public broadband performance.

3.1.4.8 Recommend approach to generate data-based maps of assets.

3.1.4.9 Generate data-based maps of assets and broadband service quality.

3.1.5 Analyze emerging technology trends and applicability.

3.1.6 Benchmark roles municipalities play in wired and wireless broadband deployments.

3.1.7 Identify process, technology, and organizational gaps, opportunities, and challenges in current approach and infrastructure.

3.2 Formulate San José Broadband Strategy

3.2.1 Based on gap analysis, identify next steps to leverage opportunities.

3.2.2 Identify high potential strategic interventions and directional business models, business cases, and financials models.

3.2.3 Synthesize best practices and emerging broadband strategies from leading municipalities within and outside the United States.

3.2.4 Identify recommendations for maximizing San José 's broadband benefits including:

3.2.4.1 Broadband Strategy and specific strategic interventions with associated business models and business cases.

3.2.4.2 Governance and processes to maximize impact of current actions.

3.2.4.3 Future technology approach.

3.2.4.4 Identification of future needs and next steps.

3.2.5 Provide scope and estimate for next steps including but not limited to detailed business models, detailed business cases, and detailed financial models for recommended strategic interventions.

3.3 Support Digital Inclusion Strategy development

3.3.1 Support assessment of digital inclusion current state including an inventory of local digital inclusion resources.

3.3.2 Participate in select working group sessions and community outreach sessions to identify needs, barriers, and opportunities.

3.3.3 Support synthesis of working groups and community outreach in the formulation of vision, goals, and strategies.

3.3.4 Map neighborhoods with the highest needs and potential appropriate interventions.

3.3.5 Generate data based maps of internet usage and barriers for low income families with students, seniors over 65, and other undeserved segments as supplied by a third party.

3.3.6 Synthesize best practices and emerging digital inclusion strategies from leading municipalities within and outside the United States.

3.3.7 Formulate goals and strategies for digital inclusion in San José.

3.3.8 Develop prioritization approach for strategies.

3.3.9 Develop high level roadmap of strategies.

3.3.10 Provide scope and estimate for next steps to elaborate emerging goals and strategies and a detailed roadmap.

3.4 Project Management

Identify your firm's experience and plan for project management which will ensure a timely and high-quality completion of the Scope of Work.

3.5 Additional Services

In general, any services related to the development of the Digital Inclusion and Broadband Strategies as necessary during the course of the project but not included in the scope above, may be considered to be additional services. Any additional services identified shall be negotiated with the Consultant. The Consultant shall not begin work on additional services until a service order is approved by the Office of Civic Innovation and Digital Strategy Deputy City Manager subject to funding. These services will not be considered in the Total Cost Proposal as they are not known at this time.

4 DESIRABLE QUALIFICATIONS

DESIRABLE EXPERIENCE, KNOWLEDGE, AND SKILLS MAY INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:

- 4.1 Experience in assessing digital infrastructure, developing broadband strategy, and developing digital inclusion strategy for a city with characteristics similar to the City of José. Characteristics include but are not limited to population size, level of density, demographics, service provider marketplace, city digital infrastructure assets, and degree of digital inclusion.
- 4.2 Experience in incorporating digital inclusion, digital broadband infrastructure, and environmental sustainability into a larger urban planning concepts;
- 4.3 Staffing of key team members with relevant expertise from similar engagements;
- 4.4 Existing knowledge capital including best practices in digital infrastructure, broadband strategy, digital inclusion strategy, and business intelligence and data visualization tools which can help reduce the cost of work;
- 4.5 Ability to provide digital inclusion and broadband strategy best practices from national and international cities;
- 4.6 Experience in generating data based maps of digital infrastructure assets, needs, and broadband coverage;
- 4.7 Experience in developing business models and business cases for strategic interventions including but not limited to public private partnerships;
- 4.8 Experience in identifying creative funding opportunities for digital inclusion and broadband initiatives including the Broadband Technology Opportunities Program (BTOP) or similar grants and infrastructure and technology bonds.
- 4.9 Knowledge of regional, state, federal, and global legislation;
- 4.10 Teaming chemistry and willingness to invest.

5 HOW TO OBTAIN THIS RFP

This RFP may be downloaded from the BidSync solicitation posting system. Proposers must register with BidSync at www.BidSync.com. If you have a problem registering online, contact BidSync directly toll-free at (800) 990-9339 or by email at www.BidSync.com.

All addenda and notices related to this procurement will be posted by the City of San José on BidSync. In the event that this RFP is obtained through any means other than BidSync, the City of San José will not be responsible for the completeness, accuracy, or timeliness of the final RFP document.

Prospective subcontractors should note that once registered with BidSync, they will be able to view all organizations (with name and contact information) downloading the RFP document.

6 TERM OF AGREEMENT

It is anticipated that the term of this agreement will be effective for one year from the date of execution with a 1-year option to extend.

7 COMPENSATION AND WORK HOURS

The agreement is anticipated to be up to \$250,000. Estimated hours and deliverable timelines will be approved by City, before the Consultant begins work on any task. Consultant will not perform any tasks outlined in the agreement, unless authorized by the City of San José via a Service Order.

8 PROCEDURE FOR SUBMITTING QUESTIONS AND INQUIRIES

8.1 All questions/inquiries must be made through the contact listed on the cover sheet of this document, via BidSync. Contact with representative(s) other than name listed in this RFP or contact via methods other than those identified in this RFP is grounds for disqualification. The City of San José will provide a written response to all questions in the form of an Addendum.

9 OBJECTIONS

9.1 Any objections as to the structure, content or distribution of this RFP must be submitted in writing to the Contact listed on the cover sheet of this document. Objections must be as specific as possible, and identify the RFP section number and title, as well as a description and rationale for the objection.

9.2 All objections, questions and inquiries must be received by the deadline stated on the cover sheet.

10 PROPOSAL SUBMITTAL REQUIREMENTS

You must respond to this RFP by the due date and time as state on the cover sheet of this document in order for your proposal to be considered. All information contained in the proposal should be concise and responsive to the content of this request. Proposers are to:

- Submit one (1) original and five (5) copies of the proposal and clearly label the outside of the box, package or envelope with “**RFP #xxx16 Consultant Services for Digital Inclusion and Broadband Strategies**”. The original signature version is to be clearly identified as “Original” and “Copies” are to be clearly identified as such
- Submit one (1) digital copy of your complete proposal on a Universal Serial Bus (USB) flash/memory key or Compact Disc (CD)
- Copies shall be double-sided on 8-1/2” x 11” recycled paper
- All pages shall be sequentially numbered and a table of contents shall be provided
- Do not use loose-leaf binders for proposals

10.1 PROPOSAL CONTENT

Required documents include the following:

10.1.1 COVER LETTER

Provide a cover letter (maximum 1 page) signed by an authorized representative of the Consultant giving an overview of the Consultant’s general ability to perform the scope of work described in this RFP. Provide the email address for the Consultant’s contact.

10.1.2 FIRM PROFILE (Experience)

Provide a profile of your firm that includes the firm’s name, address, phone number, website, brief history and number of years in business. Indicate the current total number of employees in your firm, describe the organizational structure, and number of offices in San José or closest to San José including the number of employees in that office(s). Describe the mission and objectives of

your firm including specialties, core services and the types of clients served. Describe corporate qualifications and resources that support your abilities to undertake this project.

If sub-consultants are included in the Proposal, provide a profile that includes the sub-consultant(s) name, address, phone number, website, brief history and number of years in business, number of offices in San José or closest to San José. Describe the specialties, core services, the types of clients served and their abilities to undertake this project.

10.1.3 STATEMENT OF QUALIFICATIONS (Expertise)

Provide a statement of your staff's expertise including a summary of similar activities they worked on that is directly applicable to the proposed scope of work. Describe how your firm's staff meets the desirable qualifications and their ability to perform the scope of work. An additional statement is required for each subconsultant. The subconsultant shall provide the same level of information as in the Consultant's statement.

10.1.4 ORGANIZATION CHART (Expertise)

Provide an organizational chart that clearly identifies the project manager, key staff and direct connection to the City of San José. If applicable, include direct connections with any partner or sub-consultant(s). Identify staff that is responsible for overseeing each employee or work area. Show the relationship between the organization's members with their respective title, role, and/or relationship to the proposed project. Include some detail related to work area and/or descriptions of anticipated task(s).

10.1.5 TEAM RESUMES (Expertise)

Include one (1) resume for the project manager that will be assigned to manage services described in this RFP AND six (6) additional resumes for key staff that will perform work listed in this RFP. Resumes should highlight relevant key areas of expertise and project experience related to performing the requirements of this RFP.

10.1.6 PROJECT APPROACH (Approach)

Provide a summary of the firm's project approach within the desired project budget, providing a clear description of the methodology and specific work activities deliverables proposed to be undertaken to successfully complete all the work within the desired timeframe. Identify key strategies describing how the Consultant's approach will ensure quality services/deliverables and timely and accurate completion of work. Provide sufficient detail to clearly demonstrate understanding of the scope, requirements, and level of effort. Describe the availability of each staff member to perform the tasks required for the project with respect to any other project they are currently involved with. Clearly identify innovative elements related to digital inclusion and broadband strategies.

10.1.7 INVENTORY OF PROJECT DELIVERABLES

Include detailed inventory of project deliverables for the scope of work. Expected deliverables categories include but are not limited to electronic versions of reports and presentations. Data used for business intelligence data visualization and modeling tools.

10.1.8 PAST PROJECTS & REFERENCES (Experience)

Provide a brief description of three (3) past projects of similar scope and size of the Scope of Work described in this RFP. Examples in which the key staff listed in section 10.1.5 were a part of are preferred.

Include the following past project information:

1. Project Name
2. Project Description and services provided
3. Project Location and Date
4. Budget for the project and total budget expenditure

5. Schedule for the project (i.e. begin and finish time) – schedule performance
6. Key Deliverables provided
7. Key personnel involved
8. Sub-consultants employed

Include the following reference information:

9. Contact information for client agency (entity name, address and phone)
10. Contact name, phone number and e-mail of the client's project manager

10.1.9 PROPOSAL CERTIFICATION

Complete *FORM 1 - CERTIFICATION* on which the Consultant must make a number of certifications and representations. Read the Certification carefully and sign it.

10.1.10 REQUEST FOR CONTRACTING PREFERENCE FOR LOCAL AND SMALL BUSINESSES

Submit this form only if you wish to be considered for this preference. It may not be submitted late. Please note that in Order to be considered a Small Business Enterprise, the Respondent must qualify as a Local Business Enterprise.

10.1.10.1 If you wish to be considered for a local and small business preference as set forth in Chapter 4.12 of the San Jose Municipal Code, complete *FORM 2 – LOCAL AND SMALL BUSINESS PREFERENCE*.

A "local business enterprise" is entitled to a preference of 5 percent of the total points used to determine the most advantageous submittal. A "local business enterprise" that also is a "small business enterprise" is entitled to an additional preference of 5 percent of the total points used to determine the most advantageous submittal.

The preference only applies to the Consultant submitting the proposal. If a joint venture or partnership is submitting the proposal, then the following rules apply.

- a. The "local business enterprise" preference applies if any one of the firms in the joint venture or partnership meets the definition for a "local business enterprise."
- b. If the joint venture or partnership qualifies as a "local business enterprise," then whether it meets the definition of "small business enterprise" is determined by the aggregate of all of the employees in the joint venture or partnership.

Consultants cannot submit Form 2 after the Submittal Deadline. ***If a Consultant does not complete and submit Form 2 with its proposal, then the Consultant cannot receive the preference – even if the Consultant otherwise might qualify for the preference.***

10.1.11 EXCEPTIONS TO MASTER CONSULTANT AGREEMENT

The Consultant selected to perform the services described in this RFP will enter into a Master Consultant Agreement with the City of San José before performing any work. An exemplar of the standard terms and conditions of the Master Consultant Agreement that the Consultant would need to enter into is set forth in Attachment "A" of this RFP, entitled "EXEMPLAR MASTER CONSULTANT AGREEMENT." Complete *FORM 3 - EXEMPLAR ACKNOWLEDGEMENT* noting whether the Consultant takes any exceptions to the standard terms and conditions set forth in the Exemplar. ***In selecting a Consultant, the City of San José may consider any exceptions to the standard terms and conditions taken by a Consultant.***

10.1.12 INSURANCE ACKNOWLEDGEMENT

Complete *FORM 4 – INSURANCE ACKNOWLEDGEMENT* which confirms whether the Consultant has the required insurance at the time of submitting the Proposals.

10.1.13 CONSULTANT RATE AND INVESTMENT SHEETS

Complete and submit one (1) *FORM 5A – CONSULTANT RATE SHEET* and (1) *FORM 5B – CONSULTANT INVESTMENT* in a sealed envelope clearly marked “**RFP #xxx16 Consulting Services for Digital Inclusion and Broadband Strategies**”. No other copies are necessary.

Provide all applicable rates through the entire term of the agreement, including, expected expenses, sub consultant costs (if any), markups, other pertinent costs and hourly rates for all members who would be involved in the performance of the tasks outlined in the Section 3. Scope of Work.

10.1.14 CONFLICT OF INTEREST

Complete *FORM 6 – CONFLICT OF INTEREST* for all submitted resumes included in the Proposal submittal.

10.1.15 CONSULTANT COST FORM (Cost)

Complete and submit one (1) *FORM 7 – CONSULTANT COST FORM* for the tasks outlined in the scope of work of this RFP. Include the cost form in a sealed envelope clearly marked “**RFP #xxx16 Consulting Services for Digital Inclusion and Broadband Strategies**”. No other copies are required. Include expected expenses, sub consultant costs (if any), markups and other pertinent costs.

11 SELECTION PROCESS AND EVALUATION CRITERIA

11.1 SELECTION PROCESS

11.1.1 City staff will evaluate proposal submissions. The City of San José reserves the right to interview prospective firms/individuals prior to making its selection. The City of San José also reserves the right to rely on information from sources other than the information provided by the respondents.

11.1.2 Responses will be evaluated as outlined in this section.

11.1.3 Final award shall be contingent upon selected firm (Consultant) accepting Terms and Conditions in conformity to the terms listed in *ATTACHMENT A - EXEMPLAR MASTER CONSULTANT AGREEMENT* of this RFP, unless the City of San José accepts changes or exemptions noted in the proposer’s submission. Failure to note exceptions to the standard terms and conditions in the Exemplar Agreement will be considered acceptance by the proposer of the standard terms and conditions in the Exemplar Agreement.

11.1.4 City reserves the right to accept an offer in full, or in part, or to reject all bids, submissions, or offers.

11.2 EVALUATING CRITERIA

A review panel will evaluate submissions in accordance with the criteria listed in the table below. Firms may be invited to an oral interview if oral interviews are deemed necessary. Any Firms invited to an oral interview may incur adjusted scoring from their written proposal that will be re-ranked by the interview panel. A ranked list will be established based on the criteria below:

DESCRIPTION	WEIGHT
Proposal Responsiveness	Pass/Fail
Experience	25%
Expertise	25%

Approach	10%
Teaming Chemistry and Investment	15%
Total Cost Proposal	15%
Local Business Enterprise	5%
Small Business Enterprise	5%

12 GROUNDS FOR DISQUALIFICATION

12.1 All Proposers are expected to have read and understood the “Procurement and Contract Process Integrity and Conflict of Interest,” Section 7 of the Consolidated Open Government and Ethics Provisions adopted on August 26, 2014. A complete copy of Resolution No. 77135 can be found at:

<http://www.sanjoseca.gov/documentcenter/view/35087>.

12.2 Any Proposer who violates the Process Integrity Guidelines will be subject to disqualification. Generally, the grounds for disqualification include:

12.2.1 Contact regarding this procurement with any City official or employee or Evaluation team other than the Procurement Contact from the time of issuance of this solicitation until the end of the protest period.

12.2.2 Evidence of collusion, directly or indirectly, among Proposers respecting the amount, terms, or conditions of this proposal.

12.2.3 Influencing any City staff member or evaluation team member at any time throughout the solicitation process, including the development of specifications.

12.2.4 Submitting false or incorrect information in the response to this RFP or misrepresenting or failing to disclose material facts during the evaluation process.

12.3 In addition to violations of Process Integrity Guidelines, the following conduct may also result in disqualification:

12.3.1 Offering gifts or souvenirs, even of minimal value, to City officers or employees.

12.3.2 Existence of any lawsuit, unresolved contractual claim or dispute between Proposer and the City of San José.

12.3.3 Evidence of Proposer’s inability to successfully complete the responsibilities and obligations of the proposal.

12.3.4 Proposer’s default under any City agreement, resulting in termination of such Agreement.

13 CONFLICT OF INTEREST

13.1 In order to avoid a conflict of interest or the perception of a conflict of interest, Proposer(s) selected to provide services under this RFP will be subject to the following requirements:

- 13.2 The Proposer(s) selected under this RFP will be precluded from submitting proposals or bids as a prime contractor, subcontractor, or consultant for any future procurement with the City of San José if the specifications for such procurements were developed or influenced by the work performed under the agreement(s) resulting from this RFP.
- 13.3 Proposer(s) may not have any interest in any potential Proposer for future City procurements that may result from the work performed under the agreement resulting from this RFP.
- 13.4 In order to determine whether such interest may exist, all Proposers must complete the attached *FORM 6 – CONFLICT OF INTEREST*.

14 GENERAL INFORMATION

- 14.1 The successful Proposer will be required to demonstrate evidence of insurance in accordance with the insurance provisions listed in *ATTACHMENT B – INSURANCE REQUIREMENTS* at the time the contract is executed.
- 14.2 All costs associated with responding to this request are to be borne by the Proposer.
- 14.3 It is the City of San José’s policy that the selected firm shall not discriminate, in any way, against any person on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin, in connection with or related to the performance of City of San José contracts.

15 LOCAL AND SMALL BUSINESS PREFERENCE

Chapter 4.12 of the San José Municipal Code provides for a preference for Local and Small Businesses in the procurement of contracts for supplies, materials and equipment and for general and professional consulting services. The amount of the preference shall be 5 points if the business is local and an additional 5 points if the business is small. In order for the Proposer to be eligible for local and/or small business preference, the Proposer must complete *FORM 2 - LOCAL AND SMALL BUSINESSES PREFERENCE*. If the Proposer fails to complete this form and submit it with the proposal, the Proposer will be denied consideration for local/small business preference. This information cannot be submitted later.

The preference shall only be considered for the prime Proposer(s). However, in the event that the proposing firm is a Joint Venture (JV) or Partnership as indicated on the *FORM 1 – CERTIFICATION*, then the Local Preference shall apply if any one of the firms in the JV or Partnership meets the definition for a local business. In order for a JV or Partnership to be considered for the Small Business Preference, then the aggregate of all of the employees that make up the JV or partnership must meet the definition for a small business.

16 PUBLIC NATURE OF PROPOSAL MATERIAL

- 16.1 All correspondence with the City of San José including responses to this RFP will become the exclusive property of the City of San José and will become public records under the California Public Records Act (Cal. Government Code section 6250 et seq.) All documents that you send to the City of San José will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement.

- 16.2** Therefore, any proposal which contains language purporting to render all or significant portions of their proposal “Confidential”, “Trade Secret” or “Proprietary”, or fails to provide the exemption information required as described below will be considered a public record in its entirety subject to the procedures in Section 15.5.
- 16.3** Do not mark your entire proposal as “confidential”.
- 16.4** The City of San José will not disclose any part of any proposal before it announces a recommendation for award, on the ground that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a recommended award, all proposals received in response to this RFP will be subject to public disclosure. If you believe that there are portion(s) of your proposal which are exempt from disclosure under the Public Records Act, you must mark it as such and state the specific provision in the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if you submit trade secret information, you must plainly mark the information as “Trade Secret” and refer to the appropriate section of the Public records Act which provides the exemption as well as the factual basis for claiming the exemption.
- 16.5** Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of San José may not be in a position to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked “Confidential”, “Trade Secret” or “Proprietary”, the City of San José will provide Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

17 PROTESTS

- 17.1** If an unsuccessful Proposer wants to dispute the award recommendation, the Protest must be submitted in writing to the Office of Civic Innovation and Digital Strategy (OCIDS) no later than 5 p.m., ten (10) calendar days after announcement of the successful Proposer, detailing the grounds, factual basis and providing all supporting information. Protests will not be considered for disputes of proposal requirements and specifications, which must be addressed in accordance with Section 16. Failure to submit a timely written Protest to the contact listed below will bar consideration of the Protest.

17.2 The address for submitting protests is:

Attention:
Dolan Beckel
Office of Civic Innovation and Digital Strategy
200 East Santa Clara Street, 17th Floor
San José, CA 95113

FORM 1 – CERTIFICATION

Proposing Firm Name:	
<u>Address:</u>	
Telephone:	
Facsimile:	
Contact person name and title:	

PROPOSER REPRESENTATIONS

- Proposer did not, in any way, collude, conspire or agree, directly or indirectly, with any person, firm, corporation or other Proposer in regard to the amount, terms, or conditions of this proposal.

- Proposer additionally certifies that neither Proposer nor its principals are presently disbarred, suspended, proposed for disbarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, any California State agency, or any local governmental agency.

- Proposer acknowledges that all requests for deviations, exceptions, and approved equals are enclosed herein and that only those deviations, exceptions, and approved equals included in the RFP document or permitted by formal addenda are accepted by the City of San José.

- Proposer did not receive unauthorized information from any City staff member or City Consultant during the Proposal period except as provided for in the Request for Qualifications package, formal addenda issued by the City of San José, or the pre-proposal conference.

- Proposer hereby certifies that the information contained in the proposal and all accompanying documents is true and correct.

- Please check the appropriate box below:

- If the proposal is submitted by an individual, it shall be signed by him or her, and if he or she is doing business under a fictitious name, the proposal shall so state.

- If the proposal is submitted by a partnership, the full names and addresses of all members and the address of the partnership, the full names and addresses of all members and the addresses of the partnership, the full names and addresses of all members and the address of the partnership shall be stated and the proposal shall be signed for all members by one or more members thereof.

- If the proposal is submitted by a corporation, it shall be signed in the corporate name by an authorized officer or officers.

- If the proposal is submitted by a limited liability company, it shall be signed in the corporate name by an authorized officer or officers.

- If the proposal is submitted by a joint venture, the full names and addresses of all members of the joint venture shall be stated and it shall be signed by each individual.

By signing below, the submission of a proposal with all accompanying documents shall be deemed a representation and certification by the Proposer that they have investigated all aspects of the RFP, that they are aware of the applicable facts pertaining to the RFP process, its procedures and requirements, and that they have read and understand the RFP.

Authorized Representative Signature (sign name):	
Authorized Representative Name (print name):	
Authorized Representative Title (print title):	
Complete additional signatures below as required per # 6 above	
Authorized Representative Signature (sign name):	
Authorized Representative Name (print name):	
Authorized Representative Title (print title):	
Authorized Representative Signature (sign name):	
Authorized Representative Name (print name):	
Authorized Representative Title (print title):	

FORM 2 – LOCAL AND SMALL BUSINESS PREFERENCE

City of San Jose Request for Contracting Preference for Local and Small Businesses

Chapter 4.12 of the San Jose Municipal Code provides for a preference for Local and Small Businesses in the procurement of contracts for supplies, materials and equipment and for general and professional consulting services. The amount of the preference depends on whether the vendor qualifies as a Local Business Enterprise* or Small Business Enterprise** and whether price has been chosen as the determinative factor in the selection of the vendor.

In order to be a Local Business Enterprise (LBE) you must have a current San Jose Business Tax Certificate Number and have an office in Santa Clara County with at least one employee. If you qualify as an LBE you can also qualify as a Small Business Enterprise (SBE) if the total number of employees (*regardless of where they are located*) of your firm is 35 or fewer.

There are two ways in which the preference can be applied. In procurements where price is the determinative factor (*i.e. there are not a variety of other factors being considered in the selection process*) the preference is in the form of a credit applied to the dollar value of the bid or quote. For example, a non-local vendor submits a quote of \$200 per item and a LBE submits a quote of \$204 per item. The LBE receives a 2.5% credit on the quote, which equals approximately \$5 and thus the LBE will win the award because the quote is evaluated as if it had been submitted as \$199.

In procurements where price is not the determinative factor such, as an RFP, typically a variety of factors are evaluated to determine which proposal best meets the City of San José's needs. In procurements such as these, a qualified LBE will be given 5% and a qualified SBE will be given an additional 5% of the total **points** in the **scoring**.

The following determinations have been made with respect to this procurement: (for official use only)

Type of Procurement	<input type="checkbox"/> Bid	<input type="checkbox"/> Request for Quote	<input checked="" type="checkbox"/> Request for Proposal
Type of Preference	<input type="checkbox"/> Price is Determinative		<input checked="" type="checkbox"/> Price is Not Determinative
Amount of Preference	LBE preference = 2.5% of Cost SBE preference = 2.5% of Cost	LBE preference = 5% of Points SBE preference = 5% of Points	

In order to be considered for any preference you must fill out the following statement(s) under penalty of perjury.

Business Name			
Business Address			
Telephone No.			
Type of Business	<input type="checkbox"/> Corporation	<input type="checkbox"/> LLC	<input type="checkbox"/> LLP
	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Sole proprietorship	<input type="checkbox"/> Other (explain)

***LOCAL BUSINESS ENTERPRISE (LBE) PREFERENCE**

In order to qualify as an LBE you must provide the following information:

Current San Jose Business Tax Certificate Number	
Address of Principal Business Office or Regional, Branch or Satellite Office with at least one employee located in Santa Clara County:	

****SMALL BUSINESS ENTERPRISE (SBE) PREFERENCE**

In order to qualify as an SBE you must qualify as an LBE and have 35 or fewer employees. This number is for your entire business --NOT just local employees, or employees working in the office address given above.

Please state the number of employees that your Business has:

Based upon the forgoing information I am requesting that the Business named above be given the following preferences (*please check*): Local Business Enterprise Small Business Enterprise

I declare under penalty of perjury that the information supplied by me in this form is true and correct.

Executed at: _____, California
 Date: _____
 Signature _____
 Print name _____

FORM 3 – EXEMPLAR ACKNOWLEDGEMENT

Consultant Firm Name _____

Name _____ Title _____

Signature _____ Date signed _____

We take NO exceptions to ATTACHMENT A – EXEMPLAR MASTER CONSULTANT AGREEMENT.

or

We take exception(s) to ATTACHMENT A – EXEMPLAR MASTER CONSULTANT AGREEMENT outlined below:

FORM 4 – INSURANCE ACKNOWLEDGEMENT

Consultant Firm Name _____

Name _____ Title _____

Signature _____ Date signed _____

We acknowledge that we will provide proof of insurance according to section ATTACHMENT B – INSURANCE REQUIREMENTS if we are the top ranked consultants.

or

We take exception(s) to ATTACHMENT B – INSURANCE REQUIREMENTS outlined below:

FORM 5B – INVESTMENT

Name of Responding Firm:

Please describe any investment you intend to make in this project which reduces the overall cost to the City of San José and provide the quantification of that investment in Form 7.

FORM 6 - CONFLICT OF INTEREST

To be completed by consultants making proposals.

NAME _____ DATE _____

PROPOSED ASSIGNMENT:

In order for the City of San José to assess whether the personnel proposed to be assigned by the successful Proposer to work on the Proposed Assignment have a conflict of interest, this form must be completed by each person that the Proposer intends to assign.

Questions	Yes (Provide Details)	No
<p>1. Personal Relationships</p> <p>(a) Do you currently have or have had any official, professional, financial, or personal relationships with any person or firm associated with this assignment?</p> <p>(b) If yes, describe the type and extent of the relationship.</p> <p>(c) In your opinion, might this affect your judgment or your ability to execute this assignment in a fair and impartial manner?</p>		
<p>2. Stock and Investments</p> <p>(a) Do you own any stock in any company likely to be affected by or involved in the Proposed Assignment?</p> <p>(b) Does your spouse or a dependent own any stock in company likely to be affected by or involved in the Proposed Assignment?</p> <p>(c) Do you hold any investments in any entity (e.g. partnership, limited liability company, or a trust) likely to be affected by or involved in the Proposed Assignment:</p> <p>(d) Does your spouse or a dependent hold any investments in any entity (e.g. partnership, limited liability company, or a trust) likely to be affected by or involved in the Proposed Assignment?</p>		

<p>If the answer is yes to any of the above questions, please provide the name of the company and the amount of the stock or investment.</p>		
<p>3. Employment & Consulting</p> <p>(a) Is your spouse or a dependent employed/retained by anyone likely to be affected by or involved in the Proposed Assignment?</p> <p>(b) Has your spouse or dependent been previously employed/retained by anyone likely to be affected by or involved in the Proposed Assignment?</p> <p>(c) Have you been employed/retained by anyone likely to be affected by or involved in the Proposed Assignment?</p> <p>If the answer is yes to any of the above questions, please provide name of employer, nature of services provided and if the dates employed or retained.</p>		
<p>4. Payments or Gifts</p> <p>(a) Within the past 12 months, have you received any payments or gifts from anyone likely to be affected by or involved in the Proposed Assignment?</p> <p>(b) Within the past 12 months, has your spouse or a dependent received any payments or gifts from anyone likely to be affected by or involved in the Proposed Assignment?</p> <p>If the answer is yes, please provide the amount the payment or value of the gift, the name and position of the pay or/donor and the date of receipt.</p>		
<p>5. Real Estate</p> <p>(a) Do you own real property that is likely to be affected by or involved in the Proposed Assignment?</p> <p>(b) Does your spouse or a dependent own real property that is likely to be affected by or involved in the Proposed Assignment?</p> <p>If the answer is yes, please provide the location of the property.</p>		

<p>6. Positions</p> <p>(a) Do you currently hold a position (e.g. member of a board of directors) of any entity (e.g. a company, partnership, association, nonprofit) that is likely to be affected by or involved in the Proposed Assignment?</p> <p>(b) Does your spouse or a dependent hold a position (e.g. member of a board of directors) of any entity (e.g. a company, partnership, association, nonprofit) that is likely to be affected by or involved in the Proposed Assignment?</p> <p>If the answer is yes, please provide the name of the entity, and the title of the position held.</p>		
<p>7. Are you aware of any facts or circumstance that might give someone the impression that your participation in this process would create a conflict of interest?</p>		

If during the course of the assignment, any personal, external, or organizational impairments occur that may affect your ability to perform the work and report findings impartially, the undersigned will notify the respective Program Manager immediately.

Signature Date

Print Name

FORM 7 – CONSULTANT COST

Name of Responding Firm:

Submit the project costs to be considered.

Proposed Cost

Task	Cost
3.1 Digital Infrastructure Assessment	\$
3.2 Broadband Strategy	\$
3.3 Digital Inclusion Strategy Support	\$
3.4 Project Planning and Management	\$
Reimbursable Expenses:	\$
Less Investment	\$
TOTAL COST PROPOSAL:	\$

Notes:

- All Pricing is for a 2-year period and must account for all costs, include all labor as well as any additional travel, reimbursable expenses and/or administrative costs required to complete each task (Labor rates must be all inclusive).
- Total Cost Proposal evaluating criteria shall be scored based on the Total Cost Proposal.
- No other pages with prices and no attached price lists will be included in the Total Cost Proposal.
- RFP Section 3.5 "Additional Services" are not included in the Total Cost Proposal.
- Service Orders will be negotiated and compensation can be based either on time and materials or a fixed fee.