



Potrero Yard Modernization Project

Local Business Enterprise Informational Outreach Session
April 27, 2021

Predevelopment Agreement Phase Local Business Enterprises (LBEs) Questions and Answers

How were LBE requirements communicated to potential developer teams?

The Request for Qualifications (RFQ) Announcement was posted on the Public Works bid docs website as well as the City Office of Contract Administration website. The Announcement included date and registration information regarding a Pre-Statement of Qualifications (SOQ) conference that was held soon after the issuance of the RFQ. Attendee registration for this event was then distributed via an addendum to the RFQ. Additionally, extensive public outreach has been performed by the SFMTA starting in 2018, regarding the overall project and procurement.

How was it determined that personnel from an LBE firm be included in the Design Consultant team? Was LBE inclusion limited only to architecture firms?

LBE requirements for the RFQ were coordinated with the Contract Monitoring Division (CMD). The requirement was that at least one listed Key Personnel within the Design Consultant team of multiple firms (bus yard designer, housing designer, affordable housing designer) must be currently employed from a LBE company that is registered at the time of SOQ submission. Key Personnel from the LBE company could have been from any design discipline.

Please clarify why there are no fees in the Predevelopment phase. How do you expect small firms to participate in the Predevelopment phase?

During the Predevelopment phase, both the City and the Lead Developer (LD) bear their own respective costs related to the development of the Project. There is no contractual agreement involving exchange of City funds to the LD during this period. The LD agrees to complete the design of the project in this phase, and the City has included the following to require baseline LBE participation and encourage LBE participation beyond the baseline:

1. The Request for Qualifications, released in August 2020, required Respondents to include in their project design team at least one LBE Key Personnel who is currently employed by an LBE design firm that is registered as an LBE in the City as of the RFQ response due date.
2. Following the selection of the LD, the two unsuccessful RFP bidders, if they submit complete and responsive proposals, are eligible to receive a reimbursement stipend to defray the costs of their efforts during the proposal phase. The City requires that these funds be first directed at LBE partners.
3. The predevelopment agreement strongly encourages the LD to incorporate LBE participation in appropriate activities such as design and planning, early works agreements (if applicable), community engagement, and public outreach in support of the Environmental Impact Review process. The Proposers will enter into their own agreements with individual design disciplines as they see fit during the



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Predevelopment Agreement (PDA) phase. The fact that the City is not paying a fee during this phase does not mean that potential partners would not be paid by the LD.

4. During the PDA Term the LD is required to work with the Contract Monitoring Division (CMD) to develop a proposed LBE Utilization Plan. This plan will provide CMD with the LD's vision on how it (1) proposes to maximize LBE participation in all phases of the Project; (2) identify key contracting opportunities for which it can set aside for LBEs to exclusively compete for; and (3) engage LBEs and local residents from the City's most disadvantaged communities, including but not limited to the Mission, Bayview/ Hunters Point, Outer Mission/ Excelsior, South of Market, Tenderloin, Chinatown, Visitación Valley, Oceanview/Ingleside, and Western Addition neighborhoods.
5. The LBE program will apply to all work performed during the Project Agreement phase, including performance monitoring and proactive outreach and communications.

Will the Design Consultants from the Predevelopment Agreement phase continue to be part of the Project Agreement phase? If so, this is an unfair advantage.

The City is not prescribing how to do this. In this very unique project procurement, the decision of how to manage the design in the Predevelopment Agreement phase, and its transition into the Project Agreement phase is left to the Lead Developer.

The LBE Utilization Plan will include LBE requirements for all subsequent design work that will occur during the Project Agreement phase.

Have you considered an associate architect of record to be part of the design project? Has there been any talk on how the associate architect does work with modules assigned via Revit?

The SFMTA and City are open to new ideas on how to incorporate LBEs in meaningful roles on projects. Per the project Predevelopment Agreement, this will be done through coordination and integration with CMD. The Lead Developer will work with CMD to prepare an LBE Utilization Plan, and CMD will ensure that the LBE firms engaged on the Project are providing substantive, consequential content and scope.

The selection panel should include a community representative who has experience in the RFP process.

The City does not discuss the composition of RFP selection panels during live procurement processes. However as was mentioned at the recent outreach event for LBEs, the Potrero selection panel does not include a community member. This had been discussed as a possibility, including with the Potrero Yard Neighborhood Working Group, but the City ultimately decided that including a community member would be challenging for such a long, technically detailed, and multifaceted procurement phase. The Project's selection panel complies with the City's Contract Monitoring Division (CMD) policies and procedures and was expressly reviewed and approved by CMD. CMD reviews the composition of selection panels to ensure that they are sufficiently diverse in background and makeup and to ensure that they have the in-depth technical knowledge and diversity of professional background and experience to make the best selection possible.



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With the mixture of State and Federal funding sources, will there be an Affirmative Action component in the procurement process?

At present, the funding plan for the Project does not include federal sources. The City remains open to federal funding sources and will explore their applicability through the Project's RFP process, which is underway. If the Project does receive federal funding, the City is prepared to comply with all federal requirements. The project will include an LBE Utilization Plan that will include LBE performance requirements for the design, construction, and maintenance scopes of work. State law prevents the project from including race or gender-based requirements in this procurement.

What future opportunities are there going to be for small firms, outside of petitioning the Lead Developer (LD) for inclusion?

After the LD is selected, they will fill professional disciplines on their team beyond the disciplines/team members that were included in their response to the RFQ and RFP. That process will happen at the end of 2021. The two main procurements that will happen under the LD will take place in the second half of 2022. These are the procurement for the Design-Build contract and the Facility Maintenance contract.

How are LBEs to engage with the shortlisted developer teams?

LBEs should fill out the [contact form](#) so that their information is captured, and they are listed as an LBE interested in the project. In order to be listed on the form, LBEs must select the option permitting their contact information to be shared. The form will include representatives from the LBE community who signed in, as well as the representatives from the three shortlisted proposing teams. The form will be posted on the project website and will provide a platform for connections to be made between proposers and interested LBEs. While information will be shared on the form, it is up to individual firms' discretion to communicate with each other. LBEs will need to reach out directly to the proposers and vice versa to make those connections.