

**San Francisco Municipal Transportation Agency
(SFMTA)**

**Request for Proposals for
Procurement of Parking Meters and Paystations**

SFMTA 2013-09



Date issued: **OCTOBER 17, 2012**
Pre-Proposal Conference: **NOVEMBER 1, 2012, 10:30 A.M., PST**
Proposal due: **JANUARY 4, 2013, 2 P.M., PST**

San Francisco Municipal Transportation Agency (SFMTA)

**Request for Proposals for
Procurement of Parking Meters and Paystations**

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Appendices:

- A. HRC Attachment 2: Requirements for Architecture, Engineering and Professional Services Contracts, for contacts \$50,000 and over (separate document). Proposers must submit the following forms:

Form 2A HRC Contract Participation form
Form 3 HRC Non-discrimination Affidavit
Form 5 HRC Employment form

The following form may be required, depending on the circumstances:

Form 4 Joint Venture Participation Schedule

- B. Standard Forms: Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, Business Tax Declaration, and Chapters 12B and 12C, and 14B of the S.F. Administrative Code B-1
- C. Sample Agreement for Professional Services (Form P-500)
- D. Attestation of Compliance on Communications Prior to Contract Award

- E. Certification Regarding Debarment, Suspension, and Other Responsibility Matters
- F. Certification Regarding Lobbying
- G. Technical Specifications
- H. Proposal Deliverables Checklist
- I. Pricing Sheets
- J. Liquidated Damages and Credit Assessments

Note: Appendices G through J will have two versions, one for single-space meters and one for multi-space paystations.

I. Introduction and Schedule

A. General

This Request for Proposals (RFP) covers the procurement of 25,000 single-space parking meters (also referred to as Meter Mechanisms), 300 multi-space paystations (Paystations) and associated back-end support software systems for each type of parking enforcement device. Software systems will be used in tracking maintenance and revenue, and to program the equipment for variable rate and special event pricing. The Contract will also include the option to purchase an additional 10,000 single-space parking meters and 200 Paystations.

Proposers may submit Proposals for either single-space meters or Paystations, or may elect to submit Proposals for both types of parking enforcement devices. Should a Proposer opt to submit Proposals for both types of devices, the Proposer **MUST** submit a separate Proposal for each type of device. This will enable the evaluation panel to compare Proposals for each device type separately. ***Any single Proposal submitted that refers to both types of devices will be rejected without review by the SFMTA.***

The contract for each type of device chosen shall be a firm fixed-price contract, with equipment batch payments, ongoing monthly communications, management system and credit card processing fees, and liquidated damages/credit assessments in accordance with the terms of the contract. No cost adjustments will be made for the base term of the contract. Should a single contractor be chosen for both devices, a single contract will be drafted for the entire procurement scope.

The contract award is subject to approval by the Municipal Transportation Agency (SFMTA) Board of Directors and the Board of Supervisors of the City and County of San Francisco.

The contract shall have an original term of five years. In addition, SFMTA shall have the option to extend the term for a period of up to two years, which SFMTA may exercise in its sole, absolute discretion.

B. Schedule

The projected schedule for selecting a Contractor is:

<u>Phase</u>	<u>Date</u>
• RFP Issued by the SFMTA	October 17, 2012
• Pre-proposal Conference	November 1, 2012

<u>Phase</u>	<u>Date</u>
• Deadline for submission of written questions or requests for clarification.	November 30, 2012
• Proposals Due	January 4, 2013, 2 p.m.
• *Oral Interviews and Demonstrations by Short Listed Firms	March 1, 2013
• Contract Negotiations	March-April 2013
• SFMTA Board Approval of Contract	May 2013
• Board of Supervisors Approval of Contract	June 2013
• Effective Date	July 2013

*SFMTA reserves the right not to conduct oral interviews and to select a firm based on the written Proposal only.

II. Technical Specifications

The Technical Specifications document (Appendix G) is to be used as a general guide and is not intended to be a complete list of all work necessary to complete the project. Contractors should study the following appendices to ensure complete understanding of equipment and services required:

- Appendix C – Sample Contract
 - (includes Delivery Schedule and Acceptance Criteria)
- Appendix H – Proposal Deliverables
- Appendix I – Pricing Sheets
- Appendix J – Liquidated Damages and Credit Assessments

III. Submission Requirements

A. Instructions for Submission of Proposals

Proposals must be received by **January 4, 2013** at 2 p.m. PST. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left **at the 7th Floor Reception Desk** or mailed to:

Julian Sutherland
Sr. Administrative Analyst
SFMTA, Contracts & Procurement
One South Van Ness Ave., 6th Fl.
San Francisco, CA 94103-5417

Proposers shall submit ten hard copies of the Proposal, Proposals that are submitted by fax will not be accepted. Late submissions will not be considered.

Proposers must also submit an electronic version of the Proposal in both Word and Adobe Acrobat versions for the Proposal itself and in Excel format for pricing section.

Proposers may submit Proposals for either single-space meters or Paystations, or may elect to submit Proposals for both types of parking enforcement devices. Should a Proposer opt to submit Proposals for both types of devices, the Proposer **MUST** submit a separate Proposal for each type of device. This will enable the evaluation panel to compare Proposals for each device type separately. ***Any single Proposal submitted that refers to both types of devices will be rejected without review by the SFMTA.*** Wherever device requirements apply to both devices, the Proposer may copy the response from one Proposal to the other.

B. Format

Please use recycled paper, printed double-sided to the maximum extent practical, and submit a three-ring or spiral-bound Proposal. Please do not bind your Proposal with glued binding. Tabs or other separators may be used within the document.

Document text should be left-justified; with an Arial 12-pt font (10-pt font may be used for tables and diagram descriptions). Pages should have margins of at least one inch on all sides (excluding headers and footers). A table of contents is required.

For a definition of terms, acronyms and abbreviations, see Appendices C and G.

C. Content

Firms interested in responding to this RFP must submit the following information, in the order specified below:

1. Introduction and Executive Summary (up to 2 pages)

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

2. Firm Qualifications and Experience (up to 5 pages)

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

- a. A description of two to four procurement projects of at least 5,000 single-space meters or 50 Paystations performed by your firm, including the name and address of the client agency, the year(s) of the procurement, and the number of devices in the procurement. At least two projects must have commenced within the last seven years. Descriptions should be limited to 1/2 page for each project. If joint consultants or sub-consultants are proposed, provide the above information for each.
 - b. Provide references for the projects listed above, including the name, address and telephone number of at least two of the client agency's contacts capable of commenting on your firm's performance. The SFMTA reserves the right to contract other agencies or individuals not listed by the proposer.
 - c. Provide a description and a resume identifying the proposed on-site program manager, along with a written assurance that the individual identified will be performing the work and will not be substituted with other personnel or reassigned to another project without the SFMTA's prior written approval.
- 3. Response to Technical Specifications -- up to 50 pages (see Appendix G- Technical Specifications)**

Provide responses to each of the Administrative (Section I), Meter Mechanism [Paystation] (Section II) and MMS, Meter Programing & Data Integration (Section III) requirements, using the Table of Contents of the Technical Specifications as the outline for your responses. Each individual requirement must have a response (i.e. respond to Section I.A.1.a separately from Section I.A.1.b). **No points will be awarded for any requirement that does not have a corresponding response. This includes unintentional omissions, so please review all documents to ensure each requirement is addressed.**

- 4. Proposal Deliverables -- up to 50 pages (see Technical Specifications and Appendix H)**

Provide a thorough response for each Proposal Deliverable identified in the Technical Specifications (e.g., description, explanation, supportive diagrams, tables). You may use the checklist in Appendix H as an outline for your responses.

5. Cost Proposal (see Appendix I - Pricing Sheets)

SFMTA intends to award this Contract to the firm that it considers will provide the best overall program services. SFMTA reserves the right to accept other than the lowest priced offer and to reject any Proposals that are not responsive to this request.

Proposers will be provided with an Excel spreadsheet itemizing each cost element. Please populate and submit one Adobe Acrobat and one MS Excel version of the spreadsheet in a sealed envelope marked "Parking Meter / Paystation Cost Proposal."

IV. Evaluation and Selection Criteria

A. Minimum Qualifications

Both types of devices

Proposers must provide documentation of the following items:

1. Proposed Meter Mechanism and/or Paystation payment software shall be Payment Application Data Security Standard (PA-DSS) validated by a Payment Application Qualified Security Assessor (PA-QSA) and be verified on PCI SSC's list of PA-DSS validated payment applications.
2. Contractor's payment software submitted for PA-DSS validation should incorporate:
 - a. "Hold and Send" protocol
 - b. Contactless Payment
 - c. Remote connections capability such as Short Messaging Service (SMS).
3. The Proposer's credit card gateway shall have appropriate Payment Card Industry Data Security Standards (PCI DSS) certification as a Level 1 Service Provider (<https://www.pcisecuritystandards.org/index.shtml>). The credit card gateway shall meet the credit card data security requirements outlined by the Payment Card Industry Security Standards Council (PCI SSC) for service providers and/or software vendors. Compliance with PCI DSS shall have been achieved through a third party audit process. The Proposer shall comply with Visa Cardholder Information Security Program (CISP) and MasterCard Site Data Protection (SDP) programs.
4. Annual Report on Compliance ("ROC") by Qualified Security Assessor ("QSA") or internal auditor if signed by officer of the company.
5. Quarterly network scan by Approved Scan Vendor ("ASV").
6. Attestation of Compliance (with PCI requirements) Form.

For more information on these requirements, please go to the following site:

http://usa.visa.com/merchants/risk_management/cisp_merchants.html

Single-Space Meters

- The proposer's firm shall demonstrate that they have been in the parking meter business for a minimum of seven years.
- The proposed technology manufacturer (if different from above) shall have been in the parking meter business for a minimum of seven years.
- The proposed technology manufacturer shall have an electronic Meter Mechanism installation base of a minimum of 15,000 mechanisms in North American markets.
- The Proposer shall have participated in a minimum of two procurement projects of at least 5,000 devices within the last seven years.

Multi-Space Paystations

- The Proposer's firm shall demonstrate that they have been in the parking meter business for a minimum of seven years.
- The proposed technology manufacturer (if different from above) shall have been in the parking meter business for a minimum of seven years.
- The proposed technology manufacturer shall have installed at least 250 Paystations in North American markets.
- The Proposer shall have participated in a minimum of two procurement projects of at least 50 paystations within the last five years.

B. Selection Criteria

There are 1,100 total possible points for all scoring categories.

Part One: Proposal (650 total possible points for each Proposal)

Response to Technical Specifications:

The general outline of the Technical Specifications is as follows:

Section I: Administrative

- A. General Specification Requirements
- B. Additional Administrative Requirements
- C. Administrative Optional Specifications

Section II: Meter Mechanism [Paystation]

- A. General Meter Mechanism [Paystation] Requirements

- B. Meter Mechanism [Paystation] Additional Specification Requirements
- C. Meter Mechanism [Paystation] Optional Requirements

Section III: MMS, Meter [Paystation] Programming and Data Integration

- A. MMS, Meter [Paystation] Programming and Data Integration General Specification Requirements
- B. MMS, Meter [Paystation] Programming and Data Integration Additional Requirements.
- C. MMS, Meter [Paystation] Programming and Data Integration Optional Specifications

Following is the breakdown of the total points to be allocated for the Technical Specifications:

Item #	Category/Section	Max Points
1	Firm and Team Qualifications	60
2	Tech. Spec. Section I.A	40
3	Tech. Spec Section II.A	200
4	Tech. Spec Section III.A	70
5	Tech. Spec Section III.B	80
6	Tech. Spec Deliverables (Sections I, II, III)	200
Sub Total		650

- Note that for each specification under the "A" subsections above, proposers will receive a fixed number of points for a "yes" response, and no points for a "no" response.
- Note also that no points will be awarded for specifications under the C subsections; however, a thorough and clear response is appreciated. The SFMTA wishes to know if the items listed in these sections are feasible given the requirements described.

Part Two: Cost Proposal (350 total possible points):

See Appendix I.

Sections I, II, and III Subsection A Scoring (200 total possible points)

The lowest cost Proposal for the above categories shall receive the total number of points. The other fee Proposals shall be scored by dividing the amount of the lowest fee by the fee Proposal being scored and multiplying the result by the total number of points assigned to the fee evaluation criterion.

For example, out of a total of 200 points, the proposer who offers the lowest cost Proposal (e.g., \$1,000,000) would receive all 133 points. The next lowest Proposal (e.g., \$1,500,000) would receive 100 points (\$1,000,000 divided by \$1,500,000, multiplied by 200).

$$\frac{\$1,000,000}{\$1,500,000} \times 200 = 133$$

Section III B (150 total possible points)

SFMTA will assign points to the pricing, if any, of each category of development costs on Appendix I, Section B. Proposers who list no development costs (\$0) for a particular category will get the maximum number of points for that category.

For those categories that are assigned development costs, the lowest cost will receive 80 percent of the total possible points for that category. The other fee Proposals shall be scored by dividing the amount of the lowest fee by the fee Proposal being scored and multiplying the result by 80 percent.

For example, any proposer who charges \$0 for all categories in the Section III.B cost Proposal would receive the full 160 points.

If there are no \$0 costs Proposals, the price Proposal with the lowest cost will receive 80 percent of 160 points, or 128 points. All other such cost Proposals will receive points based on the following formula:

$$\frac{\$ \text{ lowest cost Proposal}}{\$ \text{ higher cost Proposal}} \times 128 = \text{ points awarded}$$

Part Three: Oral Presentation and Equipment Evaluation:

(100 possible points)

Following the evaluation of the written Proposals, all firms that have a statistical chance of being the successful proposer may be asked to participate in oral presentations and a demonstration of the proposed equipment. SFMTA will send the proposers a list of questions to be asked about the Proposal before the date for the oral presentation. The evaluation panel may also ask follow-up questions of the proposers during the oral presentation.

Proposers will be allowed a maximum of 30 minutes for their general presentations, 45 minutes for equipment and MMS overview, and 15 minutes to respond to panel questions (one and a half hours). Proposers will be evaluated on

the quality of the presentation, the user's ease of operation of the equipment and the response to questions posed.

The points for the written Proposal, the Cost Proposal, and the oral presentation will then be added together to calculate the final score of the Proposal.

V. Pre-proposal conference and Contract award

A. Pre-Proposal Conference

Proposers are encouraged to attend a pre-proposal conference on November 1, 2012, at 10:30 a.m. to be held at the SFMTA Headquarters at 1 South Van Ness Avenue, San Francisco, CA, 94103, Twin Peaks Conference Room, 8th Floor. 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 VI.B.

B. Contract Award

SFMTA will select a proposer with whom SFMTA 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, then SFMTA, in its sole discretion, may terminate negotiations with the highest-ranked proposer and begin contract negotiations with the next highest-ranked proposer.

VI. Terms and Conditions for Receipt of Proposals

A. Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five 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:

JULIAN SUTHERLAND
Sr. Administrative Analyst
SFMTA, Contracts & Procurement
One South Van Ness Ave., 6th Fl.
San Francisco, CA 94103-5417
(415) 701-4716
julian.sutherland@sfmta.com

Proposers must submit all questions via e-mail. Questions received prior to October 25, 2012 will be addressed if possible in writing at the pre-proposal conference on November 1, 2012. Questions submitted after the pre-proposal conference will be responded to by posting responses to the RFP website by 5 p.m. on November 30, 2012.

C. Objections to RFP Terms

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

D. Addenda

SFMTA may modify the RFP, prior to the Proposal due date, by issuing Addenda, which will be posted on the website. The Proposer shall be responsible for ensuring

that its Proposal reflects any and all Addenda issued by SFMTA prior to the Proposal due date regardless of when the Proposal is submitted. Therefore, SFMTA recommends that the proposer consult the website frequently, including shortly before the Proposal due date, to determine if the proposer has downloaded all Addenda.

E. Term of Proposal

Submission of a Proposal signifies that the proposed services and prices are valid for 120 calendar days from the Proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

F. Revision of Proposal

A Proposer may revise a Proposal on the Proposer's own initiative at any time before the deadline for submission of Proposals. The Proposer 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 Proposal evaluation process, SFMTA may require a Proposer to provide oral or written clarification of its Proposal. SFMTA reserves the right to make an award without further clarifications of Proposals received.

G. Errors and Omissions in Proposal

Failure by SFMTA 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

SFMTA 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 SFMTA and may be used by SFMTA 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. Communications Prior to Contract Award

It is the policy of the SFMTA that only SFMTA staff identified in the RFP as contacts for this competitive solicitation are authorized to respond to comments or inquiries from Proposers or potential Proposers seeking to influence the contractor selection process or the award of the contract. This prohibition extends from the date the RFP is issued until the date when the contractor selection is finally approved by the SFMTA Board of Directors and, if required, by the San Francisco Board of Supervisors.

All firms and subcontractor(s) responding to this RFP are hereby notified that they may not contact any SFMTA staff member, other than a person with whom contact is expressly authorized by this RFP for the purpose of influencing the contractor selection process or the award of the contract from the date the RFP is issued to the date when the contract award is approved by the Board of Directors of SFMTA and, if required, by the San Francisco Board of Supervisors. This prohibition does not apply to communications with SFMTA staff members regarding normal City business not regarding or related to this RFP.

All firms and subcontractor(s) responding to this RFP are hereby notified that any written communications sent to one or more members of the SFMTA Board of Directors concerning a pending contract solicitation shall be distributed by the SFMTA to all members of the SFMTA Board of Directors and the designated staff contact person(s) identified in the RFP.

Except as expressly authorized in the RFP, where any person representing a Proposer or potential Proposer contacts any SFMTA staff for the purpose of influencing the content of the competitive solicitation or the award of the contract between the date when the RFP is issued and the date when the final selection is approved by the SFMTA Board of Directors, and, if required, by the San Francisco Board of Supervisors, the Proposer or potential Proposer shall be disqualified from the selection process. However, a person who represents a Proposer or potential Proposer may contact City elected officials and may contact the Executive Director/CEO of the SFMTA if s/he is unable to reach the designated staff contact person(s) identified in the RFP or wishes to raise concerns about the competitive solicitation.

Additionally, the firms and subcontractor(s) responding to this RFP will not provide any gifts, meals, transportation, materials or supplies or any items of value or donations to or on behalf of any SFMTA staff member from the date the RFP is issued to the date when the contract award is approved by the Board of Directors of SFMTA and if required, by the San Francisco Board of Supervisors.

All lobbyists or any agents representing the interests of proposing prime contractors and subcontractor(s) shall also be subject to the same prohibitions.

An executed Attestation of Compliance (See Appendix D) certifying compliance with this section of the RFP will be required to be submitted signed by all firms and named subcontractor(s) as part of the response to this RFP. Any Proposal that does not include the executed Attestation of Compliance as required by this section will be deemed non-responsive and will not be evaluated. Any Proposer who violates the representations made in such Attestation of Compliance, directly or through an agent, lobbyist or subcontractor will be disqualified from the selection process.

K. 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.

L. 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 Agreement reached on the basis of the Proposal.

M. 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.

N. 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.

O. Local Business Enterprise Goals and Outreach

The requirements of the Local Business Enterprise and Non-Discrimination in Contracting Ordinance set forth in Chapter 14B of the San Francisco Administrative Code as it now exists or as it may be amended in the future (collectively the "LBE Ordinance") shall apply to this RFP.

1. LBE Sub-consultant Participation Goals

The LBE sub-consulting goal for this contract has been waived.

2. LBE Participation

The City strongly encourages Proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount (or rating bonus, refer to Appendix A, Part II) will be in effect for the award of this project for any Proposers who are certified by the City's Human Rights Commission (HRC) as a LBE, or joint ventures where the joint venture partners are in the same discipline and have the specific levels of participation, as identified below. Certification applications may be obtained by calling HRC at (415) 252-2500. The rating discount applies at each phase of the selection process. The application of the rating discount is as follows:

- a. a 10% discount to a Small or Micro-LBE; or a joint venture between or among Small or Micro-LBEs; or
- b. a 5% discount to a joint venture with Small or Micro-LBE participation that equals or exceeds 35%, but is under 40%; or
- c. a 7.5% discount to a joint venture with Small or Micro-LBE participation that equals or exceeds 40%; or
- d. a 10% discount to a certified non-profit entity.
- e. **a 2% rating bonus will be applied to any Proposal from an SBA-LBE, except that the 2% rating bonus shall not be applied at any state if it would adversely affect a Small or Micro-LBE Proposer or a JV with LBE participation.] NOTE TO CCO STAFF: FOR CONTRACTS WITH AN ESTIMATED COST IN EXCESS OF \$400,000 AND LESS THAN OR EQUAL TO \$10,000,000.**

If applying for a rating discount as a joint venture: the LBE must be an active partner in the joint venture and perform work, manage the job and take financial risks in proportion to the required level of participation stated in the Proposal, and must be responsible for a clearly defined portion of the work to be performed and share in the ownership, control, management responsibilities, risks, and profits of the joint venture. The portion of the LBE joint venture's work shall be set forth in detail, separately from the work to be performed by the non-LBE joint venture partner. **The LBE joint venture's portion of the contract must be assigned a commercially useful function. The joint venture partners must be of the same or similar discipline in order to be eligible for a rating bonus. The joint venture partners will be jointly responsible for the overall project management, control, and compliance with Chapter 14B requirements.**

3. HRC Forms to be submitted with Proposal

- a. Each Proposal submitted must include 2 copies of the following Human Rights Commission (HRC) Pre-Award Forms contained in the HRC Attachment 2: (1) Form 2A: Contract Participation Form, (2) Form 3: Non-discrimination Affidavit (3) Form 4: Joint Venture Participation Schedule (if applicable) , and (4) Form 5: HRC Employment Form. Please refer to HRC Attachment 2 (Appendix A to the RFP) for instructions on how to fill out the forms.

San Francisco Municipal Transportation Agency
RFP for Procurement of Parking Meters and Paystations

- b. Please submit only two copies of the above forms with your Proposal. The forms should be placed in a separate, sealed envelope labeled: HRC Forms for SFMTA 2013-09, RFP for Procurement of Parking Meters and Paystations.

If you have any questions concerning the HRC Forms, you may contact Maria Cordero, SFMTA Contract Compliance Office, One South Van Ness Avenue., 6th Floor, San Francisco, CA 94103; phone: (415) 701-5239 or maria.cordero@sfmta.com.

VII. Contract Requirements

A. Standard Contract Provisions

The successful Proposer will be required to enter into a contract substantially in the form of the Agreement for Professional Services, attached hereto as Appendix C. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. SFMTA, 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, (§ 34 in the Agreement); the Minimum Compensation Ordinance (§ 43 in the Agreement); the Health Care Accountability Ordinance (§ 44 in the Agreement); the First Source Hiring Program (§ 45 in the Agreement); and applicable conflict of interest laws (§ 23 in the Agreement), 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 HRC's website at www.sfhrc.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 § 43.

For the amount of hourly gross compensation currently required under the MCO, see 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.

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.

E. First Source Hiring Program (FSHP)

If the contract is for more than \$50,000, then the First Source Hiring Program (Admin. Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at www.sfgov.org/moed/fshp.htm and from the First Source Hiring Administrator, (415) 401-4960.

F. 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 Agreement.

Individuals who will perform work for SFMTA 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.

VIII. 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.

The SFMTA reserves the right to proceed the Proposal selection process with the responsive Proposers during the five-day protest period. The SFMTA will cease the Proposal selection process only when it receives a notification of decision that is in favor of the protester.

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.

The SFMTA reserves the right to proceed the contract negotiation with the highest scored Proposer during the five-day protest period. The SFMTA will cease contract negotiation only when it receives a notification of decision that is in favor of the protester.

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:

JULIAN SUTHERLAND
Sr. Administrative Analyst
SFMTA, Contracts & Procurement
One South Van Ness Ave., 6th Fl.
San Francisco, CA 94103-5417
(415) 701-4716
julian.sutherland@sfmta.com

Appendix A

**City and County of San Francisco
Human Rights Commission**

HRC Attachment 2

***Requirements for Architecture, Engineering and Professional Services Contracts,
for contacts \$29,000 and over***

Appendix B

Standard Forms

The requirements described in this Appendix are separate from those described in Appendix A.

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) 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 Human Rights Commission 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 www.sfgov.org/oca/purchasing/forms.htm www.irs.gov/pub/irs-fill/fw9.pdf	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

San Francisco Municipal Transportation Agency
RFP for Procurement of Parking Meters and Paystations

Item	Form name and Internet location	Form	Description	Return the form to; For more info
2.	Business Tax Declaration www.sfgov.org/oca/purchasing/forms.htm	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 www.sfgov.org/oca/purchasing/forms.htm – In Vendor Profile Application	HRC-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 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.	Human Rights Commission 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

Item	Form name and Internet location	Form	Description	Return the form to; For more info
4.	HRC LBE Certification Application www.sfgov.org/oca/purchasing/forms.htm – In Vendor Profile Application		Local businesses complete this form to be certified by HRC as LBEs. Certified LBEs receive a bid discount pursuant to Chapter 14B when bidding on City contracts. To receive the bid discount, you must be certified by HRC by the Proposal due date.	Human Rights Commission 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500

Where the forms are on the Internet

Office of Contract Administration

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

Human Rights Commission

HRC’s homepage:	www.sfhrc.org
Equal Benefits forms:	Click on “Forms” under the “Equal Benefits” banner near the bottom.
LBE certification form:	Click on “Forms” under the “LBE” banner near the bottom

Appendix C

Sample Agreement for Professional Services (Form P-500)

Appendix D

**Attestation of Compliance on
Communication Prior to Contract Award**

To be completed by all Proposing Firms and All Individual Subcontractors

(Please check each box, sign this form and submit it with your Proposal.)

Name of individual completing this form:

The form is submitted on behalf of firm:

Title of RFP and RFP No.:

**Request for Proposals for Procurement of Parking Meters and Paystations
SFMTA 2013-09**

1. I attest that I and all members of the firm listed above will and have complied to date with Section VI. J of the RFP.

Yes

2. I understand that if my firm or any members of the firm listed above are found to be in violation of the Section VI. J of the above RFP, this will disqualify my firm and any Proposal in which my firm is named from further consideration.

Yes

I have entered required responses to the above questions to the best of my knowledge and belief.

Signature: _____

Date: _____

Appendix E

Certification Regarding Debarment, Suspension, and Other Responsibility Matters

By signing and submitting its Proposal, the Proposer or proposed subcontractor certifies as follows:

(1) _____
(Proposer or Proposed Subcontractor Business Name)

Certifies to the best of its knowledge and belief that it and its principals:

- a. Are not presently debarred, suspended, proposed for disbarment, declared ineligible, or voluntarily excluded from contracting with any federal, state or local governmental department or agency;
 - b. Have not within a three-year period preceding the date of this Proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) contract; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (1) b. of this certification; and
 - d. Have not within a three-year period preceding the date of this Proposal had one or more public contracts (federal, state, or local) terminated for cause or default.
- (2) Where the firm executing this RFP Appendix E is unable to certify to any of the statements in this certification, such firm shall attach a detailed explanation of facts that prevent such certification.
- (3) The certification in this clause is a material representation on fact relied upon by the San Francisco Municipal Transportation Agency (SFMTA).

As the authorized certifying official, I hereby certify that the above-specified certifications are true.

Business Name: _____

Authorized Representative Name (print)

Authorized Representative Title (print)

Authorized Representative Signature

Date

Appendix F
Certification Regarding Lobbying

(Proposer or Proposed Subcontractor Business Name)

Certifies that it will not and has not paid any person or organization for influencing or attempting to influence a member of the San Francisco Municipal Transportation (“SFMTA”) Agency Board of Directors, or an officer or employee of the SFMTA in connection with the contract to be awarded pursuant to this Request for Proposals, except as expressly authorized in this Request for Proposals. The Proposer or proposed subcontractor submitting this certification shall also disclose the name of any lobbyist registered under Article II of the San Francisco Campaign and Governmental Conduct Code who has made lobbying contacts on its behalf with respect to the contract to be awarded pursuant to this Request for Proposals.

This certification is a material representation of fact upon which reliance was placed for the purposes of the SFMTA's evaluation of Proposals and award of a contract pursuant to the Request for Proposals. Submission of this certification is a prerequisite for submitting a Proposal responsive to the Request for Proposals.

Following submission of Proposals with this signed certification, any firm who 1) pays any person or organization for influencing or attempting to influence a member of the San Francisco Municipal Transportation Agency Board of Directors, or an officer or employee of the SFMTA in connection with the contract to be awarded pursuant to this Request for Proposals, except as expressly authorized in the RFP, 2) fails to disclose the name of any lobbyist registered under Article II of the San Francisco Campaign and Governmental Conduct Code who has made lobbying contacts on its behalf with respect to the contract to be awarded pursuant to this Request for Proposals, or 3) pays or agrees to pay to any SFMTA employee or official or to any member of the selection panel or other person involved in the making of the contract on behalf of the SFMTA any fee or commission, or any other thing of value contingent on the award of a contract, will disqualify any Proposal in which that firm is named as a prime contractor, joint venture partner or subcontractor from the selection process.

By signing and submitting its Proposal, the Proposer or proposed subcontractor also certifies to the SFMTA that the Proposer or proposed subcontractor has not paid, nor agreed to pay, and will not pay or agree to pay, any fee or commission, or any other thing of value contingent on the award of a contract to any SFMTA employee or official or to any member of the selection panel or other person involved in the making of the contract on behalf of the SFMTA. As the authorized certifying official, I hereby certify that the above-specified certifications are true.

Authorized Representative Name (print)

Authorized Representative Title (print)

Authorized Representative Signature

Date