



Request for Qualifications

Assessment Services for Quality Rating and Improvement System

RFQ # - 2017 - 3

**Availability of Funds from:
First 5 San Francisco**

Date April 28, 2017

**Request for Qualifications
Assessment Services for
Quality Rating and Improvement System**

Non-Mandatory Bidders Conference	May 1, 2017, 9:00 A.M. 1390 Market St., Ste. 318 San Francisco, CA
Proposal Due Date:	May 15, 2017 at 4 p.m.
Contact Person:	Lisa Lee, Senior Program Officer First 5 San Francisco 415.934.4855 or lisa.lee@first5sf.org

Introduction

First 5 San Francisco intends to implement Assessment Services as an essential component of the City’s Quality Rating and Improvement System (QRIS). The purpose of this Request for Qualifications (RFQ) is to identify qualified assessment entities from which it may choose prospective contractors to coordinate and implement these services. The selected respondents will participate as Quality Partners in planning, program development, evaluation and coordination activities on a monthly basis.

Selected respondents will remain eligible for consideration and contract negotiation on an as-needed basis through December 31, 2021. Selected Respondents are not guaranteed a contract, however, it is First 5 San Francisco’s intention to award at least one contract for the period July 2017 to July 2021. Respondents selected under this RFQ may be asked to respond to additional screening processes prior to being awarded a contract.

The closing date for the submission of applications is 4:00 p.m. SHARP on May 15, 2017. All applications received after 4:00 p.m. will be considered late and will **not** be accepted. No electronic or faxed submissions will be accepted.

Hand-deliver one (1) original and three (3) copies of the application to:

First 5 San Francisco
1390 Market Street, Suite 318
San Francisco, CA 94102
Attn: Lisa Lee

ESTIMATED TIMELINE	
RFQ Issued	April 28, 2017
Bidders’ Conference	May 1, 2017, 9:00 A.M. at 1390 Market St., Ste. 318
Letter of Intent Due	May 8, 2017
Proposals Due	May 15, 2017 at 4 p.m.
Notice of Certification as Pre-qualified Consultant	(Estimated) May 17, 2017

Background

Research and practice confirm that readiness and achievement disparities can be documented long before children enter kindergarten. Research has also shown us how to design high-quality early education programs that will enable all children to build a solid foundation for school success and lifelong learning. For years, we have known that waiting until kindergarten is too late to begin extending educational opportunities to all children, especially children with high needs. Now the evidence is indisputable: we can save money, reduce school failure, and enhance children's lifelong success and productivity by improving early childhood learning opportunities.

One way San Francisco is expanding access to high-quality early care and education is through the development of a Quality Rating and Improvement System (QRIS). In collaboration with the Office of Early Care and Education, First 5 San Francisco will build on local efforts, blending State Department of Education QRIS block grant, First 5 Local QRIS Impact funding and local funding to operate a QRIS that has research-based common quality elements. These common elements are identified in a Quality Continuum Framework (Framework) developed by County Consortia across the state.

Purpose of RFQ

The CA-QRIS rating framework utilizes two assessment tools which have been correlated to structural and relational elements of quality programs. It is First 5 San Francisco's intent to pre-qualify Respondent(s) that demonstrate qualifications to provide valid, reliable, external assessments in Cantonese, Mandarin, Spanish and English utilizing the Environmental Rating Scales (ERS) and Classroom Assessment Scoring System (CLASS) for family childcare and center-based settings serving children 0-5 years. In addition, it is First 5 San Francisco's intent to provide regional anchoring and training services on the use of these tools for the developing counties in the Bay Area Early Learning Partnership. Entities selected for pre-qualification are not guaranteed a contract. This RFQ does not in any way limit First 5 San Francisco's right to solicit contracts for similar or identical services if, in First 5 San Francisco's sole and absolute discretion, it determines to do so is in its best interest.

Available Funding and Terms of Grant

Funding is made available for this project through state grants and in partnership with the San Francisco Office of Early Care and Education. First 5 San Francisco will make up to \$1,438,385 available to selected respondents through this RFQ process. Respondents are not guaranteed a contract if pre-qualified through this RFQ. Respondents will not be compensated for costs incurred to respond to this RFQ.

Contracts may be, annual or for multiple years. Specific contract activities, budgets and length of contract term may be negotiated for each individual service contractor identified through this RFQ.

Contract renewal and award amounts are subject to First 5 San Francisco staff review of the project, negotiation of contracts and scope of work, and continued availability of funds. Also, the contract award in future years may be decreased or eliminated. Funding renewal and amount of funds allocated to the purposes of this RFQ are at the sole discretion of First 5 San Francisco.

Scope of Work

The City of San Francisco will operate a QRIS which is aligned with the California Department of Education, Quality Rating and Improvement System (CA-QRIS). Documents describing the CA-QRIS and assessment protocols and guidelines for the CA-QRIS can be found at http://www.ccfca.gov/programs/programs_ca-qris.html. Specific documents pertaining to external assessments include the following:

[CA-QRIS Rating Matrix](#)

- [CA-QRIS Implementation Guide](#)
- [CA-QRIS Implementation Guide Key Updates](#)

In accordance with these guidelines qualified entities are needed to provide valid and reliable assessments on two standardized tools – The CLASS™ and the Environmental Rating Scale (ERS) (ECERS-R, ITERS or FCCERS tools) to family childcare and center-based facilities participating in SF QRIS. Given the linguistic diversity of San Francisco’s workforce and families, these assessments are to be provided in languages other than English as needed, and requires qualified entities to have qualified multilingual (minimally Spanish, English, Mandarin and Cantonese) assessors and ERS certified anchors. This RFP seeks a contractor to provide these assessments in the period July 1, 2017 – June 30, 2020. The specific scope and required qualifications are described below.

What Does the City Seek?

The selected Contractor will:

- 1) Provide and maintain a pool of qualified assessors to conduct valid and reliable CLASS, ECERS, and ITERS assessments in QRIS participating classrooms in San Francisco County in accordance with CDE CA QRIS guidelines and regional assessment protocols. The **approximate** number of assessments by Fiscal Year is as follows:

2017-2018	250 ERS Assessments	250 CLASS assessments
2018-2019	260 ERS assessments	260 CLASS assessments
2019-2020	270 ERS assessments	270 CLASS assessments

- CLASS assessors must meet the following qualifications: Hold current certification from Teachstone as a reliable CLASS™ assessor for the infant, toddler and/or preschool CLASS.
- ERS assessors must meet the following qualifications: Have participated in an Early Care Environmental Rating Scale training *at least 3 days in duration within the past 5 years* and have achieved acceptable reliability to standards set by the California Department of Education. ERS assessors must have achieved 85% reliability with either a CDE master

anchor or an anchor deemed reliable by CDE or the Bay Area Quality Rating and Improvement Partnership.

- Demonstrate ability to conduct themselves professionally and respectfully in a wide variety of ECE settings.
- 2) Provide “anchors” for reliability checks of ERS assessments in accordance with standards set by the CDE and the Bay Area Quality Early Learning Partnership.
 - 3) Provide quality assurance and supervision of assessors to include review of reports prior to submission by an anchor level observer. Quality assurance will ensure that reports include specific descriptive information to support item level scores.
 - 4) Provide timely, written translations of assessments in Spanish and Chinese as requested and identified as needed for early education sites.
 - 5) Coordinate scheduling and logistics to assign assessors to ECE sites and coordinate with San Francisco County QRIS to provide necessary information to site directors, family child care providers, teachers, parents and children so that they are prepared for the observation visit(s).
 - 6) Provide written reports within 30 working days of the site observation on each assessment to San Francisco County QRIS. Written reports will provide detailed scoring information including sufficient detail about observations so that technical assistance providers can offer meaningful feedback to directors and teachers.
 - 7) Facilitate and participate in Regional and/or state training on protocols for assessment methodology. Provide assessment updates to QRIS stakeholder on a biannual basis.
 - 8) Monitor quality of assessments and assessor conduct by soliciting feedback from site directors or supervisors.
 - 9) Enter assessment scores at the item level into WELS database.
 - 10) Provide annual reports to policy makers and QRIS partners.

What is the City’s Intent with this RFQ?

It is the intent of First 5 San Francisco to identify qualified entities from which it may select a contractor for Assessment Services for the QRIS. Selected respondents are not guaranteed a contract, however, it is First 5 San Francisco’s intention to award at least one contract for the period July 2017 to July 2021. First 5 San Francisco may use the pre-qualified list, at its sole and absolute discretion, for selection of firms and negotiation of contracts starting through December 31, 2021. No pre-qualified Respondent is guaranteed a contract.

Preferred Qualifications

Agencies or individuals seeking to be pre-qualified should demonstrate capacity to meet the following qualifications:

- Demonstrated infrastructure to manage, schedule, mentor and maintain a group of assessors and maintain documentation for scheduling, and reporting in a timely manner.
- Proven track record of successfully implementing large scale assessment assignments under strict timelines from assessment to finished reports.
- Demonstrated experience implementing valid and reliable assessments in diverse center based and family child care settings.

- Access to a bilingual assessor pool with qualifications in CLASS and ERS as described above. ***Please do not apply if your entity does not have the capacity to conduct both CLASS and ERS assessments for all age groups and settings in Cantonese, Mandarin, Spanish and English.***
- Access to an assessor pool of sufficient size and linguistic capacity to meet the assessment demand within projected time periods.
- Ability to work respectfully in culturally and linguistically diverse early care and education settings. Familiarity with SF ECE communities and experience working in San Francisco County is preferred

Request for Proposal Process and Requirements

Proposal Content and Instructions

To apply for funds, you must deliver one (1) original and three (3) copies of your proposal to First 5 San Francisco's office at 1390 Market Street, Ste. 318 San Francisco, CA by **May 15, 2017 at 4:00 p.m.** Any proposal that arrives later than the specified deadline, fails to meet the minimum eligibility requirements or fails to follow submission instructions **WILL NOT** be considered for funding.

Proposal Format

All proposals must:

- Be typed, utilizing provided forms;
- Be double spaced and have one inch margins;
- Use no less than 12-point font;
- Limit narrative response to no more than 4 pages (excluding resumes)

Copying

Original proposals must be printed only on one side of the paper, while all six copies must be printed on **both** sides of the paper.

Review Process and Timeline

A proposal review panel(s), consisting of individuals appointed by First 5 San Francisco will review all completed applications that meet the minimum eligibility requirements. Members of the proposal review panel(s) will evaluate and score each proposal, and make a funding recommendation to First 5 San Francisco. First 5 San Francisco will then make the final selection and conduct contract negotiations for needed Core Content Area activities.

All proposals will be scored on the following requirements:

Category	Points Possible
Agency Qualification & Experience	25
Assessment Approach & Philosophy	15
Qualified Staff and Assessor Pool	40
Cost – Reasonable and Justified	20
 Total	 100

Respondents scoring 80 points and above will be added to the pre-qualified list for Assessment Services.

Selection Interviews

Following the Response Evaluation process, Respondents may be invited to interviews for further review and assessment of qualifications. Interviews, if pursued by the City, will consist of standard questions asked of selected Respondents, and specific questions regarding individual proposals.

The City has sole and absolute discretion over whether interviews will be conducted or not to select Respondents for contract negotiations.

Reference Checks

Reference checks, including, but not limited to, prior clients as indicated in Attachment A Prior Project Description(s), may be used to determine the applicability of Respondent experience to the services the City is requesting and the quality of services and staffing provided to prior clients, as well as adherence to schedules/budgets and Respondent’s problem-solving, project management and communication abilities, as well as performance on deliverables and outcomes, and effectiveness in meeting or exceeding project objectives.

Work Samples

Please provide sample ERS and CLASS REPORTS.

Other Terms and Conditions

The selection of any pre-qualified Respondent for contract negotiations shall not imply acceptance by the City of all terms of the response, which may be subject to further negotiation and approvals before the City may be legally bound thereby.

If a satisfactory contract cannot be negotiated in a reasonable time with any pre-qualified Respondent, then the City, in its sole discretion, may terminate negotiations and begin contract negotiations with any other remaining pre-qualified Respondents.

The City, in its sole discretion, has the right to approve or disapprove any staff person assigned to a firm’s projects before and throughout the contract term. The City reserves the right at any time to approve, disapprove, or modify proposed project plans, timelines and deliverables.

Pre-Proposal Conference

Agencies intending to submit a proposal are strongly encouraged to attend a pre-proposal conference on **May 1, 2017, at 1390 Market St., Ste. 1125 San Francisco, CA at 9 AM.** The pre-proposal conference will be an opportunity for agencies to seek clarification on the contents of this RFQ.

Letter of Intent

Organizations intending to submit a proposal are requested to submit a non-mandatory Letter of Intent, and must be received by First 5 San Francisco by **May 8, 2017.** The Letter of Intent should be on agency letterhead and indicate the agency's intent to apply for funds. The letters of intent are not binding and are used by First 5 San Francisco staff to anticipate the number of proposal reviewers needed.

The letters of intent are to be mailed or hand delivered to the following address:

*Lisa Lee, Senior Program Officer
First 5 San Francisco
1390 Market Street, Ste. 318
San Francisco, CA 94102*

Proposal Format

Proposal Components and Instructions:

All proposals must include the following components in this order:

- **Response Template Form - A:** Provide all requested information in a narrative format. See each response section for page limits.
- **Proposal Attachments to All Proposal Copies:** The following listed attachments should accompany all copies of the proposal.
 - a. Organization chart for the proposal that shows placement of this project in the lead agency and diagrams relationships with any subcontractors.
 - b. Sample CLASS and ERS reports in English, Chinese and Spanish.

Do not bind proposals with any type of cover, cover page, three ring binder or folder. A binder clip and/or staple(s) are acceptable.

Do not include anything that cannot be photocopied or is folded or oversized. Do not include videotape, audiotape or other multi-media.

Appeal Process

The decision of First 5 San Francisco is final and there is no appeal process. However, applicants can request to see copies of reviewers' comments. In order to make your request please stop by First 5 San Francisco offices at 1390 Market St., Suite 318.

Minimum Eligibility Requirements

Failure to meet the following requirements will eliminate the applicant from consideration:

- Applicant must be a community-based organization that is nonprofit and tax-exempt under Section 501(c)(3) of the Internal Revenue Code, a part of the San Francisco Unified School District, City College of San Francisco, San Francisco State University or other educational institution or a professional corporation or partnership or corporation. Experienced individual contractors may be considered.
- If selected for a contract, the applicant must be certified as a City-approved vendor and compliant with the City's insurance requirements within 45 days of award notice or First 5 San Francisco reserves the right to revoke the contract.
- Applicant must follow all guidelines (formatting, page limitations, required attachments, etc.) detailed in the **Proposal Content and Instructions section of this RFQ**.
- Agencies receiving funding must not be currently on 'red flag' or 'elevated concern status' with the Office of the Controller.
- Agencies receiving funding must not have any city contracts withdrawn or terminated due to fiscal or program compliance issues within the last 24 months.

Other Requirements

Below is a partial list of significant requirements that will be part of each funded contractor's contract.

1. Contractor must be a City-approved vendor or become a vendor, if a contract is entered into.
2. Contractor must comply with the monitoring and evaluation requirements. These requirements will be detailed in the contracting process
3. Contractor must have current insurance coverage (workers compensation, general liability, fidelity bond and automobile, if applicable).
4. Contractor must comply with the criminal screening requirement set forth below.
5. Contractor must prepare monthly online invoices through the Contract Management System for reimbursement of actual expenses or alternative mutually agreed to method.
6. Appropriate contractor staff members must attend all mandatory meetings.

Applicants that are not yet City-approved vendors should begin the certification process as soon as possible, in order to ensure that they are able to meet this requirement if awarded a grant. The City's Office of Contract Administration offers all of the necessary forms on its website, which can be found at www.sfgov.org/oca/purchasing/forms.htm. Subcontractors are not required to be City-approved vendors; only the lead organization must be.

The City and County of San Francisco requires all agencies receiving grant funding to comply with a number of regulatory and legal requirements. Some of these requirements are described below.

Firms contracting with the city must agree to the most recent standard personal service contract or individual service contract agreements.

Criminal Screening Requirement

The City and County of San Francisco requires that all contractors and subcontractors comply with California Penal Code section 11105.3 and request from the Department of Justice records of all convictions or any arrest pending adjudication involving the offenses specified in Welfare and Institution Code section 15660(a) for any person who applies for a paid or volunteer position with the organization, or any subcontractor, in which the individual would have supervisory or disciplinary authority over a minor under his or her care.

If the contractor, or any subcontractor, is providing services at a City park, playground, recreational center or beach (separately and collectively known as "Recreational Site"), the organization shall not hire, and shall prevent its subcontractors from hiring, any person for employment or a volunteer position if that person has been convicted of any offense that was listed in former Penal Code section 11105.3 (h)(1) or 11105.3(h)(3).

If the organization, or any of its subcontractor, hires an employee or volunteer to provide services to minors at any location other than a Recreational Site, and that employee or volunteer has been convicted of an offense specified in Penal Code section 11105.3(c), then the contractor or its subcontractor must comply with that section and provide written notice to the parents or guardians of any minor who will be supervised or disciplined by the employee or volunteer not less than ten (10) days prior to the day the employee or volunteer begins his or her duties or tasks. The contractor shall provide, or make its subcontractors provide, First 5 San Francisco with a copy of any such notice at the same time that it provides notice to any parent or guardian.

The contractor must expressly require all of its subcontractors with supervisory or disciplinary authority over a minor to comply with this requirement as a condition of its contract with the subcontractor.

Other requirements of agencies receiving grant funds include:

- The contractor must comply with the Domestic Partners or Equal Benefits Ordinance. For further information regarding compliance, respondents are encouraged to consult the Human Rights Commission at (415) 252-2500.
- The contractor must comply with the first source hiring program including developing agreements with the City to consider hiring economically disadvantaged individuals for entry-level positions.
- The contractor must comply with the Sunshine Ordinance. In accordance with San Francisco Administrative Code section 67.24(e), contracts, contractors' bids, responses to requests for proposals and all other records of communications between 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

organizations net worth or other proprietary financial data submitted for qualification for a contract or other benefit until and unless that person or organization is awarded the contract or benefit. Information provided that is covered by this paragraph will be made available to the public upon request.

- The contractor must comply with a provision of the Sunshine Ordinance that affects non-profits with at least \$250,000 in City funding and at least one applicable contract. The ordinance requires the non-profit to hold at least 2 open board meetings, to allow public access to financial records, and to promote community representation on their Board of Directors or equivalent, and to describe in its RFQ response all complaints regarding compliance with the Sunshine Ordinance in the last two years, and the resolutions of these complaints.
- The contractor must comply with the San Francisco Children and Families Commission Tobacco-Free Policy – Form G.

Reservations of Rights by First 5 San Francisco

- Issuance of this RFQ does not constitute a commitment by First 5 San Francisco to award a contract. First 5 San Francisco reserves the right to reject any or all proposals received in response to this RFQ, or to cancel this RFQ if it is in the best interest of the funding agencies to do so.
- The City expressly reserves the right at any time to:
 - Waive or correct any defect or informality in any response, proposal, or proposal procedure;
 - Reissue a Request for Proposals;
 - 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 RFQ, or the requirements for contents or format of the proposals;
 - Procure any materials, equipment or services specified in this RFQ by any other means; or
 - Determine that no project will be pursued.
- Actual award of funding is dependent on a successful grant negotiation. During the grant negotiation, First 5 San Francisco may seek modifications to the proposed activities and budget. If a grant agreement cannot be completed within a reasonable time frame, determined by First 5 San Francisco, First 5 San Francisco may terminate negotiations and pursue an agreement with a different applicant.
- Applicants submitting a proposal agree that by submitting a proposal they authorize First 5 San Francisco to verify any or all information contained in the proposal.

- First 5 San Francisco’s decision to award a grant to an organization that proposes to use subcontractors to perform the work funded by the grant does not waive First 5 San Francisco’s right to approve or disapprove the subcontractors selected.
- First 5 San Francisco reserves the right, after grant award, to amend the resulting contract as needed throughout the term of the contract to best meet the needs of all parties.
- The applicant will comply with all requirements of the City and County of San Francisco and the Funding Agencies.

Allowable Grant Costs

First 5 San Francisco awards are cost reimbursement grants for expenditures described in pre-approved budgets. Except for advances of funds, agencies must incur expenses in pursuit of grant activities prior to reimbursement by First 5 San Francisco.

- Requested funding must be used to implement the types of activities described in the Scope of Work.
- This grant shall be used only to supplement, enhance, or augment existing levels of service or create new services. Funds may be used to continue First 5 San Francisco funded programming.
- The funds shall only be used for services to children 0 -5 years old, their families or caregivers, or expecting parents.

Unallowable Grant Costs

- Indirect and Administrative costs may not exceed an amount equal to 15% of the total grant amount.
- No grant funds shall be used to supplant state or local general fund money for any purpose. In other words, this funding cannot replace other federal, state, or local funds currently used or already planned and committed for expansion activities, nor may grant funds be used to replace existing program revenues.
- Funds cannot be used for activities outside the negotiated Scope of Work.
- Funds cannot be used for capital expenditures.
- Accruals for staff vacation and sick time off

Terms and Conditions for Receipt of Proposals

Errors and Omissions in RFQ

Proposers are responsible for reviewing all portions of this RFQ. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFQ. 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.

Inquiries Regarding RFQ

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

Lisa Lee, Sr. Program Officer via email – lisa.lee@first5sf.org

Objections to RFQ Terms

Should a proposer object on any ground to any provision or legal requirement set forth in this RFQ, the proposer must, not more than ten calendar days after the RFQ is issued, provide written notice to the Department 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.

Change Notices

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

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.

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, the Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

Errors and Omissions in Proposal

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

Financial Responsibility

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

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.

No Waiver

No waiver by the City of any provision of this RFQ 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 RFQ.