

**City and County of San Francisco**

**Request for Proposals for**

**“Make it Right”**

**Juvenile Restorative Community Conferencing Program**



Date issued:	<b>Monday, April 29, 2019</b>
Pre-proposal conference:	<b>1:00 p.m., Monday, May 6, 2019</b>
Proposal due:	<b>5:00 p.m., Monday, May 20, 2019</b>

Request for Proposals for **Juvenile Restorative Community Conferencing Program**

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## **Request for Proposals for**

### **“Make it Right” Juvenile Restorative Community Conferencing Program**

#### **1. Introduction and Schedule**

##### **A. General**

##### **The San Francisco District Attorney’s Office**

Under the leadership of District Attorney George Gascón, the San Francisco District Attorney’s Office (SFDA) strives to adhere to our social ideals and administer justice in an equitable manner. We work tirelessly to hold offenders accountable, protect and support victims, and innovate to break the cycle of crime. Our goal is to make San Francisco the safest large city in America – and to achieve this in partnership with the diverse stakeholders that comprise our community.

In the last nine years, the SFDA has implemented a number of initiatives that support this philosophy. We have created the nation’s first Sentencing Program to help our prosecutors develop meaningful sentencing recommendations that enhance public safety while reducing recidivism. We have instituted our Neighborhood Court program citywide, sending over 300 cases in 2018 to Neighborhood Courts across the City, where community members – not judges or lawyers – use restorative justice principles to divert cases from the criminal justice system and help offenders repair the harm they have caused in their community. We have increased our Victim Services outreach, stationing advocates in neighborhood settings and funding trauma-informed services in community organizations. We have partnered with our fellow justice system agencies to launch a Young Adult Court for defendants ages 18-25 that provides them with age-appropriate opportunities for transformation and accountability. We are working to expand services for individuals in the justice system who suffer from mental illness.

To be sure, there will always be scenarios for which the traditional jury courtroom process is the best fit, such as serious and violent crimes, complex crimes, and persistent offenders. But as prosecution organizations embrace a broader view of their duty to enhance public safety, they are also embracing a suite of multidimensional strategies that support this redefined core function.

##### **Juvenile Crime in San Francisco**

As in many cities and towns across the country, juvenile crime in San Francisco has steadily declined. From 2008 to 2018, the number of referrals to the Juvenile Probation Department decreased by 67%, bookings at Juvenile Hall decreased by 66% and the number of cases prosecuted by the SFDA dropped by almost 69%. Over 84% of juvenile petitions filed by the SFDA in 2018 were for felony offenses. Our juvenile hall in-custody population is at a historic low, with an average daily population in the 30’s. Through the Community Assessment and Referral Center (CARC) and other local innovations, San Francisco has developed effective strategies for engaging young people who commit low-level offenses, holding them accountable and supporting them to exit the juvenile justice system – at the City is now beginning formal efforts to push our local reform further, taking important steps to examine our system, increase community-based responses to juvenile delinquency and reimagine what secure facilities should look like for the small number of young people who require temporary detention.

While the numbers above are encouraging, the SFDA is committed to further reduce the number of youths who enter our courtrooms, as well as the significant racial and ethnic disparities of young people touched by our system, to support the restoration of victims of juvenile delinquency, and to join together with community stakeholders to achieve these important goals. Juvenile Restorative

Community Conferencing is designed to do just that, and has been serving as a positive component of our juvenile justice system for the last five years.

### **Restorative Community Conferencing**

Restorative justice offers an alternative approach to traditional prosecution. Put most simply, it is “a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.”<sup>1</sup> There are several models that have evolved from the restorative justice philosophy, including Family Group Conferencing, Community Boards, Victim-Offender Mediation and Circle Sentencing. These models share three primary goals: (1) to better include community members in the justice process, (2) to identify and rectify harm caused by criminal offenses, and/or (3) to successfully reintegrate offenders into community life.<sup>2</sup>

Family Group Conferencing is the national model for addressing youth wrongdoing in New Zealand, where it was first created by the Maori (New Zealand’s indigenous people) to address disproportional representation of their young people in the county’s juvenile delinquency system. In 1989, the New Zealand government passed the Children, Young Persons, and Their Families Act which adopted a national model for using Family Group Conferencing in all youth crimes other than murder and manslaughter. Since 1989, youth incarceration in New Zealand has been rendered virtually obsolete, juvenile detention facilities have been closed, recidivism rates have plummeted, and victim satisfaction rates are high.

In 2008, Alameda County began using the Family Group Conferencing model to establish a pilot program, “Restorative Community Conferencing,” for certain juvenile cases. Restorative Community Conferencing is a pre-prosecution diversion process by which young people and their victims, with their supporters (including law enforcement, youth services, schools, coaches, parents/caregivers and others) develop a consensus-based plan for a young person to repair harm, address root causes, and make amends. Several other California counties and jurisdictions across the country, from Philadelphia to Nashville to Miami, currently are replicating this model.

In 2012, the SFDA joined together with sujatha baliga, formerly at the National Council on Crime and Delinquency and now at Impact Justice – the creator of Alameda County’s Restorative Community Conferencing program – to adapt the model to San Francisco. With the generous support of the Zellerbach Family Foundation, Ms. baliga conducted a series of individual, small group and focus group sessions with San Francisco youth, parents, service providers and public agencies to inform them about Alameda’s model and gather feedback that enabled us to tailor it to San Francisco’s unique resources and needs. In 2013, through a competitive RFP process, the San Francisco District Attorney’s Office selected Community Works West and Huckleberry Youth Programs, working in collaboration, to launch San Francisco’s juvenile restorative community conferencing model, called “Make it Right.” A detailed description of the model can be found in Section V, Scope of Work, below.

Since late 2013, Make it Right has provided restorative community conferencing to young people and victims impacted by their acts for a variety of offenses, including theft, burglary, vandalism and threats. To date, over forty young people have completed the program, with additional cases underway. While Make it Right is part of a formal statewide program evaluation, preliminary data has indicated that the program has had positive results for the participants and victims it serves.

**At this time, the SFDA seeks to identify one or more community-based organizations that will perform key functions of Make it Right for young people ages 13-18 – and to partner with the SFDA to expand the program for young adults ages 18-24.**

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<sup>1</sup> Zehr, H. (2002). *The Little Book of Restorative Justice*. Intercourse: Good Books, page 37.

<sup>2</sup> Ibid.

### **Funding Sources**

Up to \$150,000 will be available from SFDA through funds from the Department of Children, Youth & Their Families for fiscal year 2019-2020. Funding for subsequent years will depend on future availability of funds.

Funds awarded through this RFP will be a blend of San Francisco's general fund and the San Francisco Children's Fund.

The Children's Fund was first established by Proposition J, known as the Children's Amendment, approved by San Francisco voters in 1991, and last renewed in 2014. The current Children's Fund will be in effect until 2041, when it will have to be renewed by San Francisco voters. The Children's Fund utilizes a portion of property taxes each year—three cents per one hundred dollars of assessed value. Three percent of the Children's Fund is held as the Youth Empowerment Fund. Community guidance for the Children's Fund is performed by a volunteer 15-member Citizen's Advisory Committee (CAC) appointed by the Mayor. The CAC meets regularly. The Children's Fund is now considered one of the City's major assets and is often recognized as a national model.

### **Purpose of this Request for Proposals**

SFDA is issuing this Request for Proposals (RFP) to identify one or more highly-qualified 501(c)(3) organizations to provide the following key components of the Restorative Community Conferencing model:

- Facilitate all aspects of Restorative Community Counseling sessions.
- Monitor and supports participants as they complete the agreements they made in their Restorative Community Conferencing sessions.
- Work with the SFDA to launch a pilot RCC component for young adults ages 18-24.

Additional detail about these components is provided in Section II, Scope of Work, below.

### **Collaborations**

Collaborative consortia, joint ventures, or a team of agencies with complementary skills and experience are permitted and highly encouraged to respond to this RFP. **Preference points will be given for collaborative submissions, as detailed in Section IV(B), Selection Criteria, below.**

**Lead Agencies:** Proposals from collaborative consortia, joint ventures, or teams must designate a lead organization, which will serve as the fiscal sponsor for the partners. This lead organization will be responsible and accountable for effectively and efficiently planning, managing, and delivering the services and activities described in this RFP. The lead organization must also demonstrate the management and financial capability needed to effectively and efficiently deliver the program proposed and account for the grant funds.

**Subcontracting:** Applicants may include subcontracting arrangements with other agencies; however, these arrangements must be made prior to submission of the proposal. Confirmation of a memorandum of understanding or other formal agreement between the applicant and subcontractor is required for any collaborative submissions to this RFP.

The grant shall have an original term of one (1) year. In addition, the City shall have two (2) options to extend the term for a period of one (1) year each, which the City may exercise in its sole, absolute discretion.

The grant total compensation for the original period is expected to not exceed \$150,000.00. Should the grant be extended, the annual compensation will increase at a rate similar to the per year costs of the original term. Proposers may submit proposals with greater or lesser value, and cost and reasonableness of rates will be considered as part of the evaluation.

## **B. Schedule**

The anticipated schedule for selecting a grantee/grantees is:

<u>Proposal Phase</u>	<u>Date</u>
RFP is issued by the City	Monday, April 29, 2019
Pre-proposal conference	10:00 p.m., Monday, May 6, 2019 SFDA's Office 850 Bryant Street, Third Floor San Francisco, CA 94103
Deadline for submission of written questions or requests for clarification	5:00 p.m. Wednesday, May 8, 2019
Proposals due	5:00 p.m. Monday, May 20, 2019

## **C. Contractors Unable to do Business with the City**

### **1. Generally**

Contractors that do not comply with laws set forth in San Francisco's Municipal Codes may be unable to enter into a contract with the City. Some of the laws are included in this RFP, or in the sample terms and conditions attached.

## II. Scope of Work

The Scope of Work 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.

The following are work tasks assumed necessary to **operate the Make it Right model in collaboration with the SFDA.**

This RFP is intended to identify organization(s) to provide **two distinct components** of Restorative Community Conferencing:

- Restorative Community Conferencing Facilitation
- Agreement Monitoring

Qualified organizations may apply to perform **one or both** of these components.

The following are work tasks necessary to operate the Make it Right Juvenile Restorative Community Conferencing Program. In addition, a Restorative Community Conferencing flow chart is provided as Appendix B to this RFP. Proposing teams may suggest a modified scope as part of their proposal.

### A. SCOPE OF WORK: RESTORATIVE COMMUNITY CONFERENCING FACILITATION

Required elements for this component are as follows:

- Participate in training and technical assistance on Restorative Community Conferencing as arranged by the SFDA.
- Work with SFDA and other City agencies and community-based organizations to implement necessary protocols, procedures, forms and data tracking.
- Receive **20-25 case referrals of youth under 18 years old** from District Attorney's Juvenile Division within a 12-month period. For each case,
  - Contact and meet with youth and parent/guardian to determine suitability for participation in RCC.
  - Contact and meet with harmed party/parties to determine interest in participation in RCC in suitable cases.
  - Conduct a minimum of two separate "pre meetings" each with youth and harmed party/parties and their respective supporters to assess the harms, needs, and obligations that have arisen from the incident.
  - Arrange appropriate RCC time, location, and translation services if needed.
  - Facilitate RCC session.
    - i. The young person, harmed party, and family and community members ("RCC participants") discuss the incident, its causes and effects.
    - ii. RCC participants produce a consensus-based "Plan of Action" for the young person to repair the harm done to the harmed party, family, community and self.
  - Communicate resulting Plan of Action to Agreement Monitor.
  - Track status of RCC referral in database.

- Receive **10 case referrals of young adults ages 18-24** from District Attorney’s Adult Rebooking Unit within a 12-month period. For each case,
  - Contact and meet with young adult to determine suitability for participation in RCC.
  - Contact and meet with harmed party/parties to determine interest in participation in RCC in suitable cases.
  - Conduct a minimum of two separate “pre-meetings” each with young adult and harmed party and their respective supporters to assess the harms, needs, and obligations that have arisen from the incident.
  - Arrange appropriate RCC time, location, and translation services if needed.
  - Facilitate RCC session.
    - i. The young adult, harmed party, family and/or community members (“RCC participants”) discuss the incident, its causes and effects.
    - ii. RCC participants produce a consensus-based “Plan of Action” for the young person to repair the harm done to the victim, family, community and self.
  - Communicate resulting Plan of Action to Agreement Monitor.
  - Track status of RCC referral in database.
- Participate in regular meetings with SFDA and other relevant program partners to evaluate success and address ongoing programmatic issues.
- Provide information and education materials to other community-based organizations regarding RCC facilitation program services.

## **B. SCOPE OF WORK: AGREEMENT MONITORING**

Required elements for this component are as follows:

- Participate in training and technical assistance on RCC as arranged by the SFDA.
- Work with SFDA and other City agencies and community-based organizations to implement necessary protocols, procedures, forms and data tracking.
- Develop and maintain robust database of youth and young adult services for RCC participants and develop referral relationships with service providers.
- Receive **20-25 cases of youths ages 13-18, and 10 cases of young adults ages 18-24** from RCC facilitator in a 12-month period. For each case,
  - Attend RCC session.
  - Support youth/young adult to complete all elements of Plan of Action.
  - Monitor and verify completion of Plan of Action.
  - Provide additional service referrals to youth/young adult as appropriate.
  - Provide progress reports as requested by SFDA.
  - Track status of Plan of Action completion in database.
- Participate in regular meetings with SFDA and other relevant program partners to evaluate success and address ongoing programmatic issues.
- Provide information and education materials to other community-based organizations regarding RCC agreement monitoring program services.



### **III. Submission Requirements**

Proposers are requested to respond to each of the following sections on 8 ½ by 11” papers, one-sided, double-spaced, 12-font Times New Roman, and 1-inch margin. Responses beyond page limits indicated below will not be read.

Please **email a pdf** of your proposal by **5:00 PM on Monday, May 20, 2019** to: [katherine.miller@sfgov.org](mailto:katherine.miller@sfgov.org)

#### **A. Content**

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

##### **1. Cover Page (1 page)**

Submit a brief letter of introduction and executive summary of the response package on organization’s letterhead. The letter must be signed by the Executive Director, which authorizes the organization to obligate the organization to perform the commitments contained in the proposal. Submission of the letter will constitute a representation by your organization that your organization is willing and able to perform the commitments contained in the proposal.

**2. General Overview and Summary (no page limit for this form) – Note: a word version of this template is available on the SFDA website, [www.sfdistrictattorney.org](http://www.sfdistrictattorney.org).**

<b>Proposal Contact</b>		<b>Fiscal Agent Information (if applicable)</b> <i>Organization Name:</i>	
Contact Name:		Contact Name:	
Title:		Title:	
Street Address:		Street Address:	
City & Zip Code:		City & Zip Code:	
Telephone:		Telephone:	
e-mail:		e-mail:	
<b>Indicate which service is the organization applying for (check all that applies):</b>			
Restorative Community Conferencing - Facilitation		<input type="checkbox"/>	
Restorative Community Conferencing – Agreement Monitoring		<input type="checkbox"/>	
<b>General Information</b>			
<b>Is the organization a registered City Vendor?</b>	Yes / No		
<b>What is your organization’s current global</b>	\$		
<b>Organization Information</b>			
<b>What is the organization’s mission?</b>			
<b>Number of years in providing services to youth/young adults in San Francisco’s justice system</b>			
<b>Is organization currently receiving funding from other City departments to provide these services?</b>	Yes / No		
<i>If yes, please list CURRENTLY contracted work with which city departments, along with amount, duration of services, and a brief scope of work description:</i>			
<i>City Department</i>	<i>Duration</i>	<i>Amount</i>	<i>Scope of Work</i>
		\$	
		\$	
		\$	

**C. Qualifications (please refer to following questions for specific page limit)**

**1. Mission, History & Accomplishments (LIMIT: 1 page)**

A. How does your organization or collaborative’s mission, history and accomplishments effectively demonstrate its ability to deliver the services sought in this RFP?

**2. Experience (LIMIT: 3 pages)**

A. Address all of the Minimum Qualifications identified in Section IV(A).

B. Given that the proposed pilot will serve youth and young adults citywide, how will your organization or collaborative provide services that are culturally and linguistically competent, and that will ensure safe passage for young people who face geographical barriers?

**3. Proposed Staffing (LIMIT: 1 page for description; 2 pages for each resume or job description)**

A. Describe your proposed staffing structure for the services sought in this RFP.

- If you have identified staff who will be assigned to provide these services, provide a resume for each identified staff member that demonstrates his/her relevant education, training and experience.
- If you have not identified staff who will be assigned to provide these services, provide a draft job description for each anticipated position that specifies required education, training and experience.

**D. Proposed Budget (LIMIT: 1 page)**

1. Provide a proposed budget using the attached template. The proposed budget should demonstrate the organization or collaborative’s ability to meet the scope of work set forth in this RFP.

2. Maximum amounts should be as follows:

- **If applying for both program components:** Maximum budget of \$150,000.
- **If applying for RCC Facilitation only:** Maximum budget of \$100,000.
- **If applying for RCC Agreement Monitoring only:** Maximum budget of \$60,000.

3. Please note that grantees may only receive up to 15% for overhead and that overhead is calculated based **only** on personnel (e.g. salary and benefit line items).

**E. Memorandum of Understanding (For collaborative proposals only – LIMIT: 3 pages)**

Collaborative proposals must include a Memorandum of Understanding, signed by the Executive Directors of all participating agencies, which identifies the responsibilities and services to be provided by each organization.

#### IV. Evaluation and Selection Criteria

##### A. Minimum Qualifications

###### **MINIMUM QUALIFICATIONS – RCC Facilitation:**

- At least three (3) years of experience providing services to youth and young adults in San Francisco’s justice system.
- At least two (2) years of experience providing restorative justice-based services to youth and/or young adults through a model consistent with the definition on page 2.
- Demonstrated track record of providing services that are culturally and linguistically competent and grounded in youth and young adult development.
- Demonstrated track record of formal or informal partnerships with San Francisco’s justice system agencies, and other community-based organizations.
- Demonstrated track record of data collection on participant and organizational performance.
- Demonstrated track record of fiscal accountability and good standing with other funders.
- Willingness to work in partnership with law enforcement, including the District Attorney’s Office.

###### **MINIMUM QUALIFICATIONS – RCC Agreement Monitoring:**

- At least three (3) years of experience providing services to youth and young adults in San Francisco’s justice system.
- At least three (3) years of experience providing case management services to justice-involved youth and young adults.
- Demonstrated track record of providing services that are culturally and linguistically competent and grounded in youth and young adult development.
- Demonstrated track record of formal or informal partnerships with San Francisco’s justice system agencies and other community-based organizations.
- Demonstrated track record of data collection on participant and organizational performance.
- Demonstrated track record of fiscal accountability and good standing with other funders.
- Willingness to work in partnership with law enforcement, including the District Attorney’s Office.

Proposals should clearly demonstrate that the qualifications are met. Insufficient or incomplete information may result in a proposal being considered non-responsive and may not be eligible for award of the contract. If required information is complete, but the department determines that the proposer does not meet minimum qualifications, proposer may be deemed non-responsive.

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### B. Selection Criteria

The proposals will be evaluated by a selection committee comprised of parties with expertise in **restorative justice and San Francisco’s justice system**. The City intends to evaluate the proposals generally in accordance with the criteria itemized below.

<b>Proposal Section</b>	<b>Total Points Possible</b>
Mission, History & Accomplishments	10
Experience	50
Proposed Staffing	30
Proposed Budget	10
MOU (Collaborative Proposals Only)	5

### V. Pre-proposal Conference and Contract award

#### A. Pre-Proposal Conference

Proposers are encouraged to attend a pre-proposal conference on **Monday May 6, 2019, at 1:00 p.m. at the San Francisco District Attorney’s Office, 850 Bryant Street, Third Floor, San Francisco CA 94103** 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.

#### Question and Answer Period

Proposers shall submit all questions concerning this Request for Proposal in writing by email only during the Question and Answer Period, ending **Wednesday May 8, 2019**, no later than **5:00 p.m. PST** and directed to: **Katherine.miller@sfgov.org**. Please reference “Make it Right RCC RFP”.

The Pre-Proposal Conference will begin at the time specified, and company representatives are urged to arrive on time. Topics already covered will not be repeated for the benefit of late arrivals. Failure to attend the Pre-bid Conference shall not excuse the successful Proposer from any obligations of the grant. Written Bid Addendum will execute any change or addition to the requirements contained in this RFP, as a result of the Pre-Proposal Conference. It is the responsibility of the Proposer to check for any RFP Addendums, Q&A postings, and other updates which will be posted on the City’s [Bid and Contracts](#) website:

Questions and Answers also will be posted publicly at <https://sfdistrictattorney.org/>

<http://mission.sfgov.org/OCABidPublication>

#### B. Grant Award

The **SFDA** will select a proposer or proposers with whom **SFDA** staff shall commence grant 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 grant cannot be negotiated in a reasonable time the **SFDA**, in its sole discretion, may terminate negotiations with the highest ranked proposer and begin grant 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 72 hours prior to the date that proposals are due. Modifications and clarifications will be made by addenda as provided below.

### **B. Inquiries Regarding RFP**

Proposers shall submit all questions concerning this Contract Proposal, scope of services or requirements in writing by email only during the Question and Answer Period, ending **Wednesday May 8, 2019** no later than **5:00 p.m.** PST and directed to: **Katherine.miller@sfgov.org**. All Proposer questions concerning the bid process shall be submitted no later than 72 hours prior to the bid deadline. Proposers who fail to do so will waive all further rights to protest, based on these specifications and conditions.

### **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 less than 72 hours prior to the RFP deadline, 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.

### **D. Change Notices**

The Department may modify the RFP, prior to the proposal due date, by issuing an Addendum to the RFP, which will be posted on the website. The proposer shall be responsible for ensuring that its proposal reflects any and all Bid Addendum(s) 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 Bid Addendum(s). It is the responsibility of the proposer to check for any Addendum, Questions and Answers, and updates, which will be posted on the **SFDA website: <https://sfdistrictattorney.org/>**.

### **E. Term of Proposal**

Submission of a proposal signifies that the proposed services and prices are valid for 180 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. At Proposer’s election, the proposal may remain valid beyond the 180 day period in the circumstance of extended negotiations.

### **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, but no later than the proposal due date and time.

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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.

### **G. 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 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**

The City 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 the City and may be used by the City 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.

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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. 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.

### **K. 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.

### **L. Reservations of Rights by the City**

The issuance of this RFP does not constitute an agreement by the City that any grant 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;



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5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

### **M. 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.

### **N. Reserved.**

## **VII. Contract Requirements**

### **A. Standard Contract Provisions**

The successful proposer will be required to enter into a grant agreement substantially in the form of the Grant Agreement, attached hereto as Appendix D. 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. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

### **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 CMD’s website at <http://sfgov.org/cmd/>.

### **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 amount of hourly gross compensation currently required under the MCO, see [www.sfgov.org/olse/mco](http://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](http://www.sfgov.org/olse/mco).

### **D. Reserved.**

### **E. First Source Hiring Program (FSHP)**

If the grant 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.

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Grantees 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 <http://oewd.org/first-source> and from the First Source Hiring Administrator, (415) 701-4848.

### **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 the City 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 organization 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.

### **B. Protest of Contract Award**

Within five working days of the City's issuance of a notice of intent to award the grant, any organization 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.

### **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

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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:

**Katherine Miller**  
San Francisco District Attorney’s Office  
850 Bryant Street, Room 322  
San Francisco, CA 94103

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**Appendix A**

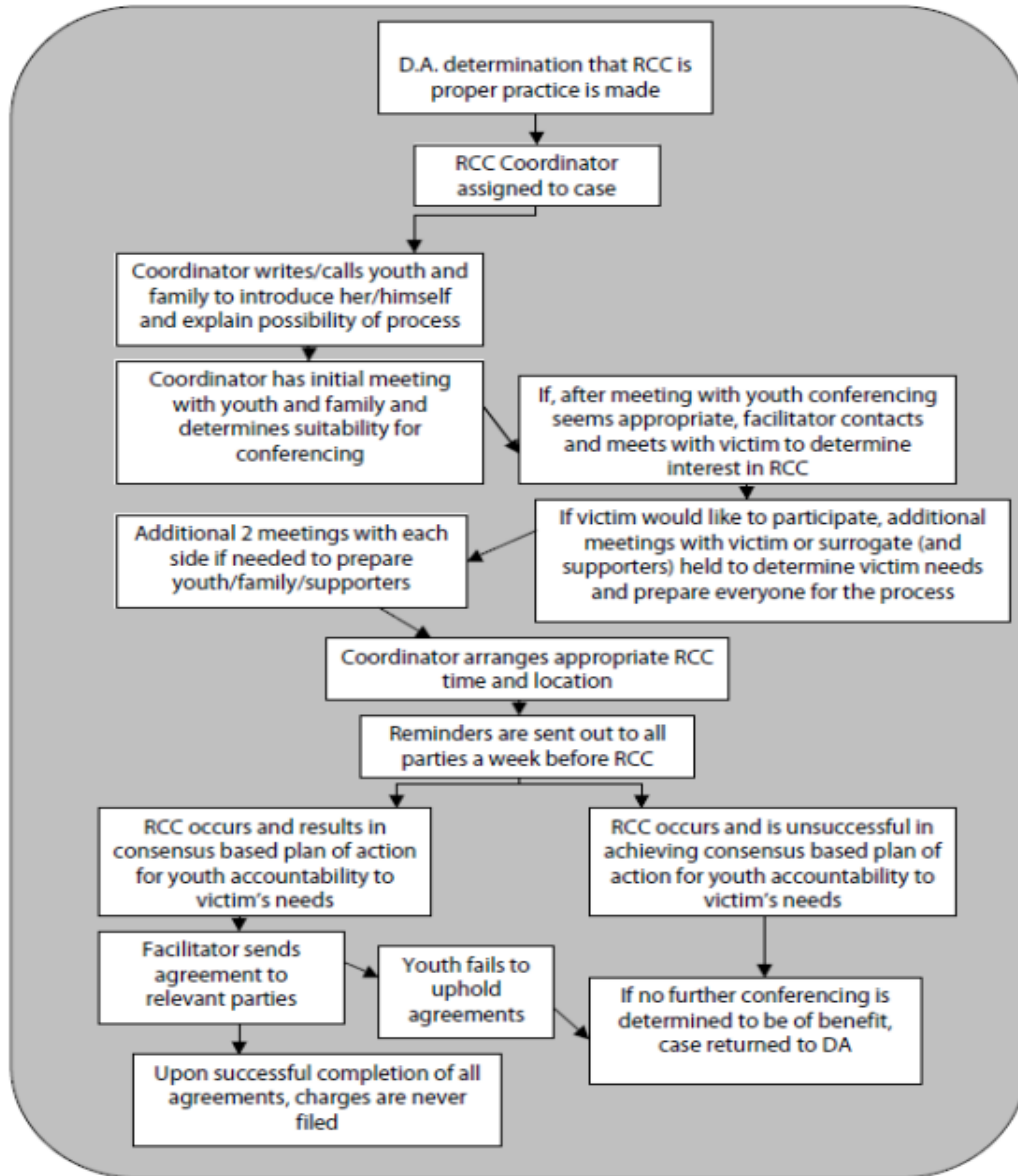
**Budget Template**

Note: an Excel version of this template is available on the SFDA website,  
[www.sfdistrictattorney.org](http://www.sfdistrictattorney.org).

<b>Personnel</b>	<b>Annual Salary</b>	<b>FTE</b>	<b>Total (12 months)</b>
<b>Total</b>			<b>\$ -</b>
<b>Benefits</b>			
<b>Total</b>			<b>\$ -</b>
<b>Other</b>	<b>Calculation</b>		
<i>food, supplies, etc.</i>			
<b>Total</b>			<b>\$ -</b>
<b>Overhead</b>			
<b>Admin costs @ 15%</b>			<b>\$ -</b>
<b>TOTAL BUDGET</b>			<b>\$ -</b>

## Appendix B

Prepared by Sujatha Baliga, National Council on Crime and Delinquency Restorative Justice Project  
**RESTORATIVE COMMUNITY CONFERENCING FLOW CHART**



## Appendix C

### Standard Forms

**A. How to become Eligible to Do Business with the City:**

Before the City can award any award any contract to a contractor, all vendors must meet the minimum requirements described below. There may be additional requirements placed upon a vendor depending on the type of good or service to be purchased.

**B. Mandatory Forms:**

At a minimum, in order to become eligible to do business with the City, a vendor must submit the following documents to the Vendor Support Division via the City’s supplier portal located at <https://sfcitypartner.sfgov.org/> :

1. Vendor Application Packet (includes *New Vendor Number Request Form* and *IRS Form W-9*)
2. CCSF Vendor - Business Registration (Electronic Submission - you must have a vendor number to complete)
3. CMD 12B-101 Declaration of Nondiscrimination in Contracts and Benefits

**C. Vendor Eligibility and Invoice Payment:**

Vendors must have a City-issued vendor number, have all compliance paperwork submitted and approved by the City, and have an executed contract or purchase order before payments can be made. Once a vendor number has been assigned, an email notification will be provided by the City's Vendor File Support Division. This notification will include instructions on how to sign up to receive payments through the City's supplier portal located at <https://sfcitypartner.sfgov.org/> .



**D. Vendor Eligibility Forms:**

<u>Form</u>	<u>Purpose/Info</u>	<u>Routing</u>
<u>CCSF Vendor - Business Registration (Electronic Submission - you must have a vendor number to complete)</u>	This declaration is required for city vendors to determine if you are required to obtain a Business Registration Certificate.	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>
<u>Declaration of Nondiscrimination in Contracts and Benefits with supporting documentation</u> (Form CMD-12B-101)	This Declaration is used by the City’s Contract Monitoring Division to determine if a vendor offers benefits to employees. When a vendor offers benefits, it must be verified that all benefits, including insurance plans and leaves, are offered equally to employees	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>

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	with spouses and employees with domestic partners. For more information and assistance, please visit the City Administrator’s <b>Contract Monitoring Division Equal Benefits</b> web page.	
<u>Vendor Profile Application</u>	Includes New Vendor Number Request Form and IRS Form W-9.	<a href="https://sfcitypartner.sfgov.org/">https://sfcitypartner.sfgov.org/</a>

**E. Supplemental Forms:**

<b>Form:</b>	<b>Required If:</b>
Minimum Compensation Ordinance (MCO) Declaration (  pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 5 employees, including employees of any parent, subsidiaries and subcontractors.
Health Care Accountability Ordinance (HCAO) Declaration (  pdf)	You have at least \$25,000 (\$50,000 for non-profit organizations) in cumulative annual business with a City department or departments and have more than 20 employees (more than 50 employees for nonprofit organizations), including employees of any parent, subsidiaries or subcontractors.
Insurance Requirements ( <u>pdf</u> )	The solicitation requires the successful proposer to demonstrate proof of insurance.
Payment (Labor and Material) Bond ( <u>pdf</u> )	The solicitation requires the awarded vendor to post a Payment (Labor and Material) bond.
Performance Bond ( <u>pdf</u> )	The solicitation requires the awarded vendor to post a Performance bond.
Local Business Enterprise Program Application ( <u>Contract Monitoring Division</u> )	You desire to participate in the City’s Local Business Enterprise Program which helps certain financially disadvantaged businesses increase their ability to compete effectively for City contracts

For further guidance, refer to the City’s supplier training videos that are located online at: <https://sfcitypartner.sfgov.org/> .

**Appendix D**  
**Grant Agreement**

Please see separate document.