

City and County of San Francisco
Request for Proposals for
Carbon Reduction Projects for the San Francisco Carbon Fund

Department of the Environment
11 Grove Street
San Francisco, CA 94102



Date issued: Thursday, November 5th, 2009

Pre-Proposal Conference: Wednesday, November 18th, 2009,
10:00 a.m.

Proposal due: Friday January 7th 2010,
4:00 p.m.

Request for Proposals for SF Carbon Fund Projects

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Appendices:

- A. HRC Attachment 2: Requirements for Architecture, Engineering and Professional Services Contracts, for contacts \$29,000 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, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code. B-1
- C. Agreement for Professional Services (form P-500) – separate document

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I. Introduction and Schedule

Sustainability and Climate Change in San Francisco

A. Introduction

The mission of San Francisco's Department of the Environment (SF Environment) is to improve, enhance, and preserve the environment and to promote San Francisco's long-term environmental wellbeing. In 2005 the City adopted a community wide Climate Action Plan, pledging to reduce its greenhouse gas emissions by 20% by 2012, 40% by 2025 and 80% by 2050. Since then community wide emissions have decreased 7%, waste diversion has increased to 72%, more than six megawatts have been saved through the Energy Watch Program, and all City Departments now have their own Climate Action Plans for their internal operations and the services and infrastructure they provide to the community.

One of the innovative programs designed to reduce our community wide carbon footprint is the San Francisco Carbon Fund, created by the San Francisco Department of Environment in 2008. This innovative carbon reduction program invests money from activities that produce climate damaging greenhouse gas pollution (such as air travel) into local projects that reduce greenhouse gas pollution and support local economic development.

The SF Carbon Fund differs dramatically from existing carbon-offset programs that generally offset carbon pollution far away from where this pollution is actually created. All SF Carbon Fund projects take place exclusively within San Francisco's boundaries. In addition the SF Carbon Fund is not limited to carbon offset projects exclusively, and invests in projects that have a number of environmental and economic benefits. Creating a fund for local investment gives residents, visitors, businesses and city government the opportunity to mitigate carbon pollution generated by their activities while investing directly in the sustainability of San Francisco's future.

The SF Carbon Fund provides an avenue for the community to experience the many economic and social co-benefits greenhouse gas reduction, including:

- Increasing the health of local citizens and urban environment
- Expediting the development of innovative local climate projects that will serve as showcase projects to educate, inform and inspire City residents
- Incentivizing non-profits, businesses and other local organizations to invest in carbon capture projects that support the community
- Increasing green collar jobs and stimulating the local economy
- Providing a credible source of carbon reductions
- Linking San Francisco businesses interested in reducing their impact to local projects

The SF Carbon Fund supports projects providing a range of environmental co-benefits in addition to carbon sequestration and mitigation, including but not limited to the following:

- Providing value and showcase for ecosystem services or other environmental benefits in addition to carbon reduction such as: storm water retention, urban cooling, local air filtration of particulates, increased local social benefits (decreased crime, increased access to food supply, increased learning, etc).
- Supporting local community based organizations by providing resources that reduce their operating costs, allowing them to spend more on programming.
- Breaking down market barriers to non-polluting technologies by showcasing and promoting these various technologies

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- Increasing green collar jobs and supporting the local economy.
- Reducing other types of air pollution related to electricity generation
- Providing community gathering opportunities, such as gleaning days in the urban orchards

To date, the SF Carbon Fund has invested in two pilot projects. The first is a local waste grease biodiesel fueling station Dog Patch Biodiesel, subsidizing the replacement of regular diesel with lower emissions waste grease biodiesel. The second pilot carbon reduction project is the City's Urban Gleaning Program, which is planting urban fruit trees to increase carbon sequestration and support additional urban forest environmental benefits.

This Request for Proposals (RFP) is for projects that provide environmental benefits from systems or activities which reduce, avoid, or sequester GHG emissions. It is seeking projects that will result in at least 1,000 metric tons of emissions reduction over the lifetime of the project. In exchange for subsidizing the selected project(s), the City of San Francisco will own the environmental benefits including, but not limited to the carbon benefits.

The total amount of the RFP is \$250,000, with an average anticipated project subsidy of \$15,000 for projects that will last no longer than 18 months. Payment is linked to the production of the grantee's projected environmental benefits, though funds may be used for capital needs essential to the project's environmental benefit provision. Total subsidy may be less than the maximum contract stated above, depending on the project and its environmental benefit provision potential and depending on the budget constraints of the San Francisco Carbon Fund in FY 2009/2010 and FY 2010/2011.

Project developers will work with the SF Environment Climate Action Coordinator and the SF Carbon Fund Advisory Board to fulfill the information and implementation needs required for each project type. Project Developers should be as precise in scope, estimated cost and completion date for each project as required for project type protocol or where no existing protocol exists, utilizing frameworks from other successful carbon projects. Innovative frameworks are encouraged, but project developers must supply at minimum the information requirements listed in scope of work below.

Project Developers are encouraged to form funding and implementation partnerships with other community organizations, businesses, and or individual citizens. Projects are encouraged to create collaborations and partnerships and/or meet other stated City goals, such as economic development, green job creation, environmental education or public service.

B. Schedule

The anticipated schedule for selecting projects is:

RFP Issued to Bidders	Nov 5 th , 2009
Pre-proposal Conference (Bidders Information Session)	Nov 18 th , 2009
Bidders Questions Due	Nov 24 th , 2009
Questions Posted on SF Environment website	Dec 1 st , 2009
RFP Responses DUE	Jan 7 th , 2010, 4:00 p.m.
Anticipated Contract Selection	Feb, 2010

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II. Scope of Work

Both for-profits and non-profit organizations may submit proposals for projects that will result in additional carbon reductions and other environmental benefits that meet the criteria listed below.

Eligible Projects must:

- Be located and performed within the City and County of San Francisco or on land owned and maintained by the City;
- Be initiated after being awarded funding and entering into a contract resulting from this RFP; and
- Meet the requirements of the project protocols specified or approved by the San Francisco Department of the Environment.
- Biofuels projects must follow the Clean Development Mechanism (CDM) approved baseline and monitoring methodology AM0047 “Production of biodiesel based on waste oils and/or waste fats from biogenic origin for use as fuel” or latest CDM standard.
- Urban Forestry Projects must follow SF Environment’s adapted Urban Forestry Project Development Protocol.
- Any other project types must either follow or be adapted from a project protocol approved by
 - a. the California Climate Action Registry,
 - b. the Clean Development Mechanism
 - c. the Voluntary Carbon Standard or
 - d. another project methodology. Since this is a time of flux in the national voluntary environmental benefits market and international voluntary carbon and mandatory carbon markets the San Francisco Carbon Fund will accept unique project methodologies subject to review of its Advisory Board. All such methodologies should strive for high levels of accountability, transparency and should, wherever possible explicitly acknowledge local conditions and practical implementation needs.

III. Submission Requirements

A. Time and Place for Submission of Proposals

In order to reduce the amount of paper and other resources used in generating RFP proposals, SF Environment will only accept proposals submitted electronically. Proposals must be **sent by email** to calla.ostrander@sfgov.org by 4:00 p.m., **January 7th, 2010**, clearly marked “**San Francisco Carbon Fund Project Proposal**” in the subject line. Proposals received after 4:00 p.m. on January 7th, 2010, will not be accepted. Late submissions will not be considered.

Additionally, proposers shall submit a sealed envelope clearly marked “required HRC Forms” to the address below, labeled “**SF Carbon Fund RFP Response, Attn: Preston Tom.**” Each proposer accepts all risks with improper delivery or with failure to deliver before such time and date by courier, mail or other delivery service. Postmarks will not be accepted in lieu of actual receipt.

SF Environment
Attn: Calla Rose Ostrander
11 Grove Street
San Francisco, CA 94102

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All responses and submittals in response to this RFP are public information and shall be the property of the City and County of San Francisco, and the City may use such Submissions for any purpose whatsoever, without compensation to the provider or any other person or entity. The City and County of San Francisco shall not be liable for any use or disclosure of any Submissions.

B. Format and Content of Proposals

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

1. Introduction and Executive Summary

(standard cover letter, one page executive summary).

Submit a letter of introduction and an executive summary of each proposal. Submission of the application cover will constitute a representation by your firm that your firm or non-profit is willing and able to perform the commitments contained in the proposal.

Project Name Project Location

- a. Project Address
- b. Project Type
- c. Brief Project Description
- d. Project owners (name and ownership structure) – specify landowner(s), carbon rights owner(s), and other rights holders,

In the Executive Summary, provide a clear statement of the firm or non-profit's understanding of the nature and extent of the services required, and the overall approach in fulfilling the objectives and goals of the project within the City's required time frame, and a brief summary of your team's key strengths. If there are subcontractors or other partners, introduce them and include size, scope and nature of the services routinely provided which demonstrate their qualifications to perform the work scope.

2. Proposal Format:

Proposals must not exceed 12 pages, including the executive summary and budget proposal, with 1-inch margins, single-spaced, 12 point font, that presents at least the information listed below

a) Project Specifications:

- i) Describe your organization, its history and experience with similar projects.
- ii) Describe the goals and objectives of the project.
- iii) Describe the project site specifications whether the proposal would implement a project on City and County of San Francisco lands or in partnership with any CCSF departments or entities.
- iv) Describe the baseline conditions on site, including relevant site history, existing operations, and existing systems that sequester, collect or destroy GHG emissions if any.
- v) Describe how the Project will create carbon reductions. Describe the Project's mitigation, reduction, or sequestration procedures, processes, and technology, including historical

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performance information and any relevant research and development studies related to the technology or practices. Provide any relevant data on the efficiency and or effects of the Project's process or technology.

- vi) Provide the GHG emissions (in metric tons CO₂E) of the "business as usual" scenario (site without Project) and the GHG emissions after implementing this Project. Provide this information on a yearly basis through the life of the proposed contract term in tabular or graphical format. Based on this information, what is the total avoided quantity of carbon dioxide equivalents being proposed? *Describe how you have ensured that the baseline and the emissions reductions are calculated according to the Project's protocol. Provide relevant inputs and formula used to derive emissions reductions.*
- vii) Describe how you will ensure that increases in GHG emissions from Project activities are accounted for in the emissions reductions calculations as required in the relevant protocols. Examples include mobile emissions from transporting manure, vehicles used in planting and caring for trees in urban forestry projects, and other mobile combustion emission.
- viii) Provide monitoring plan and other project performance metrics.

b) Site Specifics, System Impacts, Replicability, and Expandability:

- i) Provide a description of the Project site and confirmation that the site is under the bidder's legal control. As applicable, include any necessary easements and rights of way, and right and authority to implement the Project and obtain the rights to the associated carbon reductions
- ii) Describe present environmental conditions of the Project area, including information on local residents, zoning, and the possible presence of rare and endangered species and their habitats, as well as any potential adverse environmental impacts associated with the Project, if any.
- iii) Provide a map showing the location of the Project, access roadway, and the rights-of-way for all interconnecting utilities.
- iv) For Forest Projects, provide in electronic format a Geographical Information System (GIS) shapefile of the Project property. In addition, please provide the County Assessor's parcel number and site coordinates. Please contact Friends of the Urban Forest for Tree Map data.
- v) Confirm current zoning for the Project site and any available information on development plans for the vicinity, including any applicable land use plan in effect for the proposed term of the Agreement.
- vi) Provide a description of any possessory rights that must still be acquired or which are not yet secured for the proposed term of the Agreement. If none, so state.
- vii) Describe the Project's replicability and expandability.

c) Co-Benefits, Environmental Conditions, and Stakeholder Review:

- i) Describe benefits the Project will generate other than carbon reductions, for example, protection of habitat for wildlife and native plants, storm water mitigation, improvements in local air quality, and socio-economic benefits for the community.

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- ii) Include information about the uniqueness of the co-benefits, if any; whether the Project improves the local economy, and if so, how; whether there is an environmental impact report or other environmental study required, delivered, or to be mitigated, and if so, how mitigated; and whether the Project improves local quality of life, and if so, how.
- iii) Describe any prior “stakeholder” review and collaboration.

d) Timeline:

Milestone schedule (estimates or actual), including:

- i. Project construction start date
- ii. Projected carbon reductions per yr.
- iii. Achievement of project objectives and other deliverables

e) Budget:

While a match is not required, it is assumed that the funding provided by the Department will be supplemental to the cost of the project. Please note the entire project costs and other sources of funding, as well as whether these sources are committed or are pending. All proposals must include a detailed project budget with a breakdown of the following:

- i) Capital costs
- ii) Labor costs
- iii) Administrative costs
- iv) Any and all funding streams (including any in-kind donations) and or
- v) Other financing possibilities.

****Please download the format for the budget from the SF Environment website: SFEnvironment.org

3. References

Provide references for the project participants, including the name, address and telephone number of two or more recent clients (preferably other public agencies).

IV. Evaluation and Selection Criteria

1. Written Proposals

The written proposals will be evaluated by the SF Carbon Fund Advisory Board comprised of the Director of the San Francisco Department of Environment, the Climate Action Coordinator and parties with carbon market, climate science and sector specific expertise (transportation, forestry and energy). The Advisory Board intends to evaluate the proposals based on the ability of the project developer to meet the minimum qualifications of this RFP and the needs of the Department of the Environment using the criteria below.

A. (30 points) Project Design

- Carbon Reductions to be achieved
- Other environmental and community benefits
- Innovation
- Replicability
- Partners engaged and experience
- Cost
- Other sources of income/support

**B. Technical Transparency and Feasibility
(45 points) Carbon Reductions**

Quantity of emissions reduced

Project Methodology to be used

Demonstration of:

- **Additionality:** Would the project be taking place otherwise? What is needed to move the project forward, other sources of funding, existing mandates/ regulations that govern the proposed project area/type, other entities that may claim the carbon reductions.
- **Delivery of Benefits:** How will the project be monitored, what information will be provided to assess the carbon reduction/other benefits achieved,
- **Leakage:** Describe your project's efforts to assure against the unanticipated decrease or increase in greenhouse gas (GHG) benefits outside of the project's accounting boundary as a result of project activities. For urban forest Projects, please attach the Project's Tree Maintenance Plan (CAR Urban Forest Project Reporting Protocol, p. 17-18). Please estimate GHG emissions from motor vehicles and equipment used in tree care activities per Sections 6.2 and 6.3 of the Urban Forest Project Protocol.
- **Permanence:** What is the projected life of the project, possible causes of loss of reductions/benefits, maintenance needs, replacement options and their associated costs?

C. (25 points) Project or Business Development Experience:

History of work involving primary or major responsibilities in the appropriate areas from the list below:

- Carbon project development experience
- Project implementation experience in the area of the proposed project (for urban forestry, scalable tree planning projects and maintenance)

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- Implementation Plan
 - Leverage of community partnerships (non profit, business, citizen, etc.)
 - Environmental experience
-

2. Oral Interview

Following the evaluation of the written proposals, **all** proposers receiving scores greater than 70 points will be invited to an oral interview. The interview will consist of standard questions asked of each of the proposers, and specific questions regarding each individual proposal. The final selection will be based on the oral interview exclusively, and will not factor in the results of the written scores. The selection will be based on answers to substantive questions, communicated experience and communication skills.

V. Pre-proposal Conference and Contract Award

A. Pre-Proposal Conference

Proposers are strongly encouraged to attend a pre-proposal conference on **Wednesday, November 18, 2009 at 10:00 a.m.** to be held at 11 Grove Street, San Francisco. All questions will be addressed at this conference and any available new information will be provided at that time. Questions raised at the pre-proposal conference may be answered orally. If any substantive new information is provided in response to questions raised at the pre-proposal conference, it will also be memorialized in a written addendum to this RFP and will be posted on the website. If you have further questions regarding the RFP, please contact the individual designated in Section VI.B.

B. Contract Award

SF Environment will select qualified proposers with whom the Department of the Environment 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 negotiation and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time, the Department of the Environment, 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.

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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:

Calla Ostrander: Calla.ostrander@sfgov.org, 415-355-3785

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 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 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.

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, 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.

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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.
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.

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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 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.

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. 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.

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1. LBE Participation

The City strongly encourages proposals from qualified LBEs. Pursuant to Chapter 14B, the following rating discount will be in effect for the award of this project for any proposers who are certified by 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 an LBE; or a joint venture between or among LBEs; or
- b. A 5% discount to a joint venture with LBE participation that equals or exceeds 35%, but is under 40%; or
- c. A 7.5% discount to a joint venture with LBE participation that equals or exceeds 40%; or
- d. A 10% discount to a certified non-profit entity.

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.

2. HRC Forms to be Submitted with Proposal

a. All proposals submitted must include the following Human Rights Commission (HRC) Forms contained in the HRC Attachment 2: 1) HRC Contract Participation Form, 2) HRC Non-Discrimination Affidavit, 3) HRC Joint Venture Form (if applicable), and 4) HRC Employment Form. If these forms are not returned with the proposal, the proposal may be determined to be non-responsive and may be rejected.

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.

If you have any questions concerning the HRC Forms, you may call Preston Tom the Human Rights Commission Contract Compliance Officer for the Department of the Environment at 650-821-7796

VII. Contract Requirements

A. Standard Contract Provisions

The successful proposers 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. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

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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/fs hp.htm and from the First Source Hiring Administrator, (415) 401-4960.

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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 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.

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.

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: David.Assmann@sfgov.org

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Appendix A Human Rights Commission (HRC) Forms

Where the forms are on the Internet:

HRC's homepage: <http://www.sf-hrc.org/>

Equal Benefits forms: <http://sf-hrc.org/index.aspx?page=31>

LBE certification form: <http://sf-hrc.org/index.aspx?page=72>

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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
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

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Item	Form name and Internet location	Form	Description	Return the form to; For more info
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 Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500
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 Comm. 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.sfgov.org/site/sfhumanrights_index.asp
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

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Appendix C

Contract Form

Where the forms are on the Internet

City Contract Form: Agreement for Professional Services

<http://www.sfenvironment.com>

Our SFEnvironment /Employment, Grants & Volunteers
Grants and Requests for Proposals (RFP's)
Sample of a Contract Agreement

This link is included so that bidders will have the opportunity to review the City's contract requirements.
Bidders are not required to complete this document.