

REQUESTS FOR PROPOSALS IN THE CONTRACTING PROCESS BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE NON-PROFIT SECTOR

Background

The San Francisco Human Services Network has prepared the following document in the spirit of enhancing the streamlining of the City and County of San Francisco's contracting process with the Non-profit sector. Both, the City and County and the Non-profit sector have come a long way in identifying issues and proposing solutions around the contracting of services, as the recommendations of the City Non-Profit Contracting Task Force clearly show.

It is the belief of the Human Services Network that more good work remains to be done in order to further that cooperation, and to address all aspects of the contracting process, including the issuing of requests for proposals and/or any other modalities that kick-off the contracting processes.

As part of this work, we have done extensive research into what neighboring counties have done in this regard, and we have come up with the following set of recommendations.

For the purposes of this document, all the recommendations are intended to refer to RFP's as well as any other similar instrument used to initiate the search for service providers on the part of the City and County of San Francisco.

1. Notification Process

In order to ease, and bring fairness to, the notification process of services intended to be contracted out, we make the following recommendations:

- All Departments maintain a current distribution list of interested parties for services contracted by each Department
- Develop a comprehensive description of the services being sought, the location of work to be performed, the timeframe and any special licenses, qualifications, or other requirements
- Advertise the services being sought and instruct vendors as to whom to notify if they can, and are, qualified to provide such services
- Send notification of the available funding and RFP to all entities on the distribution list

2. Basic, Standardized Information

All organizations eligible to apply for funding need access to the same information and opportunities to understand clearly the nature of services to be provided and the requirements and expectations of those selected to provide the services. Basic,

standardized information should be accessible to all. Ensuring a common language and understanding of service models among providers who serve across several systems and share clients improves service delivery and promotes coordination. All information should be posted on the funding entity's website.

Recommendations are:

- Publish how much total funding is available to be contracted out for a specific program; post the exact funding or a range of funding that is available for service provision
- Identify if this is a new or existing funding source, and who the current providers of service are
- Post the RFP on the funding entity website at least seven days prior to the bidder's conference, or mail it, whichever is most appropriate
- Establish a current list of potential contractors including all current contractors with the funding entity; use this list for distribution and notification of all RFP's etc.
- Clearly state desired outcomes and guidelines for the program/services described in the RFP
- Clearly define the scope of service in the RFP
- Clearly define all contract reporting requirements in the RFP
- Clearly define the contract monitoring expectations with the RFP
- Clearly define unallowable vs. allowable costs and reimbursement procedures in the RFP
- All information that amends, adds, corrects etc is disseminated appropriately
- Specify the type and extent of documentation needed to verify partnerships or collaborations e.g. LOC's or MOU's etc.
- Standardized formatting be used for all City RFP's
- A checklist be included with each RFP clearly identifying all sections and attachments required with submission
- Include the evaluation criteria and scoring points for the proposal

3. Calendar and timelines

The length of time needed to respond to RFP's varies considerably, but it is important to have established guidelines.

Recommendations are:

- Maintain consistent timelines between notification, distribution of the RFP, the bidder's conference and RFP due dates
- Establish a minimum four week turn-around timeline **after** the bidder's conference for standard proposals. RFP's that require extensive collaboration, subcontracting, partnerships etc. for service delivery should have six weeks. (These timelines are dependent on the execution of a timely Bidder's Conference, which we discuss below.)

- December is a very busy service month for the nonprofit community, therefore it is advisable that RFP's deadlines are not scheduled between December 15th and January 5th
- Sufficient planning (4-6 weeks) should be provided between notification of award and start of contract
- Planning and transition time should be considered if the RFP could result in a change of providers for an existing service
- When/if funding is cancelled to one provider and transferred to another, a transition plan should be in place, monitored and enforced to insure seamless services for clients

4. Bidder's Conference and Questions About the RFP

Ongoing access to information on the part of bidders during the RFP process is of the utmost importance. We believe this allows for new providers who may not be familiar with the system of care to have access to information and assistance. This also allows all interested bidders to have equal access to information and assistance.

Recommendations are:

- Bidders' conferences need to occur at least seven working days after the release of the RFP's to allow for contractors to learn the specifics for each RFP
- Applicable and responsible staff should be present at each bidder's conference including any staff that has authority for implementation of the RFP or program
- Questions and answers discussed at the bidder's conference should be mailed or emailed to the Contractors' List and all potential contractors and as well as posted on the funding entity website
- If questions occur that cannot be answered at the bidder's conference there should be a 3-day turn around to respond to bidders. The questions and answers should be forwarded to the Contractors List and posted on the funding entity website
- Scope of service, reporting requirements, and monitoring expectations for the program should be clearly defined and reviewed at the bidder's conference
- A staff person should be appointed to be the point person for questions from potential bidders
- The staff person should respond to all RFP questions within 48 hours of receipt of the question
- Questions and answers should be posted on the RFP website and be distributed to all participants at the Bidder's Conference
- No questions be accepted 48 hours prior to the final deadline for submission of proposals
- The final date for submission be extended if questions posed cannot be answered within 48 hours of the date of the posted submission

5. Review panel and proposal scoring

The process for evaluating proposals must be clearly stated and communicated to all potential bidders. Review panels must be clear of conflict of interest. A clear point system for scoring proposals is essential to ensure fairness and objectivity, and provide constructive feedback to unsuccessful bidders. Clear and objective criteria should be established and the review panel should be trained in evaluating proposals. Program/contract experts should be utilized.

Recommendations are:

- The proposal review panel(s) must be comprised of individuals without conflict of interest, consistent with ethical practice
- Review panel(s) include community participants and subject-matter experts along with representatives from the appropriate city department. These experts should understand our local community context and service systems.
- No individuals should be included on the review panel who are from agencies (either board members, volunteers, current clients or staff) that are bidding on the RFP being reviewed
- Panel members should be required to disclose any potential conflicts or dual relationships
- Review panelists must receive training necessary to ensure inter-rater reliability and fair and consistent review and application of RFP requirements, criteria, and scoring. Training should include a review of the program development and planning processes relevant to the proposed services
- The process for scoring the proposals should be clearly defined in the RFP, reviewed at the bidder's conference, and included in review panel training
- There should be only one review panel for each RFP to ensure consistency in ratings and minimize appeals
- The full proposals (including attachments) should be read by all panel members
- A clear point system for scoring proposals should be used.
- Final scores should be widely advertised

6. Contract Requirements

Recommendations are:

- All contracts shall identify specific performance *outputs* and/or *outcomes*. Contracting departments shall review performance or contracts periodically to ensure compliance with output/outcome requirements.
- Failure to achieve contracted performance output or outcome requirements may be grounds for contract termination.
- Contracts with contractors that fail to achieve performance outputs or outcome requirements may not be automatically renewed. Such contracts must be

reviewed to ensure that the desired outputs or outcomes are achievable. A new contract may be established, if appropriate, following a competitive bid process.

- Contracts will contain a provision for termination at the convenience of the County upon 30 day advance written notice, or immediate termination by written mutual consent.
- Once per contract period, monitoring will be monitored by the County to ensure service quality and progress toward outputs and outcomes is being achieved.
- Training should be provided to ensure contractors are clear about billing, reimbursement, and payment timing processes.
- Contract reimbursements should be timely and when possible the funding entity should establish a direct deposit payment program.

7. Other

Other issues related to contract negotiations, terms, and processes that have come to our attention are addressed below.

Recommendations:

- Departments should seek input from service providers as they are developing RFPs
- There should be a clear process and timeline for appealing contract awards
- A process should be developed in advance of negotiations that delineates what happens if negotiations with the selected provider are unsuccessful
- Requirements that were not in the RFP should not be added to the final contract
- The contract negotiation process should not allow significant changes in the nature and/or costs of the proposed program/services that are inconsistent with the RFP unless the contractor's cost of doing business increases in unavoidable costs
- Termination of all contracts should be a minimum of 30 days with a clear plan for client transitional care
- All forms should be available for downloading in accessible formats from the website or through email
- Budget spreadsheets should be formatted and available in appropriate software applications (i.e., Microsoft Excel as opposed to a Word document)
- Preference should be given to local agencies, which are better suited to provide services to the San Francisco community. While we understand that a clear definition of what "local" means must be discussed and identified, it is our belief that San Francisco non-profits should take precedence over non-profits rooted in other counties