

**City of San Jose**  
**City Manager's Office of Economic Development**

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**REQUEST FOR PROPOSALS**

**Small Business Services Provider**

Deadline for Submittals:	November 17, 2005, 5:00 p.m.*  Faxed or e-mailed proposals will not be accepted. Postmarks will not be accepted as proof of timely delivery. Proposals received after the deadline will be returned unopened.
Proposal Packet Submittal Location:	City Hall Tower, 17 <sup>th</sup> Floor Reception Area  ATTN: Elizabeth A. Kaylor 200 E. Santa Clara Street San José, CA 95113
Technical Assistance Conference Time, Date, and Location:	October 19, 2005, Room T-1446 (RDA) at 3:00 p.m.*  San José City Hall 200 E. Santa Clara Street San José, CA 95113  RSVP: Elizabeth.Kaylor@sanjoseca.gov Only those who RSVP will be guaranteed accommodation.
Technical Assistance Contact:	Office of Economic Development  FAX: (408) 292-6724 E-Mail: Elizabeth.Kaylor@sanjoseca.gov  Written inquiries only, please. All relevant questions and answers will be made available to all interested parties.

\*All dates subject to change; any changes will be posted on [www.sjeconomy.com](http://www.sjeconomy.com) and [www.svwin.org](http://www.svwin.org).

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# Section 1. OVERVIEW

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## 1.1 Introduction

This Request for proposals (RFP) solicits interest and provides a framework to assess the qualifications and work plan for providing enhanced access to services and resources to small business owners, managers, and entrepreneurs operating within the limits of the City of San Jose. A “small business” is a firm comprising 35 or fewer employees.

The City of San Jose supports the start-up, retention, and expansion of local small businesses through a variety of programs and initiatives designed to provide them with information, training, and access to resources. In order to maximize the impact of available funding, the City is issuing the RFP to solicit interest from business services providers that would target services to those small businesses most in need of them. It is anticipated that a multilingual, multicultural approach will best satisfy the needs of the small business decision makers to be served. The City Manager’s Office of Economic Development (OED) will administer the RFP.

Entities responding to the RFP will be provided an opportunity to bid on any or all of four service packages:

- **Information Dissemination:** to determine and implement the most efficient and effective methods of promoting existing programs and initiatives serving the needs of small business decision makers, including loan programs, tax credits, training, and counseling;
- **Small Business Needs Assessments:** to identify the forms of assistance specific small businesses need to expand the local tax base and create and/or retain jobs. Needs Assessments will be shared with organizations that will address the identified needs;
- **Intensive Assistance and Counseling:** to provide counseling and hands-on technical assistance to individual small businesses in situations where brief consultations will not suffice to address the need, such as the development of business plans, assistance with loan applications, and other forms of intensive support; and
- **Training Workshops and Seminars:** to develop relevant curricula and provide training for small business decision makers on such topics as the development of business and marketing plans. Training workshops and seminars should not duplicate similar workshops and seminars readily available to small businesses from other private, public, and non-profit sources.

Proposals will identify the areas of greatest need within the local small business community as a basis for determining the most efficient and effective method of addressing these needs; proposing entities will provide sufficient statistical analysis to justify their targeted approach to providing these services.

In addition, proposers will be required to provide a work plan with sound methodology and tools to evaluate the impact of City funding as it relates to the provision of quality assistance and support to local businesses.

The Small Business Services Provider(s) selected through this RFP process will provide these activities from January 30, 2006 through December 31, 2007; up to \$200,000 per year will be available to provide the four service packages referenced below. The City may extend the contract for an additional year, through December 31, 2008, contingent upon funding availability and contractor performance.

The City anticipates providing approximately \$50,000 to fund each of the four service packages. The City reserves the right, at its sole discretion, to provide a different level of funding depending on how well each successful proposal demonstrates a clear connection between the activities in the work plan, the expansion of the tax base, and creation and retention of local jobs.

## **1.2 Guiding Tenets: Flexibility, Collaboration, and Cost-Effectiveness**

Proposals submitted in response to this RFP should demonstrate flexibility and responsiveness to changes in City priorities and/or the local business environment; work plans may be altered based on OED and small business feedback, or to avoid duplication of services. Collaborative approaches that convene multilingual and multicultural cultural skills to assist small businesses will receive more points under Qualifications and Experience in proposals where these skills are clearly relevant to the demonstrated need.

Evaluators will examine the work plan for evidence of a cost-effective approach regarding numbers of small businesses to be served, and the likelihood that the planned approach will provide high-impact solutions for local small business decision makers.

## **1.3 RFP Process Overview**

Please note: all dates are subject to change. Changes will be posted on [www.sjeconomy.com](http://www.sjeconomy.com) and [www.svwin.org](http://www.svwin.org).

### **1.3.1 Process Timeline**

September 29, 2005	RFP release date
October 19, 2005	Technical Assistance Conference
November 10, 2005	Last day for Technical Assistance
November 17, 2005	Proposal submittal deadline
January 10, 2006	Award announcement
January 30, 2006	Final contract negotiations
February 13, 2006	Initiation of services

### **1.3.2 Technical Assistance**

Following release of the RFP, OED staff will provide general guidance such as clarifying or confirming information that is a prerequisite to the offer of an award, but not guidance in actually preparing the proposal. Technical assistance will not be available after November 10, 2005.

### **1.3.3 Submittal of Proposals**

Proposals received by the submittal deadline will be screened for compliance with the following format specifications:

- Proposers will submit one original, six (6) unbound printed copies, and one electronic copy of the Proposal Narrative and Budget, on 3.5” diskettes, or on a CD, in MS Word (6.0 or more recent) format, in a sealed envelope via hand delivery or certified mail.
- All narratives and charts will be printed in Arial (regular, not narrow) or Times New Roman font, 12-point size or larger, on 8 ½ “x 11” pages. Allow 1” for all margins. Due to page limitations, proposers will be disqualified for providing narratives with font sizes smaller than 12-point.
- All narratives will be single-spaced, single-sided, and numbered sequentially throughout, including page numbers on all attachments. Proposals will be single-stapled or clipped. No bound or stapled inclusions will be submitted as part of the proposal.

#### 1.3.4 Review and Rating of Proposals

OED staff will screen all proposals accepted by the submittal deadline for (1) compliance with the format specifications of the RFP described above, and (2) completeness as shown in Appendix A, Proposal Checklist.

Each member of the RFP Rating Panel will evaluate all proposals that meet OED’s format and completeness thresholds for the clarity of their response to three basic evaluation criteria as outlined in Section 3.2.

After the members of the Rating Panel have individually reviewed all proposals forwarded from OED staff, the panel will meet to discuss scores assigned to each proposal. In the final analysis, reviewer scores will be averaged to determine the final score for each proposal.

The City reserves the right to establish minimum threshold levels and requirements in this RFP to ensure that its Policy Priorities are achieved. Some factors that may disqualify a proposal include but are not limited to:

- Contains misrepresentation by a proposer or lacks accurate and specific information;
- Fails to achieve a minimum *combined* score of 45 points for “Qualifications and Experience” (35 points possible) and “Work Plan” (35 points possible) in Phase II evaluation; or
- Fails to disclose the employment or retention of current or past employees of the City of San Jose as contractors, subcontractors, partners, or consultants, or in any other capacity, within the proposal document.

Proposers may be invited, at the discretion of OED, to answer specific questions relating to proposals; however, general presentations of a proposal will not be allowed.

Although it is possible that an award will be made without discussions, depending on the number and quality of proposals received in response to this solicitation, the City reserves the following rights: (1) to invite some or all of the highest-ranking proposers, at OED’s sole discretion and consistent with established procurement guidelines, to participate in discussions, and (2) to limit the competitive range for purposes of efficiency. If, during

discussions with proposers in the competitive range, the City determines it appropriate to request revisions to proposals to obtain the greatest value for the City, a common submittal date for revised proposals will be established.

The City reserves the right to fund all or portions of a proposal; the proposed budget will not necessarily be the funded amount.

#### 1.3.5 City's Local and Small Business Preference Ordinance

In June of 2004, the San Jose City Council passed a local and small business preference ordinance. For procurements such as this RFP, where cost is not necessarily the determinative factor, a local business is to receive a 5% point bonus and a small business will receive an additional 5% point bonus, for a maximum of 10 bonus points.

For the purpose of responsiveness to the requirements regarding the local and small business preference ordinance, a *local business* is defined as one that has a "legitimate business presence" in Santa Clara County. To have a legitimate business presence, a firm must have a current San Jose business tax certificate and either its principal business office or a satellite office must have at least one full-time employee in Santa Clara County. A *small business* is defined as one that employs a total 35 or fewer employees. To receive the small business preference, the small business must also qualify as a local business. Please see Appendix C, Local and Small Business Preference Certification Form.

#### 1.3.6 Recommendation to the San Jose City Council

After all proposals have been rated and ranked, and RFP process recommendations have been reviewed and approved by the OED Director, OED will provide the San Jose City Council with a recommendation for contract award based on the aggregated RFP Rating Panel scores, proposal rankings, and an assessment of the relative strengths, weaknesses and risks of each of the rated proposals, and any other relevant factors.

The City Council of the City of San Jose is the ultimate decision making body and makes the final determinations necessary to arrive at a decision to award, or not award, a contract. The City reserves the right to establish additional consideration or criteria for contract award, as deemed necessary. Such considerations will be addressed through final contract negotiations.

Only proposals that have met the minimum threshold requirements will be forwarded by the Rating Panel for further consideration.

#### 1.3.7 Contract Negotiation with Successful Proposer(s)

After all proposals have been rated and ranked, and recommendations have been approved by the San Jose City Council, all successful proposers may be required to participate in final negotiations to determine the specific terms of the Agreement and budget. In cases where the City cannot successfully conclude negotiations with the selected proposer(s) or where the selected proposer(s) fails to provide the City with requested information in a timely fashion, an award will not be made to this proposer.

## 1.4 **Definitions**

**Administrative Cost:** The portion of the budget that is associated with the overall management and administration of the proposed program and that is not related to the provision of services to small businesses.

**Conflict of Interest:** A situation that arises when an individual has competing professional or personal obligations, or personal or financial interests, that would make it difficult to fulfill his duties fairly.

## **Section 2. DESCRIPTION OF SERVICE SCOPE**

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### **2.1 Introduction**

This section will specify the services requested through this RFP.

### **2.2 Service Delivery Area**

The small businesses to be served will be located within the limits of the City of San Jose.

### **2.3 Services Requested Through This RFP**

As part of the development of their work plans, proposers will research the needs of the local small business community to determine: (1) the areas of greatest need, and (2) which services will have the greatest positive impact, in terms of expanding the tax base and creating or retaining jobs. Proposers are encouraged to identify and facilitate linkages to resources and technologies not currently available to small business decision makers. Each proposal's Executive Summary will demonstrate a clear rationale for the specific approaches recommended in the work plan.

For each service package the proposer plans to provide, the work plan will provide data on the anticipated frequency of service delivery, numbers to be served, locations at which services will be provided, targeted outreach strategy, program timelines and performance milestones, outcomes, and impact analysis methodology specific to that service package. Proposers planning to provide two or more service packages will include: (1) a separate, stand-alone budget for each service package for an amount not to exceed \$50,000, in case a proposer is selected to provide only one service package, and (2) a services integration strategy in their work plan to demonstrate how economies of scale will be achieved in the event that more than one service package is awarded to the proposer.

These services, whether provided through a collaborative partnership or through multiple independent entities, will be coordinated through the Silicon Valley Workforce Investment Network (SVWIN) Board of Directors' Business Services Council. Contractors selected to provide these services would be mandatory members of the Business Services Council.

#### **2.3.1 Information Dissemination**

Proposers will determine the most efficient and effective method(s) of promoting existing programs and services to meet the needs they identify through their market analysis. Currently, information dissemination services provided to the business community include information relating to accessing tax credits, loan programs, training, and counseling; however, proposers will determine relative levels of need for information on these and/or other services and relative impacts for specific information dissemination activities in their work plan.

Proposers planning to provide this service package will be required to demonstrate competence as it relates to providing planned services in languages determined to be

necessary based on the proposer's market analysis. Compensation will be based on the successful proposer's identified and approved method(s) of information dissemination.

### 2.3.2 Training Workshops and Seminars

Proposers will determine the need for specific types of business training to be provided as a basis for the activities detailed in their work plan; additionally, the work plan will provide data regarding the proposed curricula to be delivered, and the languages and venues in which training for small businesses will have the greatest impact, based on the proposer's market-based analysis.

Notwithstanding the above, it is expected that, at a minimum, the successful proposer will offer workshops on the following topics:

- Business and Marketing Plans
- Business Finance and Accounting
- Hiring Rules and Practices
- Entrepreneurship/Starting a Business

Proposers planning to provide this service package will be required to demonstrate excellent multilingual communication skills, cultural sensitivity, problem-solving abilities, and competence as it relates to providing those specific training services determined to be necessary based on the proposer's market analysis. Compensation will be based on a combination of: (1) the qualifications and experience of the service provider, and (2) numbers successfully completing training. "Successful completion of training" will be further defined during negotiations in terms of attainment of certifications and industry-recognized credentials, depending of the types of training to be provided.

### 2.3.3 Small Business Needs Assessments

SVWIN coordinates services to small businesses through its Business Service Council (BSC). The BSC consists of over 20 organizations that provide a wide range of human resource and recruitment support, technical assistance and training, access to capital, and information to small businesses in and around San Jose.

The Needs Assessment Form, a tool SVWIN has used successfully with over 260 small businesses, was developed to assist interested small business owners to identify for themselves their relative priority of need, and with the assistance of SVWIN and the BSC, to identify the most appropriate resource to meet that need.

SVWIN has developed a Company Needs Assessment Form (CNAF) to capture data relating to the needs of specific small businesses, and will provide training to the contractor approved to provide this service. The current form is appended to this RFP document in Appendix B. Proposer may include comments regarding the CNAF in their response.

Proposers planning to provide this service package will be required to demonstrate excellent multilingual communication skills, cultural sensitivity, and problem-solving abilities. Compensation will be based on the number of fully and accurately completed Needs Assessments.

#### 2.3.4 Intensive Assistance and Counseling

Proposers planning to provide outreach, counseling, and hands-on technical assistance to individual small businesses will provide evidence, through their qualifications and experience, that their planned approach to providing these intensive, one-on-one services will meet the need as determined through their analysis. For example, if the proposer's market analysis determines that there is a significant need in the small business community for assistance in developing business plans with monolingual Spanish-speaking business owners, the Rating Panel will examine the proposer's relevant experience and qualifications for providing that service to the small business community.

In certain instances, a business may require much more intensive counseling and one-on-one assistance to meet their needs in relation to development of a product or service. Based on a small business owner's long-term potential to increase jobs and the tax base, resources will be brought to bear to meet those needs.

Proposers planning to provide this service package will be required to demonstrate excellent multilingual communication skills, understanding of confidentiality requirements, cultural sensitivity, problem-solving abilities, and competence as it relates to providing those specific services determined to be necessary based on the proposer's market analysis. Compensation will be based on the qualifications and experience of the service provider to provide intensive small business assistance.

## **Section 3. PROPOSAL EVALUATION CRITERIA**

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### **3.1 Introduction**

The Work Plan Narrative, including the Executive Summary, shall not exceed 20 pages. Please note that, although submitting pages in excess of the page limit will not disqualify a proposal, the information on any excess pages will not be considered, which may result in a lower score or failure to meet a minimum threshold.

Proposals meeting the format specifications described in Section 1.3.3 will be screened for completeness. In addition to the complete list of required documents and inclusions in Appendix A, Proposal Checklist, please note that proposals not including a Proposal Summary Form with the original signature of the authorized representative will be disqualified.

### **3.2 Evaluation Criteria**

Proposers should prepare their Work Plan Narratives to address these three basic evaluation categories:

- Demonstration of the Need
- Qualifications and Experience
- Business Assistance Provider Work Plan

#### **3.2.1 Demonstration of the Need (30 points possible)**

In a one-page Executive Summary, proposers should describe: (1) their statistically informed understanding of the characteristics and needs of the underserved small business community, including the methodology and statistical sources upon which the determination of need was based; (2) those services that will have the greatest positive impact, in terms of expanding the local tax base and creating and retaining jobs for area residents; (3) how the services they plan to offer will complement and/or enhance services offered by other institutions (e.g., the San Jose Entrepreneur Center); and (4) a clear rationale for the specific approaches recommended in the work plan.

The RFP Rating Panel will examine the Executive Summary to address the following questions:

- Did this proposal demonstrate a verifiable and comprehensive understanding of the characteristics and needs of the small business decision makers they seek to serve through this proposal? To the fullest extent possible, the proposer shall substantiate their identification of the need based on available statistics and other valid research. The more comprehensive the understanding of the needs of the population to be served, the more points will be awarded under this sub-factor.
- Is there a clear connection between the needs to be addressed and the impact that the proposed services will have? The tighter the connection between the needs of the local small business community and the impact to be achieved through the proposed

method(s) of addressing these needs, the more points will be awarded under this sub-factor.

### 3.2.2 **Qualifications and Experience** (35 points possible)

In this section, proposers will answer questions and address the following issues regarding the relevant experience of the organization, any partner organizations referenced in the work plan, and key personnel in providing the proposed services and implementing the work plan in a timely manner within the award period.

The RFP Rating Panel will examine the proposal to rate the following sub-factors:

- Experience of the *organization and partner organizations* relating to providing the proposed services, numbers of small businesses served relative to proposed numbers, budgets managed in the past relative to the amount requested in the work plan, and the organization's experience in addressing the specific needs of the local small business community. The more closely the prior experience of the proposing organization resembles the services, numbers to be served, and budget presented in the work plan, the more points will be awarded under this sub-factor.
- Experience of *key staff and partners' key staff* relating to providing the proposed services, numbers of small businesses served relative to proposed numbers, budgets managed in the past relative to the amount requested, and experience in addressing the specific needs of the local small business community. The more closely the prior experience of proposed key staff resembles the services, numbers to be served, and budget presented in the work plan, the more points will be awarded under this sub-factor.

#### Organizational Experience

- a. Provide verifiable evidence of the proposing organization's successful outcomes of prior funding for the same types of services. Proposers that can demonstrate a closer linkage between the expected outcomes of their proposals and their previously generated outcomes for the same types of services will receive higher points for this sub-factor.
- b. Describe the proposing organization's current linkages to local small business decision makers and the value these relationships will bring to the proposed outreach strategy and work plan.
- c. Describe the proposing organization's experience as it relates to providing and receiving referrals for business services.
- d. Describe your organization's experience in producing timely products and reports under contracts with governmental, for-profit, and non-profit entities.
- e. Provide detailed contact information for three references capable of verifying the quality and timeliness of the proposing organization's performance under prior contracts.

### Organizational Qualifications

- f. How will the proposer's organizational mission, structure, and staffing plan contribute to the ability of the proposer's organization to: (1) provide services to local small businesses that will generate maximum impact, (2) monitor measurable outcomes, and (3) accept fiscal liability for contract funds? Describe the system the proposer's organization has in place to safeguard these funds. How will the proposing organization's fiscal system and record-keeping methods facilitate audit reviews?
- g. Has the proposer's organization or have any partner organizations been subject to fines or suspension, been convicted of fraud, or defaulted on any contract? If yes, please explain.
- h. Has the proposer's organization or have any partner organizations been notified of any recent audit findings, IRS liens, or negative credit reports? If yes, please include these notifications in a Corrective Action Report (see Section 4.1).

### Key Personnel Qualifications and Experience

- i. Provide verifiable evidence of relevant qualifications and experience of proposing organization's and any partners' key personnel, including any licenses and certifications relevant to the provision of the proposed services. For the Director of the program, describe relevant experience in managing programs of similar size, scope, and dollar amount. Provide the qualifications of key staff by activity, including number of hours of relevant training. Please attach detailed resumes and job descriptions to the proposal.
- j. The City expects that the successful proposer(s) will: (1) provide one or more full-time employees to implement the work plan, and (2) implement systems to ensure staff stability and continuity of services for the duration of the contract. For each proposed staff member, provide the length of continuous employment with the proposing organization by job classification. When responding, please remember to provide dates, job titles, and relevance of past experience to work undertaken by each employee in the work plan.

#### 3.2.3 **Program Work Plan** (35 points possible)

In this section, proposers will describe their methods of addressing the needs identified through their market-based analysis. This factor takes into account the activities to be undertaken, the cost-effectiveness of the proposed program, and the linkages between identified needs and proposed activities.

For each service package the proposer plans to provide, the work plan will provide data on the anticipated frequency of service delivery, numbers to be served, locations at which services will be provided, targeted outreach strategy, program timelines and performance milestones, outcomes, and impact analysis methodology specific to that service package. Proposers planning to provide two or more service packages will include a services

integration strategy in their work plan to demonstrate how economies of scale will be achieved.

In assessing cost effectiveness, the RFP rating panel will take into account staffing levels, numbers of small businesses to be served, the characteristics and needs of the local small business community, and the likelihood of achieving anticipated outcomes and related impact through implementation of the proposed work plan.

The RFP Rating Panel will examine the proposal to rate the following sub-factors:

- Is the work plan responsive to the items listed in 3.2.3 below under Comprehensive Work Plan? The more responsive the proposer's work plan is to this RFP, the more points will be awarded under this sub-factor.
- How will the proposed work plan and staffing plan ensure that the identified needs of local small businesses are met in a cost-effective manner? The more cost-effective the work plan and staffing plan in terms of meeting the needs identified in the proposer's market-based analysis, the more points will be awarded under this sub-factor.

#### Comprehensive Work Plan

- a. For each service package in your proposal, describe: (1) the timeline(s) and milestones for product development and service delivery, and (2) the proposed outreach and service delivery strategies for engaging local small business decision makers and high-impact firms. How do your planned outreach and service delivery strategies demonstrate sensitivity and competency toward the unique needs and cultures of local small business owners, managers, and entrepreneurs? Where applicable, describe the anticipated location(s) and frequency of service delivery.
- b. Explain how you will ensure that the services you provide will complement and/or enhance services offered by other entities.
- c. Describe the resources and linkages that your organization or collaborative partnership will provide that are not currently available to the local small business community. Describe the proposed method(s) for referral to programs and assistance beyond the scope of services to be provided through your proposal.
- d. Describe the proposing organization's mechanisms for: (1) monitoring and self-assessing progress in meeting program goals and objectives, (2) evaluating community economic impact of each service package your organization plans to provide, and (3) ensuring that the integrity of the use of funds is in accordance with generally accepted accounting principles, the City of San Jose's contractor record maintenance, access, and retention requirements, and the approved program budget.

The work plan should describe and identify the specific steps that will be taken to carry out a self-monitoring function that meets these requirements. Detail the

process for utilizing program evaluation information, both internal and external, in making management decisions and program improvements. Proposers that clearly define roles, responsibilities, and steps to be taken to meet this requirement will receive a greater number of rating points in this category.

- e. Describe the linkages between the identified needs of the local small business community and the proposed activities. Provide an Organizational Chart showing the lines of responsibility for proposed activities for all program staff. Please include this document in the proposal in the order specified in Appendix A, Proposal Checklist.

If the proposed Organizational Chart lists employees of partnering organizations, describe your methods of handling invoicing as it relates to: (1) partners' key personnel, and (2) OED.

- f. Justify the proposed Budget in terms of: (1) numbers of small businesses to be served through each service package, (2) the cost of addressing the needs identified through the proposer's market-based analysis, and (3) how this cost compares with what is paid locally for similar services. Administrative costs associated with providing the proposed program shall not exceed 10% of the total budget.

## **Section 4. ADDITIONAL IMPORTANT INFORMATION**

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### **4.1 Funding Terms**

#### Acceptance of Terms and Conditions

Any proposer submitting a proposal understands and agrees that its proposal shall constitute acknowledgment and acceptance of, and intent to comply with, all the terms and conditions contained in the RFP. Any response to this RFP not meeting the RFP's terms and conditions may be rejected.

#### Selection by OED

The City may reject any proposal and waive any requirement when the action is considered to be in the City's best interest and negotiate with any proposer changes, revisions, and/or modification of their proposals. The City reserves the right to withdraw or modify the RFP at any time. In the event of a modification, the proposer(s) will be given a limited amount of time to revise proposals.

Notwithstanding any other provision of this RFP, proposers are hereby advised that this RFP is a solicitation for proposals only, and is not intended and is not to be construed as an offer to enter into any contract or other agreement, or engage in any formal competitive bidding or negotiation pursuant to any statute, ordinance, rule or regulation. Submission of a proposal does not guarantee that a contract will be awarded.

#### Corrective Action Report

Proposers and/or partners that have been monitored or audited by a Federal, State, or local agency within the 24 months prior to the submittal deadline for this RFP will be required to provide a Corrective Action Report for all outstanding findings unresolved by the submittal deadline of November 17, 2005; proposers will append the Corrective Action Report to the proposal.

#### Insufficient Proposals

The City reserves the right to reject all proposals and reissue this RFP or a new RFP, or to enter into a sole source procurement.

#### Truth and Accuracy of Representation

False, incomplete, or unresponsive statements in connection with a proposal may be cause for its rejection. The evaluation and determination of the fulfillment of this requirement shall be in the City's sole judgment, and its judgment shall be final and conclusive.

Agencies employing or retaining employees, or past employees, of City as contractors, subcontractors, partners, or consultants, or in any other capacity, must make such information known within their proposal document. Failure to do so may result in disqualification of the proposal, cancellation of contract or contract award, or result in disciplinary action against individuals involved.

### Cost of Proposals

The City shall not in any way be liable or responsible for any costs incurred in connection with the preparation of any proposal submitted in response to this RFP.

### Public Records Act

Responses to this RFP become the exclusive property of the City. At such time as the OED selects a proposer to provide the requested services, all proposals received in response to this RFP may become a matter of public record, unless the recommendation is to reject all proposals and reissue the RFP, and may be regarded as public records, with the exception of those elements in each proposal which are defined by the proposer as business or trade secrets and plainly marked as “Confidential,” “Trade Secret,” or “Proprietary.” The City shall not be liable or in any way responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as “Confidential,” “Trade Secret,” or “Proprietary” or if disclosure is required under the Public Records Act. Any proposal which contains language purporting to render all or significant portions of the proposal “Confidential,” “Trade Secret,” or “Proprietary,” shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of San José may not be in a position to establish that the information that a proposer submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary”, the City will provide the proposer who submitted the information with reasonable notice to allow the proposer to seek protection from disclosure by a court of competent jurisdiction.

### Requirements for Successful Agencies

Agencies selected for contract award must submit a number of documents including without limitation:

- Statement of Business Ownership
- Required Insurance Documentation

Failure to provide a requested document within what City considers a reasonable time frame (in no event longer than 30 days from the date of the request) will be grounds for cancellation of a proposer’s selection.

### Program Performance Reporting Requirements

Any proposer awarded a contract will be required to report their monthly performance in a manner acceptable to City that clearly describes monthly and accrued performance goals versus actual, achieved-to-date monthly and accrued outcomes.

### EEO Certification

Successful proposers will be required to certify and agree that all persons employed by the proposer, its affiliates, subsidiaries, or holding companies are and will be treated equally by the firm without regard to or because of race, religion, ancestry, national origin, sex or sexual orientation, and in compliance with all Federal, State and local anti-discrimination laws.

### Drug-Free Workplace

If awarded the contract, the successful proposer shall warrant and certify that it will comply with the California Drug-Free Workplace Act of 1990 (Cal. Gov. Code 8350 et seq.) as amended, including provision of the requisite certification as set forth therein as well as any applicable federal drug free workplace requirements.

## **4.2 Information Regarding Submittals**

OED will not provide information regarding the number of proposals submitted, the amounts requested, or the names of proposing entities, until the recommendations for funding are made public.

## **4.3 Appeals**

### Appeals

If any agency submits a proposal and it is not recommended for contract award during the review process, and the agency can show that any substantial portion of the RFP process has not been followed, the agency may appeal the recommendation to the Director of OED. Only appeals that cite the specific sections of the RFP that are being challenged will be considered. Differences of opinion regarding the merits of proposals recommended for contract award are not grounds for submitting an appeal. The appeal must be in writing and shall set forth specific facts and evidence and specify which component of the RFP, procurement policy or procedure is being disputed. The appeal must be received by OED within five (5) business days of the San Jose City Council's decision to award a contract. All appeals should be directed to the attention of the Director of the City Manager's Office of Economic Development, at 200 East Santa Clara Street, San Jose, CA 95113. Appeals received after the established time frame will not be accepted.

## **Section 5. APPENDICES**

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# Appendix A

## Small Business Services Provider RFP Proposal Checklist

**This Checklist is intended to assist the proposer(s) in assembling the required elements of their proposal. It is not intended to supplant the careful reading of the specifications of this RFP.**

**Please note that items 1 -- 11 are mandatory for all proposals. Item 12 is mandatory where applicable.**

**The proposal must include these forms, narratives, and addenda, in the following specified order:**

1. \_\_\_\_\_ Proposal Cover Page (Appendix B)
2. \_\_\_\_\_ Table of Contents
3. \_\_\_\_\_ Proposal Summary Form (Appendix B)
4. \_\_\_\_\_ Proposal Work Plan Narrative (20 pages or less)
5. \_\_\_\_\_ Program Line Item Budget (Appendix B)
6. \_\_\_\_\_ Most Recent Financial Statement
7. \_\_\_\_\_ Signed Agency Litigation Involvement Form (Appendix C)
8. \_\_\_\_\_ Signed Certification re: Standards of Conduct including Drug-Free Workplace Compliance (Appendix C)
9. \_\_\_\_\_ Signed Certification re: Nondiscrimination Assurance (Appendix C)
10. \_\_\_\_\_ Resumes and/or Job Descriptions of Program Personnel
11. \_\_\_\_\_ Program Organizational Chart (see Section 3.2.3)
12. \_\_\_\_\_ Corrective Action Report (see Section 4.1)
13. \_\_\_\_\_ Signed Certification re: Local and Small Business Preference (Appendix C)

## **Appendix B**

- √ Proposal Cover Page
- √ Proposal Summary Form
- √ Program Line Item Budget Template
- √ Company Needs Assessment Form

**TO: Elizabeth Kaylor**  
City of San Jose  
Office of Economic Development  
200 East Santa Clara St.  
San Jose, CA 95113

**FROM:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**RE: Small Business Services Provider RFP**  
**Proposal Cover Page**

<p><b>Received by:</b> _____</p> <p><b>Time/ Date</b> <b>Received:</b></p> <p><b>(STAMP)</b></p>
--

**Original**   
**Copy**

# Small Business Services Provider RFP

## PROPOSAL SUMMARY FORM (Page 1 of 2)

Agency Name:	
Address:	
Agency Telephone # :	Agency Fax # :
Contact Person:	Contact Phone # :
Contact Fax # :	Contact E-mail:
Proposed Service/Program: <b>Small Business Services Provider</b>	
Approximate Number of Participants to be Served:	
Estimated Cost Per Participant:	
<p>Type of Organization:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Governmental Organization/Specify: _____</li> <li><input type="checkbox"/> Community Based Organization</li> <li><input type="checkbox"/> Labor Organization</li> <li><input type="checkbox"/> Business &amp; Trade Association</li> <li><input type="checkbox"/> Educational Entity/Specify: _____</li> <li><input type="checkbox"/> Private, For-Profit Business</li> <li><input type="checkbox"/> Private, Non-Profit Organization</li> <li><input type="checkbox"/> Public Agency</li> </ul>	

Original

Copy

**PROPOSAL SUMMARY FORM (Page 2 of 2)**

**CERTIFICATION OF GOOD STANDING**

I certify that the proposing Lead Agency, if it is a corporation, is registered with, and in good standing with, the Secretary of State of the State of California.

**CERTIFICATION OF PROPOSAL CONTENT**

**Duplication of Services and Conflict of Interest**

To my knowledge, this proposal does not duplicate services available in the area that are or may be provided by non-OED sources. This organization, its members and collaborators are not now and will not in the future be engaged in any activity resulting in a conflict of interest, real or apparent, in the selection, award, or administration of a subcontract by OED funds.

**Cost/pricing Data and Proposal Content**

This is to certify that, to the best of my knowledge and belief, the cost/pricing data submitted, either actually or by specific identification in writing to OED in support of this proposal, is accurate, complete, and current as of the date below. This certification includes the cost/pricing data supporting any agreements/contracts that may be agreed upon between the proposer(s) and OED that are part of the result of submitting this proposal.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Authorized Representative

## Small Business Services Provider Budget Template

(Insert Institution Name)

Budget Period: (from \_\_\_/\_\_\_/\_\_\_ to \_\_\_/\_\_\_/\_\_\_)

I. PERSONNEL COSTS							
Name	Position	Base Salary	%Time	Total	Program	Admin.	Match Amount
				(X+Y+Z)	(X)	(Y)	(Z)
(Add rows as needed)							
Fringe Benefits ( ___ %)							
<b>SUBTOTAL:</b>							
<b>CONSULTANTS</b>							
<b>TOTAL PERSONNEL COSTS</b>							
<b>II. NON PERSONNEL COSTS</b>							
<b>OFFICE OPERATIONS</b>							
Supplies							
Duplicating							
Telephone							
Postage							
Equipment Rental							
Service Agreement(s)							
Staff Training							
<b>SUBTOTAL: OFFICE OPERATIONS</b>							
<b>COMMUNICATIONS</b>							
<b>SOFTWARE</b>							
<b>MEETING COSTS</b>							
<b>TRAVEL</b>							
<b>EQUIPMENT PURCHASES</b>							
<b>TOTAL: NON-PERSONNEL COSTS</b>							
<b>TOTAL BUDGET:</b>							

**Please specify service package: \_\_\_\_\_**



Date \_\_\_\_\_

EM Name \_\_\_\_\_

**SVWIN Business Service Council  
Company Needs Assessment Form**

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Phone #:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_ **Contact Name:** \_\_\_\_\_

**Type of Business** \_\_\_\_\_ **Industry** \_\_\_\_\_

**Number of Employees** \_\_\_\_\_ **Peak Season(s)** \_\_\_\_\_

**Types of jobs** \_\_\_\_\_

1. **When did you start your business?** \_\_\_\_\_
  
2. **What changes have you noticed in your business over the last 12 months?**
  
3. **What is your business goal over the next 12 months?**
  
4. **Over the next 3-5 years?**
  
5. **What challenges have you experienced in achieving your goal? What has been successful for you?**
  
6. **What challenges do you expect to face over the next 3-5 years?**
  
7. **Have you had a need for assistance with:**
  - **Recruiting/training staff**

- **Specialized technical assistance**
- **Finding capital**
- **Getting information/research**
- **Other**

**8. What prevents you from seeking assistance?**

**9. Would you like to have a resources person to assist you these needs?**

**10. Have you heard of SVWIN?**

**11. When is it most convenient for you to meet with someone to discuss your specific needs?**

## **Appendix C**

- √ Agency Litigation Involvement Form
- √ Certification re: Standards of Conduct including Drug-Free Workplace Compliance
- √ Certification re: Nondiscrimination Assurance
- √ Certification re: Local and Small Business Preference

## AGENCY LITIGATION INVOLVEMENT FORM

I, [INSERT NAME OF PERSON WHO HAS AUTHORITY TO ACT ON BEHALF OF AND LEGALLY BIND THE PROPOSING AGENCY], hereby declare that: I am an [TITLE AND/OR JOB DESCRIPTION OF PERSON EXECUTING FORM] and have knowledge of the facts set forth in this declaration and would, if necessary, competently testify to the following:

The Agency Name and Address making the proposal is: \_\_\_\_\_  
\_\_\_\_\_

Check YES or NO to the following questions. If a YES answer is checked, please explain fully the circumstances and include discussion of the type of program involved as well as the potential impact on this program, if a contract was awarded.

1. Is the organization or are any of its principal officers involved in litigation now or within the last two years?  Yes  No
  
2. Is the Executive Director (CEO) involved in litigation?  Yes  No
  
3. Are any members of the Board of Directors unable to be bonded?  Yes  No
  
4. Are any key staff members unable to be bonded?  Yes  No
  
5. Has the Agency or Project Director ever been cited for improper management?  Yes  No
  
6. Has the Agency or Project Director ever had public or foundation funds withheld?  Yes  No
  
7. Has the Agency, if nonprofit, ever had its nonprofit status revoked or withheld?  Yes  No
  
8. Has the Agency, Project Director, or any Key staff member ever been involved in, or cited for, any civil rights violation?  Yes  No

Response Section (Use extra pages, as necessary)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on \_\_\_\_\_, 2005, at \_insert city\_\_\_\_\_,  
\_\_\_\_\_insert state\_\_\_\_\_.

By:

\_\_\_\_\_  
Name and Title of person authorized to act on  
behalf of and legally bind the Agency

**STANDARDS OF CONDUCT**

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The following standards apply to all proposers that deliver services under contract with the City of San Jose.

- A. **GENERAL ASSURANCE** – The proposing entity hereby assures that by submission of this proposal, it will comply with the standards of conduct set forth in the San José City Charter and all associated policies or ordinances related thereto.
  
- B. **CERTIFICATIONS** – Except as otherwise indicated, the following certifications apply to all proposers.
  - 1. The proposer, if it is a corporation, certifies that it is registered with the Secretary of State, of the State of California.
  
  - 2. **Drug-Free Workplace**: As required by the state Drug-Free Workplace Act of 1990, Gov. Code Sec. 8350 et seq., and the Federal Drug-Free Workplace Act of 1988 which includes, but may not be limited to, 29 CFR 98.600, 29 CFR 98.630, 34 CFR Part 85, Subpart F, Sections 85.605, 85.610), the proposer certifies that it will, or will continue to, provide a drug-free workplace.
  
  - 3. **Americans with Disabilities Act (ADA)**: The Americans with Disabilities Act of 1990 is a comprehensive civil rights act for people with disabilities. It guarantees equal opportunity for individuals with disabilities in public accommodations; employment; transportation; federal, state and local government services; and telecommunications. The proposer certifies that it will maintain policies, procedures, and practices that comply with all requirements of the ADA.

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Signature of Authorized Representative

---

Date

---

Title of Authorized Representative

**NON-DISCRIMINATION ASSURANCE**

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During the performance of this contract, the contractor/vendor agrees as follows:

- I. The contractor/vendor will not discriminate against any employee, applicant for employment, or applicant for services because of race, religious creed, color, national origin, ancestry, disability, marital status, sex, or sexual orientation. The contractor/vendor will take affirmative action to assure that applicants are employed, and that employees are treated during their employment, without regard to their race, religious creed, color, national origin, ancestry, disability, marital status, sex or sexual orientation. Such affirmative action shall be designed to insure against discrimination in the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation, and selection for training, including apprenticeships or any other change or proposed change in employment conditions.
  
- II. The contractor/vendor will cause the foregoing to be inserted in all subcontracts for any work covered by this contract so that such provisions will be binding upon each subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

---

AUTHORIZED SIGNATURE

---

DATE

---

TITLE

---

ORGANIZATION

**City of San Jose**  
**Request for Contracting Preference for Local and Small Businesses**

Chapter 4.06 of the San Jose Municipal Code provides for a preference for Local and Small Businesses in the procurement of contracts for supplies, materials and equipment and for general and professional consulting services. The amount of the preference depends on whether the vendor qualifies as a Local Business Enterprise\* or Small Business Enterprise\*\* and whether price has been chosen as the determinative factor in the selection of the vendor.

In order to be a Local Business Enterprise (LBE) you must have a current San Jose Business Tax Certificate Number and have an office in Santa Clara County with at least one employee. If you qualify as an LBE you can also qualify as a Small Business Enterprise (SBE) if the total number of employees (*regardless of where they are located*) of your firm is 35 or fewer.

There are two ways in which the preference can be applied. In procurements where price is the determinative factor (*i.e. there are not a variety of other factors being considered in the selection process*) the preference is in the form of a credit applied to the **dollar value** of the bid or quote. For example, a non-local vendor submits a quote of \$200 per item and a LBE submits a quote of \$204 per item. The LBE receives a 2.5% credit on the quote, which equals approximately \$5 and thus the LBE will win the award because the quote is evaluated as if it had been submitted as \$199.

In procurements such as RFP there are usually a variety of factors evaluated to determine which proposal best meets the City's needs. In procurements such as these where price is not the determinative factor, an LBE or SBE will be given an **additional 5% to 10% points** in the **scoring** of their proposal.

The following determinations have been made with respect to this procurement: (for official use only)

<b>Type of Procurement</b>	<input type="checkbox"/> Bid	<input type="checkbox"/> Request for Quote	<input type="checkbox"/> Request for Proposal
<b>Type of Preference</b>	<input type="checkbox"/> Price is Determinative		<input type="checkbox"/> Price is Not Determinative
<b>Amount of Preference</b>	LBE preference = 2.5% of <b>Cost</b>	LBE preference = 5% of <b>Points</b>	SBE preference = 5% of <b>Points</b>

**In order to be considered for any preference you must fill out the following statement(s) under penalty of perjury.**

<b>Business Name</b>			
<b>Business Address</b>			
<b>Telephone No.</b>			
<b>Type of Business</b>	<input type="checkbox"/> Corporation	<input type="checkbox"/> LLC	<input type="checkbox"/> LLP
	<input type="checkbox"/> General Partnership	<input type="checkbox"/> Sole proprietorship	<input type="checkbox"/> Other (explain)

**\*LOCAL BUSINESS ENTERPRISE (LBE) PREFERENCE**

**In order to qualify as an LBE you must provide the following information:**

<b>Current San Jose Business Tax Certificate Number</b>	
<b>Address of Principal Business Office or Regional, Branch or Satellite Office with at least one employee located in Santa Clara County:</b>	

**\*\*SMALL BUSINESS ENTERPRISE (SBE) PREFERENCE**

In order to qualify as an SBE you must qualify as an LBE and have 35 or fewer employees. This number is for your **entire** business --NOT just local employees, or employees working in the office address given above.

**Please state the number of employees that your Business has:**

Based upon the forgoing information I am requesting that the Business named above be given the following preferences (*please check*):  Local Business Enterprise  Small Business Enterprise  
 I declare under penalty of perjury that the information supplied by me in this form is true and correct.

Executed at: \_\_\_\_\_, California  
 Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Print name: \_\_\_\_\_