



REQUEST FOR PROPOSAL

RFP 03-17-01

SAN JOSE SILICON VALLEY WORKFORCE DEVELOPMENT BOARD

ONE-STOP OPERATOR

RFP

Date: March 13, 2017

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1. INTRODUCTION

The City of San José Office of Economic Development San José Silicon Valley Workforce Development Board, hereinafter referred to as "The Workforce Development Board," or "WDB" is soliciting proposals from qualified organizations to provide One-Stop Operator Services within its local service delivery area.

The Workforce Investment and Opportunity Act ("WIOA") is the funding source for this RFP. The WDB fully expects that the provider will be knowledgeable in the law and regulations for WIOA. Information can be found at <http://www.doleta.gov/wioa>. The provider must also adhere to all current and future state and local policies.

The WIOA requires coordination of services to assist adults and youths in preparation for the workforce. The Workforce Development Board was formed to serve the employment needs of the communities within the Workforce Development Board service delivery area, which includes the cities of Gilroy, Morgan Hill, Los Gatos, Monte Sereno, Saratoga, Los Altos Hills, Campbell, unincorporated areas of Santa Clara County and

San José. Business and WIOA-eligible client services are provided at the Workforce Development Board America's Job Centers of California ("AJCC") and other Workforce Development Board-approved locations.

The AJCC is a locally-driven system which develops partnerships and provides programs and services to achieve three main policy objectives established by the California Workforce Development Board ("CWDB") in its Unified Strategic Workforce Development Plan.

Those objectives are:

- Foster demand-driven skills attainment
- Enable upward mobility for all Californians
- Align, coordinate, and integrate programs and services

The objectives above are to be accomplished by ensuring access to high-quality AJCCs that provide the full range of services in accordance with the following strategies:

- Sector Strategies
- Career Pathways
- Utilizing "Earn and Learn" Strategies
- Providing Supportive Services
- Building Cross-System Data Capacity
- Integrating Services and Braiding Resources
- Regional coordination of service delivery

The One-Stop Operator will coordinate the partners within the AJCC and coordinate with service delivery providers and WDB staff.

This RFP contains the necessary background, requirements, and information about this RFP. The Application forms within the WebGrants system provide the forms for responding to this RFP. The WDB reserves the right to terminate or adjust the scope of this RFP to conform to available funds. The WDB further reserves the right to accept an offer in full, or in part, or to reject all offers

2. WIOA PROGRAM GOALS AND OBJECTIVES

The Workforce Innovation and Opportunity Act (WIOA) program's goal is strengthening the workforce system through innovation and alignment of services to promote individual and national economic growth. Career services are made available to adult individuals 18 years old or older and youth ages 18-24. Training is made available to individuals after an interview, assessment and evaluation determines that the individual requires training to obtain employment or remain employed.

3. TERM

The anticipated contract period will be for four (4) years, beginning July 1, 2017. One year contracts will be issued with three (3) one-year options to renew based upon available funding and contractor performance. Options to renew will be exercised at the sole discretion of the WDB, based on satisfactory contractor performance, compliance with contractual obligations, and other factors as determined by the WDB. The WDB reserves the right to terminate the contract annually or earlier based on contractor performance and compliance with contractual terms and conditions.

4. CONTRACT TYPE

Contracts executed as a result of this RFP process will include a payment schedule based on satisfactory completion of deliverables. Final contracts will be subject to any changes in the legislation, regulations or policies promulgated by the funding source.

The successful proposer will be required to participate in negotiations to determine the specific terms of the Contract Agreement and budget. Final award shall be contingent upon selected firm (Contractor) accepting Terms and Conditions in substantial conformity to the terms listed in the contract boilerplate in the Attachments component of WebGrants. If the WDB cannot successfully conclude negotiations with the selected proposer, or where a selected proposer fails to provide the WDB with requested information in a timely fashion, an award will not be made to this proposer.

Successful proposers will be required to have and maintain the insurance policies set forth in EXHIBIT G of the contract template included in the WebGrants Attachments Menu.

If negotiations do not result in finalized contract terms by the start date indicated in the Request for Proposal Timeline, the WDB will not award the contract and will begin negotiations with the eligible proposer with the second highest point score or conduct a new RFP, at the WDB's discretion.

5. ELIGIBLE APPLICANTS AND MINIMUM QUALIFICATIONS

Eligible applicants may include:

- Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
- Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as "Indian Tribes");
- Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical

education schools (however, elementary and other secondary schools are not eligible to become a one-stop operator);

- Community-based organizations, nonprofit entities, or workforce intermediaries;
- Other interested organizations that are capable of carrying out the duties of the one-stop operator, such as a local chamber of commerce, other business organization, or labor organization;
- Private for-profit entities including individuals;
- Local WDBs, if approved by the Chief Elected Official (CEO) and the Governor as required in WIOA sec. 107(g)(2). private and public, secondary or post-secondary education institutions, faith

To fulfill the responsibilities solicited in this RFP, interested respondents shall have a minimum of three (3) years of directly related experience within the last 5 years that would be applicable in coordinating the partners in an AJCC.

6. COMPLETE RFP

This document, listed as Attachment A in the WebGrants Opportunity Components Attachments menu, describes the goals and objectives of this procurement, the RFP process, and RFP provisions. In addition, the following attachments are included:

7. ADDITIONAL ATTACHMENTS:

Attachment Number	Title
B	Scope of Services
C	RFP Timeline
D	Evaluation Criteria
E	Links to WSIN 15-42, WIOA Mandated Core Partners and WSD 16-09 Attachment 2, MOU Phase II Sample Template
F	Exemplar Agreement with Exhibits (Including Insurance Requirements)
G	Partner MOU- County of Santa Clara
H	Partner MOU- Mandated Partners

8. SCOPE OF SERVICES

Complete details of the Scope of Services under this RFP are found in ATTACHMENT B in the

WebGrants Opportunity Components Attachments menu.

9. PROCUREMENT TIMELINE

Complete details of the Procurement Timeline under this RFP are found in ATTACHMENT C in the WebGrants Opportunity Components Attachments menu.

10. BUDGET

Funding for One-Stop Operator services described in Attachment B, Scope of Services, Section 4, “One-Stop Operator Required Core Responsibilities”, is anticipated to be \$20,000.

The budget for the services described in Attachment B, Scope of Services, Section 5, “Additional Allowed Tasks”, will be negotiated at the time of assignment. Budget proposals should be prepared for the One-Stop Operator Required Core Responsibilities. Final amount will be determined during contract negotiations.

11. CONTACT INFORMATION

City of San José Colleen Brennan work2future Workforce Development Board colleen.brennan@sanjoseca.gov (408) 794-1139
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12. HOW TO OBTAIN THIS RFP

This RFP is available on WebGrants, the CITY’s grants management system located at <http://grants.sanjoseca.gov>. Proposers can also find a link at the City of San José work2future website, <http://www.work2future.biz/>. At either Web site, follow the links to log in or register for the online service.

All addenda and notices related to this procurement will be posted by the City on WebGrants. In the event that this RFP is obtained through any means other than WebGrants, the City will not be responsible for the completeness, accuracy, or timeliness of the final RFP document.

13. PRE PROPOSAL CONFERENCE

DATE AND TIME

A Mandatory Pre-Proposal Technical Assistance Conference will be held on March 21, 2017, 1:00 p.m. Pacific Daylight Time. This meeting requirement may be met by attending in-person, or by conference call participation. Proposals from proposers not attending the mandatory Pre-Proposal Technical Assistance Conference will not be

accepted. The purpose of this meeting is for City Staff to present an overview of the RFP, and answer any questions. City Staff reserves the right not to answer any questions that are non-applicable or inappropriate. At its discretion, Staff may defer certain questions and respond to all proposals in writing after the meeting.

Questions on using the WebGrants system to complete the application described in this RFP will be addressed at the Technical Assistance Conference and posted in WebGrants. Questions may also be submitted via email to the contact listed in Section 11. Please reference "One-Stop Operator RFP" in the subject line of the e-mail. Questions asked via telephone that are not of a purely technical nature concerning the online system will not be responded to.

All questions concerning the substance of this RFP that are *not* of a purely technical nature concerning the online system must be submitted before March 30, 2017 at 2:00 p.m. Pacific Daylight Time. Questions received after that deadline will not be answered. Questions and responses will be posted on WebGrants no later than April 5, 2017 at 2:00 p.m. Pacific Daylight Time.

Questions that *are* of a purely technical nature concerning the online WebGrants system will be answered through the submission deadline of April 14, 2017 at 2:00 p.m. Pacific Daylight Time. Applicants are encouraged to call the contact listed in Section 11 or submit questions via email to the contact listed in Section 11 for this type of assistance. No clarification of the RFP content will be provided via phone or after the 2:00 p.m. deadline on March 30, 2017.

INSTRUCTIONS FOR ATTENDING IN-PERSON:

Location:

work2future San José

Business and Administrative Services Center

5730 Chambertin Drive

San José, CA 95118

INSTRUCTIONS FOR ATTENDING VIA CONFERENCE CALL:

Toll-Free access number: 888-363-4735

Participant Pin Number: 897748

14. PROCEDURE FOR SUBMITTING QUESTIONS AND INQUIRIES

Questions pertaining to this RFP should be submitted via e-mail to the contact listed in Section 11 above. Please submit all questions by March 30, 2017 at 2:00 p.m. Pacific Daylight Time, the deadline indicated in the procurement timeline located in the WebGrants Opportunity Components Menu. The City will provide a written response to all pertinent questions in the form of an Addendum which will be posted in WebGrants

no later than April 5, 2017 at 2:00 p.m. Pacific Daylight Time. The City will not respond to questions submitted after the deadline indicated above.

15. OBJECTIONS

Any objections as to the structure, content or distribution of this RFP must be submitted in writing to the contact identified in Section 11 prior to the submission deadline for questions stated in Section 14. Objections must be as specific as possible, and identify the RFP section number and title, as well as a description and rationale for the objection.

16. SUBMISSION OF PROPOSALS

Proposals must be submitted by April 14, 2017 at 2:00 p.m. Pacific Daylight Time. Proposals will be accepted only via WebGrants. WebGrants will not accept proposals submitted after the submittal deadline in the procurement timeline located in the WebGrants Opportunity Components Menu.

Refer to the procurement timeline in in the WebGrants Opportunity Components Menu for due dates and delivery method.

17. LATE PROPOSALS

WebGrants will not accept proposals submitted after the due date and time. **Allow sufficient time for proposal submission to allow for any technical issues.** The City is not responsible for late proposal submission due to any computer malfunctions, internet connections, speed issues, or any other technical issues.

18. ADMINISTRATIVE REQUIREMENTS/EXPECTATIONS

This section is a listing of General Administrative Requirements that must be adhered to throughout the term of the grant including but not limited to the following and the requirements set forth in the template agreement.

FUNDING REQUIREMENTS:

The Workforce Development Board is largely funded by federal dollars through the Department of Labor and therefore follows the Uniform Administrative Requirements, Cost Principles, and Audit Requirements:

OMB Circular A-87, available at

http://www.whitehouse.gov/omb/circulars_a087_2004

2 CFR Part 200: Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

2 CFR Part 2900: Uniform Administrative Requirements, Cost Principles, and
Audit Requirements for Federal Awards
48 CFR Part 31

Additional restrictions may be imposed based on the individual grant source.

Bidders unable to meet these standard requirements will not qualify to provide the services requested under this RFP.

PARTICIPATION IN MONITORING:

At any time, the Department of Labor, the State of California Employment Development Department, or the WDB may monitor progress, and/or adherence to any and all grant regulations. The selected service provider must open records and allow monitors to perform their oversight duties. Service provider(s) must adhere to all requirements within 2 CFR § 200.328 with regards to monitoring and reporting program performance. The WDB adheres to a monitoring strategy in order to facilitate self-assessment and on-site reviews to ensure accuracy of data reported and collected. Participants' files and data systems shall also be reviewed to: ensure data integrity and continuous improvement of system operations; reduce the error rate, and ensure compliance with federal, state and local laws, transmittals, directives, policies, procedures and regulations.

FUNDING CONSTRAINTS:

Funds may not be used for any purpose listed in WIOA Section 181 (b) or WSD 16-16.

19. OTHER PROVISIONS

CORRECTIVE ACTION REPORT:

Agencies and Collaborative 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 April 14, 2017 at 2:00 p.m. Pacific Daylight Time. Proposers will attach the Corrective Action Report to the proposal. The Corrective Action Report will be considered in the evaluation of the qualifications and experience of the Agency or Collaborative.

Proposing agencies and collaborative partners with outstanding findings that fail to provide a Corrective Action Report specifically addressing the remediation of each outstanding finding may be eliminated from further consideration. The WDB reserves

the right to withdraw an award if it is determined that the award was based on false or misleading information provided by the proposer.

AGENCY LITIGATION INVOLVEMENT FORM

The WDB is concerned with litigation involving agencies that may affect the proposer's ability to (1) implement the scope of services in a timely manner, and/or (2) provide the staff and resources specified in the proposal. Please provide specific details of current litigation and any potential impact on the proposed workplan in the "Agency Litigation Involvement" form in the Opportunity Components Menu in WebGrants.

SELECTION BY THE WORKFORCE DEVELOPMENT BOARD

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. The WDB 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.

After the submittal deadline, the WDB will not accept any unsolicited information a proposer wishes to provide; however, the WDB may contact a proposer to clarify any proposal information.

Notwithstanding a recommendation of a department, agency, individual, or other, the WDB retains the right to exercise its judgment concerning the selection of a proposer and the terms of any resultant contract, and to determine which proposal best serves the interests of the WDB. The WDB 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 WDB reserves the right to establish additional considerations or criteria for funding, as deemed necessary. Such considerations may be addressed through contract negotiations.

The WDB may reject any proposal and waive any requirement, subject to applicable law, when the action is considered to be in the WDB's best interest and negotiate with any proposer changes, revisions, and/or modification of their proposals. The WDB reserves the right to fund all or part(s) of a proposal. Submission of a proposal does not guarantee that a proposal will be funded. Proposers must permit the WDB to use ideas presented in their proposals without payment or other consideration.

The WDB reserves the right to modify the scope of the program to any extent necessary to ensure compliance with State and/or Federal guidelines. Failure of the proposer to modify its program in accordance with such guidelines may result in reconsideration of funding recommendations, or termination and recovery of funding.

Although it is acknowledged that partnerships with government entities can often add considerable value, agencies employing or retaining employees of the City of San José and/or the WDB as contractors, partners, consultants, or in any other capacity, are not eligible to provide services under this RFP. Agencies employing members of the WDB

as contractors, partners, 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 a contract or contract award, or result in disciplinary action against individuals involved.

INSUFFICIENT PROPOSALS

If insufficient responsive proposals are received, the WDB reserves the right to reissue this RFP or a new RFP, or to enter into a sole source procurement, if applicable, as allowed by law.

CONFLICT OF INTEREST

In order to avoid a conflict of interest or the perception of a conflict of interest, Proposer(s) selected to provide services under this RFP will be subject to the following requirements:

The Proposer(s) selected under this RFP will be precluded from submitting proposals or bids as a prime contractor or subcontractor for any future procurement with the City if the specifications for such procurements were developed or influenced by the work performed under the agreement(s) resulting from this RFP.

Proposer(s) may not have any interest in any potential proposer for future City procurements that may result from the work performed under the agreement resulting from this RFP.

In order to determine whether such interest may exist, all Proposers must complete the Conflict of Interest Form included in the Attachments Menu in WebGrants.

POST AWARD DOCUMENT REQUIREMENTS FOR SUCCESSFUL AGENCIES

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

- Articles of Incorporation (if legal entity is a Corporation)
- Required Insurance Documentation
- Debarment Certificate (included in Contract template)
- City of San José Business License
- Financial Dashboard (This is a summary of indicators from organization's Audited Financial Statements. A template to complete the Dashboard will be provided by WDB Staff.)
- W-9
- Authorized Signature Form

These documents must be submitted by uploading them to the Organization Permanent Documents section of your Organization's profile in WebGrants. Instructions to upload documents will be provided by the WDB staff. Failure to provide a requested document

within what the WDB considers a reasonable time frame will be grounds for cancellation of a proposer's selection.

EEO CERTIFICATION

As part of the contract, successful proposers will be required to certify that they do not discriminate on the grounds of race, color, creed, religion, sex, sexual orientation, actual or perceived gender identity, marital status, family status (minor children or no minor children), national origin, ancestry, age, disability, political affiliation or belief, and for participants only, citizenship or participation in programs or activities funded under WIOA, in admission or access to, opportunity or treatment in, or employment in the administration of, or in connection with, any program or activity funded under this RFP.

As a condition to the award of financial payment under this program, successful proposer will assure, with respect to operation of this funded program or activity and all agreements or arrangements to carry out this program or activity, that it will comply fully with all nondiscrimination and equal opportunity statutes and regulations including, but not limited to, the following: Section 188 of the WIA; Title VI and VII of the Civil Rights Act of 1964, as amended; Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; California Fair Employment and Housing Act, Government Code Sections 12900 et seq.; California Labor Code Sections 1101, 1102, and 1102.5; Executive Orders 11246 and 11375 supplemented in Department of Labor Regulation 41 C.F.R. Part 60; 29 C.F.R. Part 37, and with all applicable requirements imposed by or pursuant to regulations implementing those laws. Federal, state, and local governments shall have the right to seek judicial enforcement of this nondiscrimination assurance.

EMPLOYEE HEALTH INSURANCE COVERAGE INFORMATION

Prior to contract execution, successful proposers will be required to provide information regarding the status of employee health insurance coverage provided by the proposer.

INFORMATION REGARDING SUBMITTALS

The WDB 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.

All proposals become the property of the City of San José. It is understood and agreed that the proposer has no proprietary rights to the ideas or written materials contained in or attached to its proposal.

20. RESPONSE DOCUMENTS / SUBMISSION REQUIREMENTS

WEBGRANTS FORMS

Each Proposal shall contain the elements, including the required attachments, listed in the Application Forms in WebGrants. Proposals that do not follow the specified format in

WebGrants, or fail to provide the required documentation, may receive lower scores, or if found to be non-responsive, may be disqualified. In the event of any conflict between any of the Proposal documents, resolution thereof shall be in the City's sole discretion.

21. REVIEW PROCESS AND EVALUATION CRITERIA

PROPOSAL RESPONSIVENESS.

Required Documentation: WDB staff will screen all proposals that have been submitted via WebGrants by the submittal deadline for minimum qualifications, format compliance and completeness, and will verify references. If a proposal does not meet minimum qualifications, or is not in compliance and complete, it will not be submitted to the proposal rating panel.

PROPOSAL REVIEW AND EVALUATION.

Rating panel members will be screened by WDB staff to ensure that there is no conflict of interest, such as direct financial benefit to them, their organizations and/or employers, or any member of their immediate families, as a result of the award of a contract.

The panel members will rate each accepted proposal, and this information will be entered in the rating section on WebGrants. The WDB reserves the right to conduct oral interviews as part of the evaluation process. The final scores of each panel member will be averaged to attain a final score for each proposal. The highest scoring proposal will be forwarded to the WDB for consideration.

The City may seek written clarification from any or all proposers in order to better understand and evaluate the proposed solution. This process may not be used as an opportunity to submit missing documentation or to make substantive revisions to the original proposal.

PRESENTATIONS/ORAL INTERVIEWS.

Finalists (proposals determined to have scored in the competitive range) may be invited to present oral presentations for the purpose of introducing key members of the project team, and allowing the City to fully understand the Proposer's ability to meet the evaluation criteria. Oral presentations will not be scored separately. Instead the City may modify proposal scores and resulting rankings based on the oral presentation.

PROPOSAL EVALUATION WEIGHTING CRITERIA

Criteria	Weight
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Service Delivery Strategy	45%
Experience Related to Scope of Services	25%
Experience Related to WIOA, WIA or Federal Funding Sources	15%
Experience Related to Additional Allowed Tasks	15%
TOTAL	100%

BASIS OF AWARD

Award will be based on the overall highest ranked proposer score in accordance with Section 21.

Should the selected proposer fail to provide post award documents as required, including but not limited to the documents listed in Section 19, the City, in its sole discretion, may withdraw the award recommendation, and select the next highest ranked proposer for award.

The City reserves the right to accept an offer in- full, or in-part, or to reject all offers.

22. PROTESTS

If any agency submits a proposal and it is not recommended for funding during the review process, and the agency can show that any substantial portion of the RFP process has not been followed, the agency may protest the recommendation to the Workforce Development Board. 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 funding are not grounds for submitting a protest. The protest 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 protest must be received by the Workforce Development Board within five (5) business days of the agency’s receipt of the notification of refusal. Protests received after the established time frame will not be accepted.

Protests will not be considered for disputes of proposal requirements and specifications, which must be addressed in accordance with Section 15. Failure to submit a timely written Protest will bar consideration of the Protest.

The address for submitting protests is:

City of San José

work2future Business and Administrative Services Center

5730 Chambertin Drive

San José, CA 95118

Attention: Monique Melchor, Workforce Development Board Director

23. GENERAL INFORMATION

The City reserves the right to accept or reject any item or group(s) of items of a response. The City also reserves the right to waive any informality or irregularity in any proposal. Additionally, the City may, for any reason, decide not to award an agreement as a result of this RFP or cancel the RFP. The City shall not be obligated to respond to any proposal submitted, nor be legally bound in any manner by submission of the proposal.

The City is not required to accept the lowest price proposal. Responses will be evaluated to determine the most advantageous proposal on a variety of factors including but not limited to price, implementation costs, design quality, features, and performance.

Statistical information contained in this RFP is for informational purposes only. The City shall not be responsible for the complete accuracy of said data.

The City reserves the right to verify any information provided during the RFP process and may contact references listed or any other persons known to have contracted with the Proposer.

The City may require financial statements for the last two fiscal years as certified by an independent Certified Public Accountant. Do not submit these documents unless they are requested.

24. GROUNDS FOR DISQUALIFICATION

All Proposers are expected to have read and understand the "Procurement and Contract Process Integrity and Conflict of Interest", Section 7 of the Consolidated Open Government and Ethics Provisions adopted on August 26, 2014. A complete copy of the Resolution 77135 can be found at:

<http://www.sanjoseca.gov/DocumentCenter/View/35087>

Any proposer who violates the Policy will be subject to disqualification. Generally, the grounds for disqualification include:

Contact regarding this procurement with any City official or employee or Evaluation team other than the Procurement Contact from the time of issuance of this solicitation until the end of the protest period.

- Evidence of collusion, directly or indirectly, among Proposers in regard to the amount, terms, or conditions of this proposal.

- Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.
- Evidence of submitting incorrect information in the response to a solicitation or misrepresent or fail to disclose material facts during the evaluation process.
- In addition to violations of the Process Integrity Guidelines, the following conduct may also result in disqualification:
 - Offering gifts or souvenirs, even of minimal value, to City officers or employees.
 - Existence of any lawsuit, unresolved contractual claim or dispute between Proposer and the City.
 - Evidence of Proposer's inability to successfully complete the responsibilities and obligations of the proposal.
 - Proposer's default under any City agreement, resulting in termination of such Agreement.

25. ADDENDA AND INTERPRETATION

The City shall not be responsible for nor be bound by any oral instructions, interpretations or explanations issued by the City or its representatives. Should discrepancies or omissions be found in this RFP or should there be a need to clarify the RFP, requests for clarification may be sent via e-mail to the attention of the contact named in Section 11.

Proposer requests for clarification shall be deliverable as stated in Section 14. Any City response to a request for clarification will be made in the form of an addendum to this RFP and posted in WebGrants. All addenda shall become part of this RFP.

26. PROPOSAL SUBMISSION

This RFP does not commit the City to pay any costs incurred in the submission of a proposal or in making any necessary studies or designs for the preparation thereof, nor the purchase or contract for the services.

After acceptance of the successful proposal by the City, the successful Proposer(s) shall be obligated to enter into an agreement consistent with the proposal submitted.

Should the successful Proposer fail to execute the agreement, the City shall have the right to seek legal remedies against the Proposer, including forfeiture of the Proposal Bond, if any, and an action for damages and shall have the right to award to the next responsive Proposer.

27. EXAMINATION OF PROPOSED MATERIAL

The submission of a proposal shall be deemed a representation and certification by the Proposer that they have investigated all aspects of the RFP, that they are aware of the

applicable facts pertaining to the RFP process, its procedures and requirements, and that they have read and understood the RFP. No request for modification of the statement shall be considered after its submission on grounds that Proposer was not fully informed as to any fact or condition.

28. CODE ADHERENCE, PERMITS AND FEES

Contractor shall agree to abide by all laws, rules and regulation of the United States, State of California, Santa Clara County, and the City of San José, securing all necessary licenses and permits in the connection with resulting contract at no additional cost to the City. Successful contractor must have or obtain a current City of San José business license.

29. TERMS AND CONDITIONS OF AGREEMENT

Upon conclusion of the RFP process, City Staff will make a recommendation to the City of San José work2future Board of Directors regarding the selection based upon the evaluation of the proposals. The City will enter into negotiations with one or more Proposer(s). Proposer(s) shall enter into a contract with the City in substantial conformity with the selected proposal and the form of the City's Standard Terms and Conditions. Attachment F, Exemplar Agreement, outlines the City and its standard terms and conditions as part of the agreement between the City and the successful Proposer. The City reserves the right to negotiate project deliverables and associated costs.

All agreements will require the Proposer to adhere to the terms of their proposal and to act in accordance with all applicable laws and regulations.

An agreement shall not be binding or valid with the City unless and until it is executed by authorized representatives of the City.

INSURANCE REQUIREMENTS

The selected Proposer(s), at Proposer's sole cost and expense and for the full term of the Agreement or any extension thereof, shall obtain and maintain, at a minimum, all of the insurance requirements outlined in Attachment F, Exhibit D.

All policies, endorsements, certificates and/or binders shall be subject to approval by the Risk Manager of the City of San José as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the Risk Manager. The selected Proposer agrees to provide the City with a copy of said policies, certificates and/or endorsements.

Certificate of Insurance, as required, shall be provided to City within ten (10) days of the notice of award. Failure to provide the required Certificate of Insurance may result in withdrawal of the Award, and award to the next highest ranked proposer.

30. PUBLIC NATURE OF PROPOSAL MATERIAL

All correspondence with the City including responses to this RFP will become the exclusive property of the City and will become public records under the California Public Records Act (Cal. Government Code section 6250 et seq.) All documents that you send to the City will be subject to disclosure if requested by a member of the public. There are a very limited number of narrow exceptions to this disclosure requirement.

Therefore, any proposal which contains language purporting to render all or significant portions of their proposal "Confidential", "Trade Secret" or "Proprietary", or fails to provide the exemption information required as described below will be considered a public record in its entirety subject to the procedures in this Section 30.

Do not mark your entire proposal as "confidential".

The City will not disclose any part of any proposal before it announces a recommendation for award, on the ground that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a recommended award, all proposals received in response to this RFP will be subject to public disclosure. If you believe that there are portion(s) of your proposal which are exempt from disclosure under the Public Records Act, you must mark it as such and state the specific provision in the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if you submit trade secret information, you must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption.

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 Proposers who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

31. NON-DISCRIMINATION/NON-PREFERENTIAL TREATMENT

The successful Proposer agrees that there shall be no discrimination against, or segregation of, any person, on account of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, marital status, or family status, in connection with or related to the performance of San José contracts.

EEO CERTIFICATION AND WIOA NONDISCRIMINATION REQUIREMENTS

As part of the contract, successful proposers will be required to certify that they do not discriminate on the grounds of race, color, creed, religion, sex, sexual orientation, actual or perceived gender identity, marital status, family status (minor children or no minor children), national origin, ancestry, age, disability, political affiliation or belief, and for

participants only, citizenship or participation in programs or activities funded under WIOA, in admission or access to, opportunity or treatment in, or employment in the administration of, or in connection with, any program or activity funded under this RFP.

As a condition to the award of financial payment under this program, successful proposer will assure, with respect to operation of this funded program or activity and all agreements or arrangements to carry out this program or activity, that it will comply fully with all nondiscrimination and equal opportunity statutes and regulations including, but not limited to, the following: Section 188 of the WIA; Title VI and VII of the Civil Rights Act of 1964, as amended; Americans with Disabilities Act of 1990, as amended; Section 504 of the Rehabilitation Act of 1973; Title IX of the Education Amendments of 1972; Age Discrimination Act of 1975; California Fair Employment and Housing Act, Government Code Sections 12900 et seq.; California Labor Code Sections 1101, 1102, and 1102.5; Executive Orders 11246 and 11375 supplemented in Department of Labor Regulation 41 C.F.R. Part 60; 29 C.F.R. Part 37, and with all applicable requirements imposed by or pursuant to regulations implementing those laws. Federal, state, and local governments shall have the right to seek judicial enforcement of this nondiscrimination assurance.

32. CITY BUSINESS TAX

The Proposer(s) shall be required to comply with the San José Municipal Code Chapter 4.76 with respect to payment of the City Business Tax prior to any commencement of work. Contact Finance/Revenue Management at (408) 535-7055 to determine the applicable tax costs.

33. ENVIRONMENTALLY PREFERABLE PROCUREMENT POLICY

The City has adopted an “Environmentally Preferable Procurement” (“EPP”) policy. The goal is to encourage the procurement of products and services that help to minimize the environmental impact resulting from the use and disposal of these products. These products include, but are not limited to, those that contain recycled content, conserve energy or water, minimize waste or reduce the amount of toxic material used and disposed. Computers and other electronics are a growing focus of environmentally preferable purchasing activities due to their high prominence in the waste stream, their numerous hazardous chemical constituents, and their significant energy use. Moreover, when these products are improperly disposed of they can release hazardous substances that pollute the environment.

In support of this policy, the selected supplier will be required to work with the City to apply this policy where it is feasible to do so. In addition, proposers should address any environmental considerations with their proposal response.

The entire EPP policy may be found in the City’s internet site at the following link:

<http://www.sanjoseca.gov/DocumentCenter/View/3862>