

# City of San Diego Economic Development Department

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## REQUEST FOR PROPOSALS FOR FAIR HOUSING SERVICES



### Issued By:

**City of San Diego**  
Economic Development Department  
1200 Third Avenue, Suite 1400  
San Diego, CA 92101

### RELEASE DATE:

**Monday, December 11, 2023**

### PROPOSALS DUE DATE:

**Friday, February 9, 2024**  
No Later Than 5 p.m. (PST)  
Late submissions *will not* be accepted.

**Submit responses via the ED Grants portal at:**

<http://edgrants.force.com>

This RFP and related information are available on the  
ED Grants System at:

<https://edgrants.force.com>

ED Grants registration guidelines can be found at:

<https://edgrants.force.com/servlet/servlet.FileDownload?file=015t0000000HTfT>

Step-by-step registration instructions can be found at:

[https://www.sandiego.gov/sites/default/files/edgrants\\_application.mp4](https://www.sandiego.gov/sites/default/files/edgrants_application.mp4)

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## REQUEST FOR PROPOSALS FOR THE PRACTICE FAIR HOUSING PROGRAM

### **SECTION 1 – General Information**

The purpose of this solicitation is to enter a contract with a highly qualified organization that will provide the necessary services and administration of the City of San Diego’s “Practice Fair Housing” Program (Practice Fair Housing Program). The initial term of the contract is for one (1) year, with four (4) one-year options to extend the contract. At a minimum, the Consultant must be able to perform work in the anticipated areas delineated below, in accordance with the requirements of the U.S. Department of Housing and Urban Development (HUD) Equal Opportunity and Fair Housing Criteria, 24 CFR 570.904, State Fair Housing regulations, and City regulations and requirements.

#### **A. PROJECT BACKGROUND AND OVERVIEW**

The City of San Diego is a recipient of federal housing and Community Development Block Grant (CDBG) funds and is required to affirmatively further the fair housing objectives of the Title VI of the Civil Rights Act of 1964 the Civil Rights Restoration Act of 1987 (P.L. 100.259), Title II of the Americans with Disabilities Act of 1990 and Title VIII of the Civil Rights Act of 1968, as amended. The Practice Fair Housing Program is funded by Community Development Block Grant (CDBG) funds and shall be operated in compliance with all pertinent regulations including, but not limited to, 24 CFR Part 570 and 2 CFR Part 200.

Beyond fulfilling the federal mandate, the City is dedicated to intentional action to create equal access to opportunity and resources giving its residents equal housing opportunities through the elimination of illegal housing discrimination, public education about fair housing, and identification of ongoing and emerging housing discrimination issues in San Diego.

In collaboration with the other local jurisdictions, within the County of San Diego, the City of San Diego is currently planning the FY 2025-2030 San Diego Regional Assessment of Fair Housing. This document analyzes the fair housing trends and impediments within the City and County of San Diego and recommends actions to address specific impediments. This document will serve as background and guidance for identifying fair housing needs and providing fair housing services in the City of San Diego. The FY 2020-25 AI is located on the website at [www.sandiego.gov/cdbg](http://www.sandiego.gov/cdbg).

This Request for Proposals (RFP) describes the project, the required scope of services, the consultant selection process, the submittal format, and minimum information that must be included in the proposal. Failure to submit information in accordance with this RFP’s requirements and procedures may be cause for disqualification. The City of San Diego is strongly committed to equal opportunity for employees, consultants and subconsultants of professional services. Proposers are encouraged to take positive steps to diversify and expand their subconsultant solicitation base and to offer opportunities to all eligible subconsultants.

The Contract will be awarded to a qualified Contractor(s) that will deliver Fair Housing Services outlined in this proposal that represents the best overall value to the City while meeting or

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exceeding the required categories of outreach, testing, counseling, investigation, and litigation, as specified within this RFP.

The initial term of the contract is for one (1) year, starting July 1, 2024, subject to agreement negotiations, with (4) additional one-year options to extend the contract.

## **SECTION 2 – SCOPE OF WORK**

The Contractor shall be responsible for conducting an ongoing Fair Housing Program, to include the following components:

### **A. COMMUNITY OUTREACH AND EDUCATION**

#### **1. Fair Housing Hotline**

- a. Maintain a dedicated toll-free fair housing and anti-predatory lending hotline twenty-four hours a day, seven days a week, to field calls and make referrals to the appropriate agencies for further assistance. Calls shall be answered live or directed to a live staff person at least 8 hours a day, 5 days a week. The remainder of the time, voicemail options and automated information messages are acceptable. The hotline telephone number shall be advertised citywide on outreach and promotional materials used in the City's Fair Housing Program and in media efforts.
- b. Accurate records of all calls must be kept. This includes all information required for monthly/annual CDBG reporting to HUD, to be further defined in the CDBG annual subrecipient agreement.
- c. A comprehensive and updated referral list of housing organizations and government offices in the City and County of San Diego must be maintained and this information shall be provided to all clients upon request.

#### **2. Fair Housing Counseling**

- a. Provide telephonic and/or in-person counseling to clients regarding fair housing and housing discrimination related matters. This includes providing educational information regarding fair housing laws, rights, and responsibilities; referrals to complaint investigation services; and training and volunteer opportunities.

#### **3. 2-1-1 Collaboration**

- a. Initiate collaboration with 2-1-1 San Diego regarding the provision of the fair housing services referrals through the 2-1-1 hotline and fair housing education/training for the 2-1-1 San Diego operators.

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## **4. Receive and Refer Complaints**

- a. Accept, investigate (or investigate by referral) and follow-up on all complaints received alleging illegal housing discrimination based on federal, state, and local fair housing laws, including but not limited to the rental, sales, financing, insuring, and advertising of private and public housing.

## **5. General Housing and Landlord/Tenant Referrals**

- a. General Housing, landlord/tenant, habitability, code enforcement, and other inquiries shall be briefly but adequately screened to determine if the problem may be a fair housing issue or complaint.
- b. Inquiries that are not related to housing discrimination shall be referred to the appropriate third party, after basic information about fair housing rights, responsibilities and remedies have been provided to the caller.
- c. Inquiries that allege a substandard, unsafe, or uninhabitable dwelling unit shall be referred to the Neighborhood Code Compliance Division of the City of San Diego Development Services Department for investigation.
- d. Landlord/tenant, habitability and code enforcement, and other issues that are part of a housing discrimination complaint or are the basis of the complaint must be thoroughly addressed as part of the complaint investigation and resolution. A comprehensive and updated referral list of housing organizations and government offices in the City and County of San Diego must be maintained by the Contractor.

## **6. Public Information and Outreach**

Continue and improve upon the citywide public information, education and outreach program relating to fair housing. The outreach program shall include efforts to address specific fair housing needs of the protected classes listed in state, federal, and local fair housing laws, different geographic areas and limited English speaking and immigrant communities within the City. All website and outreach materials shall identify the City of San Diego as the funding source for the Practice Fair Housing Program.

- a. Informational materials must be available to the public in English, Spanish, Chinese (traditional and simplified), Korean, Tagalog, Vietnamese, and Arabic. Other languages as deemed appropriate in consultation with CDBG Program Office staff may be made available.
- b. Contractor is required to comply with Federal Limited English Proficiency (LEP) regulations in all outreach efforts and materials advertising the citywide

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toll-free fair housing and anti-predatory lending hotline (brochures, leaflets, Public Service Announcements and other media advertisements or articles, etc.).

**7. The activities listed below, must be included in the information and outreach program:**

- a. Distribute through physical locations, media platforms or email, a minimum of 5,000 fair housing brochures throughout/within the City limits and at the locations of seminars, workshops, events and/or educational forums visited. All materials shall include the current Fair Housing Hotline number(s).
- b. Develop and contribute appropriate content to be added to the City's Fair Housing web page including, but not limited to, training presentations, informational brochures, flyers, and other related educational material.
- c. Develop and maintain a comprehensive and updated referral list of housing organizations and government offices in the City of San Diego, as well as an updated service area map for fair housing services citywide. A corresponding list of services must be maintained. The fair housing referral list and service area map shall be posted on the City of San Diego website.
- d. Focus outreach and education towards landlords and/or housing providers managing 5 or fewer rental properties.
- e. Focus outreach and education towards the owners and/or property managers of the locations within the City where differential treatment or terms occurred for testing performed during 2020- 2025.
- f. Conduct outreach to landlords, property managers, tenant advocates, real estate agents, banks, lending institutions, homebuyer educators and counselors and others in the housing industry; including booths, presentations, columns about fair housing in trade publications, and virtual platforms.
- g. Conduct education and outreach to historically underserved communities including minority groups, immigrant communities, people with disabilities, and limited English-speaking tenants/home seekers within the City.

**B. INVESTIGATION AND ENFORCEMENT**

**1. Fair Housing Testing**

- a. Annually conduct 25 random, paired fair housing tests (rental) and complaint-based tests (as needed) to identify issues, trends, and problem properties within the City. The protected classes on which the tests shall be conducted shall be

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determined in consultation with City staff. It is anticipated that a mix of testers from various races and ethnicities would be needed. Testing methodology to be used shall be industry-accepted, and in accordance with HUD regulations, such as John Marshall Law School 2010 Tester's Guider to Fair Housing and Fair Lending Laws or another similar standard. Test results may be requested by the City of San Diego at any time during the contract period.

- b. Conduct follow-up testing on the locations within the City of San Diego where differential treatment or terms occurred during previous years if funding is available.
- c. To prevent a duplication of efforts regarding fair housing testing, Contractor shall share testing reports and/or results from fair housing tests conducted with Fair Housing Initiatives Program (FHIP) grant funds, once those reports and/or results have been submitted to HUD or upon approval of HUD, if required and available.

### **2. Fair Housing Testers and Training**

- a. Maintain a list of properly trained, available, and reliable testers to conduct investigations of housing discrimination using on-site testing, surveys, full application tests, and patterns and practice audits throughout the City of San Diego. The list must represent diverse categories of testers needed for quick deployment throughout the City to test complaint and audit sites, based on the protected categories under the federal, state, and local fair housing laws. Tester names shall be checked against a list of fair housing complainants. Testers may not: 1) have an economic interest in the outcome of the test, without prejudice to the right of any person or entity to recover damages for any cognizable injury; 2) be a relative of any party in a case; 3) have had any employment or other affiliation with the person or organization to be tested within one year of recruitment as a tester; or 4) be a licensed competitor of the person or organization to be tested in the listing, rental, sale, financing, or insurance of real estate.
- b. Conduct tester training courses, as needed, to recruit new testers to achieve the necessary tester pool and/or maintain an existing tester pool. Existing testers may be required to attend a "refresher" training course at least once annually.
- c. Training courses shall be advertised and conducted throughout the City. Training shall be offered according to the John Marshall Law School Tester's 2010 or most updated Guide to Fair Housing and Fair Lending Laws, or other industry-accepted training standard, and shall include instructions for on-site testing and surveys. Specialized training sessions shall be held prior to any major audits, lending discrimination, full application testing, or more difficult testing requirements. Contractor shall allow the City to review the tester-

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training manual at the start of the contract period. Accurate records of all tester training course(s), including recruitment efforts, notices, and attendance, must be maintained.

### **3. Housing Discrimination Complaints**

- a. Accept, investigate, and follow up on all complaints received, alleging illegal housing discrimination based on federal, state, and local fair housing laws, including but not limited to the rental, sales, financing, insuring, and advertising of private and public housing.
- b. Investigate housing discrimination complaints in a timely manner using industry-accepted testing methods (John Marshall Law School Tester's Guide to Fair Housing and Fair Lending Laws or other similar standard), including on-site testing, surveys, full application testing, and patterns and practice audits.
- c. Attempts shall be made to interview complainants in person, but not the extent that it would prevent the filing of a complaint or a timely investigation of a complaint, cause a hardship on the complainant, or require an undue amount of staff time away from the office.
- d. Provide or facilitate resolutions for valid discrimination complaints through dispute resolution, conciliation, and/or mediation by the proposer(s) or another qualified organization within the County of San Diego, litigation, or administrative remedy through the State Department of Fair Employment and Housing, HUD, or the U. S. Department of Justice. Referral of meritorious and jurisdictional enforcement proposals to enforcement agencies shall be tracked by type of complaint. Complaints referred for resolution outside of the Contractor's organization must be tracked and progress documented in the complaint file. The City of San Diego expects to conduct an annual review of the Contractor's records to validate enforcement and documentation of fair housing complaints.
- e. Thoroughly document each housing discrimination complaint in a separate and named complaint file. The complaint file must include, at minimum, detailed information on the complaint type, complainant, violation address, landlord and agents, investigation technique and tester statements, survey forms or other investigative documentation, resolutions offered to the complainant, as well as the selected and final disposition. Complaint files must be consistent in their format, forms used, and are clearly written to permit an understanding of the complaint chronology and actions. Each file must contain a regularly updated summary of activities.

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- f. Implement oversight methods to ensure quality and timeliness of investigations and enforcement.

## 4. Public Education and Training

- a. Provide a minimum of two (2) presentations or workshops to home-seekers, homebuyers, and/or tenants on fair housing rights and provide copies of presentations to the City for posting on the Fair Housing webpage.
- b. Publish a minimum of six (6) articles in publications or through social media platforms, that reach segments of the population likely to encounter housing discrimination (i.e., tenant agency newsletters, disability rights publications, children-oriented publications, Spanish language publications).
- c. Conduct a minimum of one (1) in-person or virtual fair housing training workshop for property managers and landlords in English and Spanish. Contractor may conduct training sessions in other languages if a need for such training is identified. Any in-person training workshop must take place within the City limits. Materials from this workshop must be provided to the City of San Diego for posting on the Fair Housing webpage.
- d. Conduct a minimum of one (1) in-person or virtual fair housing training and/or technical assistance workshop for nonprofit agencies within the City who apply for and/or receive CDBG grant funds from the City. Materials from this workshop must be provide to the City of San Diego posting on the Fair Housing webpage.
- e. Contractor shall have at least one full-time fair housing attorney on staff to oversee a litigation program, housing discrimination investigations, tester training programs and related legal activity. The attorney shall be duly licensed and admitted to practice law in the State of California.

## 5. Media Requests

Based on the City's projected number of requests between 1-3 per year, Contractor will assist the City in responding to media requests. The City will provide at least two (2) business days' notice to Contractor when requesting a response for a media request.

If a media request poses a conflict of interest involving a client, or Contractor interest, Contractor is not obligated to assist with the media request or advocate for a position that Contractor disagrees with.

Regardless of whether the City elects to use the response that Contractor prepared, it will still be deemed responsive to the scope of work and the media request.



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Written media requests: If a media request requires a written response, Contractor will provide a written response to the City via email.

In-person or on-air media requests: If a media request requires in-person attendance, Contractor may decline to participate due to health concerns. Contractor will attempt to appear virtually if available.

If the City does not request Contractor assistance for any media requests, the media request goal will still be deemed as fulfilled to the scope of work.

## **C. FAIR HOUSING POLICY DEVELOPMENT**

### **1. Ongoing Assistance**

- a. Provide ongoing assistance, if requested, with fair housing procedures to be implemented within the City of San Diego. This may include input regarding the City's Land Development Code to address fair housing concerns.
- b. Provide ongoing assistance, if requested, with a strategy to de-concentrate the use of Housing Choice Vouchers within the City of San Diego, including education to rental landlords and outreach to voucher holders.
- c. Provide ongoing assistance, if requested, with the completion of the Assessment of Fair Housing or similar document required by HUD. This may include, but not necessarily be limited to, assisting with the prioritization of identified fair housing issues and significant contributing factors and identifying goals to resolve the issues.

### **2. Coordination**

- a. Prior to April of each year, and upon request of the City's Economic Development Department, assist with the preparation and submission of draft text for a Fair Housing Proclamation to be forwarded to the Mayor of the City regarding April, National Fair Housing Month.
- b. Prior to April of each year, coordinate with the City's Economic Development Department to prepare and submit ideas and text for a Fair Housing Public Service Announcement to be produced in partnership with City TV or social media, if requested.

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## **D. COLLABORATIVE EFFORTS**

### **1. Meeting Attendance**

- a. Contractor shall attend each regularly scheduled, quarterly San Diego Regional Alliance for Fair Housing (SDRAFFH) meeting.
- b. Contractor must attend periodic meetings with the City's Economic Development Department staff to plan for and carry out a coordinated citywide Fair Housing program.
- c. Contractor must coordinate with the San Diego Regional Alliance for Fair Housing (SDRAFFH) on the Annual Fair Housing Conference and other Regional Fair Housing activities.

## **E. DOCUMENTATION, PERFORMANCE REPORTS AND MONITORING**

### **1. Database**

- a. Identify, develop and/or maintain a database to document and track all incoming calls or walk-in requests for information, housing discrimination complaints, investigations, resolutions, and patterns and practice audits. The database must include client demographic information. If subcontractors intend to provide fair housing services, describe how the database will be integrated among the subcontractors, how information will be shared, and how it will be used to track housing discrimination trends.
- b. Present performance measures and outcomes for reporting within the Consolidated Annual Performance Evaluation Plan (CAPER) and Assessment for Fair Housing (AFH).
- c. Present database and reporting format to SDRAFFH for consideration and possible implementation by other San Diego County jurisdictions.

### **2. Documentation of Requests for Assistance**

- a. Document all incoming calls, Internet-based or walk-in requests with at least the following information: date, client name, address, zip code, city council district, problem or issue, action taken or referral, how the client heard about the fair housing Contractor, and demographic data including race/ethnicity, income, household size and ages, length of tenancy in current housing, and other information requested by the City.

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## **3. Documentation of Discrimination Complaints**

- a. Thoroughly document all housing discrimination complaints and keep detailed statistics on the complaint type, investigation, resolution, and other relevant data requested by the City. Track repeat violators by violation address, landlord, and property manager/company. Keep uniform statistics to permit analyses of housing discrimination complaints, problems, and trends. Document whether the property is subject to local, state, or federal Rent Stabilization Ordinance.

## **4. Fiscal and Programmatic Reports**

- a. Submit detailed financial, performance, and demographic reports to the City on a monthly basis, using the City's ED Grants portal, or comparable customer management system. Contractor agrees to timely provide additional programmatic or statistical information outside the normal reporting requirements that may be periodically requested by the City.

## **5. Annual Report**

- a. Contractor shall provide an annual report that summarizes the citywide fair housing program, assesses its effectiveness, notes any specific housing discrimination issues or emerging trends in the City of San Diego, and outlines methods to improve and enhance the program. In addition, if applicable, the Contractor shall provide an annual single audit per federal regulations, which must be conducted by an outside financial auditor that meets with the City's approval.

## **6. Monitoring**

- a. Monitoring for fiscal and programmatic performance will be conducted and corrective action will be implemented. Program monitoring must address quality as well as quantity, including housing discrimination complaints, investigations, resolutions, education, and outreach, training sessions and collaborative efforts. It will be the responsibility of the Contractor to conduct fiscal and programmatic monitoring of subcontractors and implement corrective action. The contractor shall fully and timely comply with all requests by the City as part of the City's monitoring efforts.
- b. The City or its designee may participate in monitoring efforts, or conduct additional monitoring, if needed. Contractor agrees to timely provide additional programmatic or statistical information outside the normal reporting requirements that may be periodically requested by the City.

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## 7. Records

- a. Contractor, and any subcontractors, must maintain records for at least five (5) years after the close of the project/contract with the City. After this period, Contractor and subcontractors shall dispose of records via shredding or similar technique.
- b. Contractor shall maintain all records pertinent to the activities funded under this Scope of Service as required by the Federal regulations specified in Title 24 CFR 570.506.

## F. Core Requirements and Deliverables

- a. The Scope of Work for this proposal, outlined in Section B, describes the services that must be provided under this contract. The proposal must contain an adequate description of how these services will be provided.

## G. Project Funding

- a. The City anticipates of the proposed budget approximately 70% will be allocated to fund Community Outreach and approximately 30% to fund Legal Services. Funding is provided by the City's Community Development Block Grant (CDBG) program funds from the United States Department of Housing and Urban Development (HUD). The successful proposer(s) are encouraged to seek U.S. Department of Housing and Urban Development (HUD) Fair Housing Initiatives Program (FHIP) funds for testing activities to supplement the contract funds. Proposers(s) are not required to provide matching funds but are encouraged to provide in-kind or financial contributions that leverage City funds. The selected proposer(s) will include a reference to the support provided herein in all publications made possible with funds made available under the Agreement.

## H. Contractor's Work Site

- a. The selected proposer(s) must have or plan to establish an office that is located within the City of San Diego. Program services shall be administered from that location.
- b. Any offices of the selected proposer(s) and/or sub-contractor(s) from which any service or activity being provided will be reimbursed with CDBG funds from this proposal including, but not limited to, administrative support activities and services to the general public, much be in compliance with Section 504 of the Rehabilitation Act of 1973 and fully accessible to persons with disabilities under the federal Americans with Disabilities Act (ADA), which includes facilities, programs, activities, and services.

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- c. Any proposer currently in or opting to enter into a lease/rental agreement are fully and solely responsible for securing any and all needed office space to provide all of the services and activities set forth in its proposal during the entire term for which these services and/or activities may need to be provided pursuant to this RFP. Each proposer is fully and solely responsible for negotiation of any lease/rental terms and conditions of any such lease/rental agreement.
- d. Proposer(s) must secure all needed space(s) and provide the City of San Diego with an executed lease/rental agreement or copy thereof, within ten (10) working days after the date of the award letter.
- e. If the selected proposer(s) fails to provide all required submittals, the Proposer(s) can be deemed non-responsive.

- 1. Service Area

Direct services (complaint investigations, outreach, legal services, counseling, training) must be provided through office space located within the City of San Diego.

- 2. Service Requirements

Contractor acknowledges and agrees that it is responsible for complying with the ADA accessibility requirements and California's access laws and regulations for permanent building accommodations such as, but not limited to, permanently installed wheelchair ramps, elevator standards, permanently installed accessible seating areas, door width standards, and accessible rest rooms.

Contractor also acknowledges it is responsible for complying with the ADA accessibility requirements and California's access laws and regulations pertaining to non-permanent elements such as, but not limited to, non-permanent or temporary accessible seating areas, and auxiliary aids for the visually impaired, hearing impaired and mobility impaired.

The City of San Diego reserves the right to conduct a pre-award Section 504/ADA Compliance Review. Failure of any proposer to submit to such a review at the request of the City shall disqualify such proposal.

Reference the Code of Federal Regulations Title 24 CFR Part 8 and Title 24 CFR 35 for further information on Section 504 and ADA regulations and requirements. Additional California regulations can be found in Title 24 of the California Code of Regulations, known as the California Building Code.

- c. Services must be available to all residents/persons seeking or providing housing in the City of San Diego. Services must be available via telephone and

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internet as well as on a walk-in basis for a minimum of eight (8) hours a day, five (5) days a week. All services shall be offered in both English and Spanish, at minimum, including voicemail menus and telephone answering machines. The selected proposer(s) shall arrange translation services for other languages when needed. Written materials shall be available to the public in English, Spanish, Chinese (traditional and simplified), Korean, Tagalog, Vietnamese, and Arabic. And other languages as deemed appropriate in consultation with CDBG Program Office staff. The selected proposer(s) must provide Counseling and complaint investigation and enforcement services free of charge to the public. There are no income restrictions for persons requesting fair housing services.

### 3. Client Eligibility

All persons residing in, seeking housing, or providing, managing, or financing housing in the City of San Diego are eligible for fair housing services under this contract.

## **SECTION 3 – Special Conditions**

- A. The City’s General Terms and Conditions applicable to the subsequent contract can be found at the City’s Purchasing and Contracting Department link below:  
<https://www.sandiego.gov/sites/default/files/general-contract-terms-and-provisions.pdf>
- B. Incurred Expenses: Cost for developing the response to this Request for Proposals are entirely the responsibility of the Consultant and shall not be charged to the City of San Diego or otherwise reimbursed by the City of San Diego.
- C. Reservations: This RFP does not commit the City to award a contract, to defray any costs incurred in the preparation of a Proposal pursuant to this RFP, or to procure or contract for work.
- D. Public Records: All Proposals submitted in response to this RFP become the property of the City of San Diego and its program participants and, according to applicable law, may in whole or in part, become public records which may subject the Proposal, in whole or in part, to public review.
- E. Addenda to this RFP: A Proposer may submit, *via email only*, a question, or request for interpretation or correction of the Request for Proposals documents.

These requests shall be sent via email with “FH RFP Information Request” in the subject line to [CDBG@sandiego.gov](mailto:CDBG@sandiego.gov):

Questions shall be submitted as soon as possible, but no later than 12:00 pm, PST, on Tuesday, January 30, 2024.

Any interpretation or corrections made to the RFP will be made by Addenda and available on the ED grants by via portal under FAQs by Wednesday, January 31, 2024.

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The consultant shall confirm in its Proposal the receipt of all addenda issued to this RFP. Proposer shall not include copies of the actual addenda in its Proposal.

- F. **Contact with City Staff prohibited:** Unless otherwise authorized herein, proposers who are considering submitting a proposal in response to the RFP, or who submit a proposal in response to this RFP, are prohibited from communicating with City staff, elected officials, elected officials' staff, or Program Participants regarding this RFP from the date this RFP is issued until a Notice to Proceed has been issued.
- G. **Exceptions to this RFP:** The consultant confirms by its submission of a Proposal that it takes no exceptions to this RFP and its attachments.
- H. **Revisions to the RFP:** The City of San Diego reserves the right to revise the RFP prior to the Proposals due date. Notifications of all revisions to the RFP shall be posted in the ED grants portal. The City of San Diego also reserves the right to extend the date Proposals due date.
- I. **Additional Information:** The City of San Diego reserves the right to request additional information and/or clarification from any or all Proposers to this RFP.
- J. **Disqualification:** Failure to comply with the requirements of this RFP may result in disqualification. Incomplete proposals may be considered non-responsive, and the proposal may be rejected.
- K. **Right to Audit:** The City Auditor may access proposer's records as described in San Diego Charter section 39.2 to confirm contract compliance.
- L. **Right to Cancel:** The City reserves the right to cancel, in part or in its entirety, this RFP including but not limited to selection schedule, submittal date, and submittal requirements. If the City cancels or revises the RFP, all Proposers will be notified in writing by the City.
- M. **Project Records:** Contractor shall maintain all records required by the Federal regulations specified in Title 24 CFR 570.506 that are pertinent to the activities to be funded under the Agreement. Contractor shall make available to the City, the U.S. Government, or their authorized agents all project-related records, documents, and any other financial data or records for review.

## **SECTION 4 – REQUEST FOR PROPOSALS PROCEDURES**

This section describes the general procedures that will be used for this RFP.

### **A. SCHEDULE FOR NOMINATION, SELECTION AND AWARD**

The City of San Diego anticipates that the process for nominating and selecting a consultant and awarding the contracts will be according to the following tentative schedule:

<b>Deadline</b>	<b>Action</b>
December 11, 2023	Practice Fair Housing RFP released via ED Grants

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January 30, 2024 No later than 12:00 p.m. (PST)	Deadline to email RFP-related questions to <a href="mailto:CDBG@sandiego.gov">CDBG@sandiego.gov</a>
January 31, 2024	Last day of FAQ posting on ED Grants
February 8, 2024 No later than 12:00 p.m. (PST)	Deadline to request ED Grants navigation assistance/staff support (No Exceptions)
February 9, 2024 No later than 5:00 p.m.	Deadline to submit Practice Fair Housing RFP responses via ED Grants (NO Exceptions)
February 12 - February 23, 2024	CDD staff review of RFP proposals
February 26- March 13, 2024	RFP materials available to Consolidated Plan Advisory Board (CPAB) members for review and scoring.
March 13, 2024	CPAB meeting with mandatory proposal presentations
March 18, 2024	CPAB RFP scoring results due to CDD staff
March 19, 2024	RFP scoring results posted on CDBG Program website and emailed to interest list; allocation to the highest scoring applicant will be included in the FY2025 Annual Action Plan.
April 2024	FY2025 Annual Action Plan presented to Economic Development & Intergovernmental Relations Committee for approval
April 2024	FY2025 Annual Action Plan presented to City Council for approval
June 2024 or earlier	Contracting process and agreement execution in ED Grants
July 1, 2024 (FY25)	Notice to Proceed

### B. SUBMISSION OF PROPOSALS

1. **Proposal:** The RFP response will be submitted electronically to the ED Grants System by 5:00 p.m. PST on Friday, February 9, 2024. All responses must be received by the stated date and time to be considered for award. The City of San Diego is not responsible for any late proposals due to slow internet connection or for any other electronic failure. Late submittals will be rejected.



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## C. EVALUATION PROCESS

### 1. Eligibility Review by City Staff:

Community Development Division (CDD) staff will review all RFP responses received by the deadline for completeness and eligibility. An RFP response will be deemed eligible for scoring if it is complete and accurate and describes activities consistent with applicable HUD regulations and City requirements. Any RFP response that is deemed ineligible by CDD staff will not be forwarded to the Consolidated Plan Advisory Board (CPAB) for their review and scoring. It is anticipated that on or before March 19, 2024, organizations will receive written notification regarding the results of CDD staff review. Applicants may also check the status of their proposals in ED Grants.

### Common Disqualifiers

Applicants will automatically be deemed ineligible for funding consideration if at least one of the following is determined by City staff:

- A conflict-of-interest issue was identified, based on the applicant's responses to the 'Questionnaire Regarding Conflict of Interest';
- Incorrect or incomplete attachments were included in the submittal response;
- The applicant's proposal will not be benefitting City of San Diego residents or will target non-City of San Diego residents; and
- The response describes activities that are inconsistent with applicable HUD regulations and/or City requirements.

Upon conclusion of the CDD staff review process, all applicable proposals determined to have met the RFP eligibility requirements will be made accessible in ED Grants to the Consolidated Plan Advisory Board (CPAB) for the members to review and score.

### 2. Merit Review by CPAB and Applicant Presentations

Each Consolidated Plan Advisory Board (CPAB) member will review and score RFP proposals. Ad Hoc Committees may be formed, if deemed necessary by the CPAB. The CPAB will review each eligible project proposal in accordance with the approved Scoring Criteria, outlined below in number 7.

The merit review for this proposal includes a mandatory formal and scored presentation to the CPAB on Wednesday, March 13, 2024.

Applicants that have submitted responses must attend the CPAB meeting to represent their proposal and field questions. Failure to attend will result in the disqualification of the proposal.

The presentation format will be as follows:

- Maximum of 15 minutes per proposal;
- The formal presentation must cover: summary of proposal; strengths of partnerships (if applicable); and implementation strategy;
- A Microsoft PowerPoint slide deck may be used; however, it must be provided to City staff by close of business Monday, March 4, 2024, for distribution to the CPAB;
- Handouts are not allowed; and
- Knowledgeable representatives from the lead organization and each partner subrecipient must be present.

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Additional information, including the schedule, regarding the presentation requirement will be sent to the relevant applicants prior to the March 13, 2024, meeting.

Upon completion of their project proposal reviews, each CPAB member will submit their resulting individual scores in ED Grants. The average score for each proposal that was reviewed will be used to rank the proposals from highest to lowest. These scores will be posted on the CDBG Program website. The allocation to the highest scoring applicant will be included in the FY2025 Annual Action Plan for Council approval. Pertinent information regarding dates, times and/or locations of these meetings will be posted on the CDBG Program website as soon as it is available.

Information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA). If you require disability-related modifications or accommodations to facilitate meeting participation, including requests for auxiliary aids, services, or interpreters, please contact the City Clerk's Office at (619) 533-4000 or send an email to [CityClerk@sandiego.gov](mailto:CityClerk@sandiego.gov) as far in advance of the meeting as possible. Furthermore, if you require language translation, please contact the Community Development Division at (619) 236-6700 as far in advance of the meeting as possible.

3. City Council Allocation of Awards

CDD staff will present the FY 2025 Annual Action Plan to the City Council for its consideration and approval during a public hearing sometime in April 2024. The time and date for this meeting will be provided once confirmed.

4. Execute Agreement

Organizations recommended for funding will be required to submit documentation prior to the execution of agreements. All agreements must be executed by July 1, 2024. Please note insurance documents must be submitted to the Community Development Division by early June 2024, to ensure agreements can be executed by July 1, 2024. Refer to the City of San Diego Purchasing & Contracting Insurance Checklist for additional information on insurance requirements.

5. Implement Program

The implementation period formally begins on July 1, 2024. CDD staff will conduct a FY 2025 CDBG Reporting Workshop with awarded organizations (called "subrecipients") to train them on how to prepare monthly programmatic and expenditure reports that meet federal and City standards. The FY 2025 Operating Manual will also be introduced and distributed, which, along with the signed agreement, will govern the implementation of all CDBG-funded projects and programs in FY 2025.

6. Scoring Criteria: The following elements represent the evaluation criteria that will be considered during the evaluation process:

Evaluation Criteria	Points
A. Responsiveness to the RFP	20
1. Requested information included and thoroughness of response	
2. Understanding of the Project as outlined in the Executive	

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Summary	
3. Technical Aspects of the Project (i.e., program structure)	
<b>B. Staffing Plan</b>	<b>20</b>
1. Qualifications and Background of personnel	
2. Availability and Geographical Location of personnel for required tasks	
3. Clearly defined Roles/Responsibilities of personnel assigned to the Project and time availability	
4. Qualified Fair Housing Enforcement Organization (QFHO), or a Fair Housing Enforcement Organization (FHO) as defined by Title 24 Code of Federal Regulations Part 125.103, Fair Housing Initiatives Program. Additional 2 points.	
<b>C. Organization's Capability to provide the Services and Expertise and Past Performance</b>	<b>35</b>
1. Consultant's experience in successfully providing a similar program for a government entity.	
2. Consultant's demonstration of knowledge, expertise, and experience with the program requirements and the ability to accomplish tasks expressed and implied in the Scope of Work successfully.	
3. Ability to work with minimal assistance to accomplish all tasks expressed and implied in the Scope of Work.	
4. History of successfully performing services and litigation for public or private agencies.	
5. Ability to meet any required timelines or other requirements associated with the Program.	
6. Proposed approach, including clarity of understanding of the scope of services to be provided and appropriateness of the proposed solution/services.	
<b>D. Price</b>	<b>10</b>
1. Cost for the primary services described by this RFP	
2. Funding breakdown clearly explains and aligns with the Program	
3. Key activities and Program components are reasonable including, if any, proposed in-kind contributions and matching funds	
<b>E. Other Considerations</b>	<b>15</b>
1. References and samples, as submitted by Consultant as part of the Proposal	
2. Mandatory CPAB Presentation	
3. Expertise in fair housing regulations	
4. Claims and violations against you or your organization	
5. Knowledge and understanding of the Region's resources as it relates to the Project	
<b>Total Points</b>	<b>100</b>

The CPAB may consider other criteria it deems relevant and will make any recommendations it determines to be in the best interest of the City of San Diego.

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## **SECTION 5 PROPOSAL SUBMISSION REQUIREMENTS**

The proposal must be submitted through the City of San Diego's ED Grants portal and in the following format:

### A. General Instructions

1. All proposal should be concise, well-organized and demonstrate the proposer's qualifications and experience applicable to the Project. The Proposal shall be limited to Thirty (30) one-sided pages (8 1/2" x 11") and be numbered sequentially. A standard business font with a minimum 12 Point font size and minimum 1" margins shall be utilized for text pages. The font size restriction does not apply to text within tables, charts, pictures, photographs, illustrations, and captions. The minimum font size for these exceptions is 10 Point.
2. The proposal must be submitted electronically to the EDD Grants portal located at <http://edgrants.force.com> **no later than 5:00 p.m., February 9, 2024**. Only proposals submitted in EDD grants will be accepted. Late submittals will **not** be accepted.
3. Respondents must register as a user in ED Grants and be accepted prior to uploading the proposal in ED Grants. See the Resources Tab at <http://edgrants.force.com> for registration instructions. Plan, accordingly, to ensure that your organization is registered, and the proposal is received before the deadline.
4. To be considered a complete proposal, it should include the specified content and sequence of information described in this RFP.

### B. Specific Content and Sequencing of Information in RFP

Each proposal should include sections addressing the following information in the order shown. The Contractor should be sure to include all information that it believes will enable the CPAB to decide. Failure of the Contractor to provide specific, detailed information may result in its proposal being rejected.

#### 1. Cover Letter:

Provide a one-page cover letter, on company letterhead, that includes:

- a) Address of any offices(s) located in the San Diego region.
  - b) Name, title, address, telephone number and email address of the person to contact concerning the Proposal.
  - c) Signature of an individual or individuals authorized to submit the Proposal and/or execute legal documents on behalf of the Proposer.
  - d) Provide mission statement and brief description of the organization's history and interest in this opportunity.
2. Executive Summary: One-page overview of the entire Proposal describing the highlights of the Proposal.
  3. Section 1 - Qualifications and Experience:

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1. Provide a description of the proposer's recent specific experience, capabilities, knowledge, and technical expertise in operating similar programs and how this experience will benefit the City's Program.
2. Describe proposed management program structure, allocation of resources, and rationale, including identification and responsibilities of key personnel. Include an organization chart for the organization and program, if different.
  - a. Indicate role and responsibilities of key personnel and subconsultants, if any.
  - b. Indicate allocation of key personnel for duration of program and highlight proposed local presence for interfacing with the City.
  - c. Indicate the number of people employed by your company. Delineate between employees and consultants, if any, to be utilized on this Project.
  - d. If applicable, list the professional qualifications for everyone that would be assigned to provide services requested by this RFP, including date and educational institutions of any applicable degrees, additional applicable training, bilingual aptitudes, etc.
  - e. List of subcontractors (if any) your organization is proposing to use, their specific duties, and qualifications. Please note that subcontractors shall not be changed without prior authorization.
3. Include resumes of the staff, including the project manager, technical staff, and other key personnel which your organization is proposing to use for this project.
4. List at least three (3) successfully completed similar programs and provide links to electronic samples. Include the name of a project reference, contact information and the total value of the project.

#### 4. Section 2 – Proposed Approach and Work Plan:

1. Describe your proposed approach for meeting the scope of work required by the Program, as outlined in this RFP. Discuss relevant considerations including lines of communication necessary to maintain schedule, software availability for both schedule and management reporting, staffing plan, and other resources and equipment provided by you.
  - a. Describe Proposer's technical and management approach to the Project. Include an itemized timeline projecting key project benchmarks, individual responsibilities, and work products. Attach a project plan, if appropriate.
  - b. Identify how you will meet the scope of work; include details for community outreach, education, and litigation approach. Please identify any standards you will use for Fair Housing Testing, etc.

#### 5. Section 3 – Cost Analysis and Budget

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1. Provide an itemized budget, in ED Grants or other customer management system, with a detailed explanation for all costs associated with providing the requested scope of services. (See **Attachment A - Fair Housing Budget Template**)
2. Refer to the FY2024 RFP Handbook and the FY2024 Operating Manual located in the ED Grants Resources Tab for guidance on eligible expenses.
3. The Provider will be responsible for making the annual COSD's Outreach Payment to SDRAFFH, currently \$500, and should be included as part of the budget.

### 6. Section 4 – Other RFP Requirements, Insurance, & Certifications

1. Insurance: Within 15 days of selection notification the proposer shall provide evidence of \$1,000,000.00 of general liability insurance and \$1,000,000.00 in professional liability insurance. Documentation must also be provided for Workers Compensation insurance and Auto insurance coverage.
2. Certification(s): If applicable to the Proposer, submit certifications of the following: Certified Minority-Owned Business Enterprise (MBE), Certified Woman-Owned Business Enterprise (WBE), Certified Disadvantaged Business Enterprise (DBE) and/or Certified Disabled Veteran Business Enterprise (DVBE). These certifications are in addition to the 30-page limit.
3. Equal Opportunity Contracting Elements: The City of San Diego seeks to foster a business climate of inclusion and to eliminate barriers to inclusion. In accordance with this practice, the Proposer shall include the following:
  - a. Disclosure of Discrimination Complaints: Proposer shall include a list of all instances within the past ten (10) years where a complaint was filed or pending against Proposer in a legal or administrative proceeding alleging that Proposer discriminated against its employees, subcontractors, vendors, or suppliers; the list shall include - the nature of the discrimination complaint, the date of the claim, location, status, and any remedial actions taken. If this section is not applicable to the Proposer, the Proposer shall so state (**Attachment B – EOC Forms: AA. Contractors Certification of Pending Actions**).
  - b. Living Wage Ordinance Certification of Compliance: The successful respondent will be asked to be completed, current living wage ordinance certification of compliance upon execution of the Agreement.
4. Demonstrated Commitment: Proposer shall include a description of outreach efforts undertaken on this project to make subcontracting opportunities available to all interested and qualified firms including SLBE/ELBE/DBE/MBE/WBE/DVBE/OBE. The Proposer shall list strategies to recruit, hire, train, and promote a diverse workforce.
5. Contractor Standards Report: Complete and sign the attached “Contractor Standards Form.” (**Attachment C – Contractor Standard Pledge of Compliance**)

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6. Other Certifications: Other certifications will be required to comply with The Community Development Block Grant program rules, the City of San Diego Charter, San Diego Municipal Code, City of San Diego policies, rules, regulations, or laws and State of California regulations. The successful respondent will be asked to sign these additional certifications upon execution of the Agreement.

Please direct questions in writing to:  
[CDBG@sandiego.gov](mailto:CDBG@sandiego.gov)

END OF THE REQUEST FOR PROPOSALS

**BUDGET WORKSHEET (MAX SCORE: 10 POINTS)**

This worksheet is provided to assist in properly allocating the proposed budget into the ED Grants portal.

**Sample Budget for reference only.**

PERSONNEL EXPENSES: POSITION TITLES	% OF FTE FOR PROJECT	PROPOSED AMOUNT (SALARY/WAGES + FRINGE)	
		CITY SD CDBG	NON-CITY
List personnel			
Note: Fringe items should be listed separately (i.e., FICA, Health, etc.)			
<b>TOTAL PROPOSED PERSONNEL BUDGET - CITY SD CDBG &amp; NON-CITY</b>			
<b>A-TOTAL PROPOSED PERSONNEL BUDGET</b>			

NON-PERSONNEL EXPENSES: LINE ITEM TITLES	PROPOSED AMOUNT	
	CITY SD CDBG	NON-CITY
Direct Program Delivery Expenses includes		
• Community Outreach & Education – Fair Housing Hotline		
• Public Information & Outreach		
• Fair Housing Testing		
• Public Education & Training		
• Legal Services		
• COSD SDRAFFH Outreach Fee		
Supplies-Administration Use (Expiration 12/31/24)		
Supplies-Client Use		
Publications/Printing		
Rent/Lease		
Utilities		
Communications		
Equipment Rental		
Insurance		
Federally Approved Indirect Cost Rate*		
<b>TOTAL PROPOSED NON-PERSONNEL BUDGET - CITY SD CDBG &amp; NON-CITY</b>		
<b>B-TOTAL PROPOSED NON-PERSONNEL BUDGET</b>		

<b>(A+B) TOTAL PROJECT BUDGET</b>	
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\* A copy of the FY24 or latest federally approved indirect cost rate document must be submitted in order to be allowed to use the rate. A current one will be required at execution of contract.



## ATTACHMENT B - CONTRACTORS CERTIFICATION OF PENDING ACTIONS

As part of this Contract, the Contractor must provide to the City a list of all instances within the past 10 years where a complaint was filed or pending against the Contractor in a legal or administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers, and a description of the status or resolution of that complaint, including any remedial action taken.

CHECK ONE BOX ONLY.

- The undersigned certifies that within the past 10 years the Contractor has NOT been the subject of a complaint or pending action in a legal administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers.
- The undersigned certifies that within the past 10 years the Contractor has been the subject of a complaint or pending action in a legal administrative proceeding alleging that Contractor discriminated against its employees, subcontractors, vendors or suppliers. A description of the status or resolution of that complaint, including any remedial action taken and the applicable dates is as follows:

DATE OF CLAIM	LOCATION	DESCRIPTION OF CLAIM	LITIGATION (Y/N)	STATUS	RESOLUTION/ REMEDIAL ACTION TAKEN

Contractor Name: \_\_\_\_\_

Certified By \_\_\_\_\_ Title \_\_\_\_\_  
Name

\_\_\_\_\_ Date \_\_\_\_\_  
Signature

**City of San Diego**  
**CONTRACTOR STANDARDS**  
**Pledge of Compliance**

**ATTACHMENT C**

The City of San Diego has adopted a Contractor Standards Ordinance (CSO) codified in section 22.3004 of the San Diego Municipal Code (SDMC). The City of San Diego uses the criteria set forth in the CSO to determine whether a contractor (bidder or proposer) has the capacity to fully perform the contract requirements and the business integrity to justify the award of public funds. This completed Pledge of Compliance signed under penalty of perjury must be submitted with each bid and proposal. If an informal solicitation process is used, the bidder must submit this completed Pledge of Compliance to the City prior to execution of the contract. All responses must be typewritten or printed in ink. If an explanation is requested or additional space is required, Contractors must provide responses on Attachment A to the Pledge of Compliance and sign each page. Failure to submit a signed and completed Pledge of Compliance may render a bid or proposal non-responsive. In the case of an informal solicitation or cooperative procurement, the contract will not be awarded unless a signed and completed Pledge of Compliance is submitted. A submitted Pledge of Compliance is a public record and information contained within will be available for public review except to the extent that such information is exempt from disclosure pursuant to applicable law.

By signing and submitting this form, the contractor is certifying, to the best of their knowledge, that the contractor and any of its Principals have not within a five (5) year period – preceding this offer, been convicted of or had a civil judgement rendered against them for commission of a fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (Federal, State or local) contract or subcontract.

“Principal” means an officer, director, owner, partner or a person having primary management or supervisory responsibilities within the firm. The Contractor shall provide immediate written notice to the Procurement Contracting Officer handling the solicitation, at any time prior to award should they learn that this Representations and Certifications was inaccurate or incomplete.

**This form contains 10 pages, additional information may be submitted as part of *Attachment A*.**

**A. BID/PROPOSAL/SOLICITATION TITLE:**

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**B. BIDDER/PROPOSER INFORMATION:**

Legal Name		DBA	
Street Address	City	State	Zip
Contact Person, Title	Phone	Fax	

Provide the name, identity, and precise nature of the interest\* of all persons who are directly or indirectly involved\*\* in this proposed transaction (SDMC § 21.0103). Use additional pages if necessary.

\* The precise nature of the interest includes:

- the percentage ownership interest in a party to the transaction,
- the percentage ownership interest in any firm, corporation, or partnership that will receive funds from the transaction,
- the value of any financial interest in the transaction,
- any contingent interest in the transaction and the value of such interest should the contingency be satisfied, and
- any philanthropic, scientific, artistic, or property interest in the transaction.

\*\* Directly or indirectly involved means pursuing the transaction by:

- communicating or negotiating with City officers or employees,
- submitting or preparing applications, bids, proposals or other documents for purposes of contracting with the City, or
- directing or supervising the actions of persons engaged in the above activity.

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)

Interest in the transaction

Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	
Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	
Name	Title/Position
City and State of Residence	Employer (if different than Bidder/Proposer)
Interest in the transaction	

**C. OWNERSHIP AND NAME CHANGES:**

1. In the past five (5) years, has your firm changed its name?  
**Yes**                      **No**

If **Yes**, use Attachment A to list all prior legal and DBA names, addresses, and dates each firm name was used. Explain the specific reasons for each name change.

2. Is your firm a non-profit?  
**Yes**                       **No**

If **Yes**, attach proof of status to this submission.

3. In the past five (5) years, has a firm owner, partner, or officer operated a similar business?  
**Yes**                      **No**

If **Yes**, use Attachment A to list names and addresses of all businesses and the person who operated the business. Include information about a similar business only if an owner, partner, or officer of your firm holds or has held a similar position in another firm.

**D. BUSINESS ORGANIZATION/STRUCTURE:**

Indicate the organizational structure of your firm. Fill in only one section on this page. Use Attachment A if more space is required.

**Corporation** Date incorporated: \_\_\_\_\_ State of incorporation: \_\_\_\_\_

List corporation's current officers: President: \_\_\_\_\_  
Vice Pres: \_\_\_\_\_  
Secretary: \_\_\_\_\_  
Treasurer: \_\_\_\_\_

Type of corporation:    C                      Subchapter S

Is the corporation authorized to do business in California:    **Yes**                      **No**

If **Yes**, after what date: \_\_\_\_\_

Is your firm a publicly traded corporation? **Yes** **No**

If **Yes**, how and where is the stock traded? \_\_\_\_\_

If **Yes**, list the name, title and address of those who own ten percent (10 %) or more of the corporation's stocks:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Do the President, Vice President, Secretary and/or Treasurer of your corporation have a third party interest or other financial interests in a business/enterprise that performs similar work, services or provides similar goods? **Yes** **No**

If **Yes**, please use Attachment A to disclose.

Please list the following: **Authorized** **Issued** **Outstanding**

- a. Number of voting shares: \_\_\_\_\_
- b. Number of nonvoting shares: \_\_\_\_\_
- c. Number of shareholders: \_\_\_\_\_
- d. Value per share of common stock:
 

Par	\$	_____
Book	\$	_____
Market	\$	_____

**Limited Liability Company** Date formed: \_\_\_\_\_ State of formation: \_\_\_\_\_

List the name, title and address of members who own ten percent (10%) or more of the company:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Partnership** Date formed: \_\_\_\_\_ State of formation: \_\_\_\_\_

List names of all firm partners:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Sole Proprietorship** Date started: \_\_\_\_\_

List all firms you have been an owner, partner or officer with during the past five (5) years. Do not include ownership of stock in a publicly traded company:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Joint Venture** Date formed: \_\_\_\_\_

List each firm in the joint venture and its percentage of ownership:

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**Note:** To be responsive, each member of a Joint Venture or Partnership must complete a separate *Contractor Standards form*.

**E. FINANCIAL RESOURCES AND RESPONSIBILITY:**

1. Is your firm preparing to be sold, in the process of being sold, or in negotiations to be sold?

**Yes No**

If **Yes**, use Attachment A to explain the circumstances, including the buyer's name and principal contact information.

2. In the past five (5) years, has your firm been denied bonding?

**Yes No**

If **Yes**, use Attachment A to explain specific circumstances; include bonding company name.

3. In the past five (5) years, has a bonding company made any payments to satisfy claims made against a bond issued on your firm's behalf or a firm where you were the principal?

**Yes No**

If **Yes**, use Attachment A to explain specific circumstances.

4. In the past five (5) years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?

**Yes No**

If **Yes**, use Attachment A to explain specific circumstances.

5. Within the last five years, has your firm filed a voluntary petition in bankruptcy, been adjudicated bankrupt, or made a general assignment for the benefit of creditors?

**Yes No**

If **Yes**, use Attachment A to explain specific circumstances.

6. Are there any claims, liens or judgements that are outstanding against your firm?

**Yes No**

If **Yes**, please use Attachment A to provide detailed information on the action.

7. Please provide the name of your principal financial institution for financial reference. By submitting a response to this Solicitation Contractor authorizes a release of credit information for verification of financial responsibility.

Name of Bank: \_\_\_\_\_

Point of Contact: \_\_\_\_\_

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

Phone Number: \_\_\_\_\_

8. By submitting a response to a City solicitation, Contractor certifies that he or she has sufficient operating capital and/or financial reserves to properly fund the requirements identified in the solicitation. At City's request, Contractor will promptly provide to City

a copy of Contractor's most recent balance sheet and/or other necessary financial statements to substantiate financial ability to perform.

9. In order to do business in the City of San Diego, a current Business Tax Certificate is required. Business Tax Certificates are issued by the City Treasurer's Office. If you do not have one at the time of submission, one must be obtained prior to award.

Business Tax Certificate No.: \_\_\_\_\_ Year Issued: \_\_\_\_\_

**F. PERFORMANCE HISTORY:**

1. In the past five (5) years, has your firm been found civilly liable, either in a court of law or pursuant to the terms of a settlement agreement, for defaulting or breaching a contract with a government agency?

Yes                      No

If **Yes**, use Attachment A to explain specific circumstances.

2. In the past five (5) years, has a public entity terminated your firm's contract for cause prior to contract completion?

Yes                      No

If **Yes**, use Attachment A to explain specific circumstances and provide principal contact information.

3. In the past five (5) years, has your firm entered into any settlement agreement for any lawsuit that alleged contract default, breach of contract, or fraud with or against a public entity?

Yes                      No

If **Yes**, use Attachment A to explain specific circumstances.

4. Is your firm currently involved in any lawsuit with a government agency in which it is alleged that your firm has defaulted on a contract, breached a contract, or committed fraud?

Yes                      No

If **Yes**, use Attachment A to explain specific circumstances.

5. In the past five (5) years, has your firm, or any firm with which any of your firm's owners, partners, or officers is or was associated, been debarred, disqualified, removed, or otherwise prevented from bidding on or completing any government or public agency contract for any reason?

Yes                      No

If **Yes**, use *Attachment A* to explain specific circumstances.

6. In the past five (5) years, has your firm received a notice to cure or a notice of default on a contract with any public agency?

Yes                      No

If **Yes**, use Attachment A to explain specific circumstances and how the matter resolved.

7. Performance References:

Please provide a minimum of three (3) references familiar with work performed by your firm which was of a similar size and nature to the subject solicitation within the last five (5) years.

Please note that any references required as part of your bid/proposal submittal are in addition to those references required as part of this form.

Company Name: \_\_\_\_\_

Contact Name and Phone Number: \_\_\_\_\_

Contact Email: \_\_\_\_\_

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

Contract Date: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Requirements of Contract: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Name and Phone Number: \_\_\_\_\_

Contact Email: \_\_\_\_\_

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

Contract Date: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Requirements of Contract: \_\_\_\_\_

Company Name: \_\_\_\_\_

Contact Name and Phone Number: \_\_\_\_\_

Contact Email: \_\_\_\_\_

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

Contract Date: \_\_\_\_\_

Contract Amount: \_\_\_\_\_

Requirements of Contract: \_\_\_\_\_

**G. COMPLIANCE:**

1. In the past five (5) years, has your firm or any firm owner, partner, officer, executive, or manager been criminally penalized or found civilly liable, either in a court of law or pursuant to the terms of a settlement agreement, for violating any federal, state, or local law in performance of a contract, including but not limited to, laws regarding health and safety, labor and employment, permitting, and licensing laws?  
**Yes                      No**

If **Yes**, use Attachment A to explain specific circumstances surrounding each instance. Include the name of the entity involved, the specific infraction(s) or violation(s), dates of instances, and outcome with current status.

2. In the past five (5) years, has your firm been determined to be non-responsible by a public entity?  
**Yes                      No**



If **Yes**, use Attachment A to explain specific circumstances of each instance. Include the name of the entity involved, the specific infraction, dates, and outcome.

**H. BUSINESS INTEGRITY:**

1. In the past five (5) years, has your firm been convicted of or found liable in a civil suit for making a false claim or material misrepresentation to a private or public entity?

**Yes**                      **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance. Include the entity involved, specific violation(s), dates, outcome and current status.

2. In the past five (5) years, has your firm or any of its executives, management personnel, or owners been convicted of a crime, including misdemeanors, or been found liable in a civil suit involving the bidding, awarding, or performance of a government contract?

**Yes**                      **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance; include the entity involved, specific infraction(s), dates, outcome and current status.

3. In the past five (5) years, has your firm or any of its executives, management personnel, or owners been convicted of a federal, state, or local crime of fraud, theft, or any other act of dishonesty?

**Yes**                      **No**

If **Yes**, use Attachment A to explain specific circumstances of each instance; include the entity involved, specific infraction(s), dates, outcome and current status.

4. Do any of the Principals of your firm have relatives that are either currently employed by the City or were employed by the City in the past five (5) years?

**Yes**                      **No**

If **Yes**, please disclose the names of those relatives in Attachment A.

**I. BUSINESS REPRESENTATION:**

1. Are you a local business with a physical address within the County of San Diego?

**Yes**                      **No**

2. Are you a certified Small and Local Business Enterprise certified by the City of San Diego?

**Yes**                      **No**

Certification # \_\_\_\_\_

3. Are you certified as any of the following:

- a. Disabled Veteran Business Enterprise Certification # \_\_\_\_\_
- b. Woman or Minority Owned Business Enterprise Certification # \_\_\_\_\_
- c. Disadvantaged Business Enterprise Certification # \_\_\_\_\_

**J. WAGE COMPLIANCE:**

In the past five (5) years, has your firm been required to pay back wages or penalties for failure to comply with the federal, state or local **prevailing, minimum, or living wage laws**?    **Yes**                      **No**                      If **Yes**, use Attachment A to explain the specific circumstances of each instance. Include the entity involved, the specific infraction(s), dates, outcome, and current status.

By signing this Pledge of Compliance, your firm is certifying to the City that you will comply with the requirements of the Equal Pay Ordinance set forth in SDMC sections 22.4801 through 22.4809.

**K. STATEMENT OF SUBCONTRACTORS & SUPPLIERS:**

Please provide the names and information for all subcontractors and suppliers used in the performance of the proposed contract, and what portion of work will be assigned to each subcontractor. Subcontractors may not be substituted without the written consent of the City. Use Attachment A if additional pages are necessary. If no subcontractors or suppliers will be used, please write "Not Applicable."

Company Name: \_\_\_\_\_

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

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Contractor License No.: \_\_\_\_\_ DIR Registration No.: \_\_\_\_\_

Sub-Contract Dollar Amount: \$\_\_\_\_\_ (per year) \$\_\_\_\_\_ (total contract term)

Scope of work subcontractor will perform: \_\_\_\_\_

Identify whether company is a subcontractor or supplier: \_\_\_\_\_

Certification type (check all that apply): DBE DVBE ELBE MBE SLBE WBE Not Certified

Contractor must provide valid proof of certification with the response to the bid or proposal to receive participation credit.

Company Name: \_\_\_\_\_

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

Contact Name: \_\_\_\_\_ Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Contractor License No.: \_\_\_\_\_ DIR Registration No.: \_\_\_\_\_

Sub-Contract Dollar Amount: \$\_\_\_\_\_ (per year) \$\_\_\_\_\_ (total contract term)

Scope of work subcontractor will perform: \_\_\_\_\_

Identify whether company is a subcontractor or supplier: \_\_\_\_\_

Certification type (check all that apply): DBE DVBE ELBE MBE SLBE WBE Not Certified

Contractor must provide valid proof of certification with the response to the bid or proposal to receive participation credit.

**L. STATEMENT OF AVAILABLE EQUIPMENT:**

A full inventoried list of all necessary equipment to complete the work specified may be a requirement of the bid/proposal submission.

By signing and submitting this form, the Contractor certifies that all required equipment included in this bid or proposal will be made available one week (7 days) before work shall commence. In instances where the required equipment is not owned by the Contractor, Contractor shall explain how the equipment will be made available before the commencement of work. The City of San

Diego reserves the right to reject any response, in its opinion, if the Contractor has not demonstrated he or she will be properly equipped to perform the work in an efficient, effective matter for the duration of the contract period.

**M. TYPE OF SUBMISSION:** This document is submitted as:

Initial submission of *Contractor Standards Pledge of Compliance*

Initial submission of *Contractor Standards Pledge of Compliance* as part of a Cooperative agreement

Initial submission of *Contractor Standards Pledge of Compliance* as part of a Sole Source agreement

Update of prior *Contractor Standards Pledge of Compliance* dated \_\_\_\_\_.

**Complete all questions and sign below.**

Under penalty of perjury under the laws of the State of California, I certify that I have read and understand the questions contained in this Pledge of Compliance, that I am responsible for completeness and accuracy of the responses contained herein, and that all information provided is true, full and complete to the best of my knowledge and belief. I agree to provide written notice to the Purchasing Agent within five (5) business days if, at any time, I learn that any portion of this Pledge of Compliance is inaccurate. Failure to timely provide the Purchasing Agent with written notice is grounds for Contract termination.

I, on behalf of the firm, further certify that I and my firm will comply with the following provisions of SDMC section 22.3004:

(a) I and my firm will comply with all applicable local, State and Federal laws, including health and safety, labor and employment, and licensing laws that affect the employees, worksite or performance of the contract.

(b) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of receiving notice that a government agency has begun an investigation of me or my firm that may result in a finding that I or my firm is or was not in compliance with laws stated in paragraph (a).

(c) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of a finding by a government agency or court of competent jurisdiction of a violation by the Contractor of laws stated in paragraph (a).

(d) I and my firm will notify the Purchasing Agent in writing within fifteen (15) calendar days of becoming aware of an investigation or finding by a government agency or court of competent jurisdiction of a violation by a subcontractor of laws stated in paragraph (a).

(e) I and my firm will cooperate fully with the City during any investigation and to respond to a request for information within ten (10) working days.

**Failure to sign and submit this form with the bid/proposal shall make the bid/proposal non-responsive. In the case of an informal solicitation, the contract will not be awarded unless a signed and completed *Pledge of Compliance* is submitted.**

\_\_\_\_\_  
Name and Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

City of San Diego  
CONTRACTOR STANDARDS  
Attachment "A"

Provide additional information in space below. Use additional Attachment "A" pages as needed. Each page must be signed.  
Print in ink or type responses and indicate question being answered.

I have read the matters and statements made in this Contractor Standards Pledge of Compliance and attachments thereto and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters, I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_  
Print Name, Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date