

Precluded Participation Petition

We are San Diego County based, small business owners performing work for the City of San Diego. We were recently made aware of the latest revision to Section 9 of the Standard Agreement, per Addendum 1 of the North City Conveyance System (H156508) RFP, dated July 24, 2015. Item 3.0 of said Addendum states the following shall be added to the Draft Agreement contained in Attachment E:

9.25 Precluded Participation. A person or firm who has previously been involved in an advisory or consultative capacity relating to planning, preliminary discussions, preliminary design, or drawing of plans and specification of the subject project, may not perform or participate in any work resulting from this contract. This preclusion does not apply to a person who is an engineer, geologist, or architect employed by a consulting engineering or architectural firm, provided that person is not an officer, director, or other primary management level employee.

This directly affects small businesses by precluding us to participate in future projects related to a project where we may have had minor involvement in. We are asking the city attorney to provide a clearly defined interpretation of “**involved in an advisory or consultative capacity** relating to planning, preliminary discussions, preliminary design, or drawing of plans and specification of the subject project”.

The implementation of this clause assumes that providing topographic mapping, geotechnical services, environmental impacts reports, public outreach, and other services that do not directly impact the preliminary design of the project, are precluded from participating in future proposals related to that project. As a subconsultant and small business supporting these projects, we do not believe our involvement has any bearing or influence on the preliminary design. We request the City of San Diego attorney to provide an explanation for the basis of this language that is included in all Draft Agreements for design contracts.

We are asking for the city for the following response:

1. Provide a clear definition of what is considered involvement in an advisory way?
2. Provide a reason why the language in 9.25, as stated above, has been changed in all Draft Agreements.
3. How does the city intend to address the limited number of E/SLBEs that work on specialty items from participating on large CIP projects? Based on the current 9.25 language, they will not be allowed to participate on future projects.
4. Considering that there is only a limited pool of qualified S/ELBEs who have experience and are willing to work on City projects, this preclusion will eventually deplete the number of said S/ELBEs and negate the City's policy to encourage S/ELBE participation in its contracting opportunities. Has the City considered how this will be remedied in order to meet the goals of E/SLBE inclusion on projects?

and specification of the subject project” which lead to the creation of this RFP’s scope of services, then they are precluded from participating in this solicitation.

17. Question: Are RF Yeager Engineering, Garbini and Garbini, West Coast Civil, San Dieguito Engineering (SDE) and TetraTech precluded from participating in this solicitation?

Answer: Yes, the above mentioned firms participated in task orders issued under contracts that resulted in this solicitation’s scope of services.

QUESTIONS SUBMITTED DURING THE PREPROPOSAL MEETING

18. Question: Per page A-10 of the RFP, “The consultant will support the established Project Outreach Program (PPOP) that is contracted by PUD to others.” Is more information available about the PPOP, such as specific program components and the current contractor? To the extent that this determines level of need for support and approach for Task 3, how much coordination/integration needs to be done with the PPOP and its current contractor?

Answer: The established public outreach program is a robust, creative and comprehensive outreach and education program created by the City in association with Katz & Associates and is a key component in the overall success of Pure Water San Diego Program. The goal of the outreach program is to inform San Diegans about Pure Water San Diego and how it addresses San Diego’s water and wastewater challenges.

The objectives of the program include:

- Providing clear and transparent information about Pure Water San Diego’s components and milestones to audiences ranging from community leaders, policy makers and, through various activities, San Diego residents;
- Increasing awareness and support of the program among all stakeholder groups;
- Expanding and enhancing existing program communications through a more robust media outreach program and by working with stakeholder groups to place program information in their communication platforms;