

In Partnership with Sound Transit and the Port of Seattle

Construction Recruitment, Training, Job Readiness, and Retention Request for Proposals (RFP) RFP Number: FAS 2020-019

RFP Schedule

Schedule of Events	Date/Time
RFP Release	November 10, 2020
Optional Virtual Information Session Click here to join the meeting Or call in (audio only) +1 206-686-8357,,765521177#	November 19, at 3:00 p.m. (PST)
Optional Virtual Information Session (Repeat) Click here to join the meeting Or call in (audio only) +1 206-686-8357,,295473124#	December 3, at 3:00 p.m. (PST)
Deadline for Questions	December 15 by 11:59 p.m. (PST)
Proposal Due Date	December 18 by 11:59 p.m. (PST)
Announcement of Potential Virtual Interviews	January 5, 2021
Potential Virtual Interview Dates	January 7 & 8
Announcement of Successful Proposer(s)	January 11
Contract Execution	January 29, 2021

*The City reserves the right to modify this schedule.
Changes will be posted on the [City website](#) or as otherwise stated.*

RFP Contact

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Phone: 206-487-2746

*Unless authorized by the RFP Coordinator, no other City official or employee may speak for the City regarding this RFP until award(s) is complete. Any proposer contacting other City officials or employees does so at proposer's own risk.
The City is not bound by such information.*

I. Purpose and Background

Purpose

This RFP is seeking proposals from organizations and coalitions that can offer one or more of the following:

- Recruitment of Priority Hire individuals, with a focus on those who are also justice system-involved; and/or
- Pre-apprenticeship construction training and/or job readiness services; and/or
- Apprentice and/or journey worker retention support to increase the number of Priority Hire individuals that stay in and advance in construction careers.

Context

The City of Seattle (City) is aligning its construction career investments to promote training and career opportunities for residents of economically distressed communities and increase participation by underrepresented groups. In this RFP, the City is focusing on investments that reduce economic inequities by opening doors to well-paying construction careers. The City is focused on programs that address race-based disparities in the construction industry and demonstrate actions towards achieving racial and economic justice.

Communities, labor leaders, construction contractors, the unemployed and construction workers are being forced to adapt to unprecedented situations due to the COVID-19 pandemic. Along with our partners, City investments are also intended to support those who may be most disproportionately impacted by potential changes in the construction job market.

To best inform and be better able to meet community needs with this RFP, we held three engagement sessions to hear from community and industry partners on how to best use our contract investments. This RFP incorporates the feedback from the sessions and reflects the communities most impacted and most effective strategies.

Priority Hire Individuals - Definition

For the purpose of this RFP, Priority Hire individuals are defined as residents of [economically distressed ZIP codes](#), women, and/or BIPOC (Black, Indigenous and people of color).

Priority Hire Background

The City of Seattle's [Priority Hire program](#) puts Priority Hire individuals to work on the City's construction projects. The Priority Hire program does this by requiring contractors working on big construction projects (City projects over \$5 million and private projects with significant City investment) to hire workers who live in economically distressed communities, and by setting goals for contractors to hire women and people of color.

To get this work done, the City of Seattle and construction labor unions signed a community workforce agreement (CWA) in 2015. The CWA is the legal document that allows contractors on Priority Hire projects to have access to and hire workers from economically distressed communities before anywhere else.

Disparities Faced by Black, Indigenous, and Communities of Color

Despite the City's commitment to race and social equity for many years, racial disparities continue to exist in construction and in our larger community. The City has identified the need to collaborate and partner more intentionally and have BIPOC communities lead the strategies and recommendations to close the equity gap.

In King County, Black residents are more likely to be unemployed than their white counterparts (9.2% vs. 3.9% respectively), have lower median household income (\$48,075 vs. \$95,931) and are less likely to have a bachelor's degree (26.9% vs. 55.3% for whites).¹

¹ American Community Survey, US Census, King County 2014-2018 average 5-Year Estimates.

Moreover, Black individuals comprise 7% of the King County population, but account for 36% of the King County Jail population. And every day about 100 individuals are released from jails throughout King County and could benefit from increased access to construction career opportunities.²

The economic impact of COVID-19 has worsened existing disparities. Of those impacted, the hardest-hit communities are Black people and other people of color, as well as those with lower educational attainment. Furthermore, individuals in jails or prisons are more susceptible to COVID-19 due to challenges with social distancing.

Looking Ahead in the Construction Sector

Digital Skills

Pre-apprentices and apprentices in the construction industry may need more digital skills to access hybrid in-person and computer training. One-third of overall workers lack these digital skills; however, workers of color are even more impacted. Half of Black workers need digital skills, as do over half of Latinx workers.³ In addition, some construction trades may see an increase in automation that requires more digital skills due to social distancing needs to protect workers from COVID-19, while maintaining or increasing productivity.⁴ In general, workers of color are disproportionately affected by digital skill gaps compared to their white peers.⁵ Getting access to digital skill training can be challenging, making workers less likely to pursue career growth opportunities.

Economic Impacts

The pandemic is creating uncertainty in the future of our economy and may trigger a slowdown in the coming years. Since we don't know what impacts to expect to the construction industry, it may be helpful to look back at the impacts of our most recent recession. The recession resulted in:

- **Fewer apprenticeship slots.** The trade partners who provide most apprentices on Priority Hire projects saw a 76% decline in new apprenticeship slots between 2006-2008 and 2009-2011⁶. Should this trend repeat as a result of the pandemic, proposals should account for this impact by targeting and prioritizing Priority Hire communities for the pre-apprenticeship and apprenticeship training slots. Working with apprenticeship coordinators and contractors to track the demand for new apprentices will be critical.
- **Decreased diversity in the construction workforce.** Workers of color and women in construction were more negatively impacted than their white and male counterparts in the tri-county region (King, Pierce and Snohomish counties). For example, Seattle Jobs Initiative reported that between 2007 and 2014, the portion of Black and African Americans in the construction workforce dropped 20%, while white workers only dropped 2%. This RFP intends to help stop this trend from recurring by investing in strategies that offset disparities Priority Hire individuals experience.

This RFP is critical to ensure that we continue to support the trades' diversity long-term. Connecting historically underserved communities to construction training and digital career growth opportunities can provide long-lasting careers with room for upward growth.

Partnerships

This RFP is led by the City's [Purchasing and Contracting \(PC\) division](#), housed within the City's Department of Finance and Administrative Services (FAS). The [Port of Seattle](#) (Port) and [Sound Transit](#) are joining this RFP in partnership and

² Seattle Reentry Workgroup Final Report.

<http://www.seattle.gov/documents/departments/civilrights/reentry%20workgroup%20final%20Report.pdf>

³ Applying a Racial Equity Lens to Digital Literacy. <https://www.nationalskillscoalition.org/resources/publications/file/Digital-Skills-Racial-Equity-Final.pdf>

⁴ Seattle Jobs Initiative COVID-Recession & Recovery May 2020. <https://www.seattlejobsinitiative.com/wp-content/uploads/COVID-19-Recession-and-Recovery-Brief.pdf>

⁵ Applying a Racial Equity Lens to Digital Literacy.

⁶ Washington State Department of Labor and Industries, 2020; City of Seattle, 2020.

plan to invest an estimated \$200,000 and \$250,000, respectively. Although they are not financially investing in this RFP, FAS also partners with Seattle Public Schools (SPS), who has a [Student and Community Workforce Agreement](#) that includes Priority Hire and workforce requirements for former SPS students (graduates and non-graduates) and workers who have a current SPS student in their household.

RFP Available Funding

The available budget for this RFP is estimated to total \$1,754,000 for the program period of January 2021-December 2022. There is no set minimum or maximum proposal dollar amount that will be funded. The number of awardees will be determined by the evaluation process. The City, Sound Transit, and Port intend to fund the most effective proposals that support Priority Hire individuals. Proposers should anticipate that awarded proposals may need to be scaled based on funding availability.

Breakout of the estimated available budget for this RFP:

Partner Agencies	2021	2022	Total
City	\$652,000	\$652,000	\$1,304,000
Port	\$100,000	\$100,000	\$200,000
Sound Transit	\$150,000	\$100,000	\$250,000
TOTAL	\$902,000	\$852,000	\$1,754,000

II. Eligibility Requirements

Proposers who meet the following minimum eligibility requirements may apply. This includes, but is not limited to, community-based organizations, pre-apprenticeship and apprenticeship programs, public agencies, schools or school districts, tribes or tribal organizations, contractors or a combination of these organizations.

- **Proposers must follow non-discrimination and equal opportunity provisions mandated by federal, state, and city laws.**
- Proposers must be in good standing and meet all licensing requirements applicable to its organization, e.g., Washington State Business License (UBI#), Seattle Business License, 501(c)(3), or 501(c)(4).
- If your organization is not incorporated or fiscally sponsored, you can still apply, but approval of fiscal sponsorship or 501(C)3 status is required before contract execution.
- Proposers must have a Federal Tax ID number/employer identification number (EIN) to facilitate payments from the City of Seattle to the organization/coalition.

III. Contract Term

Contract term will be negotiated based on the proposer’s scope of services, but with an anticipated term of two years, unless proposed services require less time. Prior to expiration, FAS and the awarded organization(s) may mutually agree to renew the contract for one or more additional years.

IV. Definitions

Apprentice: An individual who is enrolled in a [Washington State Apprenticeship and Training Council](#) (WSATC)-registered construction apprenticeship program.

Automation: The use of largely automatic equipment in a system of manufacturing, construction or other production process, usually to increase productivity.

BIPOC: Black, Indigenous and people of color.

Community Workforce Agreement (CWA): The CWA is a legally binding agreement between the City of Seattle and the [Seattle-King County Building and Construction Trades Council](#) on Priority Hire construction projects. The CWA

prioritizes the hiring of workers from economically distressed ZIP codes, women, people of color and pre-apprenticeship graduates, and sets forth terms and conditions of employment.

Culturally Inclusive: Using cultural knowledge, prior experiences, and performance styles of ethnically diverse participants to make engaging and learning more relevant and effective.

Digital Skills: The capacity to use technology and the cognitive skills necessary to navigate it successfully.

Economically Distressed ZIP Codes: ZIP codes in Seattle and King County that have high rates of people living under 200% of the federal poverty level, unemployment and those over 25 without a college degree.

Graduation Rate: The number of students that complete a training cohort divided by the number of students that started the cohort.

Journey Worker: A worker who is not enrolled in a WSATC-approved training program.

Justice System-Involved Individuals: A person from an economically distressed ZIP code, woman and/or BIPOC individual that has been impacted by the justice system; this includes currently incarcerated, formerly incarcerated and individuals with a record.

Placement: A Priority Hire individual that is accepted into an appropriate construction program; this includes WSATC-recognized pre-apprenticeship and registered apprenticeship programs, or construction employment (union or open shop).

Placement Rate: The number of students that are placed into apprenticeship divided by the number of students that completed the program. For recruitment, it is the number of clients that are placed into pre-apprenticeship or apprenticeship, divided by the number of clients that received services.

Pre-Apprentices: An individual who is in a WSATC-registered construction pre-apprenticeship (preparatory) program.

Priority Hire Individuals: Individuals living in economically distressed ZIP codes, women and/or BIPOC.

Retention: An individual that has been placed into an appropriate construction program and maintains placement.

Retention Rate: The number of clients who receive services and are active in construction divided by the total number of clients with these resources. Clients receiving services will be tracked and supported for the duration of the contract. Pre-apprenticeship graduates will be tracked for retention once they begin apprenticeship.

V. Scope of Work

Priority Proposers

The desired outcome for this RFP and scope of work is to provide long-lasting construction careers for historically underserved communities, with room for upward growth. To achieve this, we will prioritize proposals from proposers that:

- Are organizationally led by historically underrepresented communities.
- Have experience serving Priority Hire individuals.
- Can demonstrate a relationship or propose a new relationship with construction partners. Relationships are critical as no one organization can achieve the desired outcomes alone.

Joint Proposals

Partners may submit joint proposals (such as one organization having subconsultant(s)). Joint proposers are strongly encouraged, but not required. Examples of a joint proposal could be:

- A proposed partnership between a community-based organization providing retention services and an apprenticeship training program(s) or;
- A pre-apprenticeship program providing construction training and a community-based organization providing recruitment.
- A pre-apprenticeship and/or apprenticeship program providing construction training and a community-based organization providing digital literacy and/ or driver's license services

There are many additional examples of joint proposals, the above are just a few concepts. Joint proposals allow for creative pathways and strengthened partnerships to achieve the desired outcome.

Scope Options

Proposals may respond to one or more of the following scope options. Proposals should also account for potential impacts to the construction industry from the pandemic in the coming year, such as fewer projects and/or apprenticeship training opportunities. Funding decisions will be made based on the proposal evaluation.

Scope 1. Apprentice and/or Journey Worker Retention Services

Propose a program that will measurably increase the retention of Priority Hire apprentices. Retention services are only for apprentices and journey workers. Proposals should consider how proposers would:

1. Find a pool of apprentices and/or journey workers to provide retention services for. Proposers should consider whether they'll be working with apprenticeship coordinators, contractors on City, Port of Seattle or Sound Transit projects, union representatives or members, or others to reach and enroll clients in an in-person and/or virtual environment.
2. Identify the barriers the proposal is meant to address, and the specific impact to Priority Hire individuals. Refer to the *"Retention Options Identified During Community Engagement Sessions"* section below to see what community members and construction leaders identified as barriers and effective strategies. Proposals shall, at minimum, address one of those strategies and may offer other strategies that are not listed.
3. Identify and provide support to existing apprentices and/or journey workers in partnership with apprenticeship programs and/or contractors.

Retention Options Identified During Community Engagement Sessions

Community members and construction leaders identified the strategies below as being effective in retaining active Priority Hire apprentices. Apprentice and/or journey worker retention Services (Scope 1) proposals shall, at minimum, address one of the strategies below and may offer other strategies that are not listed.

- Childcare services that meet the needs of construction workers on Priority Hire projects, such as opening before construction starts for the day.
- A culturally inclusive mentorship program for apprentices to achieve journey-level status. Mentorship proposals should be ongoing and regular and would account for support from apprenticeship programs and employers (contractors). This could be a "life coach" approach, which would be very interpersonal and provide navigation to other support services. It could also include affinity group opportunities (e.g. social media groups, monthly gatherings etc.) for apprentice and journey-level workers to connect.
- Financial support services that are need-based, have a direct impact on individuals retaining their apprenticeship, are finite and are a reasonable amount for the service provided.

Driver's licensing was also identified as a key strategy in the community engagement sessions. For more information, see Scope 3.

Scope 2. Recruitment and Placement of Priority Hire Individuals, with a focus on those who are Justice-System Involved

Propose an effective process that will measurably increase the number of Priority Hire individuals, with a focus on those who are justice-system involved, that enter pre-apprenticeship and apprenticeship construction training programs. Proposals should consider how they would:

1. Find and recruit Priority Hire individuals, with a focus on those who are justice-system involved.
2. Work with the courts and/or jails, prisons, pre-apprenticeship and apprenticeship programs.
3. Place individuals into pre-apprenticeship and apprenticeship programs.
4. Provide ongoing, wraparound support to ensure success in construction training and employment.

Scope 3. Pre-Apprenticeship Construction Training and/or Job Readiness Services

Propose a program to:

- Train pre-apprentices, with a focus on Priority Hire individuals, and place them in construction apprenticeship. This is for recognized pre-apprenticeship programs only.
And/or;
- Provide job readiness services to pre-apprentices and/or apprentices. Any organization can apply to this. These services could include:
 - Digital literacy training. This can include addressing barriers around access to computers or internet, and basic training such as using internet, email and common pre-apprenticeship or apprenticeship online training platforms. These proposals should consider ongoing internet access needs, in-house training, digital skill standards and ongoing technical assistance.
 - Construction math training that focuses on making students more competitive in trades with higher wages.
 - Leadership training to prepare diverse workers to advance in their construction career.
 - Driver’s relicensing for pre-apprentices and/or apprentices.
 - Financial support services to assist those preparing for entry into apprenticeship.

Proposals may offer new program scopes, support services, additional training slots or continued support with existing training slots, or other proposals to increase the likelihood of individuals entering and/or being retained in construction apprenticeship. Proposals should consider how they would:

1. Ensure a rigorous screening and selection process for qualified candidates.
2. Implement innovative and culturally inclusive curriculum that is responsive to COVID-19.
3. Develop relationships and coordinate with construction pre-apprenticeship and/or apprenticeship programs to connect participants to or maintain apprenticeship opportunities.
4. Provide or refer participants to ongoing support services to increase access to apprenticeship.

VI. Reporting

All awarded proposers will be expected to:

- Attend an onboarding orientation and workshop.
- Attend a quarterly partnership meeting with other RFP awardees.
- Attend a monthly Regional Pre-Apprenticeship Collaborative meeting.
- Submit monthly invoices and performance reports to the City.

Click attachment below for the anticipated metrics that awarded proposers will follow for monthly reporting.



Metrics
Reporting.docx

VII. Application: Submission Instructions and Deadlines

Proposals are due by 11:59 pm (PST), December 18, 2020, unless revised by an Addenda. Please submit all proposals, via e-mail, to Julianna.Tesfu@seattle.gov, with the subject line: RFP Number: FAS 2020-019. Proposals are preferred to be in PDF format, with a preference for submittal in one e-mail. The City will send an e-mail receipt upon receipt of application. The proposer has full responsibility to ensure the application arrives by the due date. Proposals delivered after the deadline will not be considered unless waived as immaterial by the City given specific fact-based circumstances.

Information Sessions

Two information sessions will be held at the time, date and location on page 1. Proposers are highly encouraged to attend one session, but are not required. The sessions are repetitive, and will answer questions about the RFP, provide information on Priority Hire, and clarify any issues or concerns proposers may have. Failure to raise concerns over any

issues at this opportunity will be a consideration in any protest filed regarding such items known as of these information sessions.

RFP Questions

Questions and communications regarding the RFP must be solely directed to Julianna.Tesfu@seattle.gov or 206-487-2746. The RFP Coordinator will compile a question and answer document that will be posted online at www.seattle.gov/priorityhire. Answers will be posted on a weekly basis, until December 15, 2020, or more frequently as needed.

Technical Assistance

Technical assistance is available to proposers. A third-party consultant will provide the technical assistance. Please contact the RFP Coordinator to make a request or learn more about this. Please request technical assistance at least 10 business days prior to the proposal due date.

VIII. Proposal Materials and Submittal

Failure to provide all the information below on proper forms may result in your proposal not being considered.

Proposal Order and Checklist

Please follow the checklist below to organize the order of your proposal. "Proposal Questions" (item number 5), is the only item from the checklist below with a suggested page limit (open proposal questions word document for the suggested page limits). We strongly recommend following the suggested page limits, however, any "Proposal Questions" responses that exceed the suggested page limit will not be eliminated.

Checklist:

1. Cover Sheet
2. Proof of Legal Business Name
3. Consultant Questionnaire
4. Proposal Questions (open "Proposal Questions" word document below for suggested page limits)
5. Organization Chart
6. Proposed Performance Table(s)
7. Work Plan
8. Partner Documentation

As stated above, organize your proposal according to the order of numbered documents below.

1. **Cover Sheet:** Please complete and submit the cover sheet in the embedded document below.



Cover Sheet.docx

2. **Proof of Legal Business Name (if applicable):** Provide a certificate or documentation from the Secretary of State in which you're incorporated that shows your company legal name. Many companies use a "Doing Business As" name or nickname in daily business; the City requires the legal name for your company. When preparing all forms below, use the proper company legal name. Your company's legal name can be verified through the State Corporation Commission in the state in which you were established, which is often located within the Secretary of State's Office for each state. For the State of Washington, see <http://www.secstate.wa.gov/corps/>.
3. **Consultant Questionnaire:** Complete and submit the hyperlinked questionnaire below.
<http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Consulting/fas-cpcs-consultant-questionnaire.docx>

- 4. Proposal Questions:** Please complete and submit the proposal questions in the embedded document below.



Proposal Questions.docx

- 5. Organization Chart:** Submit an organization chart, as described in the Proposal Questions.
- 6. Proposed Performance Table(s):** Complete and submit the performance table(s), as stated in the Proposal Questions.
- 7. Work Plan:** Submit a work plan, as described in the Proposal Questions.
- 8. Partner Documentation:** Letter(s)/email(s) of support from partner organization(s), articulation agreements and/or joint proposals.

IX. Evaluation Process

Initial Screening

Proposals that are responsive and responsible, based on an initial review, will proceed and be reviewed for minimum requirements, satisfactory financial responsibility and other elements. Failure to perform on past City projects may also be considered in determining the responsibility of a proposer.

Proposal Evaluation

An evaluation team, comprised of community members and public agency employees, will evaluate proposals using the criteria below. Responses will be evaluated, scored and ranked.

Evaluation Criteria:

Agency Capacity and Organization	15
Agency Experience	15
Agency Proposal and Application	35
Cultural Competency	20
Proposal Work Plan & Budget	15
Total Points	100

Virtual Interviews

After the proposal evaluation, the evaluation team may decide to interview the top ranked proposers. Proposer(s) invited to interview are to only bring the key personnel named in the proposal. If interviews are conducted, they will be worth 20 additional points.

Selection

The City shall select the highest ranked proposer(s) for award. The City reserves the right to make a final selection based on the results of proposal evaluations and interviews (if applicable).

Contract Negotiations

The City may negotiate elements of the proposal as required to best meet the needs of the City, with the apparent awardee(s). The City may negotiate any aspect of the proposal or the solicitation. The City does not intend to negotiate the base contract (see page 16, section 11.37).

X. Award and Contract Execution

The RFP coordinator will provide notice of award status to all proposers responding to the RFP.

Instructions for the Apparent Awardee(s)

The Apparent Awardee(s) will receive an Intent to Award Letter from the RFP Contact after award decisions are made by the City. The Letter will include instructions for final submittals due prior to execution of the contract.

Once the City has finalized and issued the contract for signature, the awarded Consultant(s) must execute the contract and provide all requested documents within ten (10) business days. This includes attaining a Seattle Business License, payment of associated taxes due, and providing proof of insurance. If the awarded Consultant(s) fails to execute the contract with all documents within the ten (10) day time frame, the City may cancel the award and proceed to the next ranked awardee, or cancel or reissue this solicitation. Cancellation of an award for failure to execute the Contract as attached may disqualify the awardee from future RFPs for this same work.

XI. General Instructions and Requirements

This section details City instructions and requirements for submittal and contracts. The City reserves the right in its sole discretion to reject or terminate any proposal or contract that fails to comply.

11.1 Registration into the Online Business Directory

If you have not previously done so, register at: <http://www.seattle.gov/obd>. The City expects all firms to register. Women- and minority- owned firms are asked to self-identify (see section 11.21). For assistance, call Kjell Elmer at 206-727-8677.

11.2 Changes to the RFP

The City may make changes to this RFP if, in the sole judgment of the City, the change will not compromise the City's objectives in this solicitation. Any change to this RFP will be made by formal written addendum issued by the City and shall become part of this RFP.

11.3 Receiving Addenda and/or Question and Answers

It is the obligation and responsibility of the proposer to learn of addenda, responses, or notices issued by the City. Some third-party services independently post City of Seattle solicitations on their websites. The City does not guarantee that such services have accurately provided all the information published by the City.

All submittals sent to the City may be considered compliant with or without specific confirmation from the proposer that any, and all addenda was received and incorporated into your response. However, the RFP Coordinator reserves the right to reject any submittal that does not fully incorporate Addenda that is critical to the project.

11.4 Proposer Responsibility to Provide Full Response

It is the proposer's responsibility to respond in a manner that does not require interpretation or clarification by the City. The proposer is to provide all requested materials, forms and information. The proposer is to ensure the materials submitted properly and accurately reflect the proposer's offering. During scoring and evaluation (prior to interviews if any), the City will rely upon the submitted materials and shall not accept materials from the proposer after the RFP deadline; this does not limit the City's right to consider additional information (such as references that are not provided by the proposer but are known to the City, or past City experience with the consultant), or to seek clarifications as needed.

11.5 Prohibited Contacts

Proposers shall not interfere in any way to discourage other potential and/or prospective proposers from proposing or considering a proposal process. Prohibited contacts includes but is not limited to any contact, whether direct or indirect (i.e. in writing, by phone, email or other, and by the proposer or another person acting on behalf of the proposer) to a likely firm or individual that may discourage or limit competition. If such activity is evidenced to the

satisfaction and in sole discretion of the City department, the proposer that initiates such contacts may be rejected from the process.

11.6 License and Business Tax Requirements

The awarded Consultant must meet all applicable licensing requirements immediately after contract award or the City may reject the Consultant. Companies must license, report and pay revenue taxes for the Washington State Business License (UBI#) and Seattle Business License, if required by law. Carefully consider those costs before submitting an offer, as the City will not separately pay or reimburse such costs.

Seattle Business Licensing and associated taxes

- a. If you have a “physical nexus” in the city, you must obtain a Seattle Business license and pay all taxes due before the Contract can be signed.
- b. A “physical nexus” means you have physical presence, such as: a building/facility/employee(s) in Seattle, you make sales trips into Seattle, your own company drives into Seattle for product deliveries, and/or you conduct service work in Seattle (repair, installation, service, maintenance work, on-site consulting, etc.).
- c. We provide a Consultant Questionnaire Form in our submittal package items in this RFP, and it will ask you to specify if you have “physical nexus”.
- d. All costs for any licenses, permits and Seattle Business License taxes owed shall be borne by the Consultant and not charged separately to the City.
- e. The apparent successful Consultant(s) must immediately obtain the license and ensure all City taxes are current, unless exempted by City Code due to reasons such as no physical nexus. Failure to do so will cause rejection of the submittal.
- f. The City of Seattle Application for a Business License and additional licensing information can be found this page here: <http://www.seattle.gov/licenses/get-a-business-license>
- g. You can find Business License Application help here: <http://www.seattle.gov/licenses/get-a-business-license/license-application-help>
- h. Self-Filing You can pay your license and taxes on-line using a credit card www.seattle.gov/self/
- i. For Questions and Assistance, call the Revenue and Consumer Protection (RCP) office which issues business licenses and enforces licensing requirements. The general e-mail is rca@seattle.gov. The main phone is 206-684-8484.
- j. The licensing website is <http://www.seattle.gov/licenses>
- k. If a business has extraordinary balances due on their account that would cause undue hardship to the business, the business can contact the License and Tax Administration office at tax@seattle.gov to request additional assistance.
- l. Those holding a City of Seattle Business license may be required to report and pay revenue taxes to the City. Such costs should be carefully considered by the Consultant prior to submitting your offer. When allowed by City ordinance, the City will have the right to retain amounts due at the conclusion of a contract by withholding from final invoice payments.

11.7 State Business Licensing

Before the contract is signed, you must have a State of Washington business license (a “Unified Business Identifier” known as a UBI#). If the State of Washington has exempted your business from State licensing (some foreign companies are exempt and sometimes, the State waives licensing because the company has no physical presence in the State), then submit proof of that exemption to the City. All costs for any licenses, permits and associated tax payments due to the State because of licensing shall be borne by the Consultant and not charged separately to the City. Instructions and applications are at <http://bls.dor.wa.gov/file.aspx> and the State of Washington Department of Revenue is available at 1-800-647-7706.

11.8 Federal Excise Tax

The City is exempt from Federal Excise Tax.

11.9 No Guaranteed Utilization

The City does not guarantee utilization of any contract(s) awarded through this RFP process. The solicitation may provide estimates of utilization; such information is for Consultant convenience and not a usage guarantee. The City reserves the right to issue multiple or partial awards, and/or to order work based on City needs. The City may turn to other appropriate contract sources or supplemental contracts to obtain these same or similar services. The City may re-solicit for new additions to the Consultant pool. Use of such supplemental contracts does not limit the right of the City to terminate existing contracts for convenience or cause.

11.10 Expansion Clause

The contract limits expansion of scope and new work not expressly provided for within the RFP.

Expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with the following:

(a) New Work is not reasonable to solicit separately; (b) is for reasonable purpose; (c) was not reasonably known by the City or Consultant at time of solicitation or was mentioned as a possibility in the solicitation (i.e. future phases of work, or a change in law); (d) is not significant enough to be regarded as an independent body of work; (e) would not attract a different field of competition; and (f) does not change the identity or purpose of the Agreement.

The City may make exceptions for immaterial changes, emergency or sole source conditions, or other situations required in City opinion. Certain changes are not subject to these limitations, such as additional phases of Work anticipated during solicitation, time extensions, and Work Orders issued on an On-Call contract. Expansion must be mutually agreed and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

The City reserves the right to independently solicit and award any New Work to another firm when deemed appropriate or required by City policy.

11.11 Effective Dates of Offer

Solicitation responses are valid until the City completes award. Should any Proposer object to this condition, the Proposer must object prior to the Q&A deadline on page 1.

11.12 Cost of Preparing Proposals

The City is not liable for costs incurred by the Proposer to prepare, submit and present proposals, interviews and/or demonstrations.

11.13 Readability

The City's ability to evaluate proposals is influenced by the organization, detail, comprehensive material and readable format of the response.

11.14 Changes or Corrections to Proposal Submittal

Prior to the submittal due date, a Proposer may change its proposal, if initialed and dated by the Proposer. No changes are allowed after the closing date and time.

11.15 Errors in Proposals

Proposers are responsible for errors and omissions in their proposals. No error or omission shall diminish the Proposer's obligations to the City.

11.16 Withdrawal of Proposal

A submittal may be withdrawn by written request of the submitter.

11.17 Rejection of Proposals

The City may reject any or all proposals with no penalty. The City may waive immaterial defects and minor irregularities in any submitted proposal.

11.18 Incorporation of RFP and Proposal in Contract

This RFP and Proposer's response, including promises, warranties, commitments, and representations made in the successful proposal once accepted by the City, are binding and incorporated by reference in the City's contract with the Proposer.

11.19 Independent Contractor

The Consultant works as an independent contractor. The City will provide appropriate contract management, but that does not constitute a supervisory relationship to the consultant. Consultant workers are prohibited from supervising City employees or from direct supervision by a City employee. Prohibited supervision tasks include conducting a City of Seattle Employee Performance Evaluation, preparing and/or approving a City of Seattle timesheet, administering employee discipline, and similar supervisory actions.

Contract workers shall not be given City office space unless expressly provided for below, and in no case shall such space be provided for over 36 months without specific authorization from the City.

The City will not provide space in City offices for performance of this work. Consultants will perform most work from their own office space or the field.

11.20 Equal Benefits

Seattle Municipal Code Chapter 20.45 (SMC 20.45) requires consideration of whether Proposers provide health and benefits that are the same or equivalent to the domestic partners of employees as to spouses of employees, and of their dependents and family members. The Consultant Questionnaire requested in the Submittal instructions includes materials to designate your equal benefits status.

11.21 Women and Minority Business

Consistent with SMC 20.42, Proposers shall use good faith efforts to promote and seek maximum utilization of woman and minority businesses for any subcontracting within the contract scope of work. A woman or minority business is one that self-identifies to be at least 51% owned by a woman and/or minority. Such firms do not have to be certified by the State of Washington but must be registered in the City Online Business Directory. Efforts may include use of solicitation lists, advertisements in minority community publications, breaking requirements into tasks or quantities that promote WMBE utilization, making schedule or requirement modifications likely to assist WMBE firms, targeted recruitment, using minority community and public organizations to perform outreach.

11.22 Insurance Requirements

Any special insurance requirements are provided as an Attachment. If attached, provide proof of insurance and additional insured endorsement policy language to the City before Contract execution. The apparent successful Proposer must promptly provide proof of insurance to the City upon receipt of the notice of intent to award.

Consultants are encouraged to immediately contact their Broker to begin preparation of the required insurance documents, if the Consultant is selected as a finalist. Proposers may elect to provide the requested insurance documents within their Proposal.

11.23 Proprietary Materials

The State of Washington's Public Records Act (Release/Disclosure of Public Records) Under Washington State Law (reference RCW Chapter 42.56, the Public Records Act) all materials received or created by the City of Seattle are considered public records. These records include but are not limited to bid or proposal submittals, agreement documents, contract work product, or other bid material.

The State of Washington's Public Records Act requires that public records must be promptly disclosed by the City upon request unless that RCW or another Washington State statute specifically exempts records from disclosure. Exemptions are narrow and explicit and are listed in Washington State Law (Reference RCW 42.56 and RCW 19.108).

Bidders/proposers must be familiar with the Washington State Public Records Act and the limits of record disclosure exemptions. For more information, visit the Washington State Legislature's website at <http://app.leg.wa.gov/rcw/default.aspx?cite=42.56>.

If you have any questions about disclosure of the records you submit with your bid, contact the Procurement Contact named in this document.

Marking Your Records Exempt from Disclosure (Protected, Confidential, or Proprietary)

As mentioned above, all City of Seattle offices (“the City”) are required to promptly make public records available upon request. However, under Washington State Law some records or portions of records are considered legally exempt from disclosure and can be withheld. A list and description of records identified as exempt by the Public Records Act can be found in RCW 42.56 and RCW 19.108.

If you believe any of the records you are submitting to the City as part of your bid/proposal or contract work products, are exempt from disclosure you can request that they not be released before you receive notification. To do so you must complete the City Non-Disclosure Request Form (“the Form”) provided by the City (see page 4 on the Consultant Questionnaire) and very clearly and specifically identify each record and the exemption(s) that may apply. (If you are awarded a City contract, the same exemption designation will carry forward to the contract records.)

The City will not withhold materials from disclosure simply because you mark them with a document header or footer, page stamp, or a generic statement that a document is non-disclosable, exempt, confidential, proprietary, or protected. Do not identify an entire page as exempt unless each sentence is within the exemption scope; instead, identify paragraphs or sentences that meet the specific exemption criteria you cite on the Form. Only the specific records or portions of records properly listed on the Form will be protected and withheld for notice. All other records will be considered fully disclosable upon request.

If the City receives a public disclosure request for any records you have properly and specifically listed on the Form, the City may notify you in writing of the request and may postpone disclosure. While it is not a legal obligation, the City, as a courtesy, may allow you up to ten business days to file a court injunction to prevent the City from releasing the records (reference RCW 42.56.540). If you fail to obtain a Court order within the ten days, the City may release the documents.

The City will not assert an exemption from disclosure on your behalf. If you believe a record(s) is exempt from disclosure you are obligated to clearly identify it as such on the Form and submit it with your solicitation. Should a public record request be submitted to Purchasing for that record(s), you can then seek an injunction under RCW 42.56 to prevent release. By submitting a bid document, the bidder acknowledges this obligation; the proposer also acknowledges that the City will have no obligation or liability to the proposer if the records are disclosed.

Requesting Disclosure of Public Records

The City asks bidders and their companies to refrain from requesting public disclosure of bids until an intention to award is announced. This measure is intended to protect the integrity of the solicitation process particularly during the evaluation and selection process or in the event of a cancellation or re-solicitation. With this preference stated, the City will continue to be responsive to all requests for disclosure of public records as required by State Law. If you do wish to make a request for records, visit <https://www.seattle.gov/public-records/public-records-request-center>.

11.24 Ethics Code

Familiarize yourself with the City Ethics code: http://www.seattle.gov/ethics/etpub/et_home.htm. For an in depth explanation of the City’s Ethics Code for Contractors, Vendors, Customers and Clients, visit: <http://www.seattle.gov/ethics/etpub/faqcontractorexplan.htm>. Any questions should be addressed to Seattle Ethics and Elections Commission at 206-684-8500.

No Gifts and Gratuities.

Consultants shall not directly or indirectly offer anything (such as retainers, loans, entertainment, favors, gifts, tickets, trips, bonuses, donations, special discounts, work, or meals) to any City employee, volunteer or official, if it is intended or may appear to a reasonable person to be intended to obtain or give special consideration to the Consultant. An example of this is giving sporting event tickets to a City employee who is also on the evaluation team of a solicitation to which you submitted or intend to submit. The definition of what a “benefit” would be is broad and could include not only awarding a contract but also the administration of the contract or evaluating contract performance. The rule works both ways, as it also prohibits City employees from soliciting items from Consultants.

Involvement of Current and Former City Employees.

The Consultant Questionnaire within your submittal documents prompts you to disclose any current or former City employees, official or volunteer that is working or assisting on solicitation of City business or on completion of an awarded contract. Update that information during the contract.

Contract Workers with over 1,000 Hours.

The Ethics Code applies to Consultant workers that perform over 1,000 cumulative hours on any City contract during any 12-month period. Any such employee must abide by the City Ethics Code. The Consultant is to be aware and familiar with the Ethics Code accordingly.

No Conflict of Interest.

Consultant (including officer, director, trustee, partner or employee) must not have a business interest or a close family or domestic relationship with any City official, officer or employee who was, is, or will be involved in selection, negotiation, drafting, signing, administration or evaluating Consultant performance. The City shall make sole determination as to compliance.

Campaign Contributions (Initiative Measure No. 122)

Elected officials and candidates are prohibited from accepting or soliciting campaign contributions from anyone having at least \$250,000 in contracts with the City in the last two years or who has paid at least \$5,000 in the last 12 months to lobby the City. See Initiative 122 or call the Ethics Director with questions.

11.25 Background Checks and Immigrant Status

Background checks will not be required for workers that will be performing the work under this contract. The City has strict policies regarding the use of Background checks, criminal checks, immigrant status, and/or religious affiliation for contract workers. The policies are incorporated into the contract and available for viewing on-line at <http://www.seattle.gov/purchasing-and-contracting/social-equity/background-checks>.

11.26 Notification Requirements for Federal Immigration Enforcement Activities

Prior to responding to any requests from an employee or agent of any federal immigration agency including the Immigration and Customs Enforcement (ICE), the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI), Enforcement Removal Operations (ERO), Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) regarding your City contract, Consultants shall notify the Project Manager immediately.

Such requests include, but are not limited to:

- a. requests for access to non-public areas in City buildings and venues (i.e., areas not open to the public such as staff work areas that require card key access and other areas designated as “private” or “employee only”); or
- b. requests for data or information (written or oral) about workers engaged in the work of this contract or City employees.

No access or information shall be provided without prior review and consent of the City. The Consultant shall request the ICE authority to wait until the Project Manager is able to verify the credentials and authority of the ICE agent and will direct the Consultant on how to proceed.

11.28 References

The City may contact one or more references. The City may use references named or not named by the Proposer. The City may also consider the results of performance evaluations issued by the City on past projects.

11.29 Right to Award to next ranked Consultant

If a contract is executed resulting from this solicitation and is terminated within 90-days, the City may return to the solicitation process to award to the next highest ranked responsive Consultant by mutual agreement with such Consultant. New awards thereafter are also extended this right.

11.30 Repeat of Evaluation

If no Consultant is selected at the conclusion of all the steps, the City may return to any step in the process to repeat the evaluation with those proposals active at that step. The City shall then sequentially step through all remaining steps as if conducting a new evaluation process. The City reserves the right to terminate the process if no proposals meet its requirements.

11.31 Protests

Interested parties that wish to protest any aspect of this RFP selection process shall provide written notice to the RFP Coordinator.

11.32 Protests – Purchasing and Contracting

The City has rules to govern the rights and obligations of interested parties that desire to submit a complaint or protest to this process. See the City website at <http://www.seattle.gov/purchasing-and-contracting/doing-business-with-the-city/solicitation-and-selection-protest-protocols>. Interested parties have the obligation to know of and understand these rules, and to seek clarification from the City. Note there are time limits on protests, and submitters have final responsibility to learn of results in sufficient time for such protests to be filed in a timely manner.

11.33 Limited Debriefs

The City issues results and award decisions to all bidders. The City provides debriefing on a limited basis for the purpose of allowing bidders to understand how they may improve in future bidding opportunities.

11.34 Checklist of Requirements Prior to Award

The Consultant(s) should anticipate the Letter will require at least the following. Consultants are encouraged to prepare these documents when possible, to eliminate risks of late compliance.

- Seattle Business License is current and all taxes due have been paid.
- State of Washington Business License.
- Evidence of Insurance (if required)
- Special Licenses (if any)

11.35 Taxpayer Identification Number and W-9

Unless the Consultant has already submitted a Taxpayer Identification Number and Certification Request Form (W-9) to the City, the Consultant must execute and submit this form prior to the contract execution date.

<http://www.irs.gov/pub/irs-pdf/fw9.pdf>

11.36 Insurance Requirements

Proof of insurance is required, link to Insurance Transmittal Form below.

<http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Consulting/fas-city-finance-risk-transmittal-consultant-services.docx>

Insurance requirements may change based on the amount of award.

11.37 Standard Consultant Contract Template

Found here:

<http://www.seattle.gov/Documents/Departments/FAS/PurchasingAndContracting/Consulting/fas-cpcs-consultant-standard-roster-consultant-agreement.docx>