



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Nanci Klein

**SUBJECT:** SEE BELOW

**DATE:** July 25, 2022

Approved

Date

7/29/2022

## SUPPLEMENTAL

**SUBJECT: MASTER AGREEMENTS FOR COMMUNITY ENGAGEMENT CONSULTANTS**

### REASON FOR SUPPLEMENTAL

The purpose of this supplemental memorandum is to provide an update on the procurement process for an on-call bench of community engagement consultants, including an updated recommendation for staff to conduct a separate procurement process for establishing a bench of community-based organizations (CBOs) with Master Agreements to assist the City with community engagement processes.

### BACKGROUND

On August 9, 2022, the City Council is scheduled to consider a resolution to authorize the City Manager or designee to negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4 million.

The Office of Economic Development and Cultural Affairs (OEDCA) issued a Request for Proposal (RFP) on April 12, 2022. The RFP solicitation period ran through May 3, 2022. The City of San José (City) received 23 proposals. A panel of three City staff evaluated the responses against the criteria in the RFP, which states that successful consultants will score 60 or above (out of 100 possible points). Based on the results of the evaluation, staff recommended the award of contract (Master Agreement) to nine consultants. Staff posted the Notice of Intent to Award for the RFP on June 15, 2022, and the item was scheduled for City Council consideration on June 28, 2022. The City received two protests following release of the Notice of Intent to Award, and the item was deferred to the City Council meeting on August 9, 2022. Since this was a department-led procurement, the Director of OEDCA served as the Procurement Authority for the RFP.

The protest procedures are outlined in San José Municipal Code sections 4.12.410 through 4.12.460, and repeated here for reference:

- After a decision regarding a procurement having a value over one hundred thousand dollars (as adjusted pursuant to Section 4.04.085) has been made, the procurement authority shall send a notice of intended award to all persons who submitted a response to a city solicitation.
- All protests must be filed in writing with the director within ten (10) calendar days after the sending of the notice of intended award.
- All protests shall be in writing and shall state the grounds for the protest as well as all of the facts relevant to the protest. All protests shall be filed in accordance with the instructions contained in the solicitation which is the subject of the protest.
- The procurement authority shall issue a written decision on the protest. The procurement authority may base the decision on the written protest alone or may informally gather evidence from the person filing the protest or any other person having relevant information.
- An appeal of the procurement authority's decision may be filed with the City Council. All such appeals must be in writing, and shall be filed with the City Clerk within ten calendar days of the sending of the procurement authority's decision.

### **Update**

Staff released the Notice of Intent to Award for the RFP to the bidders through the Biddingo platform on June 15, 2022. Staff also emailed the notice to the bidders on June 22, 2022. The City received two protest letters from:

- American Leadership Forum – Silicon Valley (June 23, 2022)
- Catalyze SV (June 24, 2022)

These two bidders did not score 60 or above against the RFP criteria as part of staff's evaluation process and were not included in the list of consultants recommended for a master agreement. After careful review, the Procurement Authority for this RFP (OEDCA Director Nanci Klein) provided responses to the protest letters on July 7, 2022. Refer to Attachments A and B for the protest letters and responses.

To summarize the protests, both American Leadership Forum and Catalyze SV asked the City to award points for the Local and Small Business Preference based on information provided as part of the protest. The City's response letters noted that, pursuant to the RFP, the City is unable to

July 20, 2022

**Subject: Master Agreements for Community Engagement Consultants**

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increase the scores based on information provided after the submittal deadline. This policy is intended to preserve the integrity of the process and provide equal opportunity to all bidders.

The protest from Catalyze SV also requested a reassessment of the proposal based on the claim that the original assessment was inaccurate and their proposal scored too low. The protest letter provided language from its proposal for four of the RFP categories as examples. The City's response letter provided justification for the scores in these categories, finding that in general, the proposal lacked specific evidence to support the claims made about qualifications, and that the evaluation panel appropriately evaluated and scored the proposal based on the information in the solicitation response.

The OEDCA Director, in her letters dated July 7, 2022, denied the protests and upheld staff's recommendation of award to the nine consultants listed in the Notice of Intended Award, finding that the City's procurement processes were properly followed and that the RFP was conducted in a fair and objective manner.

The July 7, 2022, response letters to American Leadership Forum and Catalyze SV included the following statement: "You may appeal this decision to the San José City Council by filing a written appeal with the City Clerk within ten calendar days from the date of this letter, pursuant to Municipal Code Section 4.12.460." The deadline for appeals was July 17, 2022. After receiving the response, neither of the bidders filed an appeal with the City Clerk within the 10-day appeal period.

On July 15, 2022, Catalyze SV submitted a comment letter by email to the City Council and various staff, but did not copy the City Clerk, the Procurement Authority for the RFP, or any OEDCA staff. This comment letter had the subject "Official Protest in Response to Catalyze SV OED-RFP-2022-04-01 Rating" and stated:

There are a number of specific concerns we have regarding the points awarded in various sections. We have submitted a formal protest to city staff due to the barriers to access in the application process. Catalyze SV received a 6 out of 10 in categories such as "DEI knowledge" and "Population of Interest" for "lack of detail." We contest that this assessment is inaccurate and request Council review the grading process.

The July 15, 2022, letter from Catalyze SV does not qualify as an official appeal under Municipal Code Section 4.12.460 because Catalyze SV did not file a written appeal with the City Clerk by July 17, 2022, which was 10 calendar days from the sending of the response letter to the protest.

In the letter Catalyze SV asserts that the City is “solely awarding bigger private firms”, that staff did not consider CBOs equitably, and that CBOs were docked for formatting, not content. They requested that a portion of funds be set aside to be awarded to high scoring CBOs.

To clarify, of the nine recommended for award of a Master Agreement, three received the Local/Small Business preference points (10) and have one, two, and eight employees. The others were a mix of smaller to medium size firms. To make the award recommendation, staff followed the standard RFP process in which a panel evaluated the proposals, based on RFP criteria, the information provided in the proposals, and the strength of the responses. The panel did not cite “formatting” as reason to dock points for any of the CBO proposals. Staff does not recommend awarding additional Master Agreements to any of the consultants that scored less than 60 by the evaluation panel.

As stated in the RFP, the City relies on consultants to provide a range of community engagement and public outreach services and integrating the knowledge and skills of consultants early on promotes more thoughtful, inclusive, and effective engagement processes. The RFP was aimed at consultants to augment staff’s capacity in several technical areas but was open to non-profit organizations/CBOs that offer engagement, outreach, and facilitation services to local governments. Staff reached out to a list of approximately 130 CBO contacts to inform them about the opportunity and to ask for help in sharing the announcement with their networks. Staff also offered the opportunity for one or two CBO leaders to serve on the RFP evaluation panel but received no responses to this offer. Four CBOs submitted proposals.

Staff does not intend to exclusively use the bench of consultants resulting from this RFP for all engagement consultant work in the coming years. Rather, there will be additional project-specific procurement processes. A core benefit of an on-call bench is to be able to quickly secure a consultant as unanticipated needs arise. In the short-term, staff intends to utilize a consultant from the bench for assistance in setting up the new Community Stabilization and Opportunity Pathways Fund Commission (a core community benefit of the Downtown West Development Agreement); the aim is to appoint members for this Commission by the end of 2022, and the timely onboarding of a consultant will be key to meeting this target.

Moving forward with the nine recommended consultants will help meet immediate, specific needs for consulting services. Staff also recognizes the importance of partnering with CBOs on community engagement and outreach. While some CBOs may provide traditional consulting services, most are focused on community organization, service provision, capacity building, and other functions. With respect to community engagement, CBOs can bring many important assets to the table, such as robust networks, deep insights on the needs and aspirations of impacted communities, and trusted relationships with community members. Strong partnerships with CBOs can help engage harder-to-reach populations, improve the credibility of processes, and generate more equitable outcomes, among other benefits. The City has several recent examples

of successful CBO partnership programs, including a [mini-grant program for the Diridon Station Area](#).

Therefore, staff recommends conducting a separate procurement process for establishing a bench of on-call CBOs that can assist the City with engagement processes. That process could be catered to the specific functions, assets, and partnership opportunities unique to CBOs and help meet the complementary need for strong community partnerships as part of the City's engagement processes. As part of the process, staff would offer a pre-submittal conference for potential bidders to review the RFP requirements and submission process to increase the chances of success.

## **CONCLUSION**

As stated in the memorandum to City Council dated June 11, 2022, staff's recommendation is to adopt a resolution authorizing the City Manager or designee to:

- a. Negotiate and execute up to nine master agreements for on-call community engagement consultants for a total maximum compensation of up to \$4 million, subject to appropriation. The initial terms of the master agreements will be from July 1, 2022 to June 30, 2025 with City options to extend for two additional years for total contract terms of up to five years.
- b. Exercise options to extend the master agreements for up to an additional two years under the same terms and conditions.
- c. Negotiate and execute amendments to the master agreements to shift funding between the master agreements provided the total maximum compensation does not exceed \$4 million, subject to appropriation.

In addition, staff recommends that City Council direct staff to conduct a separate procurement process for establishing a bench of CBOs with Master Agreements to assist the City with community engagement processes.

/s/

NANCI KLEIN

Director of Economic Development  
and Cultural Affairs

For questions, please contact Lori Severino, Assistant to the City Manager at (408) 535-3537 or [lori.severino@sanjoseca.gov](mailto:lori.severino@sanjoseca.gov).

Attachment A: American Leadership Forum protest letter and response

Attachment B: Catalyze SV protest letter and response.



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June 23, 2022

City of San José  
Attention: Rachel Quirimit  
200 East Santa Clara Street, 12<sup>th</sup> Floor  
San José, CA 95113

To Whom It May Concern:

Thank you for providing American Leadership Forum Silicon Valley (ALFSV) the opportunity to bid for OED-RFP-2022-04-01. The June 15 Notice of Intended Award shows a Combined Score of 56 for ALFSV.

We were subsequently informed that we did not reach the 60-point threshold for award due to our lack of Local Business and Small Business certifications. Please accept this letter as a Protest within the ten (10) calendar days of the award intention.

ALFSV is and has been in Santa Clara County since its founding in 1988. In our history, we have employed between five (5) and ten (10) individuals at a time. We currently have seven (7) employees.

We were unable to complete Attachment E at the time of RFP submission due to the requirement for a City of San José business tax number. We immediately applied for this. The approval arrived after the May 3 RFP deadline.

We now have the documentation certifying our local presence as a small business and believe that ten (10) points should be added to our Combined Score to put us over the threshold for award. Our CSJ business tax number is 6618182000, and a scan of our certificate follows this letter.

Please let me know the next steps in the Protest process.

Sincerely,

A handwritten signature in blue ink that reads "Mark Tolley".

Mark Tolley  
Vice President of Operations



Finance - Business Tax
200 East Santa Clara Street, 13th Floor Tower
San Jose, CA 95113-1905

Your New Business Certificate Enclosed

JSD0518A AUTO ALL FOR AADC 950
7000000504 00.0004.0348 504/1



AMERICAN LEADERSHIP FORUM SILICON VALLEY
AMERICAN LEADERSHIP FORUM SILICON VALLEY
1400 PARKMOOR AVE STE 280
SAN JOSE CA 95126-3735

200 East Santa Clara Street, San Jose, CA 95113 Tel (408) 535-7055 Fax (408) 292-6488 www.sanjoseca.gov/businessstax



CITY OF SAN JOSE
BUSINESS TAX CERTIFICATE
No. 6618182000

Table with 4 columns: BUSINESS NAME, NATURE OF BUSINESS, NO OF EMPLOYEES/UNITS/SQ. FT, EXPIRATION DATE. Includes business details for American Leadership Forum Teachers/Tutors.

This certificate is evidence that the person(s), firm, or corporation named hereon has paid the tax required by Chapter 4.76 of the San José Municipal Code for the type of business, the business address and for the period indicated hereon.

NOTE: IT IS THE BUSINESS OWNER'S RESPONSIBILITY TO MAINTAIN A CURRENT BUSINESS TAX CERTIFICATE. This is a receipt for payment, NOT an invoice. No remittance is required.

Vertical box containing notices: FINANCE - REVENUE MANAGEMENT MUST BE NOTIFIED OF ANY CHANGE IN OWNERSHIP, LOCATION OR BUSINESS CLOSURE. POST IN A CONSPICUOUS PLACE IN PUBLIC VIEW. THIS BUSINESS TAX CERTIFICATE IS NOT TRANSFERABLE OR ASSIGNABLE. RENEWAL NOTICE NOT REQUIRED.

Questions?

Call 408-535-7055 or visit us on our web site at: www.sanjoseca.gov/businessstax

OWNER BUSINESS NAME MAIL ADDRESS AMERICAN LEADERSHIP FORUM SILICON VALLEY AMERICAN LEADERSHIP FORUM SILICON VALLEY 1400 PARKMOOR AVE STE 280 SAN JOSE, CA 95126

July 7, 2022

**VIA EMAIL AND US MAIL ONLY**

Mark Tolley  
American Leadership Forum – Silicon Valley (ALFSV)  
1400 Parkmoor Avenue, Suite 280  
San Jose, CA 95126

**Subject:** City of San José (City) Request for Proposal (RFP) for Master Agreements for Community Engagement and Facilitation Consultants (OED-RFP-2022-04-01)

**Reference:** Protest letter dated June 23, 2022

Dear Mr. Tolley:

This letter is in response to your referenced letter protesting the City's Notice of Intended Award for Master Agreements for Community Engagement and Facilitation Consultants.

In your protest letter, you stated that your bid did not reach the 60-point threshold for award due to the lack of Local Business and Small Business certifications, and that you were unable to complete Attachment E at the time of the RFP submission due to the requirement for a City of San José business tax number. You indicated ALFSV applied for the business tax but approval did not arrive until after the May 3, 2022 RFP deadline.

The RFP states that successful consultants must score above 60 on the criteria (out of 100 total). Consistent with [Municipal Code Section 4.12.320](#), the RFP awards 5 points for bidders that qualify as a Local Business Enterprise and 5 points for bidders that qualify as a Small Business Enterprise. Further, Section 15 of the RFP states:

To be considered for Local and Small Business Enterprise Preference, you must complete the Request for Local and Small Business Enterprise Preference Form and submit it with your solicitation response. Vendors who fail to complete and submit the Request for Local and Small Business Enterprise Preference Form with their solicitation response will not be considered for the preference. This information cannot be submitted after the specified solicitation response submittal deadline.

The RFP bid period was three weeks, running from April 12, 2022, through May 3, 2022. Staff received 23 responses. A panel of three City staff evaluated the responses against the criteria in the RFP. ALFSV's bid received a score of 56.



ALFSV did not include the Request for Local and Small Business Enterprise Preference Form (Attachment E of the RFP) as part of your solicitation response. Pursuant to the RFP, we are unable to accept additional documentation and change ALFSV's score at this time, as the submittal deadline has passed. The City cannot consider additional information submitted after the RFP period has concluded. This policy is intended to preserve the integrity of the process and provide equal opportunity to all bidders.

Therefore, after careful review, I am upholding staff's recommendation of award to the nine consultants listed in the Notice of Intended Award. These proposals scored 60 or more on the criteria. Of the nine recommended for award, three timely submitted the documentation and qualified for the Local and Small Business Enterprise preference.

It is my finding that the City's procurement processes were properly followed and that the RFP was conducted in a fair and objective manner.

You may appeal this decision to the San José City Council by filing a written appeal with the City Clerk within ten calendar days from the date of this letter, pursuant to [Municipal Code Section 4.12.460](#).

Thank you for your interest and participation in this process.

Sincerely,

/s/

Nanci Klein

Director, Office of Economic Development and Cultural Affairs

June 24, 2022

To: City of San José  
 Attention: Sanjay Krishnaswamy  
 200 East Santa Clara Street, 8th Floor San José, CA 95113

RE: Official Protest in Response to Catalyze SV OED-RFP-2022-04-01 Rating

Hello,

I am writing to submit a formal protest to Catalyze SV's points awarded in the OED-RFP-2022-04-01 RFP process. There are a number of specific concerns we have regarding the points awarded in various sections. First, **we request that you reconsider the LBE category and award us the full percentage based on the attached form.** We were unable to submit "Form 4: Local Business Enterprise Certificate" within the time allotted. As a community based organization we have limited capacity for grant writing and our author was unable to confirm our fiscal agent's status in time. The short time window, just three weeks, for full assessment of the RFP, writing the proposal, and filling all forms was a significant barrier to equitable representation in the process.

Additionally, Catalyze SV received lower than anticipated scores in key categories for "lack of detail." **We contest that this assessment is inaccurate and request that you consider the following examples from our proposal:**

Category	Points Awarded
Population of interest	6/10
<i>Proposal language:</i> "CSV is a multi-racial, regional organization that partners with other entities that serve targeted communities of interest: - we have closely partnered with organizations such as SOMOS Mayfair & the Vietnamese American Roundtable to put on workshops for their stakeholders. - CSV has partnered with a community group of youth leaders to engage them on evaluating a foster youth hub in SCC."	
DEI knowledge	6/10
<i>Proposal Language:</i> "CSV recommends & employs engagement strategies to reach marginalized groups by providing food at in-person events, as well as interpretation services in Spanish, Vietnamese	

# CATALYZE SV

*and/or American Sign Language.*

*Alex has wide experience in his life working with different, and sometimes difficult to reach, communities. He has volunteered in a maximum-security prison for 2.5 years, minored in African American Studies, trained community members on LGBTQ issues in two jobs, worked for a nonprofit serving juvenile-justice involved youth, taught English to Spanish-speaking immigrants, & delivered food to houseless individuals in San Jose.*

*Rocio has represented underserved communities for over 8 years through advocacy, development and consultation services. She spent the last two years supporting minority-owned businesses to access federal and state resources to weather the pandemic. Through her work in justice reform, she received training on restorative justice communication methods to connect with transitional-age youth.*

*CSV staff participate in trainings & educational events on DEI issues to enhance our knowledge.*

*We are constantly exploring new tools and ways of doing community engagement so it is inclusive & equitable.”*

## **Bilingual**

**6/10**

*“CSV’s Community Engagement Manager Rocio Molina is fluent in writing & speaking in Spanish.*

*CSV’s ED speaks some conversational Spanish.*

*CSV hires community partners like META, LLC or the Vietnamese American Roundtable for communicating in other languages.”*

## **Consensus making experience**

**5/10**

*“At VTA, Alex was involved in the one of VTA’s most far-reaching public engagement efforts in years, the total redesign of VTA’s bus and light rail system (aka “Next Network”). VTA’s Board unanimously and smoothly passed the latter after one of its most extensive public engagement efforts ever. Alex also worked on BART Phase II and BART Phase I. VTA enlisted Alex to facilitate 5 prominent (and at times contentious yet well-executed) public meetings for VTA on further redesigns to the transit system in 2019.*

*CSV staff facilitate 2 meetings every month of our volunteers and visitors, leading discussions on members’ ideas to build consensus.*

*CSV staff facilitate open educational events w/community members of diverse perspectives At SVCN, Rocio coordinated policy and advocacy strategies which represented the values of over 200 nonprofit members in various health and human service agencies. During her time with The Reset Foundation, she built consensus to execute a diversion program for transitional-age youth with local justice agencies, judges, DAs and prosecutors.”*

# CATALYZE SV



We are confident that these qualifications make us ideal candidates for the on-call services opportunity. However, the panel found these qualifications to be “not specific enough.” We disagree, and propose a reassessment of our proposal. We believe there was a bias against smaller firms in the process and contest that our low scores are due to a lack of equity. No community based organization was awarded enough points to overcome the threshold for an award. Community based organizations serve the most diverse and low resourced populations. It is not efficient, equitable or inclusive not to include such a critical sector in community outreach programming. We hope you reconsider.

Thank you for your time. We appreciate your attention in this matter.

Rocio Molina,

Community Engagement Manager, Catalyze SV

July 7, 2022

**VIA EMAIL AND US MAIL ONLY**

Rocio Molina  
CatalyzeSV  
88 Bush Street  
San José, California, 95126

**Subject:** City of San José (City) Request for Proposal (RFP) for Master Agreements for Community Engagement and Facilitation Consultants (OED-RFP-2022-04-01)

**Reference:** Protest letter dated June 24, 2022

Dear Ms. Molina:

This letter is in response to the above-referenced letter protesting the City's Notice of Intended Award for Master Agreements for Community Engagement and Facilitation Consultants.

The protest letter was incorrectly addressed to Sanjay Krishnaswamy. The instructions for protests in Section 17 of the RFP state that protests must be addressed to Rachel Quirimit. However, we have decided to accept the protest and process it in accordance with San José Municipal Code sections 4.12.410 through 4.12.460, because Tara Reid (the contact on the RFP) and I was copied on the email.

The protest letter makes two requests:

- 1) reconsider the Local Business Enterprise (LBE) preference and award CatalyzeSV the full points based on the form attached to the protest letter; and
- 2) a reassessment of the proposal, based on the claim that the original assessment is inaccurate.

It also makes the claim that the process was biased against smaller firms and community-based organizations. This response letter addresses these two requests and claim.

**Request #1: Local Business Enterprise**

The protest letter states that CatalyzeSV was unable to submit "Form 4: Local Business Enterprise Certificate" within the time allotted, because the author was unable to confirm your fiscal agent's status in time. The letter also indicated the short RFP period (three weeks), combined with limited capacity, made it difficult to complete all of the RFP forms in a timely manner.

Consistent with [Municipal Code Section 4.12.320](#), the RFP awards 5 points for bidders that qualify as a Local Business Enterprise and 5 points for bidders that qualify as a Small Business Enterprise. Section 15 of the RFP states:

To be considered for Local and Small Business Enterprise Preference, you must complete the Request for Local and Small Business Enterprise Preference Form and submit it with your solicitation response. Vendors who fail to complete and submit the Request for Local and Small Business Enterprise Preference Form with their solicitation response will not be considered for the preference. This information cannot be submitted after the specified solicitation response submittal deadline.

CatalyzeSV did not include the Request for Local and Small Business Enterprise Preference Form (Attachment E of the RFP) as part of your solicitation response. Pursuant to the RFP, we are unable to accept additional documentation and add 5 points for the LBE preference to CatalyzeSV's score at this time, as the submittal deadline has passed. The City cannot consider additional information submitted after the RFP period has concluded. This policy is intended to preserve the integrity of the process and provide equal opportunity to all bidders.

### **Request #2: Reassessment**

The RFP states that successful consultants must score above 60 on the criteria (out of 100 total). The RFP response period was three weeks, running from April 12, 2022, through May 3, 2022. Staff received 23 responses. Staff determined that four of the responses did not meet the minimum submittal requirements and 19 proposals met the minimum criteria to advance to next stage of the evaluation process with a three-person panel. The panel evaluated the responses against the criteria in Section 4 of the RFP. CatalyzeSV's proposal received a score of 51, based on the following breakdown:

<b>Qualifications Criteria</b>	<b>Description</b>	<b>Maximum score</b>	<b>Panel Score</b>
Project timeliness	Proven track record of completing project deliverables within a timely manner and within budget	10	4
Local government experience	Experience working with local governments in Santa Clara County	10	7
Community development experience	Ability to work on sensitive and complex community development issues affecting the City of San José	10	6
Experience with populations of interest	Experience working with low-income communities, communities of color, limited English proficiency, youth, and other under-represented populations	10	6

<b>Qualifications Criteria</b>	<b>Description</b>	<b>Maximum score</b>	<b>Panel Score</b>
DEI knowledge	Knowledge about inclusive, equitable, and accessible outreach and engagement strategies	10	6
Bilingual capacity	Bilingual staff (particularly Spanish and Vietnamese)	10	6
Consensus experience	Skilled in conflict resolution and consensus-building techniques, especially working with diverse stakeholders and cross-sector groups	10	5
Constructive decision-making experience	Proven track record of assisting with decision-making processes that achieve community and stakeholder buy-in	10	5
Project management	Skilled in project management	5	3
Public communications	Skilled in effective public communications, including document and presentation production	5	3
Local business enterprise	See Section 15 and Attachment E	5	0
Small business enterprise	See Section 15 and Attachment E	5	0
<b>TOTAL</b>	<b>Total of all points across all criteria</b>	<b>100</b>	<b>51</b>

After issuance of the Notice of Intent to Award, CatalyzeSV requested and received the panel scoring breakdown and clarification on the scores it received. You also asked to see the top scoring proposals and their scoring breakdowns, which was provided. As noted in the protest letter, the main reason the panel gave you a low score in the different categories was lack of detail and specificity in the responses.

It is important to note that evaluators must base their scores on the information provided and determine scores based on the strength of the response. Receiving a high score on a given category requires specific evidence to support the claims made about qualifications and clearly linking to the language in the RFP.

For the “Populations of Interest” category, the CatalyzeSV proposal received a score of 6 out of 10 possible point. The response for this category included a general statement about partnering with organizations with two examples of organizations and one specific project example, earning 6 points. However, it only specifically mentioned two populations from the list (youth and Vietnamese) and did not describe the nature of the partnerships and how you collaborated with the communities in doing the work. To receive a higher score, the response would have needed to include more detail and specific examples supporting the criterion description.

For the “DEI knowledge” category, the CatalyzeSV proposal received a score of 6 out of 10 possible points. The response to this category listed examples of individual comfort level with diversity and experience with DEI training and other fields, but did not include specific examples that demonstrate CatalyzeSV’s “knowledge about inclusive, equitable, and accessible outreach and engagement strategies”.

For the “Bilingual” category, the CatalyzeSV proposal received a score of 6 out of 10 possible point. The score of 6 for this category reflects having at least one staff person that is bilingual in Spanish and the intent/ability to coordinate with external groups to provide language access services. Receiving a higher score would require additional staff capacity and/or in-house capabilities for other languages.

For the “Consensus experience” category, the CatalyzeSV proposal received a score of 5 out of 10 possible points. The response for this category generally mentions educational events with community members of diverse perspectives and previous work experience that involved engagement and policy development. While project examples were mentioned, it does not include any details about the consensus-building process utilized or specific evidence about CatalyzeSV’s skills in conflict resolution and consensus-building techniques with diverse stakeholders and cross-sector groups. The response would have been strengthened by incorporating the description of CatalyzeSV’s “Community Visioning Workshop” model (found in the response to the “Constructive Decision-making Experience” criterion), along with specific project examples of how that model was used to resolve conflicts and build consensus among diverse stakeholders and cross-sector groups.

### *Summary*

In response to the claim that the assessment of CatalyzeSV’s proposal was inaccurate and to the request to increase the score, I have concluded that there is insufficient evidence in the protest letter to justify increasing CatalyzeSV’s score by 9 points to reach the threshold for award. I found no indication that the City evaluation team evaluated and scored on anything other than what was specified in the RFP and in the solicitation response.

### **Claim: Biased Process**

The protest letter includes the following two statements:

- “As a community-based organization, we have limited capacity for grant writing and our author was unable to confirm our fiscal agent’s status in time. The short time window, just three weeks, for full assessment of the RFP, writing the proposal, and filling all forms was a significant barrier to equitable representation in the process.”
- “We believe there was a bias against smaller firms in the process and contest that our low scores are due to a lack of equity. No community-based organization was awarded enough points to overcome the threshold for an award. Community based organizations serve the most diverse and low resourced populations.”



The protest letter does not include any specifics about how the process was potentially biased against community-based organizations (CBOs) or smaller firms – other than the statement about the RFP response period being too short.

Staff did not receive any communications about the RFP deadline, including objections pursuant to section 8 of the RFP or requests to extend the deadline from CatalyzeSV or any other potential bidders. Staff tried to make the RFP requirements as simple as possible, while following all City policies and procedures and requesting sufficient information to make an informed recommendation.

The RFP was a competitive process intended to generate a bench of multiple consultants. It was open to both private and non-profit organizations that provide consulting services. It was not structured to favor any type of organization. The panel evaluated each proposal against the RFP criteria based on the information provided in the proposals.

Of the 23 responses to the RFP, four came from non-profits, including CatalyzeSV. The protest letter correctly states that none of the four made it the list of nine recommended for award. Of the nine successful bidders, three proposals received 10 points for the LBE/SBE preference; these consultants have 1, 2, and 8 employees. About half of the proposals were from small firms (less than 10 employees) and many of the others were from firms with about 10-35 employees. Given the overall response to the RFP and the range of firm size in the recommended list, I do not see evidence that smaller firms were at a significant disadvantage during this RFP.

## **Conclusion**

For these reasons, after careful review, I am upholding staff's recommendation of award to the nine consultants listed in the Notice of Intended Award, which scored 60 or more against the RFP criteria. It is my finding that the City's procurement processes were properly followed and that the RFP was conducted in a fair and objective manner.

You may appeal this decision to the San José City Council by filing a written appeal with the City Clerk within ten calendar days from the date of this letter, pursuant to [Municipal Code Section 4.12.460](#).

Thank you for your interest and participation in this process.

Sincerely,

/s/

Nanci Klein

Director, Office of Economic Development and Cultural Affairs