

FW: Appeal letter to City Council

City Clerk <city.clerk@sanjoseca.gov>

Mon 5/22/2023 7:38 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 2 attachments (2 MB)

VAO Appeal Letter_attachment.pdf; VAO Appeal Letter_signed.pdf;

From: quyen [REDACTED] >

Sent: Saturday, May 20, 2023 11:29 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Quirimit, Rachel <rachel.quirimit@sanjoseca.gov>; Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>

Subject: Appeal letter to City Council

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[External Email]

Dear City Clerk office,

Attached is our Appeal letter pursuant to Municipal Code Section 4.12.460

Reference:

City of San José (City) Request for Proposal (RFP) for Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027

Please let me know if you need any additional documents.

Thank you,

Quyen Mai

Founder / Executive Director

Pronouns: (he/him/his)



THINK GREEN!



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Empower our community

5/20/2023

City of San Jose
City Council
200 E Santa Clara St.
San Jose, CA 95113

Cc: Nanci Klein
Director, Office of Economic Development and Cultural Affairs

Subject: Appeal Letter attachment protest reasons & screenshots

Reference: City of San Jose Request for Proposal (RFP) for Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027

1. It is important to note that the items mentioned (cover letter, resumes, and outreach samples) were not explicitly listed as mandatory requirements in the RFP submission page on Biddingo. Had the city staff notified us of these missing items, we would have promptly provided them. We believe that disqualifying our organization based on these omissions without giving us an opportunity to rectify the situation is unfair.
2. The RFP submission page on Biddingo itself did not include a designated section to upload or attach a cover letter, resumes, and outreach materials. This absence led us to assume that these items were not essential components of the proposal submission. We followed each section provided on the page and submitted our proposal accordingly. It is unreasonable to penalize us for an oversight in the submission setup process that was beyond our control.
3. The bidding system, Biddingo, did not indicate that the aforementioned items were mandatory or required. Throughout the submission process, the system did not raise any error notifications or highlight any missing components. This further reinforced our belief that the submission was complete and in compliance with the provided guidelines. We

trusted the system's validation and proceeded accordingly. (see below screenshot)

Table of Contents

Amend.	Content #	All Contents
	12.	GENERAL INFORMATION
	13.	LOCAL AND SMALL BUSINESS ENTERPRISE PREFERENCE (LBE/SBE) (if applicable)
	14.	PUBLIC NATURE OF PROPOSED MATERIAL
	15.	PROTESTS
	16.	CITY BUSINESS TAX
	17.	CALIFORNIA SECRETARY OF STATE REGISTRATION
	18.	ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES
	19.	NON-DISCRIMINATION/ NON-PREFERENTIAL TREATMENT
1	20.	SUBMITTAL CHECKLIST AND RFP DOCUMENTS

Details Full screen

20. SUBMITTAL CHECKLIST AND RFP DOCUMENTS (Amend. 1)

Attachment A: Master Agreement Template (including City's Standard Terms and Conditions, Insurance Requirements, and standard Service Order Form)

Requirement	Reference Section	RFP Document
1 Response Form	6.C.1 Proposal Elements	Attachment B
2 Customer Reference Forms (2)	6.C.2 Proposal Elements	Attachment C
3 Resumes (1-3)	6.C.3 Proposal Elements	
4 Sample(s) of outreach materials	6.C.4 Proposal Elements	
5 Certification Form	6.C.5 Proposal Elements	Attachment D
6 Cover Letter	6.C.6 Submittal Requirements/Instructions	
7 Request for Local and Small Business Enterprise Preference, if applicable	12 Local and Small Business Enterprise Preference	Attachment E

Original attached file(s)

Seq.	Subject/File	Description	Re-attachment
1	Attachment A - Master Agreement Template.docx	Reference Document - template of master agreement to be completed upon completion of successful application.	Optional
2	Attachment B - Submittal Cover Form.docx	Required document for submittal.	Required
3	Attachment C - Customer Reference Form.pdf	Required document for submittal.	Required
4	Attachment D - Proposal Certification Form.pdf (Amend.1)	Required document for submittal.	
5	Attachment E - LSBE Form.pdf	Local Small Business and Employment Program Forms - optional document for submittal.	Optional
6	Attachment D - Response Certification Form.docx (Amend.1)	Required document for Submittal. (Updated Form)	Optional

4. Additionally, when we accessed the RFP submission page, only two documents were clearly indicated as required. We diligently provided all the documents that were specifically listed as mandatory, and we even went above and beyond by submitting optional documents that were listed on the page. If there had been a designated section or instruction for us to submit the cover letter, resumes, and outreach samples, we would have gladly included them. It is unfair to disqualify our organization based on missing documents when there was no clear indication or opportunity provided for us to include them. (see below screenshot)

Table of Contents

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Details Full screen

Original attached file(s)

Seq.	Subject/File	Description	Re-attachment
1	Attachment A - Master Agreement Template.docx	Reference Document - template of master agreement to be completed upon completion of successful application.	Optional
2	Attachment B - Submittal Cover Form.docx	Required document for submittal.	Required
3	Attachment C - Customer Reference Form.pdf	Required document for submittal.	Required
4	Attachment D - Proposal Certification Form.pdf (Amend.1)	Required document for submittal.	
5	Attachment E - LSBE Form.pdf	Local Small Business and Employment Program Forms - optional document for submittal.	Optional
6	Attachment D - Response Certification Form.docx (Amend.1)	Required document for Submittal. (Updated Form)	Optional

5. We would like to draw attention to the puzzling inconsistency regarding the missing items.

If the city staff deemed the cover letter, resumes, and outreach samples as mandatory

components of the proposal, it raises a valid question as to why the Biddingo system allowed us to successfully submit our proposal without these documents. The system did not provide any error notifications or alerts regarding missing mandatory items during the submission process. This further emphasizes the confusion and lack of clarity surrounding the requirements.

The fact that the system did not flag the absence of these items as errors or omissions indicates that they were not designated as mandatory. It is unfair to disqualify our organization based on missing documents when the system did not enforce such requirements during the submission process.

6. We would like to highlight that the city staff had the ability to ensure clarity and consistency in the submission process by setting up a mandatory section on the Biddingo platform for the submission of the cover letter, resumes, and outreach materials. By doing so, it would have clearly communicated to all participants that these items were indeed mandatory requirements for the proposal.

The absence of a designated section or clear instructions on Biddingo for submitting these documents contributed to the confusion and the assumption that they were not essential for the initial submission. As participants, we relied on the information and instructions provided by the system and followed them accordingly.

Given the oversight in the setup of the submission process on Biddingo, it would be unjust to penalize our organization for not submitting items that were not clearly indicated as mandatory. We believe that the responsibility lies with the city staff to ensure that the submission process is well-defined, consistent, and transparent, allowing all participants to understand and comply with the requirements.

7. Upon reviewing other RFPs on the Biddingo platform from the City of San Jose, we have observed that they are properly organized with distinct sections for uploading the required documents. Unlike our experience with the Master Agreements for Community Engagement Partnerships RFP, these other RFPs demonstrate consistency in providing designated areas for submitting essential documentation. (see below screenshot from CSJ

Public Works - Master Agreement for Trail Development)

The presence of specific sections for uploading required documents in other RFPs underscores the importance of maintaining a standardized and transparent submission process. It is crucial for all participants to have a clear understanding of where and how to provide the necessary materials.

8. In her response letter, Nanci Klein stated, “The City cannot consider additional information submitted after the RFP period has concluded.” However, our experience with other departments within the city shows that they have reopened the RFP process after deadlines. (See attached screenshot for further evidence.)

**Re: BEST 2023-2026 -
Proposal Extension Notice
Update**

Hello!

Thank you for your email!

The original notice of funding opportunity was sent out on February 13, 2023 and proposals were due on March 23, 2023. Due to technical assistance accessibility issues on the due date, we chose this week to reopen the RFQ as not to disqualify agencies who were unable to submit due to technical issues.

Best,

[Redacted Signature]

**Parks, Recreation and Neighborhood
Services**
San José City Hall | 408-795-1618
200 E Santa Clara Street, San José, CA 95113
Building Community Through Fun



VIETNAMESE AMERICAN
ORGANIZATION

Empower our community

5/20/2023

City of San Jose
City Council
200 E Santa Clara St.
San Jose, CA 95113

Cc: Nanci Klein
Director, Office of Economic Development and Cultural Affairs

Subject: **Appeal the city staff's decision to disqualify nonprofit organizations based on the improper setup of the bidding website.**

Reference: City of San Jose Request for Proposal (RFP) for Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027

Dear Council Members,

This letter is an appeal in response to Nanci Klein and the staff from the Office of Economic Development and Cultural Affairs' decision to disqualify our organization and three others based on city staff inconsistent and improper setup of the bidding website & the RFP documents.

Timeline:

On March 09, 2023, our organization submitted an application for the Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027 through the Bidding website. We completed the submission process without encountering any error notifications from Bidding.

On May 01, 2023, we received the Notice of Intended Award from the city staff, which listed our organization and three others as disqualified for the bid.

In response to our inquiry via email, the city staff notified us that our application was missing a cover letter, resumes, and outreach samples. Consequently, they promptly disqualified our organization and declined to proceed with our application for review by the evaluation panel.

On May 04, 2023, we adhered to the guidelines and submitted a protest letter to the city staff. In the letter, we highlighted several flaws in the bid setup on Bidding and expressed our concerns about the city staff's failure to establish a proper bid submission process in line with the

requirements outlined in the RFP document. We emphasized that these shortcomings resulted in confusion and the omission of necessary documents during the submission process.

On May 10, 2023, we received a response from Nanci Klein, Director of the Office of Economic and Cultural Affairs. Unfortunately, her response failed to address the flaws we pointed out regarding the city staff's actions and the improper bid setup on Biddingo. Instead, she upheld their decision without acknowledging the concerns we raised.

Reason to appeal (Please find the attached document outlining our reasons for protest and the accompanying screenshots as evidence)

We are writing to express our strong opposition to the city staff's decision to disqualify our application.

We strongly believe that the decision made by the city staff is incongruent with the mission of the City of San Jose, as well as the goals set forth by the City Manager's Office and the Office of Economic Development and Cultural Affairs (OEDCA). The City of San Jose aims to promote inclusivity, foster strong partnerships, and enhance community relationships. However, the disqualification of our organization without considering the flaws in the bidding process runs counter to these objectives.

The City Manager's Office and the OEDCA specifically seek to leverage the strengths of community-based organizations (CBOs) to ensure more inclusive decision-making processes, equitable outcomes, and stronger community relationships. Disregarding our concerns and upholding their decision without addressing the flaws undermines these goals and fails to reflect the principles of transparency and fairness that should guide such processes.

As an ethnic and minority organization, we have unfortunately experienced discrimination in various forms throughout our journey. Given our experiences, we firmly assert that the decision to disqualify our organization in this particular context appears to reflect a pattern of discrimination against minority and smaller organizations. This action not only impedes our ability to participate but also undermines the city's stated commitment to promoting equity and inclusion for minority communities.

Recommendations:

1. Instruct the city staff to reopen the bid and take the necessary steps to ensure that the requirements on Biddingo are properly set up in a manner consistent with the RFP documents. It is imperative that the bidding process is conducted in a fair and transparent manner, providing all participants with equal opportunities to submit their proposals.

By rectifying any inconsistencies or inadequacies in the bid setup, the city staff can uphold the principles of fairness, promote transparency, and foster a level playing field for all organizations involved.

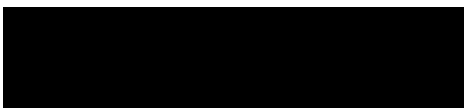
2. Instruct the city staff to provide a reasonable timeline for the submission of the missing documents and allow all participants, including our organization, sufficient time to fulfill this requirement.
3. To promote support for nonprofit organizations, foster partnerships, and ensure equity, we strongly recommend that the city adopt a clear policy that explicitly prohibits staff from disqualifying or rejecting applications from nonprofit organizations solely on the grounds of missing documents. This policy should emphasize the importance of fair evaluation and provide opportunities for organizations to rectify any issues or deficiencies within a reasonable timeframe.

The policy should ensure that missing documents or minor discrepancies do not automatically lead to disqualification, but instead provide an opportunity for organizations to rectify the issues within a reasonable timeframe. This approach will support a more inclusive and equitable environment, where nonprofit organizations have a fair chance to showcase their capabilities and contribute to the community.

By implementing such a policy, the city can demonstrate its commitment to fairness, transparency, and inclusivity in its engagement with nonprofit organizations. This will encourage greater participation, foster stronger partnerships, and contribute to the city's overall goal of promoting equity and supporting the valuable work of nonprofit organizations in the community.

As a diverse and forward-thinking community, we have the potential to achieve great things. We firmly believe that by adopting more reasonable policies, we can create a city that exemplifies inclusivity, progress, and equality. We welcome the opportunity to engage in dialogue and collaborate on improving our city for the benefit of all residents. Please do not hesitate to contact us at your convenience. Together, we can build a more equitable, vibrant, and harmonious community.

Sincerely,



Quyen Mai
Founder/Executive Director
VAO | Vietnamese American Organization
quyen@vaousa.org

FW: Appeal letter to City Council

City Clerk <city.clerk@sanjoseca.gov>

Tue 5/30/2023 1:53 PM

To:Agendadesk <Agendadesk@sanjoseca.gov>

📎 1 attachments (2 MB)

VAO_support_letter_signatures_submission_1.pdf;

From: quyen [REDACTED] <[REDACTED]>

Sent: Tuesday, May 30, 2023 1:24 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Cc: Quirimit, Rachel <rachel.quirimit@sanjoseca.gov>; Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>; Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>; Zazueta, Daniel <Daniel.Zazueta@sanjoseca.gov>

Subject: RE: Appeal letter to City Council

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Dear City Clerk and all,

We would like to submit an additional support letter with signatures from members of the community.

Reference: Appeal Letter from VAO | Vietnamese American Organization.

City of San José (City) Request for Proposal (RFP) for Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027

Thanks

Quyen

From: Klein, Nanci <[REDACTED]>

Sent: Sunday, May 21, 2023 8:48 AM

To: [quyen \[REDACTED\]](#); Severino, Lori <Lori.Severino@sanjoseca.gov>; Zazueta, Daniel <Daniel.Zazueta@sanjoseca.gov>; Severino, Lori <Lori.Severino@sanjoseca.gov>

Cc: City Clerk <city.clerk@sanjoseca.gov>; Quirimit, Rachel <rachel.quirimit@sanjoseca.gov>; Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>

Subject: Re: Appeal letter to City Council

Hi! Just want to make sure we all have this

Sent from my iPhone

On May 20, 2023, at 11:31 PM, [REDACTED] wrote:

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[External Email]

Dear City Clerk office,

Attached is our Appeal letter pursuant to Municipal Code Section 4.12.460

Reference:

City of San José (City) Request for Proposal (RFP) for Master Agreements for Community Engagement Partnerships
(Community-based Organizations and Nonprofits) - OED-RFP-2023-01-027

Please let me know if you need any additional documents.

Thank you,

Quyen Mai

Founder / Executive Director

Pronouns: (he/him/his)

.....



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Empower our community

5/20/2023

City of San Jose
City Council
200 E Santa Clara St.
San Jose, CA 95113

Subject: Letter of Support for VAO and Policy to Support Nonprofit Organizations

Dear City Council Members, City of San Jose

We, the undersigned, fully support VAO and strongly advocate for the City to take the following actions:

1. Instruct city staff to diligently and accurately set up all the requirements on Biddingo in a manner consistent with the RFP documents. This is crucial to ensure clarity and consistency in the bidding process, and to avoid any confusion or missing documents.
2. Adopt a comprehensive policy that explicitly prohibits staff from disqualifying or rejecting applications from nonprofit organizations based solely on the absence of documents. We believe that such a policy is crucial in ensuring a fair and equitable evaluation process for all organizations.

It is imperative that this policy emphasizes the importance of providing opportunities for organizations to rectify any issues or deficiencies within a reasonable timeframe. By allowing organizations the chance to address any shortcomings, the City can ensure a more inclusive and supportive environment for nonprofits.

We firmly believe that every organization should be evaluated based on their overall merits, impact, and alignment with the City's goals, rather than being disqualified or rejected due to technicalities or minor errors. This policy will promote transparency, fairness, and equal opportunities for all nonprofits, regardless of their size or resources.

This policy will enable nonprofit organizations, like VAO, to continue their invaluable work in our community and contribute to its social and economic development. It will also enhance collaboration between the City and nonprofits, promoting a more effective and efficient partnership in addressing the needs of our community.

We encourage the City give serious consideration to this matter and take proactive steps towards implementing a policy that supports nonprofit organizations. By doing so, the City will

demonstrate its commitment to fostering an environment that values and uplifts nonprofits, ultimately benefiting our community as a whole.

Signed,

Submitted	Signature	Name	Title	Phone	Email
5/23/2023 8:38 PM		Dat Nguyen	Business owner		
5/23/2023 8:04 PM		Vu Cai	Resident		
5/23/2023 8:04 PM		Vinh Cai	Cardiology Nurse Practitioner		
5/23/2023 7:32 PM		Quynh Nguyen	Admission associate		
5/23/2023 7:24 PM		Yen Tran	Business owner		
5/23/2023 7:14 PM		Quoc Nguyen	Business owner		
5/23/2023 7:12 PM		Toan Luu			
5/23/2023 7:08 PM		Quynh Nguyen	Associate		
		Anh Ho	Student		
5/23/2023 7:06 PM		Thu Le	Supporter		
5/23/2023 4:37 PM		Athena hoa Nguyen			
5/23/2023 4:33 PM		Hau Pham	Business Owner		
5/23/2023 4:21 PM		HAN LY	BUSINESS OWNER		
		Jean Pham	Supporter		
5/23/2023 1:22 PM		Annie Nguyen	School Manager		
5/23/2023 1:06 PM		The Anh Truong	Business Owner		
5/23/2023 12:56 PM		Jason Nguyen	Business owner		
		Han Tiet	Student		

Submitted	Signature	Name	Title	Phone	Email
5/24/2023 11:55 AM		Nhan Nguyen	Elevator machinic		
5/24/2023 11:34 AM		Thaihang Le	Owner		
5/24/2023 11:18 AM		Gwen Do	Business Owner		
5/24/2023 10:16 AM		Nhan Luong	Student		
5/24/2023 9:36 AM		Tri Thai	Field Operations Technician		
5/24/2023 9:00 AM		Rachael Nguyen	Student		
		Allyson Tran	Student		
5/24/2023 8:32 AM		Misa Truong	Student		
5/24/2023 8:14 AM		Joshua Huynh	Business Owner		
5/24/2023 7:15 AM		Caren Nguyen			
5/24/2023 1:25 AM		Bryan Do	Trustee, East Side Union HI...		
5/24/2023 1:22 AM		Thien Huynh	Business owner		
5/23/2023 11:13 PM		Cang Le			
5/23/2023 10:54 PM		Tinh Cao	Supporter		
5/23/2023 10:31 PM		Minh Hoang	Student		
5/23/2023 10:28 PM		Sương Đặng	Parent		
5/23/2023 10:24 PM		Victor Vuong			
5/23/2023 9:26 PM		toan Nguyen			
5/23/2023 9:04 PM		Tim Ngo	Business owner		
Submitted	Signature	Name	Title	Phone	Email
5/24/2023 8:53 PM		Maria Pham	Director -Vi Dan Media Netw...		
5/24/2023 6:50 PM		Khang Truong	Business owner		
5/24/2023 6:46 PM		Vi Huynh	Profession		
5/24/2023 3:25 PM		Brian Nguyen			
5/24/2023 3:22 PM		Hung Truong	Supporter		
5/24/2023 3:20 PM		Hung Truong	Supporter		
5/24/2023 3:01 PM		Ngoc Anh-Thu Tran	Supporter		
5/24/2023 2:14 PM		Hannah Vo			
5/24/2023 1:54 PM		Chloe Luu	Student		
5/24/2023 1:52 PM		Hannah Truony			
5/24/2023 1:43 PM		Patrick Wong	Supporter		
5/24/2023 1:38 PM		Chinh Khuc	Engineering		
5/24/2023 1:31 PM		My Ngoc Tran			
5/24/2023 1:30 PM		Chris Huynh	Citizen of San Jose		
5/24/2023 1:30 PM		Giang Tran	Supporter		
5/24/2023 1:25 PM		Bryan Ly			
5/24/2023 1:24 PM		Long Pham			
5/24/2023 1:22 PM		Thuy Le	Supporter		
5/24/2023 1:09 PM		Thao Pham	Business Ownser		

Submitted	Signature	Name	Title	Phone	Email
6/29/2023 3:50 PM		Freddy Ngo			
5/27/2023 12:41 PM		Andy Nguyen			
5/27/2023 12:34 PM		Van Lan Truong	Supporter		
5/27/2023 11:16 AM		Albert Le			
6/27/2023 12:15 AM		Chau Nguyen	Dr.		
6/25/2023 6:11 PM		Tuyen Vo	Electrical Engineer		
5/25/2023 5:59 PM		Kevin Nguyen	Business owner		
5/25/2023 2:01 PM		El verde Nguyen			
6/25/2023 7:18 AM		Robert Nguyen			
6/24/2023 11:03 PM		Thomas Nguyen	Vice President of Viet Voters		
5/24/2023 9:42 PM		Harrison Pham	Supporter		

FW: Support for Agenda Item 8.1 Community-Based Organization Engagement Partners

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/20/2023 8:04 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (127 KB)

SHD-Supporting Letter for Community Engagement Partnership.pdf;

From: Michelle Zhang [REDACTED]

Sent: Monday, June 19, 2023 5:14 PM

To: City Clerk <city.clerk@sanjoseca.gov>

Subject: Support for Agenda Item 8.1 Community-Based Organization Engagement Partners

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[External Email]

Dear city clerk,

Please see the attached supporting letter. Thank you so very much for your services.

Best,
Michelle

—
Michelle Zhang Tietgens (she/her/hers)
Founder

www.societyofheartdelight.org

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Society of Heart's Delight
愉园社

www.societyofheartsdelight.org
www.yuyuanshe.com
contact@yuyuanshe.com

June 19, 2023

San Jose Mayor, City Council and Staff
200 E. Santa Clara St.
San Jose, CA 95113

Subject: Support for Agenda Item 8.1 Community-Based Organization Engagement Partners

Dear Mayor, City Council, and Staff:

I am writing on behalf of the Society of Heart's Delight (SHD) to support Agenda Item 8.1 to establish master agreements with community-based organizations to collaborate with City of San Jose departments on community engagement. We express our sincere gratitude to the city of San Jose for granting community-based organizations this unprecedented opportunity.

As a collective applicant with Catalyze SV and Housing Choices, we are truly grateful to have been selected among the Intend to Award recipients. The Chinese immigrant population, numbering approximately 80,000 individuals, represents the fourth largest demographic in the city of San Jose. This vibrant and diverse group, when disconnected from local government, results in a significant loss for city processes.

Drawing from our proven experience in community building, we are confident in our ability to assist San Jose departments in various aspects of Chinese community engagement. Our support includes but is not limited to, providing assistance to community advisory committees, conducting public outreach and community engagement activities, facilitating meetings, and conducting community need assessments.

We are looking forward to collaborating/working with you!

Sincerely,

Michelle Zhang Tietgens
Founder

www.Societyofheartsdelight.org

Cell:

FW: Agenda Item 8.1: A win/win/win solution for the CBO on-call list

City Clerk <city.clerk@sanjoseca.gov>

Tue 6/20/2023 11:27 AM

To:Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachments (139 KB)

Letter to San José Council re. Appeal of CBO Master List Results 06.20.2023.pdf;

From: HK Family [REDACTED]

Sent: Tuesday, June 20, 2023 11:23 AM

To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>

Cc: Klein, Nanci <Nanci.Klein@sanjoseca.gov>; Frimann, Nora <Nora.Frimann@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>; Agendadesk <Agendadesk@sanjoseca.gov>

Subject: Agenda Item 8.1: A win/win/win solution for the CBO on-call list

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Dear Mayor Mahan, Vice Mayor Kamei, and Councilmembers,

We hope you'll take a moment to read this letter, in which we propose a win/win/win solution for the CBO on-call list that will be discussed at today's Council meeting.

Please don't hesitate to reach out if you have any questions.

Respectfully,
Linda

—
Linda Hutchins-Knowles (she/her)
Team Coordinator, [Mothers Out Front Silicon Valley](#)

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June 20, 2023

Re: Agenda Item 8.1: An elegant solution: expand the number of CBOs included

Dear Mayor Mahan, Vice Mayor Kamei, and Councilmembers Jimenez, Torres, Cohen, Ortiz, Davis, Doan, Candelas, Foley and Batra,

We at Mothers Out Front are grateful for the City's commitment to community engagement by tapping into the networks and expertise of Community-Based Organizations (CBO)s. We think the strategy of developing an "on-call" list of CBOs is an excellent idea, and appreciate the great effort that OEDCA put into the process. We're writing today to share a dilemma posed by the results and to offer an elegant solution for giving City departments a more robust list.

Background:

Given our track record of having led two successful grant-funded community engagement projects for ESD, we were encouraged by ESD and CED to apply to be on the CBO Master List. Though we submitted on time all of the required materials with detailed documentation of how we meet each of the desired qualifications, our application **narrowly missed—by just 6 points out of 100**—the cutoff score of 75 chosen by OEDCA. After learning the result, we spoke with a staff member at OEDCA who verbally shared some of the comments the reviewers made.

We learned that ***there was nothing disqualifying about our application; it simply didn't score as highly as some of the others.*** Some of the reviewers' comments reveal **unspoken expectations** that were not made clear in the application questions. For example, for Criteria 2—"Collaborative, inclusive process"—one reviewer wrote, *"Does not discuss collaborating with other CBOs."* Yet **there was no application question about collaborating with CBOs.** If there were, we would have described the series of virtual Networking Mixers for San Jose-based CBOs that we hosted from 2020-2021, and our successful collaborations with CBOs such as the Latina Coalition of Silicon Valley and International Children's Assistance Network. ***We think that the reviewers should have limited their evaluation to the questions explicitly asked, and that we deserve the full 20 points in this category, an area we excel in, not just 15 (a "C" grade).***

Believing that our application merited higher scores in this and other categories, we submitted a detailed formal Protest to OEDCA to reconsider, but it was denied. We decided to appeal this denial after hearing from staffers in **both ESD and CED** that they were disappointed that Mothers Out Front Silicon Valley wasn't included on the on-call list because they'd like to partner with us again on specific climate- and electrification-related initiatives as we have in the past.

The purpose of this letter is not to restate our appeal; we understand that some may feel hesitant to intercede on behalf of one organization, however deserving. Rather, we seek to point out how the process may have, despite good intentions, missed the mark in some regards. To conclude, we'll offer a simple, elegant solution that might better meet the stated goals of this initiative, providing a **“win/win/win” for all**, without having to re-do the process.

The dilemma:

- 1) The stated goal of the RFP process was to get *“as many organizations as possible on our on-call list for staff to be able to work with.”* Thus, **it was not meant to be a highly competitive process in the sense of grading on a curve and only the best win;** rather, it was **meant to be an inclusive process** to include as many CBOs as possible who each offer a specialized expertise and connections with populations of interest.
- 2) Limiting the number of CBOs on the list to 22 **unnecessarily omits some CBOs**, like Mothers Out Front **and others**, that have unique expertise to offer. **22 isn't a magic number the City can't exceed, nor is 75 points an immovable threshold below which CBOs can't offer value to the City.** The 22 CBOs that made this cutoff are wonderful, but none of them has the same focus on climate and expertise in educating the public about the benefits of home electrification that Mothers Out Front offers.
- 3) Another stated goal of the on-call list was to provide *“an opportunity for capacity building among local organizations and among staff — through providing experiences with procurement process and through working and learning together on projects.”* This implies that the CBOs are not expected to be perfect, and that the City seeks to support evolving CBOs to get stronger. Yet limiting the on-call list to the 22 strongest CBOs (like Catholic Charities and SPUR) **denies this capacity-building opportunity to other (newer, smaller and currently less-staffed) CBOs who may benefit from it the most.**
- 4) The process was meant to give a bonus to local and/or small organizations. However, the overly narrow and unnecessarily-linked definitions of local (has a San José business license) and small (under 35 employees AND has a San José business license) excluded Mothers Out Front, and perhaps other CBOS, **that are actually hyper-local and quite small.** Rather than receiving a bonus, we were penalized by 10 points. (Mothers Out Front has since acquired a San José Business Tax Certificate so we now meet both criteria of being local and small, though we didn't meet the strict definition at the time of the application.)
- 5) The City does not intend to issue a new RFP **for 3-5 years.** This means that CBOs like ours that barely missed the cutoff will need to wait several years for another opportunity to demonstrate our value—and that City staff who wish to partner with us in the meantime will not be able to move as nimbly or be able to offer us grants of more than \$10,000.

A win/win/win solution:

Rather than having a panel of 3 City staff reviewers narrow down the pool preemptively, an alternative approach would be to **let City departments**—who may be more familiar with some of the CBOs than the reviewers—determine which CBOs who applied best match their needs.

Therefore, we propose that Council ask OEDCA to lower the threshold for qualifying:

- a threshold of 69 points would add 4 more CBOs for a total of 26;
- a threshold of 50 points would add 8 more CBOs for a total of 30 (all with complete applications).

Doing so will be **a win for CBOs** who have much to offer and learn, **a win for the City departments** that would like a more complete “menu” of CBOs to invite to respond to service orders, and **a win for City residents** who will benefit from more nuanced community outreach.

Adopting these recommendations will also make the City **more efficient**, by helping ESD, CED, and perhaps other departments avoid having to issue new RFPs for community engagement, achieving the goal of *“streamlining procurement processes – **conserving significant staff time and resources by consolidating administrative tasks.**”* As OEDCA’s Memo states on p. 2, *“Having this on-call list will facilitate the **timely selection** and integration of engagement partners as needs arise, particularly for unanticipated projects with timelines that preclude their own RFP.”*

Rather than setting a bad precedent, making this change would show that Council is doing its job of providing guidance to staff and ensuring that the process meets its intended objectives.

Thank you for considering these simple tweaks to the process. We hope you’ll choose to support a win/win/win for all. **Please exercise the oversight that your constituents have entrusted you with**, rather than simply approving staff’s recommendations as is. It would be a shame to have to wait another 3-5 years to fully achieve this initiative’s importa goals.

Respectfully,

Linda Hutchins-Knowles,
Team Coordinator and Co-founder of Mothers Out Front Silicon Valley

Andrea Slater,
California Senior Organizer, Mothers Out Front

Alicia Nichols-Gonzalez,
California Organizing Manager, Mothers Out Front