



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Nanci Klein

SUBJECT: SEE BELOW

DATE: May 30, 2023

Approved

Date

6/6/23

SUBJECT: COMMUNITY-BASED ORGANIZATION ENGAGEMENT PARTNERS

RECOMMENDATION

Adopt a resolution authorizing the City Manager or designee to:

- a) Negotiate and execute up to 22 master agreements with community-based organizations or a total maximum compensation limit of up to \$6 million with the initial terms of the master agreements of three years, with options to extend individual contracts for up to two additional years, for a total contract term of up to five years; and
- b) Exercise options to extend the master agreements for up to an additional two years for specified organizations under the same terms and conditions.

SUMMARY AND OUTCOME

Approval of staff's recommendation would allow for the execution of master agreements with up to 22 community-based organizations (CBOs) that staff could work with to address public outreach and community engagement needs on a project-by-project basis. The recommendation would not require the appropriation of any funding or other budget-related actions at this time. Staff will identify and encumber funding from project-specific funding sources when executing services orders under the master agreements. Project-specific funding will be subject to later appropriation by City Council, as needed.

BACKGROUND

Every year, the City takes on a variety of public projects and planning processes that involve reaching out to and engaging with residents to generate feedback. For these outreach and engagement efforts, staff often contract with consultants to augment staff's capacity. Consultants provide a range of services, such as advising on strategy, preparing outreach and meeting

materials, facilitating discussions, and taking notes. In addition to increasing work capacity, they bring specialized skills and project experiences to improve the quality of the process. In order to establish a list of on-call consultants, staff implemented a procurement process and recommended nine firms to receive a master agreement. City Council approved these nine consultants on [August 16, 2022](#), and the bench is now available for all City staff, including City Council Offices, to utilize.

Several CBOs and non-profits responded to the Request for Proposals (RFP) for the consultant services; however, none of these organizations met the scoring threshold for recommendation, based on the panel's evaluation. Learning from this process, staff recommended that the City conduct a separate procurement process specifically to establish a list of on-call CBOs, recognizing the unique benefits of partnering with them on outreach and engagement efforts.

Specifically, staff recognizes the value of the trusted relationships CBOs have with community members and the established communication channels they maintain. CBOs expertise with and knowledge of local issues and needs is a unique resource that helps to produce equitable outcomes. CBOs have firsthand experience with connecting to underrepresented populations (e.g., lower income, people of color, limited English-speaking residents, immigrants, people with disabilities, unhoused people, LGBTQ, youth, etc.). These connections help to increase the breadth and depth of participation across communities and to generate quality feedback from residents. CBOs also have expertise with and knowledge of local issues and needs, which further helps to produce equitable outcomes. These benefits are unique to CBOs and are very difficult for City staff and consultants to achieve without their partnership.

Recognizing these benefits, City Council approved staff's recommendation to conduct another RFP specifically for CBOs as part of the August 16, 2022 City Council meeting. In response to this direction, the Office of Economic Development and Cultural Affairs (OEDCA) issued an RFP for partnerships with CBOs on engagement projects (see **Attachment A** – CBO Engagement RFP Document).

The goal of the RFP is to award multiple master agreements to establish a list of CBO partners with master agreements. This means that staff will be able to contract with CBO partners through a service order, rather than a full RFP. 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. Without a streamlined process, staff is usually forced to forego partnerships or request CBOs to voluntarily help without compensation or accountability. The streamlined contracting process will also enable staff to develop an engagement strategy in partnership with the CBO early in the project planning process. This early partnership would, in turn, generate more representative and meaningful participation, particularly among populations that do not often participate in City processes.

In addition to these outcomes, this RFP supports the City's goal of streamlining procurement processes – conserving significant staff time and resources by consolidating administrative tasks.

ANALYSIS

RFP Process

The RFP for partnerships with CBOs on engagement projects opened on Biddingo, the City's standard procurement platform, on January 27, 2023 and closed on March 10, 2023, running for a total of six weeks. The RFP asked CBOs to submit qualifications for one or more of the following technical areas:

- Strategy development
- Preparation of outreach and engagement materials
- Implementation of outreach activities (e.g., sending emails, managing social media campaigns, door-to-door outreach, tabling at community events, etc.)
- Implementation of engagement activities (e.g., host meetings, facilitate discussions, conduct surveys, etc.)
- Documentation, analysis, and integration of community input

The RFP included the following criteria for desired qualifications:

- Connections with populations of interest
- Collaborative, inclusive process
- Local experience and knowledge
- Accessible communications
- Project management
- Bilingual capacity
- Staff capacity
- Local business enterprise
- Small business enterprise

Leading up to the RFP submission time, staff provided extensive outreach and engagement opportunities for potential respondents to seek guidance on the submission process. Staff's efforts went above and beyond the basic process for notifying organizations about the RFP and answering questions through Biddingo. These additional efforts included an RFP-specific [website](#), a virtual question and answer session, and an in-person meeting to answer questions and provide time for CBOs to network with each other.

During these meetings, staff provided a clear overview of the RFP and the RFP process, and responded to inquiries from attendees. The additional outreach and engagement resources were advertised through Biddingo and on OEDCA's social media accounts and mailing lists. Staff also worked with the Silicon Valley Council of Nonprofits to design the procurement process and outreach efforts in ways that would be responsive to the unique needs of CBOs. Staff recognized that some potential bidders may be new to the City's processes and that CBOs could use extra support with navigating the Biddingo system. These resources highlighted the help available and encouraged bidders to reach out with any questions. Staff also offered six weeks to respond to

the RFP, which is longer than many other City procurement processes, a suggestion staff received from CBOs following the 2022 RFP for engagement consultants.

In response to the RFP, the City received a total of 34 submissions. Following the initial completeness review, four were disqualified because their submissions were missing more than one required element as specified in the RFP. A panel of three City staff evaluated the 30 complete submissions against the criteria in the RFP. Staff is recommending an award of a master agreement to the 22 CBOs that scored a minimum of 75 points (out of 100). These organizations are listed as follows:

1. Healing Grove Health Center Foundation
2. Latino Business Foundation Silicon Valley
3. Movimiento de Arte y Cultura Latino Americana
4. Pars Equality Center
5. African American Community Services Agency
6. School of Arts and Culture at the Mexican Heritage Plaza
7. International Children's Assistance Network
8. SOMOS Mayfair
9. Catholic Charities of Santa Clara County
10. Community Health Partnerships
11. Latinas Contra Cancer
12. Valley Verde
13. Social Good Fund (Catalyze SV)
14. Latina Coalition of Silicon Valley
15. Fresh Lifelines for Youth
16. Vietnamese American Roundtable
17. Chopsticks Alley
18. Breath California of the Bay Area
19. Healthier Kids Foundation
20. Latino Education Advancement Foundation
21. SPUR
22. Local Color

OEDCA considers 30 substantially complete submissions to be a very successful RFP response rate, reflecting a fair process that reached the intended audience. The selected organizations work with and represent a wide diversity of population groups, such as Latino/a business owners, Eastside residents, and the Vietnamese community. Staff across City departments are eager to work with the CBOs on this list, including for projects occurring this summer.

Staff are still encouraged to conduct their own RFPs for foreseeable long-term projects. OEDCA will share lessons learned from this experience with other staff to apply to future RFPs.

Notice of Intended Awards, Protests, and Appeals

On May 2, 2023, staff issued the public Notice of Intended Award (NOI) for the RFP to all respondents (**Attachment B**). The NOI included instructions for organizations to file a protest. Following the posting of the NOI, the City received two letters of protest: one from the Vietnamese American Organization on May 4, 2023 and the second from Mothers Out Front on May 11, 2023. As the department responsible for the management of this RFP, the Director of OEDCA served as the procurement authority for this effort and provided response letters. The protest and appeal procedures for RFPs 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 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.

Protest Letter from the Vietnamese American Organization

The Vietnamese American Organization was one of the four organizations that were disqualified because its submission was missing more than one required element. In summary, the protest letter made requests to reconsider the RFP submission, and to complete a review of the submitted proposal by the evaluation panel. The protest letter claimed that the three documents that were not included in its submission were not properly labeled as mandatory elements in the RFP and that Biddingo did not provide prompts to upload all required elements, nor notification of missing elements. After a careful review of these claims, OEDCA provided a response to the protest letter on May 10, 2023.

City Response to the Vietnamese American Organization Protest Letter

The City's response to the Vietnamese American Organization identified the language within the RFP documents that explicitly stated the required elements for all submissions. It highlighted the statement, "Failure to fully complete and submit all required forms and documentation may result in disqualification." The response noted that the City cannot consider additional information submitted after the RFP period has concluded, including the provision of elements that were missing from the original submission, to preserve the integrity of the process and provide equal opportunity to all bidders. It also described all the ways that OEDCA went above and beyond to make the process accessible to CBOs, to answer questions, and to clarify requirements. There were 30 organizations that provided substantially complete submissions, which OEDCA considers a very successful RFP response rate.

Protest Letter from Mothers Out Front

The protest letter received from Mothers Out Front outlined two sets of claims to justify reconsideration of the submission. The letter stated that the organization should have received the points associated with the Local and Small Business Enterprise preference and that its submission should have received higher scores in some of the categories. After a careful review of these claims, OEDCA provided a response to the protest letter on May 19, 2023.

City Response to Mothers Out Front Protest Letter

The response to Mothers Out Front reiterated the requirements for getting the local and small business preference points, as outlined in the RFP, as well as specific examples of why the panel scored Mothers Out Front submission the way it did.

In both responses, the Director of OEDCA found that the RFP followed the City's procurement processes and was conducted in a fair and unbiased manner. OEDCA denied the protests and upheld staff's recommendation to award the 22 organizations identified in the NOI.

Appeal to the Protest Determination

As is noted in the protest procedures referenced in this memorandum, the two protesting organizations may submit an appeal of this decision to City Council by filing a written appeal to the City Clerk within 10 calendar days of receipt of the City's initial response. The deadline to submit an appeal was May 19, 2023 for the Vietnamese American Organization and May 29, 2023 for Mothers Out Front.

Both protesting organizations submitted an appeal to the Procurement Authority's decision. OEDCA received the appeal from the Vietnamese American Organization on May 20, 2023 and the appeal from Mothers Out Front on May, 29, 2023. Both protest letters, the corresponding responses from OEDCA, and appeal letters are attached to this memorandum as **Attachment C** (Vietnamese American Organization), and **Attachment D** (Mothers Out Front).

Appeal from Vietnamese American Organization and City Response

The appeal letter from the Vietnamese American Organization repeated the claims about the RFP process in its protest letter and further stated that its disqualification “appears to reflect a pattern of discrimination against minority and smaller organizations.” Vietnamese American Organization asks City Council to re-open the procurement process, to “provide a reasonable timeline for the submission of the missing documents,” and “to adopt a clear policy that explicitly prohibits staff from disqualifying or rejecting applications from nonprofit organizations solely on the grounds of missing documents.”

OEDCA considers 30 substantially complete submissions to be a very successful RFP response rate, reflecting a fair process that reached the intended audience. The selected organizations work with and represent a wide diversity of population groups, such as Latino/a business owners, Eastside residents, and the Vietnamese community. Of the 34 submissions, 15 claimed the small business preference, and 11 of those are on the recommended list. There was no apparent pattern when comparing the organizations that made the list and those that did not.

Re-opening the procurement process to enable four of the 34 respondents to provide missing documents is not recommended. Doing so would require the City to provide all organizations a chance to resubmit documentation and to increase their scores, requiring re-evaluation of all submissions received and adding months to the process. Additionally, it might be perceived as unfair to those organizations that provided complete and timely applications. Disqualifying submissions that are too incomplete to evaluate and not accepting any new information after the deadline are standard practices intended to support a fair process and level playing field for all respondents. Respondents that are unclear about the required elements or submission process can ask questions during the submission process. For this RFP, staff offered multiple ways in which CBOs could ask questions during the six-week-long RFP submission period. Staff sought ways to remove barriers for CBOs and to maximize the number of organizations receiving a master agreement, recognizing the strong desire across departments and among City Council to work with CBOs in more formal ways.

Appeal from Mothers Out Front and City Response

The appeal letter from Mothers Out Front repeated the claims outlined in the organization’s protest letter, reiterating the request to reevaluate its response to the RFP, and consider higher scores in various categories assessed by the review panel. The appellant highlighted the RFP’s goal to get “as many organizations as possible on our on-call list for staff to be able to work with,” noting that Mothers Out Front should be included on the list of master agreements recipients to achieve the desired inclusivity. Furthermore, Mothers Out Front made the claim that there is sufficient funding to support its inclusion on the list of organizations recommended for master agreements. Additionally, Mothers Out Front specified that the definition established for the Local and Small Business Enterprise Preference is overly narrow, preventing it from receiving points despite being a small, volunteer-run local organization.

There is no funding associated with this RFP and no grants will be given out to organizations, as suggested by Mothers Out Front in its appeal letter. The outcome of the executed master agreements would establish not-to-exceed amounts for all service orders under individual agreements and a total not-to-exceed amount for all agreements (to enable the increase in the compensation limit from the contingency to individual agreements, if needed). Funding to work with organizations on the on-call list will come from project-specific sources and be identified at the service order stage.

Lastly, the Mothers Out Front proposal did not meet the basic requirements to receive the Local and Small Business Enterprise Preference, as established in the San José Municipal Code. The requirements provide a level playing field for all procurement processes across the City. Staff cannot change the definitions or requirements for this procurement.

Next Steps

With City Council’s authorization, staff will begin to negotiate master agreements with these CBOs:

Community-based Organization
Healing Grove Health Center Foundation
Latino Business Foundation Silicon Valley
Movimiento de Arte y Cultura Latino Americana
Pars Equality Center
African American Community Services Association
School of Arts and Culture at the Mexican Heritage Plaza
International Children’s Assistance Network
SOMOS Mayfair
Catholic Charities of Santa Clara County
Community Health Partnerships
Latinas Contra Cancer
Valley Verde
Social Good Fund (Catalyze SV)
Latina Coalition of Silicon Valley
Fresh Lifelines for Youth
Vietnamese American Roundtable
Chopsticks Alley
Breath California of the Bay Area
Healthier Kids Foundation
Latino Education Advancement Foundation
SPUR
Local Color

The master agreements executed with the organizations listed in the table above will be valued at \$250,000 per organization. Staff recommends setting aside an additional \$500,000 for contingency purposes. If needed in the future, staff may add funding to the master agreements using the contingency, provided that the total maximum compensation limit for all of the master agreements does not exceed \$6 million.

The initial term for master agreements executed through this effort will be three years, with an option to extend for up to two years for a total of five years. The recommendation includes the authority for the City Manager or designee to exercise the option for extensions for up to two one-year periods, in addition to the initial term under the same agreement conditions, for a potential contract term of up to five years.

OEDCA staff will manage the execution of the master agreements, establish a protocol for all departmental staff to partner with CBOs under the agreements, track executed service orders, and track funding available in the not-to-exceed amount identified for each CBO. Moving forward City staff serving as the project manager will be required to contact OEDCA when they would like to partner with a CBO with a master agreement for their project. The project manager will be required to send a "Request for Services" to the qualified CBOs for the relevant technical areas. Project managers will consider the responses, select the CBO(s) that best meet the project's needs, and prepare a service order.

The service orders will outline specific tasks, deliverables, funding sources and budget, deadlines, and any other applicable details. The City Manager's Office or OEDCA will be responsible for signing the service orders, as the manager of all the master agreements. The CBO will be required to provide proof of the required insurance and meet all applicable contract requirements to execute the service order. Project managers will be responsible for encumbering funds prior to executing each service order, which may require an appropriation of funding by the City Council.

The process of contracting with a CBO under a master agreement is anticipated to take six to eight weeks from the time they reach out to OEDCA with the request to the signing of the service order. Staff across City departments are eager to work with the CBOs on this list, including for projects occurring this summer. Staff are still encouraged to conduct their own RFPs for foreseeable long-term projects. OEDCA will share lessons learned from this experience with other staff to apply to future RFPs.

EVALUATION AND FOLLOW-UP

Master agreement contracts will be available for public review through [GILES](#). OEDCA staff will track service orders under each master agreement and report as necessary. In the future, staff may return to City Council to appropriate encumbered funds when executing service orders under the master agreements.

COST SUMMARY/IMPLICATIONS

Actions associated with the recommendation in this memorandum will have no immediate effect on the City's budget. Work performed by CBOs through the master agreements would be done under a separate service order executed later. Service orders for engagement partnerships would be subject to appropriation of funds from project-specific funding sources. The intent of this process is to enable streamlining of the procurement process, enabling staff to save significant time and money on administrative tasks during the life of the master agreements.

COORDINATION

This memorandum was coordinated with the City Attorney's Office and City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the June 20, 2023 City Council meeting.

In addition, staff advertised the RFP to potential respondents through OEDCA social media accounts, email distribution lists, in-person question and answer events, and the Biddingo platform - the City's procurement platform. Staff also collaborated with the Silicon Valley Council of Nonprofits to advertise through newsletters and host a CBO networking event on February 23, 2023 for potential respondents.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

HONORABLE MAYOR AND CITY COUNCIL

May 30, 2023

Subject: Community-Based Organization Engagement Partners

Page 11

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

/s/

NANCI KLEIN

Director of Economic Development and
Cultural Affairs

The principal author of this memorandum is Zacharias Mendez, Senior Executive Analyst. For questions, please contact zacharias.mendez@sanjoseca.gov or (408) 793-4385.

ATTACHMENTS

Attachment A: CBO Engagement RFP Document

Attachment B: Notice of Intent to Award

Attachment C: Vietnamese American Organization Protest Letter, City Response, and Appeal Letter

Attachment D: Mothers Out Front Protest Letter, City Response, and Appeal Letter

City of San José - Consulting



BID DOCUMENT ADDENDUM

Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits)

Bid Number: OED-RFP-2023-01-27

Closing Date: 03/10/2023 23:59:00 PT

200 E. Santa Clara Street
San José, California, 95113

TABLE OF CONTENTS

1. INTRODUCTION
2. BACKGROUND
3. SCOPE OF WORK
4. DESIRED QUALIFICATIONS
5. TERM OF AGREEMENT AND COMPENSATION
6. SUBMITTAL REQUIREMENTS AND INSTRUCTIONS
 - A. Bidding Submission Details
 - B. Proposal Formatting and Delivery
 - C. Proposal Elements (Amend. 1)
 - D. Procedure for Submitting Questions
 - E. Objections
7. SELECTION PROCESS
8. SERVICE ORDERS
9. INSURANCE REQUIREMENTS
10. GROUNDS FOR DISQUALIFICATION
11. CONFLICT OF INTEREST
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
20. SUBMITTAL CHECKLIST AND RFP DOCUMENTS (Amend. 1)

1. INTRODUCTION

The City of San José's Office of Economic Development and Cultural Affairs (OEDCA), a division of the City Manager's Office, is seeking to develop a list of pre-qualified non-profits and community-based organizations (CBOs) that can assist the City with community engagement. The goal is to leverage the strengths of CBOs to result in more inclusive decision-making processes, equitable outcomes, and stronger community relationships. This effort is also an opportunity for capacity building and shared learning among CBOs and their staff.

The City intends to award multiple master agreements through this competitive procurement process. Once the master agreements are in place with each of the selected CBOs, City staff in all departments can select from the list for various engagement efforts, as need arises. There is no specific funding source associated with this RFP. Rather, funding will be allocated when a service order is executed with a CBO under their master agreement and the CBOs will be compensated as work is completed.

Each agreement will establish a "maximum compensation" amount. This means that staff can spend up to that amount with one or more service orders. For example, if the maximum compensation is set at \$250,000 for a given CBO, then staff could initiate five service orders of \$50,000 each, or any other combination that does not exceed \$250,000 total. The maximum compensation amounts will be determined following the closure of the RFP, although it is anticipated that the amounts will range from \$100,000 to \$500,000. There is no requirement for the CBOs to provide matching grant funding as part of the master agreements.

The master agreements will be in place for approximately three years with the option to extend for up to two one-year terms. The City may decide to extend this program beyond five years and issue a similar RFP. In this case, all respondents to this RFP will be notified of the opportunity to submit a proposal to be considered for the future list. All successful respondents for this RFP would need to submit a new proposal at that time.

The CBO's that are selected to be on the list are not guaranteed work under the master agreements. It is possible that City staff do not select the CBO as a partner during the term of the agreement. Please refer to this: <https://sanjoseca.gov/?navid=7856> for important notes about the RFP process, and how to get assistance if needed.

2. BACKGROUND

Each year, the City undertakes a variety of decision-making processes that involve reaching out to and engaging the public. It is City practice to seek feedback on new programs, policy changes, and plans through methods like online surveys and community meetings.

Staff is seeking to increase opportunities to partner with CBOs on these engagement processes. The City recognizes the value of the trusted relationships CBOs have developed with community members and the communication channels they have established. CBOs have subject area expertise and deep knowledge of community issues and needs, which is uniquely valuable to generating quality feedback. CBO's have firsthand experience with connecting to community members, particularly with underrepresented populations (e.g., lower income, people of color, limited English speaking, immigrants, people with disabilities, unhoused people, LGBTQ, youth, etc.). Partnering with CBOs on engagement helps to increase the breadth and depth of participation across communities.

The list of on-call CBOs with Master Agreements (See Attachment A to review the Master Agreement Template) established through this RFP will provide City staff with a formal and predictable mechanism that can be utilized to partner with CBOs on specific projects, as needs arise. The program will enable staff to quickly bring on a partner(s) and help shape the overall strategy. The specific scope of services and nature of the partnership will vary based on individual project needs.

This program can help drive more inclusive decision-making processes, equitable outcomes, and stronger community relationships. It is also 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.

3. SCOPE OF WORK

CBO partners shall perform the following types of services in support of a community engagement process. The list

of tasks under each category is not meant to be exhaustive, but rather provide a general sense of the type of work anticipated.

Assist with the development of a community outreach and engagement strategy to help ensure meaningful involvement

Work with the City to identify outreach objectives and audiences. Design meeting agendas and formats

Assist the City in early identification of potential issues, concerns, or positive aspects the project might result in

Plan events and logistics (e.g., accessibility, food, children's activities, etc.)

Offer cultural awareness considerations (e.g., flag historical and current context, identify perceptions and issues to keep in mind, clarify sources of mistrust, etc.)

Coordinate with other community events/programs

Assist with outreach and engagement materials to help ensure effective communication with the target populations

Prepare draft materials for City staff review (e.g., outreach collateral, applications/forms, presentations, feedback prompts, etc.)

Review draft materials prepared by City staff or consultants

Provide translation and cultural competence assistance, as applicable

Implement outreach activities to help drive participation in the engagement process

Distribute messages through email, text messages, websites, and social media

Integrate outreach materials into the regular activities and communication channels of the CBO

Canvass door-to-door and/or table at community events and gathering places

Implement engagement activities to assess community needs and solicit meaningful feedback

Host meetings, facilitate discussions, and take notes

Use consensus building and mediation techniques

Conduct surveys

Organize, host, and/or facilitate supplemental events

Interpret community input and help integrate it into the decision-making process

Analyze feedback from process participants

Prepare and/or review meeting summaries and report-back documentation

Represent their communities and organizations to provide direct feedback on the project

Help develop solutions and performance metrics

Assist with process evaluation

Reflect on what went well and report on lessons learned

Survey process participants and report back to communities

4. DESIRED QUALIFICATIONS

The successful organizations will have the following attributes:

Authorized to conduct business in California as a 501(c)(3) or other type of non-profit organization.

Ability to provide one or more of the services listed above in Section 3.

City staff will evaluate the proposals against the RFP scoring criteria. Failure to meet all of these desired qualifications will not result in disqualification but may result in lower scores.

RFP Scoring Table

Criteria Title	Criteria Description	Scoring (maximum points)
<i>Criteria specific to this RFP</i>		
Connections with populations of interest	Experience working with low-income communities, communities of color, limited English proficiency, youth, and other under-represented populations; has trusted relationships with these communities and established communication channels for sharing information and gathering input	30
Collaborative, inclusive process	Demonstrated commitment to working collaboratively with partners and the community; track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or mediation; knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convener	20
Local experience and knowledge	Experience working with the City of San Jose and/or public, private, and nonprofit organizations in Santa Clara County; knowledge of local issues	10
Accessible communications	Skilled in effective public and stakeholder communications, including document and presentation production; knowledge of accessible communication practices	10
Project management	Skilled in project management; proven track record of completing project deliverables within a timely manner and within budget; reliable and responsive	10
Bilingual capacity	Has bilingual staff (particularly Spanish and Vietnamese)	5
Staff capacity	Has sufficient staff capacity to do work under this Master Agreement or a plan for ensuring staff capacity	5
<i>City of San Jose requirement for all contracts</i>		
Local business enterprise	See Section 15 and Attachment E	5
Small business enterprise	See Section 15 and Attachment E	5
TOTAL	Total of all points across all criteria	100

5. TERM OF AGREEMENT AND COMPENSATION

It is anticipated that the initial term of the agreement resulting from this solicitation will be three (3) years with an option to extend for up to two (2) years for a total of five (5) years.

The total agreement amounts for each qualified organization receiving a master agreement is expected to range from \$100,000 to \$500,000 for the maximum five-year term of the agreement, depending on the range of services provided by the CBOs and total amount of qualified CBOs selected.

6. SUBMITTAL REQUIREMENTS AND INSTRUCTIONS

Responses to this RFP must be submitted through Biddingo. The City cannot accept responses in another format.

A. Biddingo Submission Details

This solicitation may be downloaded from the Biddingo solicitation posting system at <http://www.biddingo.com/sanjose>. You may also access this solicitation, along with other City of San José solicitations, at <https://www.sanjoseca.gov/your-government/departments/finance/purchasing/bid-opportunities>. Organizations wishing to respond to this solicitation must register with Biddingo at <http://www.biddingo.com/sanjose>. If you have a problem registering, contact Biddingo directly at (800) 208-1290 or by email to info@biddingo.com.

All addenda and notices related to this procurement will be posted by the City on Biddingo. If this solicitation is obtained through any means other than Biddingo, the City will not be responsible for the completeness, accuracy, or timeliness of the final solicitation document.

Prospective subcontractors should note that once registered with Biddingo, they may view all organizations (with name and contact information) who download the solicitation document.

There is no cost to the organization to register, receive notifications, or submit responses for City of San José solicitations using Biddingo.

B. Proposal Formatting and Delivery

Each proposal must include the elements listed in the Proposal Elements section below. Be as specific as possible in your responses, providing details and evidence to substantiate claims about your organizations experience and qualifications. Do not include extra information beyond what is asked for in this RFP.

To expedite the evaluation process, each proposal should be organized in accordance with the information included in this RFP. Proposals that do not follow the specified format or fail to provide the required documentation will receive lower scores or, if found to be non-responsive, may be disqualified. In the event of a conflict between any of the proposal documents, resolution thereof shall be in the City's sole discretion.

Organizations shall use the forms provided by the City to provide RFP responses in the areas indicated. Do not attempt to override or bypass spreadsheet functionality or modify City-provided forms in providing responses.

C. Proposal Elements (Amend. 1)

Response Form: complete the Response Form (Attachment B of this RFP), indicating:

contact information (name, title, address, phone number, and email) for the individual to whom questions regarding your proposal should be addressed;

summary of your organization's history, including years in business, names previously used, mergers, other company affiliations, etc.;

overview of the services that your organization can provide based on the list of technical areas in

Section 3 of this RFP; and a

description of how your organization meets the criteria listed in the desired qualifications (Section 4 of this RFP).

Customer Reference Form: provide two (2) project examples completed within the last eight (8) years, including contact information for references, using the Customer Reference Form (Attachment H).

Submitted Customer Reference Forms will be evaluated and scored as part of the Experience and Qualifications Evaluation Criteria and will initially be scored based solely on the information provided by the proposer in the submitted Customer Reference Forms. Therefore, it is important to provide complete, detailed, and descriptive information for each customer reference.

Resumes: provide a resume for key personnel (minimum 1; maximum 5)

Sample(s) of outreach materials: provide samples of written communications with your networks to advertise an event, program, or call to action – such as a flyer, newsletter, email, or social media posts (minimum 1 page; maximum 3 pages)

Certification Form: An authorized representative must sign the Certification Form (Attachment D). By signing this form, you are acknowledging that you have read and investigated all aspects of the RFP and are aware of the applicable procedures and requirements, including the Master Agreement Template and insurance requirements.

Cover Letter: Provide a cover letter that summarizes why your organization would like to have a Master Agreement with the City of San Jose for community engagement assistance. Provide any other information that you would like to share as part of the proposal. (maximum 2 pages)

D. Procedure for Submitting Questions

All questions and inquiries regarding this solicitation (including, but not limited to, questions about the products or services to be procured, any discrepancies or omissions, or requests for clarifications) must be made through the Question-and-Answer portal on Biddingo. The City will provide a written response to all questions in the form of an Addendum. Questions answered on the Biddingo Question and Answer portal shall be considered addenda to this solicitation.

The City shall not be responsible for nor be bound by any oral instructions, interpretations, or explanations issued by the City or its representatives. Should discrepancies or omissions be found in this solicitation or should there be a need to clarify this solicitation, requests for clarification should be submitted online through Biddingo.

E. Objections

Any objections as to the structure, content, or distribution of this RFP must be submitted through the Question-and-Answer portal on Biddingo. Objections must be as specific as possible and must identify the RFP section number and title, as well as a description and rationale for the objection.

All objections, questions, and inquiries pertaining to this RFP must be received by the Deadline for Questions and Objections specified on the cover sheet.

7. SELECTION PROCESS

Proposals will be evaluated as outlined in this Section.

City staff will screen proposals to ensure that the proposer submitted all required elements and is responsive to any technical specifications and minimum qualifications.

An evaluation team of City staff will evaluate and score the proposals that meet the minimum requirements, based on the criteria in Section 4 of this RFP.

The evaluation team will identify the organizations that score well against the desired qualifications and together provide a broad range of services across the technical areas and would help the City reach a broad range of demographic groups across San Jose.

The evaluation process may include oral (in-person or zoom) interviews.

Subject matter experts from outside the City may also be on the evaluation team or participate during oral interviews (if applicable).

The City reserves the right to rely on information from sources other than the information provided by the respondents.

Once the panel has completed the evaluation and made their recommendation on which organizations should be awarded a Master Agreement, the City will issue a Notice of Intended Award to all persons who submitted a response to a city solicitation.

There will be a 10-day protest period following release of the Notice of Intended Award (see section 14 of this RFP).

Staff may need to seek City Council approval to negotiate and execute the Master Agreements with the selected organizations, depending on the cumulative contract amount.

Staff will notify the selected organizations and initiate the process to execute the Master Agreement (see Attachment A for the Master Agreement Template). Staff will also notify the respondents that were not selected.

8. SERVICE ORDERS

When staff need services in one or more of the technical areas, staff will send a "Request for Services" to the qualified organizations. Staff will consider the responses, select the organization(s) that best meets the project requirements, and prepare a Service Order, including the scope, timeline, and not-to-exceed cost. At that time, the organizations will need to provide proof of the required insurance and meet all applicable contract requirements in order to execute the Service Order (see section 8 for information on the insurance requirements).

9. INSURANCE REQUIREMENTS

In order to execute the Master Agreements awarded through this RFP, the City will require the selected organizations to provide proof that they have the required insurance coverage. These minimum insurance requirements are specified in **Exhibit C of the Master Agreement Template (Attachment A of this RFP)**.

The City will also require proof of insurance prior to execution of any Service Order under the Master Agreement, in order to verify that coverage is current and meets the minimum requirements. The organization shall obtain and maintain, at the organization's sole cost and expense, the minimum insurance requirements while performing any scope of work under the Master Agreement.

"Proof of insurance" generally consists of a Certificate of Insurance. All policies, endorsements, certificates and/or binders shall be subject to approval by the Risk Manager of the City as to form and content. These requirements are subject to amendment or waiver if approved in writing by the Risk Manager.

The selected organizations shall provide the City with the proof of insurance within 14 days of the City's request for this information. Failure to provide the required proof of insurance may result in withdrawal of the award. Should the selected organization fail to execute the Service Order or provide proof of insurance as required herein, the City shall have the right to seek legal remedies against the organization, including forfeiture of any proposal bond, for damages. The City shall also have the right to terminate negotiations with the selected organization(s).

10. GROUNDS FOR DISQUALIFICATION

All solicitation respondents are expected to have read and understand the "Procurement and Contract Process Integrity and Conflict of Interest," Section 7 of the Consolidated Open Government and Ethics Provisions adopted by City Council resolution on August 26, 2014. A complete copy of the Resolution No. 77135 can be found at <https://www.sanjoseca.gov/home/showdocument?id=19565>.

Any organization who violates this policy will be subject to disqualification. Generally, the grounds for disqualification include:

Contact regarding this procurement with any City official or employee or evaluation team member other than the Procurement Contact or Purchasing Officer from the time of issuance of this solicitation until the end of the protest period.

Evidence of collusion, directly or indirectly, among organization respondents regarding the amount, terms, or conditions of this solicitation or their respective responses.

Influencing any City staff member or evaluation team member throughout the solicitation process, including the development of specifications.

Evidence of submitting incorrect information in response to a solicitation or misrepresenting or failing to disclose material facts during the evaluation process.

In addition to violations of the Process Integrity Guidelines, the following conduct may also result in disqualification:

Offering gifts or souvenirs, even of minimal value, to City officers or employees.

Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the City.

Evidence of respondent's inability to successfully complete the responsibilities and obligations of the proposal.

Respondent's default under any City contract resulting in termination.

Evidence of any wage theft judgements as described in the Certification Form.

11. CONFLICT OF INTEREST

In order to avoid a conflict of interest or the perception of a conflict of interest, proposer(s) selected to provide goods and services under this RFP will be subject to the following requirements:

The proposer(s) selected under this RFP will be precluded from submitting proposals as a prime contractor or subcontractor for any future procurement with the City if the specifications for such procurements were developed or influenced by the work performed under the agreement(s) resulting from this RFP.

Proposer(s) may not have any interest in any potential proposers for future City procurements that may result from the work performed under the agreement resulting from this RFP.

12. GENERAL INFORMATION

The City reserves the right to waive any informality or irregularity in any response. Additionally, the City may, for any reason and at its sole discretion, decide not to award a contract as a result of this solicitation or to cancel the solicitation altogether. The City shall not be obligated to respond to any proposal nor be legally bound in any manner by submission of the proposal.

The City reserves the right to accept or reject any item(s) or groups of items in a response and may elect to award by line item(s) if it is found to be in the City's best interest to do so.

The City reserves the right to reject all proposals. The City also reserves the right, in its sole discretion, to make multiple awards. In the event the City elects to make multiple awards, awards will be made in rank order starting with the highest ranked organization based on the selection criteria established for this solicitation.

In the event any respondent to this solicitation cannot meet a specified budget requirement, the City reserves the right to award to the next highest ranked organization in accordance with the selection criteria set forth for this solicitation.

Freight and/or shipping charges shall be provided at no additional cost to the City, i.e., "FOB Destination Prepaid," unless specified as a separate line item in this solicitation.

Organizations should not include sales tax in their submitted pricing. The City will work with the selected organization to add sales tax as appropriate and will incorporate it into the final contract.

The City of San José is exempt from federal excise tax, including federal transportation tax. The City will provide an exemption certificate as appropriate.

Statistical information contained in this solicitation is for informational purposes only. The City shall not be responsible for the complete accuracy of said data.

Any estimated quantities provided are for quoting purposes only and are not to be interpreted as a guarantee to purchase any amount. Any variations from the estimated quantities do not entitle the organization to an adjustment in unit pricing or rates.

The City reserves the right to verify any information provided during the solicitation process and may contact any provided references or any other persons or entities known to have contracted with the responding organization.

The City may require audited financial statements as certified by an independent Certified Public Accountant. Do not submit these documents unless they are requested.

The laws of the State of California shall govern this solicitation process and any resulting agreements, including any required organization agreements for subscriptions, licensing, maintenance, support, hosting, etc.

All goods and services provided to the City by the successful organization shall comply with all City policies, rules, and regulations which may be in effect during the term of the agreement, as well as all applicable federal, state, and local statutes, ordinances, and regulations. The successful organization is also required to comply with all applicable equal opportunity laws and regulations.

The City shall not be liable for any pre-contractual expenses incurred by prospective organizations or selected contractors, including, but not limited to, costs incurred in the preparation or submission of solicitation responses. The City shall be held harmless and free from any liability, claims, or expenses whatsoever incurred by, or on behalf of, any person or organization responding to this solicitation.

Failure to carefully read and understand this solicitation in its entirety, including all accompanying documentation, may cause response submittals to be out of compliance or rejected by the City or may legally obligate the respondent to more than it intends or realizes.

Information obtained by any organization respondent from any officer, agent, or employee of the City shall not affect the risks or obligations assumed by the organization or relieve the organization from fulfilling any of these solicitation conditions or any subsequent contract conditions.

Only the response format specified in this solicitation will be accepted as compliant for submitted responses. Failure to fully complete and submit all required forms and documentation may result in disqualification.

13. LOCAL AND SMALL BUSINESS ENTERPRISE PREFERENCE (LBE/SBE) (if applicable)

Chapter 4.12 of the San José Municipal Code provides a preference for Local and Small Businesses in the procurement of goods and services that are not specifically precluded from these preferences.

If the basis of an award is price determinative (awarded to the lowest proposal), the amount for the preference shall be 2.5% of cost for local and an additional 2.5% of cost for small.

If the basis of an award is evaluative (awarded to the best value respondent), the amount of preference shall be 5% of total points for local and an additional 5% of total points for small.

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. Organizations 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.

To receive the LBE preference, you must have both of the following:

A valid San José Business Tax Certificate Number: The business tax certificate number below

should match to the address and business name for which the preference is being claimed and must be current as of the proposal due date. Organizations should verify their information through the City's Business Tax Lookup at <https://www.sanjoseca.gov/your-government/departments/finance/business-tax-registration/business-tax-lookup> prior to submittal.

A legitimate business presence in Santa Clara County with at least one full time employee.

The City has interpreted a legitimate business presence to require:

The local address for which the preference is being requested is of a commercial nature and the primary purpose of the location is to serve as a principal, regional, branch, or satellite business office; or

In the case of a business located in a residential dwelling, the business must either be a valid home occupation as an incidental use of the business owner's primary dwelling, or the residential dwelling is exclusively used for a commercial nature and the primary purpose of the location is to serve as a principal, regional, branch or satellite business office.

14. PUBLIC NATURE OF PROPOSED MATERIAL

1. Do NOT mark your proposal as "confidential" or "proprietary."
2. All correspondence with the City including responses to this RFP will become subject to the California Public Records Act (Cal Government Code Section 6250 et seq.) upon conclusion of negotiations.
3. Any proposal which contains language purporting to render all or significant portions of their proposal "Confidential," "Trade Secret" or "Proprietary," or fails to provide the exemption information required as described below will be considered a public record in its entirety subject to the procedures described below.
 1. The City will not disclose any part of any proposal before it announces a Recommendation of Award or Notice of Intended Award on the grounds that there is a substantial public interest in not disclosing proposals during the evaluation process. After the announcement of a Recommendation of Award or Notice of Intended Award, all proposals received in response to this RFP will be subject to public disclosure. If you believe that there are portions of your proposal which are exempt from disclosure under the Public Records Act, you must mark them as such and state the specific provision in the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption. For example, if you submit trade secret information, you must plainly mark the information as "Trade Secret" and refer to the appropriate section of the Public Records Act which provides the exemption as well as the factual basis for claiming the exemption.
4. Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the City of San José may not be able to establish that the information that a Proposer submits is a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the City will provide the Proposer who submitted the information with reasonable notice to seek protection from disclosure by a court of competent jurisdiction.

15. PROTESTS

San José Municipal Code [sections 4.12.410 through 4.12.460](#) outline the protest procedures for procurement decisions.

If an interested party wants to dispute the award recommendation, they must submit their protest in writing to the Department Director or Designee no later than ten (10) calendar days after the Notice of Intended Award is published, detailing the grounds, factual basis, and providing all supporting information. Protests will not be considered for disputes of requirements or specifications, which must be addressed in accordance with the Objections Section above. Failure to submit a timely written protest to the contact listed below will bar consideration of the protest.

Protests must be submitted by email and addressed to the following:

rachel.quirimit@sanjoseca.gov

Rachel Quirimit

City of San José - Office of Economic Development and Cultural Affairs

16. CITY BUSINESS TAX

The awarded organization(s) must comply with the San José Municipal Code Chapter 4.76 with respect to the payment of any applicable City Business Tax prior to the commencement of work. Contact Finance/Revenue Management by phone at (408) 535-7055 or businesstax@sanjoseca.gov to determine applicable tax costs. Additional information about the business tax and registration process can be found on the City's website at <http://www.sanjoseca.gov/businesstax>.

17. CALIFORNIA SECRETARY OF STATE REGISTRATION

The awarded organization(s) must have a current and valid registration with the California Secretary of State to conduct business with the City of San José. You can verify this and find more information through the California Secretary of State website at <https://www.sos.ca.gov/business-programs/business-entities/>. This will be verified by the City prior to contract execution.

18. ENVIRONMENTALLY PREFERABLE PRODUCTS AND SERVICES

The City has adopted an "Environmentally Preferable Procurement" (EPP) policy. The goal is to encourage the procurement of products and services that help to minimize the environmental impact resulting from the use and disposal of these products. The EPP policy may be found on the City's website at <http://www.sanjoseca.gov/home/showdocument?id=1268>.

In accordance with the EPP policy, organizations are encouraged to offer Energy Star, Green Seal, EcoLogo, or EPEAT certified products as applicable. The City also suggests that proposers offer products and services that are produced or delivered with minimal use of virgin materials, maximum use of recycled materials, and reduced waste, energy usage, water utilization, and toxicity in the manufacture and use of products.

Organizations are encouraged to offer Energy Star certified products, products that meet FEMP (Federal Energy Management Program) standards for energy consumption, and products that are produced with recycled materials, where appropriate, unless otherwise specified in this solicitation.

19. NON-DISCRIMINATION/NON-PREFERENTIAL TREATMENT

The successful organizations agree that there shall be no discrimination against, or segregation of, any person, on account of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, marital status, or family status, in connection with or related to the performance of City contracts.

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

Attachment B

NOTICE OF INTENDED AWARD

Master Agreements for Community Engagement Partnerships (Community-based Organizations and Nonprofits)

OED-RFP-2023-01-27

Notice Date: May 1, 2023

The City of San José received 34 proposals in response to the Request for Proposals (RFP) solicitation issued on January 27, 2023. The purpose of the RFP is to create a pathway to establishing partnerships with community-based organizations to assist with project-based outreach and engagement needs. Proposals were accepted for one or more of the following types of services:

1. Strategy development
2. Preparation of outreach and engagement materials
3. Implementation of outreach activities (e.g., sending emails, managing social media campaigns, door-to-door flyering, tabling at community events, etc.)
4. Implementation of engagement activities (e.g., host meetings, facilitate discussions, conduct surveys, etc.)
5. Documentation, analysis, and integration of community input

Of the 34 proposals received, staff determined that four (4) did not meet the submittal requirements and/or minimum qualifications specified in the RFP and disqualified them from further consideration. An evaluation panel consisting of City staff scored each of the 30 qualifying proposals against the following criteria and weightings, as specified in the RFP:

Criteria Title	Scoring (maximum points)
Connections with populations of interest	30
Collaborative, inclusive process	20
Local experience and knowledge	10
Accessible communications	10
Project management	10
Bilingual capacity	5
Staff capacity	5
City of San Jose preference points	
Local business enterprise	5
Small business enterprise	5
TOTAL	100

Attachment B - Notice of Intended Award

Evaluation results are summarized as follows:

Community-based Organization	Combined Score
Healing Grove Health Center Foundation	98
Latino Business Foundation Silicon Valley	98
Movimiento de Arte y Cultura Latino Americana	97
Pars Equality Center	97
African American Community Services Association	95
School of Arts and Culture at the Mexican Heritage Plaza	95
International Children's Assistance Network	95
SOMOS Mayfair	94
Catholic Charities of Santa Clara County	94
Community Health Partnerships	92
Latinas Contra Cancer	90
Valley Verde	90
Social Good Fund (Catalyze SV)	85
Latina Coalition of Silicon Valley	84
Fresh Lifelines for Youth	84
Vietnamese American Roundtable	83
Chopsticks Alley	83
Breath California of the Bay Area	82
Healthier Kids Foundation	80
Latino Education Advancement Foundation	78
SPUR	76
Local Color	75
Martha's Kitchen	72
People for Open Space Inc	71
Bay Area Community Health	69
Mothers Out Front	69
Start Small Think Big Inc	64
Bay Area Maranatha Christian Center	64
CINEQUEST	63
Acterra	52
Hispanic Foundation of Silicon Valley	Disqualified
Hunger at Home	Disqualified
Parent Institute for Quality Education	Disqualified
Vietnamese American Organization	Disqualified

Attachment B - Notice of Intended Award

Based on these results and the scope of technical service areas identified in the RFP responses, staff recommends the award of contract (Master Agreement) to the following 22 organizations for \$250,000 each:

1. Healing Grove Health Center Foundation
2. Latino Business Foundation Silicon Valley
3. Movimiento de Arte y Cultura Latino Americana
4. Pars Equality Center
5. African American Community Services Association
6. School of Arts and Culture at the Mexican Heritage Plaza
7. International Children's Assistance Network
8. SOMOS Mayfair
9. Catholic Charities of Santa Clara County
10. Community Health Partnerships
11. Latinas Contra Cancer
12. Valley Verde
13. Social Good Fund (Catalyze SV)
14. Latina Coalition of Silicon Valley
15. Fresh Lifelines for Youth
16. Vietnamese American Roundtable
17. Chopsticks Alley
18. Breath California of the Bay Area
19. Healthier Kids Foundation
20. Latino Education Advancement Foundation
21. SPUR
22. Local Color

These organizations each score 75 or above on their proposals, based on the evaluation.

This recommendation will be considered for final approval by the San José City Council. The item is currently scheduled for consideration on the June 20, 2023 City Council agenda (subject to change).

Final award is subject to successful negotiation and execution of an agreement that substantially conforms to the City's standard terms and conditions. In the event the City cannot successfully conclude negotiations within a reasonable period with the above listed organization(s), the City reserves the right to terminate negotiations with those organization(s) and commence negotiations with other applicants.

Pursuant to Section 15 of the RFP and sections 4.12.410 through 4.12.460 of the San Jose Municipal Code, unsuccessful proposers may submit a protest, detailing the grounds, factual basis, and all supporting information for the protest, within ten (10) calendar days after the release date of this notice.

We appreciate your interest in doing business with the City of San José.

Attachment C - Vietnamese American Organization Protest Letter, City Response, and Appeal Letter

Table of Contents

1. Vietnamese American Organization Protest Letter
2. City Response to Protest
3. Vietnamese American Organization Appeal Letter
4. Appeal Letter Attachments



1. Vietnamese American Organization Protest Letter

Empower our community

5/4/2023

Rachel Quirimit

rachel.quirimit@sanjoseca.gov

City of San José

Office of Economic Development and Cultural Affairs

Re: Protest Letter

Master Agreements for Community Engagement Partnerships RFP

We are writing to express our strong opposition to the city staff's decision to disqualify our organization from the Master Agreements for Community Engagement Partnerships RFP.

In response to our inquiry via email, city staff informed us that our proposal lacked a cover letter, resumes, and outreach samples. As a result, they promptly disqualified us and declined to review our proposal with the evaluation panel.

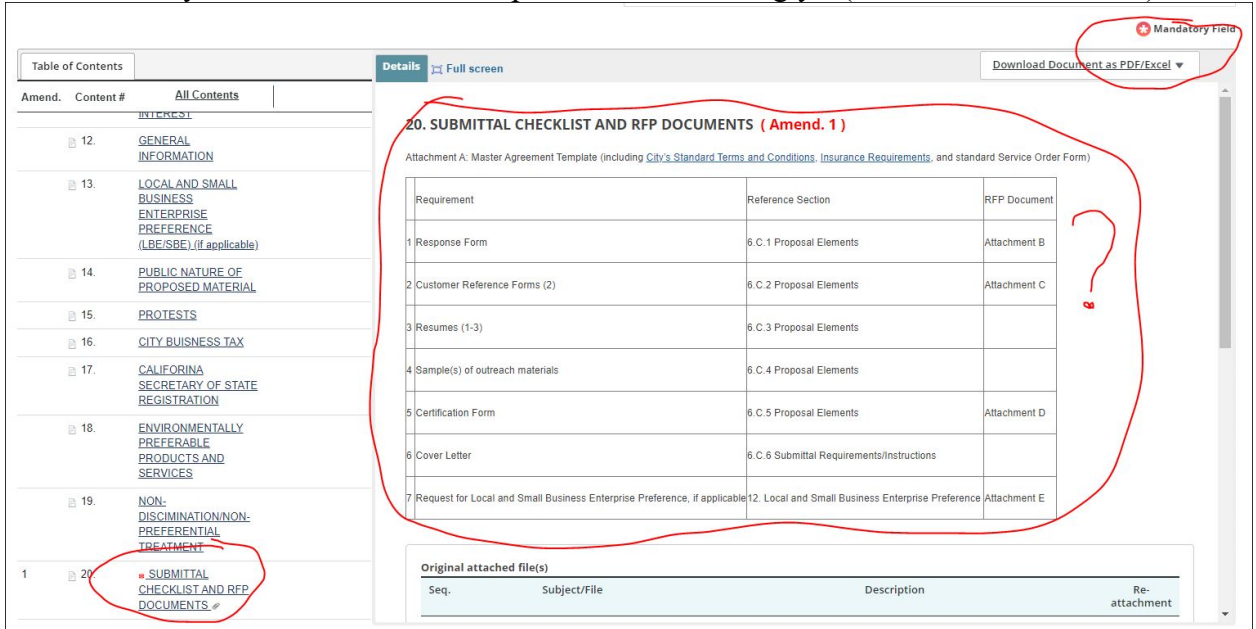
We find this decision to be unduly severe and inconsistent with the goals of both the City Manager's Office and the Office of Economic Development and Cultural Affairs (OEDCA). The primary objective of these offices is to foster strong partnerships and capitalize on the strengths of community-based organizations (CBOs) in order to promote inclusive decision-making processes, equitable outcomes, and more robust community relationships.

In light of this, we would like to bring attention to several factors that warrant our protest against this decision.

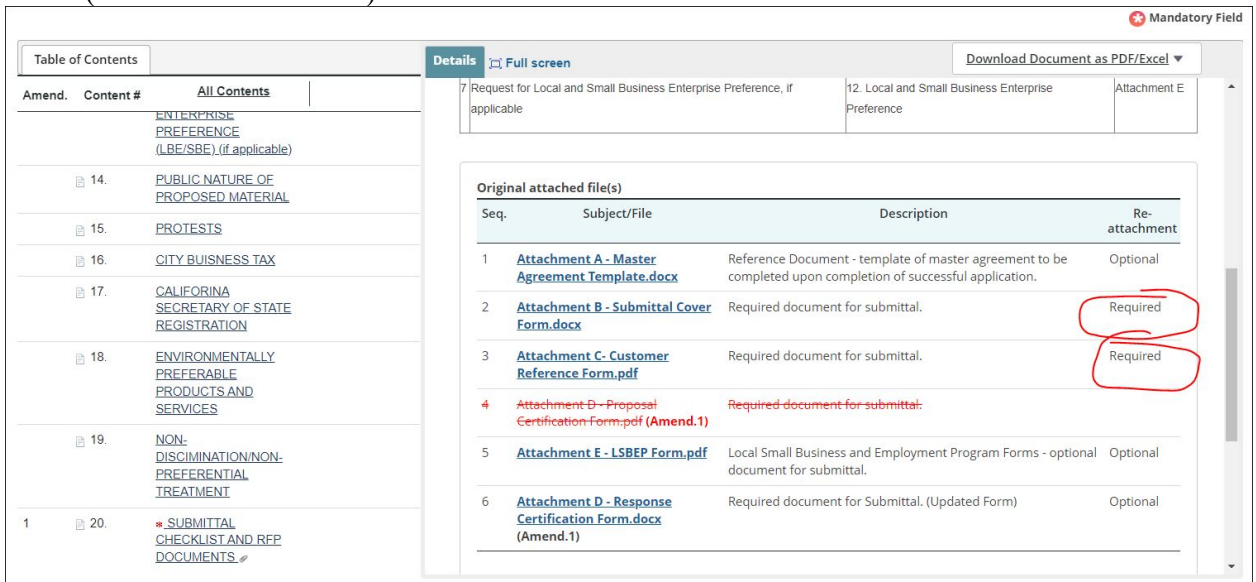
1. It is important to note that the items mentioned (cover letter, resumes, and outreach samples) were not explicitly listed as mandatory requirements in the RFP submission page on Biddingo. Had the city staff notified us of these missing items, we would have promptly provided them. We believe that disqualifying 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

Attachment C - Vietnamese American Organization Protest Letter, City Response, and Appeal Letter

that the submission was complete and in compliance with the provided guidelines. We trusted the system's validation and proceeded accordingly. (see below screenshot)



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)



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

Attachment C - Vietnamese American Organization Protest Letter, City Response, and Appeal Letter

Public Works - Master Agreement for Trail Development)

The screenshot displays a procurement portal interface. On the left is a 'Table of Contents' with items 11 through 19, and a 'Mandatory Fields' section with items A through 6. The main content area is titled 'Original attached files' and shows a table with columns for 'Seq.', 'Subject/File', 'Description', and 'Re-attachment'. The first row contains 'PW FORM 5 - Proposed Commitments 9822.doc'. Below this is a section for 'Response attached files (1) (Reattach Required)' with a table showing 'No Attached Files' and an 'Upload Attachments' button. This is followed by '6 Disclosure of Litigation and Disputes Form' with another 'Upload Attachments' button. At the bottom is the 'SOQ Statement of Qualifications' section with an 'Upload SOQ Here' button. A 'Mandatory Fields' dropdown is visible in the top right corner.

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.

Given these factors, we strongly urge the city staff to reconsider their decision and provide our proposal with the fair evaluation it deserves. Disqualifying us based on a technicality that was not clearly outlined in the RFP submission page goes against the principles of fairness, transparency, and fostering inclusive partnerships.

We request a thorough review of our proposal by the evaluation panel, taking into account the merits of our submission and the additional information provided in this protest letter. We trust that a fair and unbiased assessment will be conducted to ensure that the principles of transparency, inclusivity, and equitable decision-making are upheld throughout the evaluation process.

Sincerely,

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

2. City Response to Protest



Office of Economic Development and Cultural Affairs

May 10, 2023

VIA EMAIL AND US MAIL ONLY

Quyen Mai
Vietnamese American Organization
1650 Zanker Road, Suite 235
San Jose, CA, 95112

Subject: 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

Reference: Protest letter dated May 4, 2023

Dear Ms. Mai,

This letter is in response to the above-referenced letter protesting the City’s Notice of Intended Award for Master Agreements for Community Engagement Partnerships. We have accepted the protest and processed the request in accordance with San José Municipal Code sections 4.12.410 through 4.12.460.

The protest letter makes the requests to reconsider the disqualification of your organization based on the submission of an incomplete response and to complete a review of your proposal by our evaluation panel, accounting for additional information provided in the protest letter. The protest letter describes two sets of claims to justify reconsideration of your organization’s submission: 1) Mandatory Submission Elements, and 2) Bid Submission Platform and Process. Pertaining to the Mandatory Submission Elements, the protest letter made the claims that the three documents that were not included in your submission were not properly labeled as mandatory elements of a complete submission package in Biddingo. Regarding the Bid Submission Platform and Process, the letter makes the claim that Biddingo did not provide a notification of missing elements, specific submission locations for all required documents were not provided, and the way in which the RFP was set up on Biddingo was inconsistent with other RFPs issued by the City.

After careful review of the claims outlined in the protest letter, I have provided the following responses:

Mandatory Submission Elements

Section 6 (Submittal Requirements and Instructions) of the RFP outlines each proposal element that must be included for a submission to be considered complete. Section 6.B explicitly states that “Each proposal must include the elements listed in the Proposal Elements section below,” then lists resumes for key personnel, samples of outreach materials, and a cover letter, along with the other required elements in Section 6.C. Additionally, the RFP does not use language to

Protest Letter Response to Quyen Mai, Vietnamese American Organization

May 10, 2023

OED-RFP-2023-01-24

Page 2

suggest these elements are optional. Furthermore, Section 20 (Submittal Checklist and RFP Documents) provides a table that specifies the required documents under the heading “Requirement,” accounting for all elements listed in Section 6.C of the RFP.

City staff provided several avenues to seek clarification on required elements. This included the discussion board on the Biddingo site as well as virtual and in-person presentations and question-and-answer sessions, where staff provided further clarification on the proposal element requirement. A recording of the virtual event and summaries of questions asked and answered was provided on both the City’s [RFP website](#) and Biddingo.

Section 12 (General Information) of the RFP Document clearly states:

“Failure to carefully read and understand this solicitation in its entirety, including all accompanying documentation, may cause response submittals to be out of compliance or rejected by the City or may legally obligate the respondent to more than it intends or realizes.”

“Only the response format specified in this solicitation will be accepted as compliant for submitted responses. Failure to fully complete and submit all required forms and documentation may result in disqualification.”

I understand your frustration regarding some of the perceived ambiguities and the confusion they may have caused; however, staff did attempt to account for this in their approach to the RFP and to the review of submissions. First, the events and RFP website that staff developed to assist bidders go beyond the resources typically offered for a procurement process. We recognized that some potential bidders may be new to the City’s processes and that CBOs could use extra support with navigating the Biddingo system. These resources highlighted the help available and encouraged bidders to reach out with any questions. Given the City’s goal to develop as many partnerships as feasibly possible with community-based organizations, we also considered staff capacity, language, and technological barriers when evaluating the submissions. Staff made an allowance of one missing document per organization when reviewing submissions for completion. Of the 34 submissions received, only four organizations were disqualified based on missing more than one of the required documents.

The City cannot consider additional information submitted after the RFP period has concluded, including the provision of elements that were missing from the original submission. This policy is intended to preserve the integrity of the process and provide equal opportunity to all bidders. Allowing an exception to the City’s procedures for your organization would be unfair to those other disqualified organizations with missing documents and to those organizations that submitted complete responses.

Protest Letter Response to Quyen Mai, Vietnamese American Organization

May 10, 2023

OED-RFP-2023-01-24

Page 3

Bid Submission Platform and Process

Each RFP is developed and managed by individual departments, in coordination with the City's Finance Department. I recognize the differences you may have experienced responding to RFPs through the Bidding system may be frustrating. There is no standard way to set up Bidding to required submission of individual element of the proposal response. The process implemented for this RFP is consistent with the City Finance Department's overall procurement policies.

Staff recognize the limitations of the Bidding system regarding the absence of notifications for missing elements. However, as is clearly stated in Section 12 of the RFP documents, it is the responsibility of each applicant to fully understand the RFP requirements and ensure they have included all necessary documents upon submission. Staff are not required to notify organizations of missing elements. As stated above, the City cannot consider documents submitted after the RFP period has concluded, even if they were missing from the original submission, because accepting information after the deadline would be unfair to the bidders who provided complete submissions before the deadline.

Regarding the template attachments provided, the documents that were required were marked as such. These templates were included to provide a consistent format across submissions. Staff did not require a consistent format for cover letters, resumes, and sample outreach materials, enabling bidders to provide these documents in their own formats and styles. As indicated in Section 20 of the RFP document, these three elements are identified as requirements for a proposal to be considered complete.

Conclusion

For these reasons, after careful review, I am upholding staff's recommendation of award to the 22 organizations listed in the Notice of Intended Award. 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.

Though it may seem unreasonable to disqualify an organization on grounds of not providing the required elements, the City maintains a strong interest in ensuring that this competitive RFP process remain as fair and unbiased as possible to all respondents. I believe, given the allowance and understanding provided, staff's determination is in alignment with this interest.

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](#). If filing an appeal, please email it to me, Rachel Quirimit, and Zak Mendez, in addition to the City Clerk's Office.

Protest Letter Response to Quyen Mai, Vietnamese American Organization

May 10, 2023

OED-RFP-2023-01-24

Page 4

Thank you for your interest and participation in this process. We really appreciate the time you took on the submission to this RFP. There will be more opportunities to partner with the City and hope that you pursue those in the future. Staff is grateful to the Vietnamese American Organization for the services you provide to the San Jose community and look forward to our continued work together.

Sincerely,

/s/

Nanci Klein

Director, Office of Economic Development and Cultural Affairs



VIETNAMESE AMERICAN
ORGANIZATION

Empower our community

3. Vietnamese American Organization Appeal Letter

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 Biddingo.

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 Biddingo 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

4. Appeal Letter Attachments



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)

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

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)

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 - LSBEP 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.

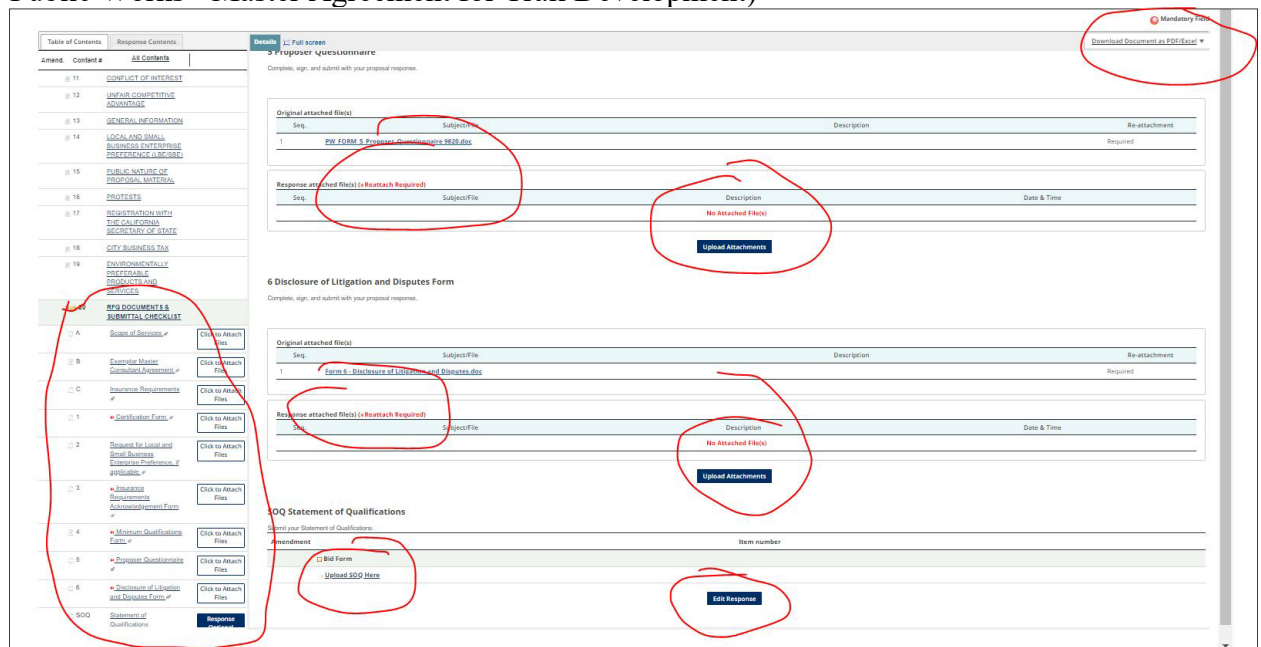
6. We would like to highlight that the city staff had the ability to ensure clarity and consistency in the submission process by setting up a mandatory section on the Biddingo platform for the submission of the cover letter, resumes, and outreach materials. By doing so, it would have clearly communicated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

- 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,



**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

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

Table of Contents

1. Mothers Out Front Protest Letter
2. City Response to Protest
3. Mothers Out Front Appeal Letter

1. Mothers Out Front Protest Letter



May 11, 2023

Rachel Quirimit
Office of Economic Development and Cultural Affairs
City of San José
Via email: rachel.quirimit@sanjoseca.gov
Cc: Zacharias.Mendez@sanjoseca.gov

Re: Appeal (“protest”) of Procurement Decision regarding Mothers Out Front’s Proposal for a Master Agreement for Community Engagement Partnerships (CBOs and Nonprofits)

Ms. Quirimit:

On behalf of our 2000+ local supporters, Mothers Out Front Silicon Valley (MOFSV) submits this appeal of the ranking we received on our proposal in response to the RFP issued by OED on January 27, 2023, whose purpose was “to create a pathway to establishing partnerships with community-based organizations to assist with project-based outreach and engagement needs.” We were encouraged to submit a proposal by Amanda Orozco, of CED/SJCE, and Julie Benabente, of ESD, who would like the opportunity to work with MOFSV again given our track record of successfully collaborating with the City and other CBOs on two past grants to engage, inform and empower under-represented communities through the City’s Climate Smart efforts.

Summary: The proposals OED received that earned a score of 75 or above have been recommended to receive a “Master Agreement” for up to \$250,000. Mothers Out Front’s proposal received a total score of 69 points, missing the cutoff score by just 6 points. It appears that we were erroneously denied at least 6 points or more and should therefore have qualified to be included on the list with the 22 organizations that made the cutoff.

Key takeaways: At a bare minimum, we submitted documentation that we are a small business [nonprofit] with under 35 employees, so we should have received 5 points in that category. In addition, it appears that the reviewer(s) may have overlooked documentation included in our proposal that we fully met the criteria in several other categories: (1) have experience working with under-represented populations; (2) use a collaborative and inclusive process; (3) have local experience and knowledge; (4) have

accessible communications, (6) bilingual capacity, (7) have sufficient staff capacity, and (8) are a truly local business enterprise.

Request: We request formal reconsideration of our proposal in accordance with San José Municipal Code sections 4.12.410 through 4.12.460.

Grounds and factual basis for reconsideration: The table below outlines the criteria we were evaluated against, indicates the score we received for each (with the scores we dispute highlighted in yellow), and includes direct quotes from our proposal to show why we merited a higher score in those areas.

CRITERIA TITLE	CRITERIA DESCRIPTION	POINTS GIVEN TO MOFSV / MAXIMUM POSSIBLE	EVIDENCE FROM MOFSV'S PROPOSAL SHOWING WHY MOFSV MERITED MORE POINTS
1. Connections with populations of interest	Experience working with low-income communities, communities of color, limited English proficiency, youth, and other under-represented populations; has trusted relationships with these communities and established communication channels for sharing information and gathering input.	19/30	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category. NOTE: Just because we have strong relationships with City staff and Councilmembers does NOT imply that we don't also have strong relationships with our community.</p> <p>Our experience working with under-represented populations was demonstrated in Part 4(d) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added):</p> <p>“MOFSV has significant experience working with low-income communities, communities of color, limited English proficient residents, and youth. This is due both to our previous Energy Foundation grant, which enabled us to hire Spanish- and Vietnamese-speaking Community Engagers, as well as to the growth of our membership into every district in the City. Our leadership team includes women of color (Vietnamese and Latina) and we have volunteers who are fluent in Spanish and Vietnamese. Our leadership team also includes low-income</p>

		<p>residents who have valuable lived experience, with one relying on public transit rather than owning a car and another living in a mobile home park and qualifying for a low-income appliance-replacement program. As self-identified women (both mothers and allies), we transcend boundaries of race, class, ethnicity, age, language, religion, and ideology. In addition, Team Leader Linda Hutchins-Knowles formally mentors the hub coordinator of Sunrise Silicon Valley, a local youth-led climate group, and we include youth in many of our events.”</p> <p>Our trusted relationships with the community was documented on page 2 of our Cover Letter: “Our volunteer team members have become trusted messengers in the community...” If the Environmental Services Department did not see evidence of our role as trusted messengers with under-represented populations, they would not have hired us for a second grant whose express purpose was to engage low-income, limited-English-speaking and other historically under-represented communities in the Climate Smart Challenge.</p> <p>Our trusted relationships with the community were further documented in ATTACHMENT C - CUSTOMER REFERENCE FORM (#2 out of 2) - bolding added: “After a successful pilot project with ESD in 2018, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project... With pass-through funding from The Energy Foundation, MOFSV hired Spanish-speaking and Vietnamese-speaking Community</p>
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		<p>Engagers to help conduct outreach in the City’s three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings.”</p> <p>As further shown in ATTACHMENT C - CUSTOMER REFERENCE FORM (#2 of 2), our trusted relationships with under-represented communities resulted in “657 residents signed up for the Climate Smart Challenge. Half of those who indicated their neighborhood were from priority districts 3, 4, 5 and 7, with greater concentrations of low-income residents, people of color, and limited English proficient speakers.”</p> <p>Our established communication channels for sharing information with the community was demonstrated in Part 3(d) of ATTACHMENT B: SUBMITTAL COVER FORM [bolding added]: “The MOFSV team has 2000 local supporters in our database, sends a monthly e-newsletter and occasional Action Alerts, and maintains three social media platforms (Twitter, Facebook and Instagram). We have conducted trilingual postcard-signing campaigns and canvassed door-to-door in English and Spanish.”</p> <p>Our established communication channels for sharing information with the community was further demonstrated in Part 3(b) of ATTACHMENT B: SUBMITTAL COVER FORM: “We reached additional speakers of Spanish and Vietnamese through interviews on a Vietnamese TV show and on a Univisión radio show. We also promoted Climate Smart through an op-ed published in the Mercury News.”</p>
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<p>2. Collaborative, inclusive process</p>	<p>Demonstrated commitment to working collaboratively with partners and the community; track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or mediation; knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convener.</p>	<p>15/20</p>	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category.</p> <p>Re. Demonstrated commitment to working collaboratively with partners and the community:</p> <p>As stated in Part 3(b) of ATTACHMENT B: SUBMITTAL COVER FORM, we worked collaboratively with ESD staff and the community to engage residents in Climate Smart San José (bolding added):</p> <p>“In 2018, MOFSV was invited by the San José Environmental Services Department (ESD) to conduct a public outreach project for the nascent Climate Smart San José plan. Through this micro grant-funded project, MOFSV engaged 300 residents (via public meetings, tabling, one-on-one interviews, and house parties in English and Spanish) in learning about Climate Smart and taking surveys.</p> <p>As a result of this successful collaboration, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project... MOFSV hired Spanish-speaking and Vietnamese-speaking Community Engagers to help conduct outreach in the City’s three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings.</p> <p>Further evidence of our commitment to working collaboratively with partners and the community was provided in</p>

		<p>Part 3 (b) of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“b) Public outreach and community engagement: MOFSV has been actively engaging the community since 2016. Volunteers frequently table at local events, such as District 5’s National Night Out at Emma Prusch Park and Keep Coyote Creek Beautiful’s BioBlitz in Alum Rock Park. In addition, the team hosts occasional documentary film screenings, public information nights (at which SJCE has spoken), and Climate Listening Circles, both in person and online. This spring, MOFSV is resuming in-person house parties in either English or Spanish, including one this coming May at the home of local activist Blanca Alvarado.</p> <p>Re. track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or mediation:</p> <p>As stated in Part 3(c) of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“c) Meeting facilitation: Several MOFSV leaders are skilled in meeting facilitation. The core leadership team rotates facilitation of its monthly planning meetings. In addition, trained volunteer facilitators conduct house parties, climate listening circles, and community outreach events.</p> <p>Also, as stated in Part 4(g) and (h) of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“g) Consensus experience:</p>
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		<p>MOFSV’s core leadership team informally operates by consensus. Team leader Linda has done formal training in decision-making via consensus and Convergent Facilitation training through the Center for Efficient Collaboration.</p> <p>h) Constructive decision-making experience: Likewise, MOFSV leaders are skilled at constructive decision-making. In addition, Linda has done a yearlong training in conflict resolution through Mediate Your Life.</p> <p>Re. knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convener:</p> <p>As stated in Part 4(e) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added):</p> <p>“e) DEI knowledge: MOFSV’s leaders are well versed in DEI principles. In the organization’s recently released strategic plan, the first of our four strategic priorities is embedding equity throughout our work. We have invested in AORTA training for all staff, including a train the trainer program through which select staff are now able to train members and new staff. These efforts have brought 150+ moms through our comprehensive 2-day training the last six months.</p> <p>Team Leader Linda Hutchins-Knowles has done extensive DEIJ training, including The Adaway Group’s Whiteness At Work, SURJ’s Leadership Training, Race Forward’s Building Racial Equity,</p>
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			<p>and Food Shift’s JEDI training. In addition, the MOSV leadership team will be doing a DEI training this month based on an AORTA training, examining common pitfalls and antidotes for effective multi-racial organizing. Shannon has also done extensive training in DEI through Stanford and self-directed learning.</p>
<p>3. Local experience and knowledge</p>	<p>Experience working with the City of San José and/or public, private, and nonprofit organizations in Santa Clara County; knowledge of local issues</p>	<p>8/10</p>	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category, since we have extensive experience working with the City of San José as well as the public plus demonstrated deep knowledge of local issues, especially related to the environment.</p> <p>As stated at the bottom of the first page of our Cover Letter dated March 9, 2023: “Through two grant-funded projects for the Environmental Services Department (ESD), we assisted in the early identification of potential issues, concerns, and benefits of the Climate Smart San José plan, conducting informational events and administering surveys.”</p> <p>As stated in Part 4(b) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added); note that our ability to provide comment letters and give public comments at key meetings speaks to the depth of our knowledge of local issues:</p> <p>“b) Local government experience: MOFSV has been supporting the San José City Council and key departments (like EDS, SJCE, DOT) since 2016 by informing Councilmembers and staff about key climate policies and mobilizing public support to adopt them. We do this through meeting (separately)</p>

			<p>with the Mayor, Councilmembers and staff, sending comment letters, and giving public comments at key committee meetings (e.g., T&E, Rules) and City Council meetings.”</p> <p>Further evidence of our knowledge about local issues and experience working with the City of San José was conveyed through Part 2 of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“In recognition of their leadership, the team [MOFSV] was declared the city’s first “Climate Smart Champion of the Year” by the San José City Council in 2019. Since then, MOFSV has worked closely with City staff and Councilmembers to protect key portions of Coyote Valley from development, adopt building electrification and EV charging reach codes, promote the Climate Smart Challenge in English, Spanish and Vietnamese, and approve the Existing Buildings Electrification Framework.”</p> <p>Finally, ATTACHMENT C - CUSTOMER REFERENCE FORM (#1 of 2) includes a link to our report to the City of San José for our first public outreach project for the new Climate Smart San José plan, showing that we worked closely with the City and demonstrating the depth of our knowledge in this subject.</p>
<p>4. Accessible communications</p>	<p>Skilled in efficient public and stakeholder communications, including document and presentation production;</p>	<p>9/10</p>	<p>The following excerpts from our Proposal demonstrate that we deserve full points in this category.</p> <p>As stated in Part 4(j) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added), we</p>

	<p>knowledge of accessible communication practices.</p>		<p>are highly skilled in effective public and stakeholder communications:</p> <p>“j) Public communications: MOFSV’s leaders are skilled in public communications, both in person and in writing and in traditional as well as social media. Team leader Jenny Green has over 20 years of experience in the business and nonprofit sectors, currently serving as Associate Marketing Director for Green Foothills. In this role she is responsible for all aspects of marketing, including advertising, publications, website, social media, branding, media relations, market research, planning, and budget. Leveraging these skills, Jenny writes and distributes a monthly e-newsletter for MOFSV’s supporters. Team leader Hoai-An Truong has extensive experience on social media and manages our Facebook account, and mother/daughter duo Rebecca and Ariana oversee our Instagram posts. In addition to managing our Twitter account, team leader Linda is a passionate and skilled public speaker; she was invited by former Mayor Liccardo to speak at the press conference launching Climate Smart San José. Likewise, team leader Shannon Birk Jibaja has extensive public speaking experience, including 13 endorsements for public speaking.”</p> <p>Our ability to produce documents and presentations, and our applied knowledge of <i>accessible communication practices</i>, were conveyed in our 3 Samples of Outreach materials. These samples showcased our ability to produce engaging and accessible materials and give presentations in English, Vietnamese and Spanish:</p>
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Graphic for in-person “Boba Happy Hour & Energy Savings Presentation” in Vietnamese

Registration page:

<https://ca.mothersoutfront.org/boba>



Graphic for “Save Energy (& Money) in your Home!” webinar in Spanish

MARCH EVENTS



Want to learn more about Mothers Out Front and inspire your neighbors to get involved? This spring we’re returning to in-person gatherings and offering a series of house parties. You invite friends or neighbors to your home (**or another venue you choose**) and Mothers Out

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

			Front Silicon Valley volunteers will lead an inspiring presentation and discussion (in English, Spanish or Vietnamese) about how we're working to preserve a livable climate for all children and how to get involved. If you're interested in hosting a house party, fill out this form .
5. Project management	Skilled in project management; proven track record of completing project deliverables within a timely manner and within budget; reliable and responsive.	10/10	This score is fair.
6. Bilingual capacity	Has bilingual staff (particularly Spanish and Vietnamese).	4/5	The 5 resumes we submitted demonstrate that we deserve full points in this category because we have bilingual capacity in Spanish and Vietnamese. In addition, as mentioned on the second page of our cover letter , if we're awarded a grant from the City we would supplement our current bilingual capacity by (re)hiring Spanish- and Vietnamese-speaking staff.
7. Staff capacity	Has sufficient staff capacity to do work under this Master Agreement or a plan for ensuring staff capacity.	4/5	The following excerpts from our Proposal demonstrate that we deserve full points in this category. As stated on page 2 of our cover letter, "Our volunteer work is supported by Mothers Out Front staff team, including our California Organizing Manager Alicia Nichols-Gonzalez, and Senior Organizer Andrea Slater. If awarded a grant through this Master Agreement, we may further supplement our paid staff capacity by hiring residents from target communities as Promotoras or Community Engagers, as we did with our Energy Foundation grant to support the San José Climate Smart Challenge. " Also, the 5 resúmes we submitted

			document that we have dedicated and highly skilled volunteers who could supplement the work of staff if awarded a Master Agreement.
8. Local business enterprise	<p>“To receive the LBE preference, you must have both of the following:</p> <p>(1) A valid San José Business Tax Certificate Number...</p> <p>(2) A legitimate business presence in Santa Clara County with at least one full time employee.”</p>	0/5	<p>The letter of the law should not violate the spirit of the law; as a very local nonprofit, we believe we deserve full points in this category.</p> <p>As the Silicon Valley branch of Mothers Out Front, our volunteer leadership team members (who are essentially unpaid employees) are all residents of San José. We also have an additional 1,860 supporters who live in San José, so we are truly a local business (nonprofit).</p> <p>From 2020-2021, with funding from a pass-through grant from the City of San José, we hired paid employees from San José to conduct community engagement. When the grant ended, these positions also ended, though our volunteers continue to be very engaged and move our work forward. As we indicated on page 2 of our Cover Letter, if we receive grant funding from the City for community engagement, we are prepared to hire staff who live in San José.</p> <p>It does not seem fair to expect our volunteer-run, community-based organization to have at least one-full time employee in the County before being awarded a grant which would allow us to hire such staff.</p>
9. Small business enterprise	<p>“the total number of employees for your firm (regardless of where they are located) is 35 or fewer”</p>	0/5	<p>The following excerpt from our Proposal demonstrates that we deserve full points in this category.</p> <p>ATTACHMENT E – LOCAL AND SMALL BUSINESS PREFERENCE shows that Mothers Out Front has just 25 employees nationwide, well before the maximum allowed (35) to qualify as a small business.</p>

			It appears that we may have been denied the 5 points we deserved for being a small business since we were not deemed to be a local business. However, it is completely possible to be a small business (nonprofit) and not have a current San José business tax certificate. Therefore, it is unfair to deny us the 5 points we deserve as a small business and essentially classify us as a large business.
TOTAL		69/100	Our thorough and well-documented proposal demonstrates that we merit at least 6 more points total in the categories highlighted above.

Conclusion: Staff in the City’s CED and ESD departments encouraged Mothers Out Front Silicon Valley to submit a proposal for a Master Agreement since they value our ability to reach under-represented communities with a collaborative, empowering, and culturally-appropriate approach. Furthermore, we have an area of expertise—win/win strategies for helping residents to lower their energy bills and create healthier indoor air while at the same time helping the City to achieve its climate goals—that isn’t easy to find in a small, local CBO like ours.

Thank you so much for taking the time to read our Appeal and reconsider the scoring of our Proposal. We’d appreciate the chance to be considered by CED, ESD, DOT and other City departments for a Master Agreement in a way that will give their staff ease.

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

Alicia Nichols-Gonzalez
 California Organizing Manager for Mothers Out Front



2. City Response to Protest

Office of Economic Development and Cultural Affairs

May 19, 2023

VIA EMAIL AND US MAIL ONLY

Linda Hutchins-Knowles and Alicia Nichols-Gonzalez
Mothers Out Front

Subject: Re: Protest of Procurement Decision regarding Mothers Out Front's Proposal for a Master Agreement for Community Engagement Partnerships (CBOs and Nonprofits)

Reference: Protest letter dated May 11, 2023

Dear Mrs. Hutchins-Knowles and Mrs. Nichols-Gonzalez,

This letter is in response to the above-referenced letter protesting the City's Notice of Intended Award for Master Agreements for Community Engagement Partnerships. We have accepted the protest and processed the request in accordance with San José Municipal Code sections 4.12.410 through 4.12.460.

The protest letter requests a formal reconsideration of your organization's proposal in accordance with the sections of the Municipal Code cited above. The letter received describes two sets of claims to justify reconsideration of your organization's submission: 1) *Local and Small Business Enterprise Preference* and 2) *Inaccurate Ratings*. As it pertains to the *Local and Small Business Enterprise*, the protest letter states that your organization submitted the required form indicating your organization is local and has less than 35 total employees and, therefore, should receive the preference points. Regarding *Inaccurate Ratings*, the letter makes the claim that your organization should have received higher ratings in various categories, based on your responses.

After careful review of the claims outlined in the protest letter, I have provided the following responses:

Local and Small Business Enterprise Preference

In accordance with section 4.12.030 of the City's Municipal Code, procurement processes shall provide additional points to bidders that qualify as a local business enterprise and small business enterprise. The Request for Proposals (RFP) states that organizations must complete and submit the Local and Small Business Enterprise Preference (LSBEP) form, which was included as Attachment E of the RFP. As is indicated in the RFP documents, to receive the Local Business Enterprise (LBE) preference your organization must have a valid San José Business Tax Certificate Number and a legitimate business presence in Santa Clara County with at least one full time employee.

For the Small Business Enterprise (SBE) preference, Attachment E and the [Local and Small Business](#) section of the City's Finance Department website further outline that:

“In order to claim the additional SBE Suppliers must first qualify as a LBE and have a total number of employees of 35 or less (regardless of where they are located). Note: the SBE may not be claimed if the supplier does not meet the LBE requirements.”

Your organization's proposal included the LSBEP form; however, the tax information provided did not meet the requirements for the LBE preference, as it was not a valid San José Business Tax Certificate Number. Therefore, your bid was not eligible to receive the LBE or SBE preference points. The City maintains a strong interest in ensuring that all RFP processes are fair to all respondents. This requires enforcing the instructions in the RFP, the Municipal Code, and Finance Department requirements.

Inaccurate Ratings

The City received 34 proposals in response to this RFP and disqualified four of them for incompleteness. A panel of three City staff evaluated the 30 complete proposals against the criteria set forth in Section 4 of the RFP documents. Proposals that received high scores in each category provided detailed descriptions and specific examples to demonstrate how their organization met the desired qualification.

For example, regarding the score for the “connections with populations of interest” category, your response focused more on the diversity of staff and inclusive practices, rather than on demonstrating specific examples of your organization's experience working with under-represented populations and building trusted relationships with these communities. Regarding the score for the “collaborative, inclusive process” category, the response did not clearly explain how outreach and engagement efforts you have led helped to build consensus among diverse stakeholders or successfully contribute to a decision-making process. More detailed examples on meeting facilitation, conflict resolution, and/or mediation skills would have resulted higher scores.

It is my belief that our evaluation panel conducted their review in a fair and unbiased manner to the best of their abilities. After reviewing your protest letter, I do not see sufficient evidence to increase your proposal's total score by six or more points.

Conclusion

For these reasons, after careful review, I am upholding staff's recommendation of award to the 22 organizations listed in the Notice of Intended Award. This was a competitive process, involving the evaluation of 30 proposals. 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.

Protest Letter Response to Quyen Mai, Vietnamese American Organization

May 19, 2023

OED-RFP-2023-01-24

Page 3

We want to thank you for your interest and participation in this process. We really appreciate the time you took on the submission to this RFP. Please note, that just because staff is not recommending your organization to receive a master agreement through this program, it will not impact your ability to partner with the City on other efforts in the future. We hope that you pursue those opportunities. Staff is grateful to Mothers Out Front for your work in the San José community and look forward to our continued work together.

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](#). If filing an appeal, please email it to me, Rachel Quirimit, and Zak Mendez, in addition to the City Clerk's Office, prior to the deadline.

Sincerely,

A handwritten signature in black ink that reads "Nanci Klein". The signature is written in a cursive, flowing style.

Nanci Klein
Director of Economic Development and Cultural Affairs

3. Mothers Out Front Appeal Letter



May 28, 2023

Mayor Mahan, Vice Mayor Kamei, City Council Members, and Clerk Toni Taber
City of San José

Via email: city.clerk@sanjoseca.gov

Cc: nanci.klein@sanjoseca.gov, rachel.quirimit@sanjoseca.gov, zacharias.mendez@sanjoseca.gov

Re: Appeal of Procurement Decision regarding Mothers Out Front's Proposal for a Master Agreement for Community Engagement Partnerships (CBOs and Nonprofits)

Honorable Mayor Mahan, Vice Mayor Kamei, City Council Members, and Clerk Toni Taber:

On behalf of the 2,000+ supporters of Mothers Out Front Silicon Valley (MOFSV), we submit this appeal of the procurement decision regarding our proposal for a Master Agreement for Community Engagement Partnerships in response to the RFP issued by OEDCA on January 27, 2023. The purpose of the RFP was "to create a pathway to establishing partnerships with community-based organizations to assist with project-based outreach and engagement needs."

History: We were encouraged to submit a proposal by Amanda Orozco in CED and Julie Benabente in ESD given our successful collaboration with the City and other CBOs on two prior grants. With those grants, we engaged, informed, and empowered under-represented San José communities in three languages to participate in the Climate Smart Challenge and learn ways to reduce their energy bills and water usage as well as our city's GHG emissions. Thus, when CED and ESD staff encouraged us to apply, we submitted a proposal for a Master Agreement.

Summary: OEDCA determined that proposals that received a score of 75 or above would be recommended for a Master Agreement. Our proposal received 69 points, missing the cutoff by just 6 points. We submitted a formal Protest to OEDCA highlighting the parts of our proposal that justify at least six additional points (see Appendix 1), but OEDCA denied our protest.

Request: We ask you to review both our Protest to OEDCA and this new appeal with care and, if you agree with our reasoning, add MOFSV to the list of organizations approved for a Master Agreement.

Rationale: In addition to the rationale given in our Protest letter, we offer the following reasons that we believe justify including Mothers Out Front Silicon Valley on the on-call list of CBOs.

- 1) **Inclusive goal:** The goal of the RFP was to establish a large pool of CBOs for City staff to tap. In an RFP workshop, OEDCA staff explained, ***“we want as many organizations as possible on our on-call list for our staff to be able to work with.”*** Given this inclusive goal, and the fact that our proposal demonstrated a track record of successful community engagement with under-represented populations in San José, we wonder if the scoring could have been more generous, the definitions less narrow, or the cutoff score a bit lower.
- 2) **Overly narrow definitions:** The definitions chosen for Local Business Enterprise (LBE) and Small Business Enterprise (SME) excluded us, even though we are truly local and small.

LBE: We clearly are a local organization—our volunteer leadership team members live in San José, our work is focused on San José, and 1,860 of our 2,000 supporters live in San José. Since we don't sell any products or earn any income, we don't have a San José Business Tax Certificate, yet this was the only option to demonstrate that we are local. Mothers Out Front does have staff assigned to support our all-volunteer Silicon Valley team.

SBE: San José's definition of SBE is that the organization has a total of 35 employees or less. We meet that criterion since our organization has under 35 employees. However, there is a catch: “In order to claim the additional SBE Preference, Suppliers must first qualify as an LBE.” Since we didn't meet the technical definition of LBE, we were disqualified from being considered a SBE, even though we are indeed small. **We ask Council to decouple these two categories (SBE and LBE), making them independent of each other;** otherwise we are being scored as a large business when we are not. ***If we had earned the 10 points from these two categories, our score would have been 79, well above the threshold.***

- 3) **Full points deserved on Criteria 2:** We believe the evidence we provided merits full points for Criteria 2, “Collaborative, inclusive process” (we were given 15 out of 20 points). This category looked for “Demonstrated commitment to working collaboratively with partners and the community; track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or meditation; knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convenor.” **As the table in Appendix 1 shows, we provided ample evidence of meeting each of these expectations.** However, one of the reviewers gave this explanation about why they gave us less than the full 20 points: *“Does not discuss collaborating with other CBOs in the application.”* Yet **the application did not ask about collaborating with other CBOs. If it had, we would have described the leadership role we played in convening a series of monthly “CBO's Networking Mixers”** for local nonprofits focused on environmental justice/sustainability, public health, and equity issues, co-led by our Spanish-speaking Community Engager Mayra Catalán-Orozco and our Vietnamese-speaking Community Engager Isabella Luong (see Figures 1 and 2). These popular gatherings were attended by staff from the School of Arts and Culture, Sacred Heart, Fresh Approach, ICAN, Latinos Outdoors, and several other CBOs. **It is not fair to subtract points for not discussing something that was not asked about.** We believe we've earned the full 20 points in this category.

Figure 1: Invitation to a CBO Networking Mixer from Mothers Out Front SV
(If the RFP had asked about collaborating with other CBOs, we would have included this.)

We hope you and your loved ones are doing well. We are excited to invite you (and a colleague of your choice) to our first **virtual happy hour mixer in 2021!** This event will be on **Wednesday, February 3rd, from 5-6pm** via **Zoom** along with our colleagues, from several other community-based organizations in San José. We'll send confirmed participants a gift certificate to a local black-owned restaurant (*Back-a-Yard* or *Walia Ethiopian*) to enjoy an appetizer or drink on us.

We at Mothers Out Front Silicon Valley are grateful for your willingness to work and collaborate with us last year as we kicked off a series of virtual networking mixers. We look forward to extending these gatherings into 2021 so that we can continue to better serve our communities.

In honor of Black History Month, we will focus on *sharing more about what each of our organizations are working on and ways we can support one another, as well as what we're doing to include Black people in our work.*

Please RSVP today to help us get a head count, and **please invite other local community-based organizations to attend.**

We're looking forward to getting to know you and your organization!

Linda Hutchins-Knowles
Mayra Catalán
Mothers Out Front Silicon Valley

Thank you,

—
Mayra Catalán
San José Community Engager
Mothers Out Front
Pronouns: She/her/hers
www.mothersoutfront.org

Live in San José? Join the [Climate Smart Challenge!](#) Connect with friends & neighbors to learn easy ways to save energy, lower your bills, and get fit—all while helping to preserve a livable climate. And learn how [you can help us make this program a big success!](#) Let's do this!

Figure 2: MOFSV convened first virtual “Happy Hour” Networking Mixer for local CBOs on 8/14/2020



- 4) **Full points deserved on Criteria 3:** Likewise, we believe the evidence we provided merits full points for Criteria 3 “Local experience and knowledge” (we were given 8 out of 10 points). This category looked for “Experience working with the City of San Jose and/or public, private and nonprofit organizations in Santa Clara County; knowledge of local issues.” As the table in Appendix 1 shows, **we provided ample evidence of fully meeting these expectations.** Our proposal included two Customer Reference Forms documenting our two grant projects in partnership with the City (see Appendices 4 and 5). One of the reviewers commented that we “clearly do it” and gave us full points. The reviewer(s) who did not give us full points did not give an explanation for why not. We believe we deserve the full 10 points in this category. ***Even without the 10 points for being a local and small business, if we had earned the 5 more points on Criteria 2 and 2 more points on Criteria 3, we would have scored a total of 76 points, above the threshold for qualifying.***
- 5) **More points deserved on Criteria 1.** We believe the evidence we provided merits more points for Criteria 1, “Connections with populations of interest” (we were given 19 out of 30 points). In multiple places (summarized in the first row of the table in our Protest letter), our proposal documented our success in engaging low-income residents in the Climate Smart Challenge and on our Leadership Team. However, one of the reviewers said: *“Not enough evidence to show connections with low-income levels.”* This appears to discount the evidence (see Appendix 5) that we were able to help inspire 657 residents to sign up for the Climate Smart San José Challenge and that, of those who indicated their neighborhood, **half were from our targeted Districts 3, 4, 5 and 7 which have greater concentrations of low-income residents**, people of color, and limited English-proficient speakers. The comment also discounts the fact (highlighted on our Submittal Cover Form) that **even on our small Leadership Team we have low-income members**, including a resident who cannot afford a car and relies on public transit and another who lives in a mobile home park and qualified for a low-income appliance-replacement program. Although there are other CBOs in San José that have even greater experience working with low-income communities, that doesn’t negate the fact that MOFSV also has experience engaging with and cultivating the leadership of low-income residents (as demonstrated throughout our Proposal and Protest letter). Another reviewer commented that they thought we had “limited reach to community members.” This overlooks our demonstrated engagement with community members of diverse backgrounds, as evidenced by the workshops we convened in Spanish and Vietnamese (see Appendix 6 for two examples). ***Thus, our demonstrated connections with populations of interest were not accurately reflected in the score of 19 out of 30 points—a 63% or a D grade. If we had earned just 6 more points in this category, for 25 out of 30 points—a 83% or a “B” grade—we would have met the cutoff score.***
- 6) **Missed opportunity for capacity building:** The “Background” section of the RFP states that this program is “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 City recognizes that qualifying CBOs have room to grow. It’s an acknowledgment that, by participating in a Master Agreement, the**

CBOs will build their capacity as they learn alongside staff. Mothers Out Front would appreciate the chance for the capacity building that a Master Agreement would provide rather than being cut out of consideration by just a few points when we clearly have so many strengths and expertise to offer and when City staff would like our support.

- 7) **Fully meet the desired qualifications.** The RFP states that “The successful organization will have the following attributes:
- Authorized to conduct business in California as a 501(c)(3) or other type of non-profit
 - Ability to provide one or more of the services listed above in Section 3.

MOFSV meets both of these attributes: (1) We are a licensed 501(c)(3) nonprofit in CA, and (2) As our proposal detailed in Part 3 of the Submittal Cover Form (see Appendix 3), we are able to provide many of the desired services, including:

- Community advisory committee assistance
- Public outreach and community engagement
- Meeting facilitation
- Communications
- Event planning
- Community needs assessment
- Process evaluation

As detailed in our Cover Letter (see Appendix 2), we have the demonstrated ability to:

- Develop a community outreach and engagement strategy
- Plan events and logistics (including low-waste meals and children’s activities)
- Assist with outreach and engagement materials in English, Spanish, and Vietnamese
- Implement creative outreach activities to drive participation in the engagement process
- Distribute messages through our email blasts, newsletters, website, and social media
- Integrate outreach into our regular activities and communication channels
- Canvass door-to-door and table at community events and gathering places
- Conduct trilingual surveys
- Develop solutions and performance metrics, and more.

- 8) **Sufficient funding:** We understand from OEDCA staff that the City has a total of \$6 million to allocate for these Master Agreements. Even if each of the recommended 22 organizations receives a grant of \$250,000 each, there is still another \$500,000 available, so **there is adequate funding to add us plus another organization to the list if Council would like.**

- 9) **Last chance for 3-5 years:** OEDCA staff wrote, “We do not expect to issue this RFP again before the conclusion of the first three-year period, and possible [sic] not again in the next five years.” Even if considering this appeal necessitates a delay, we hope that Council will take the necessary time to get it right. Otherwise, MOFSV would need to wait another 3-5 years to qualify for a Master Agreement. In light of this long timeframe, **perhaps Council could move forward to approve the 22 organizations that have already qualified while it considers this appeal, and then add MOFSV to the list if deemed worthy.**

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

To conclude, we believe that our proposal amply demonstrated that we meet the criteria for a Master Agreement, including a proven track record of successful community engagement with under-represented populations in San José in partnership with ESD. Our proposal answered each of the questions thoroughly; if evidence of collaborating with other CBOs had been requested, we would have provided it (as shown in Figures 1 and 2).

Given that City staff would like to partner with us and leverage our knowledge, expertise, and connections with populations of interest and that there is sufficient funding, it would be a win/win for MOFSV to be included on the list.

Thank you for taking all of this under consideration. We would be happy to answer any questions or provide additional information.

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

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

See Appendices below:

[APPENDIX 1](#): MOFSV'S PROTEST LETTER TO OEDCA RE. PROCUREMENT DECISION

[APPENDIX 2](#): COVER LETTER OF MOFSV'S PROPOSAL IN RESPONSE TO THE RFP

[APPENDIX 3](#): SUBMITTAL COVER FORM FROM MOFSV'S PROPOSAL IN RESPONSE TO THE RFP

[APPENDIX 4](#): CUSTOMER REFERENCE FORM (#1 out of 2)

[APPENDIX 5](#): CUSTOMER REFERENCE FORM (#2 out of 2)

[APPENDIX 6](#): SAMPLE OF OUTREACH MATERIALS (#2 OF 3)

**APPENDIX 1:
MOFSV'S PROTEST LETTER TO OEDCA RE. PROCUREMENT DECISION**



May 10, 2023

Rachel Quirimit
Office of Economic Development and Cultural Affairs
City of San José
Via email: rachel.quirimit@sanjoseca.gov
Cc: Zacharias.Mendez@sanjoseca.gov

Re: Appeal (“protest”) of Procurement Decision regarding Mothers Out Front’s Proposal for a Master Agreement for Community Engagement Partnerships (CBOs and Nonprofits)

Ms. Quirimit:

On behalf of our 2000+ local supporters, Mothers Out Front Silicon Valley (MOFSV) submits this appeal of the ranking we received on our proposal in response to the RFP issued by OED on January 27, 2023, whose purpose was “to create a pathway to establishing partnerships with community-based organizations to assist with project-based outreach and engagement needs.” We were encouraged to submit a proposal by Amanda Leonis, of CED/SJCE, and Julie Benabente, of ESD, given our track record of successfully collaborating with the City and other CBOs on two past grants to engage, inform and empower under-represented communities.

Summary: The proposals OED received that earned a score of 75 or above have been recommended to receive a “Master Agreement” for up to \$250,000. Mothers Out Front’s proposal received a total score of 69 points, missing the cutoff score by just 6 points. It appears that we were erroneously denied at least 6 points or more and should therefore have qualified to be included on the list with the 22 organizations that made the cutoff.

Key takeaways: At a bare minimum, we submitted documentation that we are a small business [nonprofit] with under 35 employees, so we should have received 5 points in that category. In addition, it appears that the reviewer(s) may have overlooked documentation included in our proposal that we fully met the criteria in these other categories: (1) have experience working with under-represented populations; (2) use a

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

collaborative and inclusive process; (3) have local experience and knowledge; (4) have accessible communications, (6) bilingual capacity, (7) have sufficient staff capacity, and (8) are a truly local business enterprise.

Request: We request formal reconsideration of our proposal in accordance with San José Municipal Code sections 4.12.410 through 4.12.460.

Grounds and factual basis for reconsideration: The table below outlines the criteria we were evaluated against, indicates the score we received for each (with the scores we dispute highlighted in yellow), and includes direct quotes from our proposal to show why we merited a higher score in those areas.

CRITERIA TITLE	CRITERIA DESCRIPTION	POINTS GIVEN TO MOFSV / MAXIMUM POSSIBLE	EVIDENCE FROM MOFSV'S PROPOSAL SHOWING WHY MOFSV MERITED MORE POINTS
1. Connections with populations of interest	Experience working with low-income communities, communities of color, limited English proficiency, youth, and other under-represented populations; has trusted relationships with these communities and established communication channels for sharing information and gathering input.	19/30	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category. NOTE: Just because we have strong relationships with City staff and Councilmembers does NOT imply that we don't also have strong relationships with our community.</p> <p>Our experience working with under-represented populations was demonstrated in Part 4(d) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added):</p> <p>“MOFSV has significant experience working with low-income communities, communities of color, limited English proficient residents, and youth. This is due both to our previous Energy Foundation grant, which enabled us to hire Spanish- and Vietnamese-speaking Community Engagers, as well as to the growth of our membership into every district in the City. Our leadership team includes women of color (Vietnamese and Latina) and we have volunteers who are fluent in Spanish and Vietnamese. Our</p>

		<p>leadership team also includes low-income residents who have valuable lived experience, with one relying on public transit rather than owning a car and another living in a mobile home park and qualifying for a low-income appliance-replacement program. As self-identified women (both mothers and allies), we transcend boundaries of race, class, ethnicity, age, language, religion, and ideology. In addition, Team Leader Linda Hutchins-Knowles formally mentors the hub coordinator of Sunrise Silicon Valley, a local youth-led climate group, and we include youth in many of our events.”</p> <p>Our trusted relationships with the community was documented on page 2 of our Cover Letter: “Our volunteer team members have become trusted messengers in the community...” If the Environmental Services Department did not see evidence of our role as trusted messengers with under-represented populations, they would not have hired us for a second grant whose express purpose was to engage low-income, limited-English-speaking and other historically under-represented communities in the Climate Smart Challenge.</p> <p>Our trusted relationships with the community were further documented in ATTACHMENT C - CUSTOMER REFERENCE FORM (#2 out of 2) - bolding added: “After a successful pilot project with ESD in 2018, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project... With pass-through funding from The Energy Foundation, MOFSV hired Spanish-speaking and</p>
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		<p>Vietnamese-speaking Community Engagers to help conduct outreach in the City’s three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings.”</p> <p>As further shown in ATTACHMENT C - CUSTOMER REFERENCE FORM (#2 of 2), our trusted relationships with under-represented communities resulted in “657 residents signed up for the Climate Smart Challenge. Half of those who indicated their neighborhood were from priority districts 3, 4, 5 and 7, with greater concentrations of low-income residents, people of color, and limited English proficient speakers.”</p> <p>Our established communication channels for sharing information with the community was demonstrated in Part 3(d) of ATTACHMENT B: SUBMITTAL COVER FORM [bolding added]: “The MOFSV team has 2000 local supporters in our database, sends a monthly e-newsletter and occasional Action Alerts, and maintains three social media platforms (Twitter, Facebook and Instagram). We have conducted trilingual postcard-signing campaigns and canvassed door-to-door in English and Spanish.”</p> <p>Our established communication channels for sharing information with the community was further demonstrated in Part 3(b) of ATTACHMENT B: SUBMITTAL COVER FORM: “We reached additional speakers of Spanish and Vietnamese through interviews on a Vietnamese TV show and on a Univisión radio show. We also promoted Climate Smart through an op-ed published in the Mercury News.”</p>
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<p>2. Collaborative, inclusive process</p>	<p>Demonstrated commitment to working collaboratively with partners and the community; track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or mediation; knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convener.</p>	<p>15/20</p>	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category.</p> <p>Re. Demonstrated commitment to working collaboratively with partners and the community:</p> <p>As stated in Part 3(b) of ATTACHMENT B: SUBMITTAL COVER FORM, we worked collaboratively with ESD staff and the community to engage residents in Climate Smart San José (bolding added):</p> <p>“In 2018, MOFSV was invited by the San José Environmental Services Department (ESD) to conduct a public outreach project for the nascent Climate Smart San José plan. Through this micro grant-funded project, MOFSV engaged 300 residents (via public meetings, tabling, one-on-one interviews, and house parties in English and Spanish) in learning about Climate Smart and taking surveys.</p> <p>As a result of this successful collaboration, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project.... MOFSV hired Spanish-speaking and Vietnamese-speaking Community Engagers to help conduct outreach in the City’s three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings.</p> <p>Further evidence of our commitment to working collaboratively with partners and the community was provided in Part 3 (b) of ATTACHMENT B: SUBMITTAL COVER FORM:</p>
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			<p>“b) Public outreach and community engagement: MOFSV has been actively engaging the community since 2016. Volunteers frequently table at local events, such as District 5’s National Night Out at Emma Prusch Park and Keep Coyote Creek Beautiful’s BioBlitz in Alum Rock Park. In addition, the team hosts occasional documentary film screenings, public information nights (at which SJCE has spoken), and Climate Listening Circles, both in person and online. This spring, MOFSV is resuming in-person house parties in either English or Spanish, including one this coming May at the home of local activist Blanca Alvarado.</p> <p>Re. track record of contributing to decision-making processes; skilled in meeting facilitation, conflict resolution, and/or mediation:</p> <p>As stated in Part 3(c) of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“c) Meeting facilitation: Several MOFSV leaders are skilled in meeting facilitation. The core leadership team rotates facilitation of its monthly planning meetings. In addition, trained volunteer facilitators conduct house parties, climate listening circles, and community outreach events.</p> <p>Also, as stated in Part 4(g) and (h) of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“g) Consensus experience: MOFSV’s core leadership team informally operates by consensus. Team leader Linda has done formal training in</p>
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		<p>decision-making via consensus and Convergent Facilitation training through the Center for Efficient Collaboration.</p> <p>h) Constructive decision-making experience: Likewise, MOFSV leaders are skilled at constructive decision-making. In addition, Linda has done a yearlong training in conflict resolution through Mediate Your Life.</p> <p>Re. knowledge about inclusive, equitable, and accessible outreach and engagement strategies; can serve as a neutral convener:</p> <p>As stated in Part 4(e) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added):</p> <p>“e) DEI knowledge: MOFSV’s leaders are well versed in DEI principles. In the organization’s recently released strategic plan, the first of our four strategic priorities is embedding equity throughout our work. We have invested in AORTA training for all staff, including a train the trainer program through which select staff are now able to train members and new staff. These efforts have brought 150+ moms through our comprehensive 2-day training the last six months.</p> <p>Team Leader Linda Hutchins-Knowles has done extensive DEIJ training, including The Adaway Group’s Whiteness At Work, SURJ’s Leadership Training, Race Forward’s Building Racial Equity, and Food Shift’s JEDI training. In addition, the MOSV leadership team will be doing a DEI training this month</p>
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			<p>based on an AORTA training, examining common pitfalls and antidotes for effective multi-racial organizing. Shannon has also done extensive training in DEI through Stanford and self-directed learning.</p>
<p>3. Local experience and knowledge</p>	<p>Experience working with the City of San José and/or public, private, and nonprofit organizations in Santa Clara County; knowledge of local issues</p>	<p>8/10</p>	<p>The following excerpts from our Proposal demonstrate that we deserve a higher score in this category, since we have extensive experience working with the City of San José as well as the public plus demonstrated deep knowledge of local issues, especially related to the environment.</p> <p>As stated at the bottom of the first page of our Cover Letter dated March 9, 2023: “Through two grant-funded projects for the Environmental Services Department (ESD), we assisted in the early identification of potential issues, concerns, and benefits of the Climate Smart San José plan, conducting informational events and administering surveys.”</p> <p>As stated in Part 4(b) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added); note that our ability to provide comment letters and give public comments at key meetings speaks to the depth of our knowledge of local issues:</p> <p>“b) Local government experience: MOFSV has been supporting the San José City Council and key departments (like EDS, SJCE, DOT) since 2016 by informing Councilmembers and staff about key climate policies and mobilizing public support to adopt them. We do this through meeting (separately) with the Mayor, Councilmembers and staff, sending comment letters, and giving public comments at key</p>

			<p>committee meetings (e.g., T&E, Rules) and City Council meetings.”</p> <p>Further evidence of our knowledge about local issues and experience working with the City of San José was conveyed through Part 2 of ATTACHMENT B: SUBMITTAL COVER FORM:</p> <p>“In recognition of their leadership, the team [MOFSV] was declared the city’s first “Climate Smart Champion of the Year” by the San José City Council in 2019. Since then, MOFSV has worked closely with City staff and Councilmembers to protect key portions of Coyote Valley from development, adopt building electrification and EV charging reach codes, promote the Climate Smart Challenge in English, Spanish and Vietnamese, and approve the Existing Buildings Electrification Framework.”</p> <p>Finally, ATTACHMENT C - CUSTOMER REFERENCE FORM (#1 of 2) includes a link to our report to the City of San José for our first public outreach project for the new Climate Smart San José plan, showing that we worked closely with the City and demonstrating the depth of our knowledge in this subject.</p>
<p>4. Accessible communications</p>	<p>Skilled in efficient public and stakeholder communications, including document and presentation production; knowledge of accessible communication practices.</p>	<p>9/10</p>	<p>The following excerpts from our Proposal demonstrate that we deserve full points in this category.</p> <p>As stated in Part 4(j) of ATTACHMENT B: SUBMITTAL COVER FORM (bolding added), we are highly skilled in effective public and stakeholder communications:</p>

			<p>“j) Public communications: MOFSV’s leaders are skilled in public communications, both in person and in writing and in traditional as well as social media. Team leader Jenny Green has over 20 years of experience in the business and nonprofit sectors, currently serving as Associate Marketing Director for Green Foothills. In this role she is responsible for all aspects of marketing, including advertising, publications, website, social media, branding, media relations, market research, planning, and budget. Leveraging these skills, Jenny writes and distributes a monthly e-newsletter for MOFSV’s supporters. Team leader Hoai-An Truong has extensive experience on social media and manages our Facebook account, and mother/daughter duo Rebecca and Ariana oversee our Instagram posts. In addition to managing our Twitter account, team leader Linda is a passionate and skilled public speaker; she was invited by former Mayor Liccardo to speak at the press conference launching Climate Smart San José. Likewise, team leader Shannon Birk Jibaja has extensive public speaking experience, including 13 endorsements for public speaking.”</p> <p>Our ability to produce documents and presentations, and our applied knowledge of <i>accessible communication practices</i>, were conveyed in our 3 Samples of Outreach materials. These samples showcased our ability to produce engaging and accessible materials and give presentations in English, Vietnamese and Spanish:</p>
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Graphic for in-person “Boba Happy Hour & Energy Savings Presentation” in Vietnamese

Registration page:

<https://ca.mothersoutfront.org/boba>



Graphic for “Save Energy (& Money) in your Home!” webinar in Spanish

MARCH EVENTS



Want to learn more about Mothers Out Front and inspire your neighbors to get involved? This spring we’re returning to in-person gatherings and offering a series of house parties. You invite friends or neighbors to your home **(or another venue you choose)** and Mothers Out

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

			Front Silicon Valley volunteers will lead an inspiring presentation and discussion (in English, Spanish or Vietnamese) about how we're working to preserve a livable climate for all children and how to get involved. If you're interested in hosting a house party, fill out this form .
5. Project management	Skilled in project management; proven track record of completing project deliverables within a timely manner and within budget; reliable and responsive.	10/10	This score is fair.
6. Bilingual capacity	Has bilingual staff (particularly Spanish and Vietnamese).	4/5	The 5 resumes we submitted demonstrate that we deserve full points in this category because we have bilingual capacity in Spanish and Vietnamese. In addition, as mentioned on the second page of our cover letter , if we're awarded a grant from the City we would supplement our current bilingual capacity by (re)hiring Spanish- and Vietnamese-speaking staff.
7. Staff capacity	Has sufficient staff capacity to do work under this Master Agreement or a plan for ensuring staff capacity.	4/5	The following excerpts from our Proposal demonstrate that we deserve full points in this category. As stated on page 2 of our cover letter , "Our volunteer work is supported by Mothers Out Front staff team, including our California Organizing Manager Alicia Nichols-Gonzalez, and Senior Organizer Andrea Slater. If awarded a grant through this Master Agreement, we may further supplement our paid staff capacity by hiring residents from target communities as Promotoras or Community Engagers, as we did with our Energy Foundation grant to support the San José Climate Smart Challenge. " Also, the 5 resúmes we submitted

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

			document that we have dedicated and highly skilled volunteers who could supplement the work of staff if awarded a Master Agreement.
8. Local business enterprise	<p>“To receive the LBE preference, you must have both of the following:</p> <p>(1) A valid San José Business Tax Certificate Number...</p> <p>(2) A legitimate business presence in Santa Clara County with at least one full time employee.”</p>	0/5	<p>The letter of the law should not violate the spirit of the law; as a very local nonprofit, we believe we deserve full points in this category.</p> <p>As the Silicon Valley branch of Mothers Out Front, our volunteer leadership team members (who do the work of staff) are all residents of San José. We also have an additional 1,860 supporters who live in San José, so we are truly a local business (actually, a local nonprofit).</p> <p>In the past, when we received two grants from the City of San José, we hired employees who lived in San José. Since those grants ended, we no longer have staff who live in the City, but we are prepared to hire staff who do live in San José if we receive a grant from the City for community engagement as we indicated on page 2 of our Cover Letter.</p> <p>It is inherently unfair to expect our volunteer-run, community-based organization to have at least one-full time employee in the County before being awarded a grant which would allow us to hire such staff.</p>
9. Small business enterprise	<p>“the total number of employees for your firm (regardless of where they are located) is 35 or fewer”</p>	0/5	<p>The following excerpt from our Proposal demonstrates that we deserve full points in this category.</p> <p>ATTACHMENT E – LOCAL AND SMALL BUSINESS PREFERENCE shows that Mothers Out Front has just 25 employees nationwide.</p> <p>It appears that we may have been denied the 5 points we deserved for being a small business since we were not deemed to be a local business. However,</p>

			<p>it is completely possible to be a small business and not have a current San José business tax certificate. Therefore, it is unfair to deny us the 5 points we deserve as a small business and essentially classify us as a large business.</p>
TOTAL		69/100	<p>Our thorough and well-documented proposal demonstrates that we merit at least 6 more points total in the categories highlighted above.</p>

Conclusion: Staff in City departments like CED/SJCE and ESD encouraged Mothers Out Front Silicon Valley to submit a proposal for a Master Agreement since they value our ability to reach under-represented communities with a collaborative, empowering, and culturally-appropriate approach. Furthermore, we have an area of expertise—win/win strategies for helping residents to lower their energy bills and create healthier indoor air while at the same time helping the City to achieve its climate goals—that isn’t easy to find in a small, local CBO.

Thank you so much for taking the time to read our Appeal and reconsider the scoring of our Proposal. We’d appreciate the chance to be considered by CED, ESD, DOT and other City departments for a Master Agreement in a way that will give their staff ease.

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

Alicia Nichols-Gonzalez
CA Organizing Manager for Mothers Out Front California

**APPENDIX 2:
COVER LETTER OF MOFSV'S PROPOSAL IN RESPONSE TO THE RFP**



March 9, 2023

Dear City of San José:

We at Mothers Out Front Silicon Valley appreciate being considered for a Master Agreement with the City of San José to provide community engagement assistance. We would be delighted to partner with City departments on public outreach efforts in order to ensure more inclusive decision-making processes, equitable outcomes, and stronger community relationships.

As a community-based nonprofit rooted in San José since 2016, we've had a lot of success over the past seven years in engaging members of the community to come together to drive equitable climate action. We'd love to leverage our subject matter expertise, trusted relationships, established communication channels, and cultural and language competency to support the City in connecting with community members, particularly those from underrepresented demographics including residents of lower wealth, people of color, limited English speakers, immigrants, women, LGBTQ, and youth.

We have a special passion for the intersection of climate, health, and equity. Our current campaign—Gas-Free Homes, Gas-Free Cities—educates residents, staff and electeds about the importance of supporting an equitable transition from health-harming, climate-destabilizing gas appliances to clean, electrified appliances both for renters and home-owners. Although the City has adopted a thoughtful Existing Buildings Electrification Framework, our members have uncovered some hidden barriers to electrification.

For example, low-income residents who qualify for the Rebuilding Together program to cover the cost of replacing a broken appliance are forced to install gas models, not electric ones, even if the resident offers to pay for the difference themselves. This archaic requirement is out of alignment with San José's Climate Smart goals, locking low-income residents into the use of air-polluting gas appliances that in turn jeopardize their health. By sharing the lived experience of residents, we hope the City will insist that grant programs using city funding must require all-electric replacements. This will support low-wealth residents to access reliable, efficient, all-electric appliances, as well help reduce our City's greenhouse gas emissions.

Attachment D - Mothers Out Front Protest Letter, City Response, and Appeal Letter

This is just one example of the type of community engagement and resident feedback we can help facilitate. Through two grant-funded projects for the Environmental Services Department (ESD), we assisted in the early identification of potential issues, concerns, and benefits of the Climate Smart San José plan, conducting informational events and administering surveys.

We stand ready to assist ESD, SJCE, DOT, and other departments to:

- Develop a community outreach and engagement strategy
- Plan events and logistics (including low-waste meals and children's activities)
- Assist with outreach and engagement materials in English, Spanish, and Vietnamese
- Implement creative outreach activities to drive participation in the engagement process
- Distribute messages through our email blasts, newsletters, website, and social media
- Integrate outreach into our regular activities and communication channels
- Canvass door-to-door and table at community events and gathering places
- Conduct trilingual surveys
- Develop solutions and performance metrics, and more.

Our volunteer team members have become trusted messengers in the community and have been reliable participants in the monthly Climate Smart San José Stakeholder meetings, parking-minimum focus groups, and the community engagement sessions on San José's proposed new reach code for EV charging in multifamily housing.

Our volunteer work is supported by Mothers Out Front staff team, including our California Organizing Manager [Alicia Nichols-Gonzalez](#), and Senior Organizer Andrea Slater. If awarded a grant through this Master Agreement, we may further supplement our paid staff capacity by hiring residents from target communities as Promotoras or Community Engagers, as we did with our Energy Foundation grant to support the San José Climate Smart Challenge.

We have a strong growth mindset and would welcome the opportunity to grow and learn with City partners as we collaborate on projects. Together, we can ensure that any climate solutions the City deploys are win-win for under-resourced and historically marginalized communities, promoting cleaner air, access to energy-efficient appliances and clean transportation, and healthier more climate-resilient neighborhoods.

We hope to get the chance to partner with City departments again, and are grateful to be considered for this opportunity.

In solidarity,

[Alicia Nichols-Gonzalez](#) CA Organizing Manager

Linda Hutchins-Knowles (Mothers Out Front Silicon Valley Team)

**APPENDIX 3:
SUBMITTAL COVER FORM FROM MOFSV'S PROPOSAL IN RESPONSE TO THE RFP**

Part 1: Contact Information

Company Name: Mothers Out Front
Address: PO Box 55071, 23686, Boston, MA 02205 (national headquarters)
Website: www.mothersoutfront.org

Primary Contact (the individual to whom questions regarding your proposal should be addressed)

Name: Saeeda Rizvi
Title: Grants Administrator
Phone number: (717) 587-1499
Email: saeeda.rizvi@mothersoutfront.org

Part 2: Company History

Please provide a summary of your company's history, including years in business, names previously used, mergers, other company affiliations, etc. Please limit to 1 page.

Mothers Out Front was founded in 2013 as a 501c3 nonprofit by two women, Kelsey Wirth and Vanessa Rule, who believed that a movement of empowered mothers could help ensure an equitable transition from an extractive, fossil-fueled economy to a just, sustainable society powered by clean, renewable energy. The leaders trained with Marshall Ganz (an advisor to César Chavez) at the Leading Change Network to learn the relational organizing approach leveraged so effectively by the United Farmworkers. This movement, launched at a single house party in Boston, has grown to include 34,000 members, including 2,000 active volunteers, with a staff of 23 employees, including on-the-ground organizers in CA, CO, MA, NY, and VA.

In 2016, two San José mothers and volunteers, Linda Hutchins-Knowles and Stacy Levy, co-founded the first Northern California chapter, then named Mothers Out Front South Bay (now [Mothers Out Front Silicon Valley](#)—or MOFSV for short). The team grew rapidly and played a pivotal role in convincing the San José City Council to unanimously adopt Community Choice Energy in 2017, leading to the formation of San José Clean Energy the next year. Buoyed by this success, MOFSV continued to grow and helped to advance more climate policies, including the passage of SB 100 (accelerating California's transition to 100% zero-carbon electricity) and the adoption of the Climate Smart San José plan in 2018. In recognition of their leadership, the team was declared the city's first "Climate Smart Champion of the Year" by the San José City Council in 2019. Since then, MOFSV has worked closely with City staff and Councilmembers to protect key portions of Coyote Valley from development, adopt building electrification and EV charging

reach codes, promote the Climate Smart Challenge in English, Spanish and Vietnamese, and approve the Existing Buildings Electrification Framework.

Part 3: Technical Areas

Please use this section to describe the services that your company can provide based on the list of technical areas in Section 3 of the RFP. Please limit descriptions to approximately 300 words.

a) Community advisory committee assistance:

In 2019 a MOFSV Team Leader, Susan Butler-Graham, was tapped by Councilmember Pam Foley to serve as District 9 representative to the General Plan Update Task Force. Just last week, current Team Leader, Linda Hutchins-Knowles, accepted an invitation from ESD to serve on the Community Advisory Board (CAB) for the City's Building Electrification Accelerator Program ("Accelerator Program"). Linda brings deep experience with equitable electrification policies and programs, both from her decade of climate advocacy as well as her most recent work as E-Mobility and Advocacy Senior Manager at *Acterra: Action for a Healthy Planet*. Linda and other MOFSV volunteers, who have spent the past three years advocating for equitable electrification of homes and businesses, would be happy to leverage their experience to assist the CAB with the design and implementation of an equitable Accelerator Program.

b) Public outreach and community engagement:

MOFSV has been actively engaging the community since 2016. Volunteers frequently table at local events, such as District 5's National Night Out at Emma Prusch Park and Keep Coyote Creek Beautiful's BioBlitz in Alum Rock Park. In addition, the team hosts occasional documentary film screenings, public information nights (at which SJCE has spoken), and Climate Listening Circles, both in person and online. This spring, MOFSV is resuming in-person house parties in either English or Spanish, including one this coming May at the home of local activist Blanca Alvarado.

In 2018, MOFSV was invited by the San José Environmental Services Department (ESD) to conduct a public outreach project for the nascent Climate Smart San José plan. Through this micro grant-funded project, MOFSV engaged 300 residents (via public meetings, tabling, one-on-one interviews, and house parties in English and Spanish) in learning about Climate Smart and taking surveys.

As a result of this successful collaboration, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project. In this project, MOFSV supported the Climate Smart Action Plan and American Cities Climate Challenge (ACCC) goals, persevering with determination and creativity despite the disruption of the pandemic. With pass-through funding from The Energy Foundation, MOFSV hired Spanish-speaking and Vietnamese-speaking Community Engagers to help conduct outreach in the City's three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings. We reached

additional speakers of Spanish and Vietnamese through interviews on a Vietnamese TV show and on a Univisión radio show. We also promoted Climate Smart through an [op-ed](#) published in the Mercury News. As a result, 657 residents signed up for the Climate Smart Challenge. Half of those who indicated their neighborhood were from priority districts 3, 4, 5 and 7, with greater concentrations of low-income residents, people of color and limited English proficient speakers.

c) Meeting facilitation:

Several MOFSV leaders are skilled in meeting facilitation. The core leadership team rotates facilitation of its monthly planning meetings. In addition, trained volunteer facilitators conduct house parties, climate listening circles, and community outreach events.

d) Communications:

The MOFSV team has 2000 local supporters in our database, sends a monthly e-newsletter and occasional Action Alerts, and maintains three social media platforms (Twitter, Facebook and Instagram). We have conducted trilingual postcard-signing campaigns and canvassed door-to-door in English and Spanish. Some of our team leaders are fluent in Spanish, and we have volunteers fluent in Vietnamese.

e) Event planning:

MOFSV has a lot of experience with event planning, both in person and online. We've conducted a lot of house parties, community gatherings, documentary film screenings, rallies, and other events.

f) Community needs assessment:

Our 2018 Climate Smart San José project for ESD included a community needs assessment (see attachment). In addition, MOFSV Team Leader Linda Hutchins-Knowles is currently leading, in her role at Acterra, a community needs assessment for the Bay Area Air Quality Management District (BAAQMD). This is part of their James Cary Smith grant-funded "Clean Air through Clean Transportation" community engagement project focused on East San José as well as Pittsburg/Bay Point.

g) Evaluation:

MOFSV leaders engage in self-reflective evaluation of our effectiveness, and our area Sr. community Organizer has experience with program evaluation, survey development and implementation as well as using public forums to determine the effectiveness of community programs.

Part 4: Desired Qualifications

Please use this section to describe how your company meets the criteria listed in the desired qualifications (Section 4 of the RFP). Please limit it to 2 pages.

a) Project timeliness:

MOFSV consistently delivers our projects and reports on time. Our two projects for ESD were completed within the projected timeline and budget, with timely and thorough reports submitted upon completion.

b) Local government experience:

MOFSV has been supporting the San José City Council and key departments (like EDS, SJCE, DOT) since 2016 by informing Councilmembers and staff about key climate policies and mobilizing public support to adopt them. We do this through meeting (separately) with the Mayor, Councilmembers and staff, sending comment letters, and giving public comments at key committee meetings (e.g., T&E, Rules) and City Council meetings.

c) Community development experience:

MOFSV has supported the development of residents' leadership and advocacy skills. We have given numerous workshops on how to write and secure publication of a letter-to-the-editor and how to meet with your City Councilmember. In addition, Mothers Out Front's national training team has trained some of our volunteers in how to share their personal story (public narrative training), which makes them more effective at giving public comments and thus advocating more effectively for policies benefiting our community.

d) Experience with populations of interest:

MOFSV has significant experience working with low-income communities, communities of color, limited English proficient residents, and youth. This is due both to our previous Energy Foundation grant, which enabled us to hire Spanish- and Vietnamese-speaking Community Engagers, as well as to the growth of our membership into every district in the City. Our leadership team includes women of color (Vietnamese and Latina) and we have volunteers who are fluent in Spanish and Vietnamese. Our leadership team also includes low-income residents who have valuable lived experience, with one relying on public transit rather than owning a car and another living in a mobile home park and qualifying for a low-income appliance-replacement program. As self-identified women (both mothers and allies), we transcend boundaries of race, class, ethnicity, age, language, religion, and ideology. In addition, Team Leader Linda Hutchins-Knowles formally mentors the hub coordinator of Sunrise Silicon Valley, a local youth-led climate group, and we include youth in many of our events.

e) DEI knowledge:

MOFSV's leaders are well versed in DEI principles. In the organization's recently released strategic plan, the first of our four strategic priorities is embedding equity throughout our work. We have invested in [AORTA training](#) for all staff, including a train the trainer program through which select staff are now able to train members and new

staff. These efforts have brought 150+ moms through our comprehensive 2-day training the last six months.

Team Leader Linda Hutchins-Knowles has done extensive DEI training, including [The Adaway Group](#)'s Whiteness At Work, SURJ's [Leadership Training](#), Race Forward's [Building Racial Equity](#), and Food Shift's [JEDI training](#). In addition, the MOSV leadership team will be doing a DEI training this month based on an [AORTA training](#), examining common [pitfalls and antidotes](#) for effective multi-racial organizing. Shannon has also done extensive training in DEI through Stanford and self-directed learning.

f) Bilingual capacity:

While most of our members speak English as a first language, we have significant bilingual capacity. Team leaders Linda and Shannon are fluent in Spanish and can interpret, translate and facilitate house parties in English and Spanish, volunteer Isabelle is fluent in Vietnamese and will host an upcoming house party in Vietnamese, and we have additional supporters fluent in both of these languages who can be tapped as needed.

g) Consensus experience:

MOFSV's core leadership team informally operates by consensus. Team leader Linda has done formal training in decision-making via consensus and Convergent Facilitation training through the [Center for Efficient Collaboration](#).

h) Constructive decision-making experience:

Likewise, MOFSV leaders are skilled at constructive decision-making. In addition, Linda has done a yearlong training in conflict resolution through [Mediate Your Life](#).

i) Project management:

Our leadership team is experienced in project management. Linda has completed The Management Center's [Managing Projects](#) training and served for nearly two years as Acterra's E-Mobility & Advocacy Senior Manager, managing multiple projects and staff. Shannon and Jenny are experienced in program management, with Shannon earning an endorsement for "successfully managing programs, projects and people" and serving as a "Director of People and Operations." Linda and Shannon are frequent users of Asana.

j) Public communications:

MOFSV's leaders are skilled in public communications, both in person and in writing and in traditional as well as social media. Team leader Jenny Green has over 20 years of experience in the business and nonprofit sectors, currently serving as Associate Marketing Director for Green Foothills. In this role she is responsible for all aspects of marketing, including advertising, publications, website, social media, branding, media relations, market research, planning, and budget. Leveraging these skills, Jenny writes and distributes a monthly e-newsletter for MOFSV's supporters. Team leader Hoai-An Truong has extensive experience on social media and manages our Facebook account,

and mother/daughter duo Rebecca and Ariana oversee our Instagram posts. In addition to managing our Twitter account, team leader Linda is a passionate and skilled public speaker; she was invited by former Mayor Liccardo to speak at the press conference launching Climate Smart San José. Likewise, team leader Shannon Birk Jibaja has extensive public speaking experience, including 13 endorsements for public speaking.

**APPENDIX 4:
CUSTOMER REFERENCE FORM (# 1 out of 2)**

Name of Client	San José's Environmental Services Department (ESD)
Client Address	200 E. Santa Clara St. - 10th floor, San José, CA 95113
Client Contact Name(s) Email/Phone	Julie Benabente Julie.benabente@sanjoseca.gov
Brief description of work performed for this client	<p>In 2018, MOFSV partnered with ESD to conduct a public outreach project for the nascent Climate Smart San José plan. Through this micro grant-funded project, MOFSV engaged 300 residents via public meetings, tabling, one-on-one interviews, and house parties in English and Spanish. We informed and inspired residents about Climate Smart San José and administered a survey to identify both readiness and barriers to take climate-smart actions.</p> <p>Our report and findings for this project can be found here: https://docs.google.com/document/d/1KquMTl86TGbkq6B06I0cJpTsdO9wXP_B/edit.</p>

**APPENDIX 5:
CUSTOMER REFERENCE FORM (#2 out of 2)**

Name of Client	San José's Environmental Services Department (ESD)
Client Address	200 E. Santa Clara St. - 10th floor, San José, CA 95113
Client Contact Name(s) Email/Phone	Amanda Leonis amanda.leonis@sanjoseca.gov
Brief description of work performed for this client	<p>After a successful pilot project with ESD in 2018, MOFSV was again tapped by ESD in 2019 to conduct a Climate Smart Challenge community engagement project. In this project, MOFSV supported the Climate Smart Action Plan and American Cities Climate Challenge (ACCC) goals, persevering with determination and creativity despite the disruption of the pandemic.</p> <p>With pass-through funding from The Energy Foundation, MOFSV hired Spanish-speaking and Vietnamese-speaking Community Engagers to help conduct outreach in the City's three most spoken languages via in-person tabling, school presentations, and home gatherings—then pivoting to online meetings. We reached additional speakers of Spanish and Vietnamese through interviews on a Vietnamese TV show and on a Univisión radio show. We also promoted Climate Smart through an op-ed published in the Mercury News.</p> <p>As a result, 657 residents signed up for the Climate Smart Challenge. Half of those who indicated their neighborhood were from priority districts 3, 4, 5 and 7, with greater concentrations of low-income residents, people of color, and limited English proficient speakers.</p> <p>A report on this project and its results can be found here: https://docs.google.com/document/d/1gtAmcn0Y4qF9TI3vZht-NFKbXfym8PPt/edit</p>

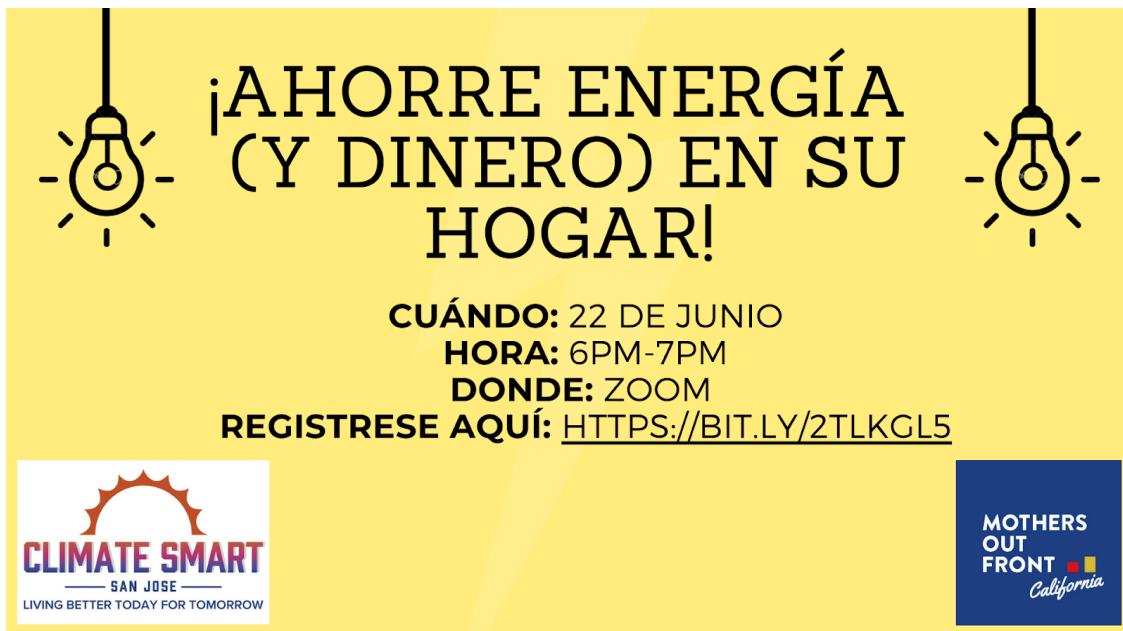
**APPENDIX 6:
SAMPLE OF OUTREACH MATERIALS (#2 OF 3)**

Invitations in Vietnamese and Spanish to our Climate Smart Challenge events



The graphic features a brown background. At the top left, there is a photograph of six glasses of boba tea with different colored syrups and toppings. To the right of this image is the title in Vietnamese: "Trà Sữa Boba và Hội Thảo về Tiết Kiệm Năng Lượng (Tiếng Việt)" followed by the subtitle "Tại một quán trà sữa ở thành phố San Jose". Below the title, the event details are listed: "Người dẫn chương trình: Melissa Hà và Khải Lê của Mothers Out Front", "Thứ Năm, Tháng Sáu ngày 17, lúc 6:15 PM", and "Đăng ký miễn phí tại: bit.ly/boba2021". A QR code is positioned to the right of the registration information. On the right side of the graphic, there are two small photographs: one of a man in a red shirt and one of a woman with long dark hair. At the bottom right, there is a logo for "MOTHERS OUT FRONT" with a small red and yellow square icon.

Graphic for in-person “Boba Happy Hour & Energy Savings Presentation” in Vietnamese
Registration page: <https://ca.mothersoutfront.org/boba>



The graphic has a yellow background. At the top, there are two lightbulb icons. In the center, the main text reads "¡AHORRE ENERGÍA (Y DINERO) EN SU HOGAR!". Below this, the event details are listed: "CUÁNDO: 22 DE JUNIO", "HORA: 6PM-7PM", "DONDE: ZOOM", and "REGISTRESE AQUÍ: [HTTPS://BIT.LY/2TLKGL5](https://bit.ly/2TLKGL5)". At the bottom left, there is a logo for "CLIMATE SMART SAN JOSE" with the tagline "LIVING BETTER TODAY FOR TOMORROW". At the bottom right, there is a logo for "MOTHERS OUT FRONT California" with a small red and yellow square icon.

Graphic for “Save Energy (& Money) in your Home!” webinar in Spanish