

**PUBLIC WORKS COMMISSION
CITY AND COUNTY OF SAN FRANCISCO**

RESOLUTION NO. 2022-0004

COMPETITIVE SELECTION PROCESS COMMUNICATIONS POLICY

WHEREAS, The Public Works Commission recognizes that, "[p]ublic office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust." (Charter §15.103); and

WHEREAS, As the policy body charged with awarding San Francisco Public Works leases and contracts, the Public Works Commission seeks to assure that the competitive selection process which results in a recommendation for award is fair and impartial; the competitive selection of contractors must reflect the exercise of public duties in a manner that maintains the integrity of the competitive process; and

WHEREAS, To assure that no party shall have greater access to information or influence than any other and to avoid real or perceived selective assistance in a competitive selection process, the Public Works Commission finds that adoption of a Competitive Selection Process Communications Policy as set forth below is an important step toward supporting the integrity of the competitive selection process; now, therefore, be it

RESOLVED, That the Public Works Commission adopts the following Competitive Selection Process Communications Policy:

Statement of Policy.

"Public office is a public trust and all officers and employees of the City and County shall exercise their public duties in a manner consistent with this trust." (Charter §15.103.) The competitive selection of contractors must reflect the exercise of public duties in a manner that maintains the integrity of the competitive process. Generally, to avoid real or perceived interference in the competitive process, members of the Public Works Commission will not engage in communications regarding any specific business opportunity at Public Works at any time except in a public meeting. Specifically, the Public Works Commission hereby adopts a Competitive Selection Process Communications Policy to assure that no party receives selective assistance to confer a competitive advantage to obtain award of Public Works contract.

Definitions:

City official/employee: Any member of the Public Works Commission; City and County of San Francisco employee, including any Public Works employee; Public Works consultant or contractor; selection panel member; or other individual participating in the selection, award, or approval process on behalf of the City for the award or potential award by the Public Works Commission or Public Works Director of a contract.

Proposer: Any potential or actual bidder or proposer; and/or the entity that submits a response to a Request for Proposals (RFP).

Restricted Communications Period: The period of time during which a competitive process for a Public Works contract is pending. The Restricted Communications Period for any competitive process shall commence immediately upon advertisement of an RFP and shall expire either: (a) at contract award, or (b) when Public Works has otherwise terminated the competitive process.


RFP: Any Public Works-issued Request for Qualifications, Request for Proposals, Request for Bids, Advertisement for Bids, or any other type of competitive solicitation for a contract or lease.

Restriction on Communications and Disqualification. During a Restricted Communications Period, no City official or employee shall engage in communication with a Proposer that could constitute selective assistance to confer a competitive advantage. Any Proposer that solicits selective assistance from a City official or employee may, at the sole discretion of Public Works, be subject to disqualification from the competitive process. A communication by a lobbyist, representative, agent, subcontractor or subconsultant, or any other party soliciting selective assistance for a Proposer shall be imputed to that Proposer and likewise may be grounds for disqualification. Any person receiving or aware of a communication in violation of this Policy shall promptly report such communication to the Controller's whistleblower program (whistleblower@sfgov.org or (415) 701-2311).

Exceptions. The restriction on communications during the Restricted Communications Period does not apply to the following: communications consistent with RFP instructions; communications initiated by Public Works staff regarding the competitive process, including but not limited to RFP addenda, clarification inquiries to a Proposer, rejection of one or all bids or proposals, or contract negotiations; public comment directed to the Public Works Commission; or communications regarding business not related to the RFP; and, be it

FURTHER RESOLVED, that the Public Works Commission requests the Public Works Director to implement this Policy through competitive solicitation documents and other administrative measures as appropriate.

I hereby certify that the foregoing resolution was adopted by the Public Works Commission at its meeting of September 2, 2022



Commission Affairs Manager, Public Works Commission