



**Meeting Date:** 9/2/2022

**To:** Public Works Commission  
Lauren Post, Chair  
Fady Zoubi, Vice Chair  
Lynne Newhouse Segal  
Paul Woolford

**Through:** Carla Short, Interim Public Works Director

**From:** Rachel Alonso, Prop B Project Director  
Alexander Burns, Manager of Contract Administration

**Subject:** Adopt Competitive Selection Process Communications Policy

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**Director's Recommendation:** Approve resolution adopting a Competitive Selection Process Communications Policy to support the integrity of the competitive selection process for Public Works contracts; authorize the Director to implement this policy through competitive solicitation documents.

**Executive Summary:** Public Works awards numerous contracts following a competitive selection process as required by law and policy. The competitive selection process is an important function in Public Works' role as a government agency, and the integrity of the process is critical to promote trust and accountability by those who are participated in the process. This process ultimately increases competition and benefits Public Works. Public Works has long-standing policies and practices in place for contract procurements to ensure integrity at each stage through consistency, transparency, impartiality, and fairness.

On January 11, 2021, the San Francisco Controller's Office issued its Preliminary Assessment of San Francisco City Commissions' and Boards' Ethical Standards for Awarding Contracts, as part of its ongoing public integrity review.<sup>1</sup> Although the report is focused on the Airport Commission in particular, it also made general recommendations for all City commissions and boards.

One of the Controller's recommendations is that City departments should state clearly and in writing the restrictions on communications by and with potential and actual proposers for City contracts. On August 4, 2021, the San Francisco Controller's Office published the Public Integrity Review 12-Month Update, including recommended department actions to be taken to

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<sup>1</sup> San Francisco Controller's Office, "Preliminary Assessment of San Francisco City Commissions' and Boards' Ethical Standards for Awarding Contracts as Part of Public Integrity Review," <https://sf.gov/news/part-public-integrity-review-controllers-office-releases-report-ethical-standards-san>

implement a policy prohibiting officials and employees from communicating with contract proposers/bidders and potential proposers/bidders.<sup>2</sup>

The proposed Competitive Selection Process Communications Policy would formalize many practices Public Works already has in place to assure that no party receives selective assistance to confer a competitive advantage to obtain award of a Public Works contract.

**Attachments:**

1. Resolution
2. Projects Advertised and/or Bid but not Awarded

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<sup>2</sup> San Francisco Controller's Office, "Public Integrity Reviews 12-Month Update Implementation Status of Recommendations from Assessments to Date," <https://sfcontroller.org/sites/default/files/Documents/Auditing/Public%20Integrity%20Assessments%20--%20Recommendation%20Implementation%20Status%20-%202008.04.21.pdf>

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

**RESOLUTION NO. \_\_\_\_\_**

**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](mailto: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 \_\_\_\_\_*

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Commission Affairs Manager, Public Works Commission

## Projects in Process

Project Title	Professional Services/Construction
1 Laguna Honda Hospital Administrative Buildings Fire Alarm Control Panel Replacement (Sole Source)	Construction
2 Various Locations Pavement Renovation No.56 7 Sewer Replacement	Construction
3 One South Van Ness Second Floor Restroom Renovation	Construction
4 911 Call Center Renovation	Construction
5 Western Addition Area Traffic Signal Upgrades: Phase 1	Construction
6 Laguna Honda Hospital and Rehabilitation Center Administration Building M & O Wings Renovation	Construction
7 Fire Stations 37 & 44 Generator Replacement	Construction
8 San Francisco Public Library 750 Brannan - Collections	Construction
9 San Francisco City Hall Elevator Modernization	Construction
10 Golden Gate Park Middle Lake Rehabilitation	Construction
11 Castro Station Elevator	Construction

## Projects in Process

	Project Title	Professional Services/Construction
12	Mission Branch Library Renovation	Construction
13	Laguna Honda Hospital And Rehabilitation Center Main Sewer Replacement	Construction
14	Claremont, Juanita, And Yerba Buena Pavement Renovation And Sewer Replacement	Construction
15	M14 Master As-Needed M14 Curb Ramp Construction	Construction
16	M15 Master As-Needed Agreement M15 Electrical Services [Micro-Local Business Enterprise Set-Aside Program]	Construction
17	M16 Master As-Needed Agreement M16 Roofing Services	Construction
18	M17 Master As-Needed Agreement M17 General Building Services	Construction
19	M18 Master As-Needed Agreement M18 General Engineering Services	Construction
20	M19 Master As-Needed Agreement M19 Tree Planting & Watering Services	Construction
21	M20 Master As-Needed Agreement 20 Tree Services [Micro-Local Business Enterprise Set-Aside Program]	Construction
22	M21 Master As-Needed Agreement M21 Tree Services	Construction

## Projects in Process

	Project Title	Professional Services/Construction
23	Architectural & Engineering Services Lead by an Executive Architect for Fire Training Facility	Services
24	Project & Construction Management System Software	Services & Software
25	Job Order Contracting Implementation System	Services & Software
26	Market Street Community-Led Public Program	Services
27	As-Needed Architectural Services for Health Care Facilities No.3 [Re-advertisement]	Services