RFP 29 - 2012
ENTERAL NUTRITION EQUIPMENT AND RELATED SUPPLIES

CITY AND COUNTY OF SAN FRANCISCO
DEPARTMENT OF PUBLIC HEALTH
COMMUNITY HEALTH NETWORK
LAGUNA HONDA HOSPITAL AND REHABILITATION CENTER

Request for Proposals (RFP) - 29- 2012

DEPARTMENT OF PUBLIC HEALTH
OFFICE OF CONTRACT MANAGEMENT AND COMPLIANCE
1380 HOWARD STREET, SUITE 420A
SAN FRANCISCO, CA 94103

CONTACT
YOSHIMI SAITO
CONTRACT ANALYST
(415) 255-3636

Date issued: NOVEMBER 28, 2012
Equestion Period: November 28, 2012 – December 5, 2012
Letter of Intent due: 12p.m., Noon, December 11, 2012
Proposal due: 12 p.m., Noon, December 18, 2012
## Request for Proposals for Enteral Nutrition Equipment and Related Supplies

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### Appendices:

A. **Attachments: RFP- 29 - 2012 Zipped file:**
   
   *These forms must be completed in order for a proposer to be considered:*

   a. DPH Forms: RFP Form #1 Solicitation and Offer; RFP Form #2 Contractual Record Form; RFP Form #3 Prospective Contractor Financial Survey Form
   
   b. HRC Attachment 2
   
   c. Acknowledgement of Requirements of Chapter 12B Declaration

B. **For Information only:**

   **Standard Forms:** Listing and Internet addresses of Forms related to Taxpayer Identification Number and Certification, to Business Tax Declaration, and to Chapters 12B and 12C, and 14B of the S.F. Administrative Code

C. Agreement for Professional Services (form P-500) – separate document upon request

*Note: The current DPH Standard Boilerplate “Agreement for Professional Services” (form P-500) can be furnished by the Contracts Office either electronically by email, or a hard copy by mail or pick up.*
RFP for Enteral Nutrition Equipment and Related Supplies

I. Introduction and Schedule

A. Introduction

The San Francisco Department of Public Health (DPH), Community Health Network (CHN), is soliciting proposals from qualified vendors to submit a proposal to provide Medicare Reimbursable Enteral Nutrition, Equipment, and related supplies and services for Laguna Honda Hospital and Rehabilitation Center (LHH) Residents. Enteral Nutrition and Equipment includes feeding tubes, enteral supply kits and enteral nutrition infusion pumps, and related supplies and services should include equipment maintenance, inventory management, and on-going training/education services to the LHH staff.

Laguna Honda Hospital and Rehabilitation Center (LHH) is an acute care facility with 30 licensed acute beds and 750 licensed distinct part skilled nursing beds. LHH provides acute medical, acute rehabilitation, hospice, skilled nursing and outpatient specialty services to an average daily census of 780 residents.

Proposers must meet the Minimum Qualifications and all other necessary qualifications set forth in this RFP. Whether a proposer has such qualifications will be determined through the Evaluation Process described in Section IV of this RFP. No proposers shall have any legal or equitable right or obligation to enter into the Contract or to perform the work as a result of such proposer being chosen as a qualified candidate.

A single qualified provider will be selected to provide the products and services under this RFP. The products and services awarded under this RFP must be provided within the scope of Medicare Part B coverage requirements. More details can be found at:

http://www.medicare.gov/
http://www.cms.gov/

Estimate annual Medicare cost avoidance by LHH of this program, from current expenses for LHH is $50,000, which may increase or decrease subject to the Medicare B approved billings. Cost incurred outside the scope of Medicare Part B coverage will not be reimbursed.

The contract awarded under this RFP shall have an original term from February 1, 2013 to June 30, 2014. In addition, the City shall have four (4) options to extend the term for a period of one (1) year, for a total of five and a half (5.5) year contract, subject to the system of needs and annual satisfactory contractor performance. The City has the sole, absolute discretion to exercise this option. The City, additionally, may cancel this agreement, upon sixty (60) days notice to the vendor.
B. Schedule

The anticipated schedule for selecting a contractor is:

<table>
<thead>
<tr>
<th>Proposal Phase</th>
<th>Time</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP is issued by the City</td>
<td></td>
<td>November 28, 2012</td>
</tr>
<tr>
<td>E-Questions begin</td>
<td></td>
<td>November 28, 2012</td>
</tr>
<tr>
<td>E-Question end</td>
<td>12:00 Noon</td>
<td>December 5, 2012</td>
</tr>
<tr>
<td>[Deadline for submission of written questions]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-binding letter of intent due</td>
<td>12:00 Noon</td>
<td>December 11, 2012</td>
</tr>
<tr>
<td>Proposals due</td>
<td>12:00 Noon</td>
<td>December 18, 2012</td>
</tr>
</tbody>
</table>

*Estimated Dates*
- Contract Selection: Week of January 14, 2012
- Contract Negotiation & Development: January, 2013
- Contract Starting: February 1, 2013
RFP for Enteral Nutrition Equipment and Related Supplies

II. Scope of Work

A. Services

Laguna Honda Hospital and Rehabilitation Center (LHH) is a skilled nursing and rehabilitation center owned and operated by the San Francisco Department of Public Health (DPH). It is one of the largest skilled nursing facilities in the United States. The mission of LHH is to provide the diverse population of San Francisco with high-quality and culturally competent rehabilitation and skilled nursing services.

The proposer selected under this RFP will provide enteral nutrition therapy, commonly called tube feeding, under the Medicare Part B prosthetic device benefit for LHH patients (residents) residing at home or LHH facility. Currently, there are approximately 45 Medicare qualified tube fed residents at LHH. In addition to feeding tubes, the contractor will provide enteral supply kits, enteral nutrition infusion pumps, and related supplies and services which include equipment maintenance, inventory management, and on-going training/education services to LHH staff.

B. Enteral Feeding Supplies/Equipments

The proposer selected under this RFP should provide following enteral supplies (SUPPLIES):

1) Enteral Infusion Pumps
2) IV Poles
3) Gastrostomy Tubes
4) Jejunostomy Tubes
5) Nasogastic Tubes
6) Enteral Feeding Syringes
7) Feeding Sets
8) Gravity Feeding Bags (as required)
9) Formulas (closed systems)
10) Formula Supplements (as ordered)

The selection of manufacturer, brand, and pack size of enteral feeding supplies will be determined by LHH staff. Contractor will abide by LHH Nutrition Services enteral formulary.

C. Detail Service Descriptions

1) Contractor will provide and deliver the SUPPLIES to the locations specified by LHH staff at least twice a week regularly. Additional days of delivery will be required depending on the needs of LHH Project Representative. The delivery locations will be individual residences, one or two central location(s), and/or the LHH facility. Contractor should label SUPPLIES with specifications such as patient’s name, address, physician’s instructions and orders, date, as directed by LHH Project Representative, or by using LHH labeling system.

2) Contractor will provide stocking and rotating of all SUPPLIES as determined by LHH staff.

3) All formulas/supplements must have a minimum shelf life of six (6) months.

4) Contractor will provide inventory management services and delivery services whenever patient’s Medicare orders are changed. Contractor will fill out the SUPPLIES inventory form. The form must be determined by the LHH staff to verify the appropriate amount of SUPPLIES delivered to each patient.

5) Contractor will maintain a list/record of Medicare Part B patients and their individual enteral orders, equipment used, and being supplied and delivered. The list/record should be submitted to LHH Project Representative monthly, or more frequently if requested. Contractor will work with LHH staff to ensure that all the SUPPLIES of Medicare Part B eligible patients are identified.

6) Contractor will inspect all supplied IV poles and feeding pumps monthly.

7) Contractor will provide Preventative Maintenance plan to supply Enteral Feeding Pumps on an annual schedule. The Preventative Maintenance should be mutually agreed between Contractor and LHH Project Representative.
8) Contractor will replace used pumps with new pumps as necessary, and notify LHH Central Supply Department (Central Supply) with documentation that this has been done.

9) Contractor will be responsible for requesting copies of all necessary documentations of patents’ record for billing Medicare. Those copies must be requested through LHH Health Information Services Department.

10) Contractor will provide on-going, in-service training/education to LHH nursing and direct care staff on the use and maintenance of enteral feeding pumps and related supplies as deemed necessary by LHH Project Representative.

11) Contractor shall provide in-service education to LHH physicians on all the products provided by the Contractor, as requested by LHH physicians, staff, or Project Representative. Contractor should coordinate with LHH Project Representative on such in-service education for the LHH physicians.

12) Contractor shall provide a minimum of 24 hours in-service education to LHH dietitians annually. The topics should be based on the needs of LHH. The education should include at least 6 hours on the Enteral Nutrition Care Process, and should be provided before April 2, 2013. Contractor will coordinate such in-service education program with LHH Project Representative.

13) Contractor must have a capacity to provide a Registered Dietitian (RD), preferably a Certified Nutrition Support Clinician (CNSC), to conduct monthly nutritional quality assurance audits of all the patients served under the contract awarded from this RFP. Time and components of audit should be mutually agreed between the RD or CNSC and LHH Project Representative. Copies of the audit should be made available to LHH Director of Nutrition Services.

14) Contractor will maintain adequate supply of back-up pumps for emergency situations in Central Supply.

15) Contractor will meet with LHH Director of Nutrition Services and Central Supply staff on a quarterly basis (or more frequently) to discuss Supplies and all the related products being provided under the contract awarded from this RFP. Contractor should review and analyze the trends reported in the monthly nutritional quality assurance audit report, and should be reported at the meeting.

16) Contractor should review all documentations related to patients receiving the products and services under the contract awarded by this RFP for accuracy, efficiency, and appropriateness of their use.

17) Contractor must meet all the criteria under the laws of California and Federal Centers for Medicare and Medical Services (CMS), to conduct services and/or provide SUPPLIES of the contract under this RFP. All services shall be provided in a manner prescribed by the laws of California and applicable California and Federal laws, title, rules, and regulations.
III. Submission Requirements

A. Non-binding Letter of Intent

Prospective proposers are requested to submit a Letter of Intent (LOI) on their agency’s letterhead stationary to the DPH Office of Contracts Management and Compliance by 12:00 p.m. on December 11, 2012, to indicate their interest in submitting a proposal under this RFP. Such a letter of intent is non-binding and will not prevent acceptance of an agency’s proposal and neither commits and agency to submitting a proposal.

B. Time and Place for Submission of Proposals

Proposals must be received by 12:00 p.m., on December 18, 2012. Postmarks will not be considered in judging the timeliness of submissions. Proposals may be delivered in person and left with DPH Office of Contracts Management and Compliance (“Contracts Office”), or mailed to:

San Francisco Department of Public Health
Office of Contracts Management and Compliance
1380 Howard St., 4th Floor, 420A
San Francisco, CA 94103
Attn: Yoshimi Saito

Proposers shall submit one (1) original and six (6) copies of the proposal, and one (1) original of separately bound, of required DPH Forms (Appendix A-a), Human Rights Commission (HRC) Forms (Appendix A-b), and Acknowledgement of Requirements of Chapter 12B Declaration (Appendix A-c) in a sealed envelope clearly marked “RFP-29-2012 – Enteral Nutrition Equipment and Related Supplies” to the above location. The original copy of the proposal must be clearly marked as “ORIGINAL”. Proposals that are submitted by facsimile, telephone or electronic mail will not be accepted. Late submissions will not be considered.

C. Format

Please use the following format guidelines in preparing your proposal for submission:

1) All submissions must be typewritten on standard recycled paper with an easy to read 11 to 12 point font such as Arial or Times New Roman, single-spaced, and one-inch margins.

2) Please print your proposal on double-sided pages to the maximum extent possible (please note: one double-sided page will count as two single pages for the purpose of page limits).

3) Please bind your proposal with a binder clip or submit your proposal in a three-ring binder. Please do not bind your proposal with staples, spiral binding, glued binding, or anything similar that will make it difficult to duplicate your proposal for the technical review panel.

4) Please number pages and include a table of contents.

D. Content

[Note: Required forms are provided on paper/hard copy or electronically (in a “zipped” file).]

1) DPH Forms (Appendix A-a), HRC Form (Appendix A-b), and Acknowledgement of Requirements of Chapter 12B Declaration (Appendix A-c) – one (1) original bond separately.

Appendix A-a:
1. RFP Form #1 Solicitation and Offer;
2. RFP Form #2 Contractual Record Form;
3. RFP Form #3 Prospective Contractor Financial Survey Form;
Appendix A-b: HRC Attachment 2
Appendix A-c: Acknowledgement of Requirements of Chapter 12B Declaration

2) Proposal Narrative - one (1) original & six (6) copies (please attach the Table of Contents identifying all sections)

1. Executive Summary (up to 2 pages)
Provide a brief summary of your agency and agency capability, experience, years providing the proposed services and how it meets and/or exceeds II Scope of Work, page 3 and 4.

2. Program Project/Description (up to 8 pages)
   a. Please describe the proposed Education/Consultations services for LHH staff in detail how the service needs of LHH will be met including the availabilities for consultations;
   b. Please describe proposed Preventive Maintenance services (a) how maintenance of equipment will be performed, (b) how the described maintenance will meet your organizational needs, and (c) continuous quality improvement process;
   c. Please describe your Inventory Management plan for the proposed services including (a) how your organization will provide adequate supplies and equipment when needed, (b) demonstrating accuracy and efficiency of the proposed inventory management system, (c) how your organization will implement and accomplish the proposed system, and (d) how the proposed system will meet LHH’s needs;
   d. Please describe clearly in detail how the proposed tasks/services will be performed to meet the objectives of solicited services.

3. Organizational Capacity and Experience (up to 3 pages)
   a. Please describe your organization’s specific experience in providing similar services in this RFP including: a) years of services, and b) name of facilities your organization had provided the services;
   b. Please describe your organization’s specific accomplishments under current and/or prior (within the last three years) public agency contracts to provide similar or like services; and

4. Staff Experiences and Availabilities (up to 3 pages)
   a. Please describe your organization’s capacity to meet proposed staff requirements;
   b. Please describe your organizational staff’s experience in serving proposed services; and
   c. Please describe availability of the key personnel for proposed services.

1 For this RFP, these HRC forms are non-applicable; however they still have to be submitted. Please put N/A when submitting all forms except, Form 3: Non Discrimination Affidavit which is required to be filled out.
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IV. Evaluation and Selection Criteria

A. Minimum Qualifications

1) Must meet all the criteria of Medicare Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Standards, listed in Code of Federal Regulations 42 C.F.R. 424.57c
http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&rgn=div8&view=text&node=42:3.0.1.1.11.4.6.8&idno=42

2) Must have Centers for Medicare and Medicaid Services (CMS) Provider Number

3) Minimum of five (5) years of experience in providing enteral nutrition equipment and related supplies to skilled nursing facilities, hospitals, and/or similar institutions.

Any proposal that does not demonstrate that the proposer meets these minimum requirements by the deadline for submittal of proposals will be considered non-responsive and will not be eligible for award of the contract.

B. Selection Criteria

The proposals will be evaluated by a selection committee comprised of parties with expertise in Medicare Part B enteral nutrition supplies and related services. A single qualified provider will be selected to provide the services under this RFP. The City and County intends to evaluate the proposals generally in accordance with the criteria itemized below.

Successful Applicants must show evidence of the following:

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<tr>
<th>EVALUATION CRITERIA/SCORING</th>
<th>TOTAL POINTS AVAILABLE</th>
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<tbody>
<tr>
<td>1. Clarity and Organization of Proposal (5 points)</td>
<td>100 Points</td>
</tr>
<tr>
<td>a. The proposer clearly demonstrates willingness and commitments to the proposed services in organized manner.</td>
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<tr>
<td>2. Program Project/Description (75 points)</td>
<td></td>
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<tr>
<td>a. The proposer demonstrates a capacity to provide the proposed Education/Consultation services for LHH staff in detail how the LHH’s service needs will be met including the availabilities for consultations. (10 points)</td>
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<tr>
<td>b. The proposer describes clear Preventive Maintenance services (a) how maintenance of equipment will be performed, (b) how the described maintenance will meet the organizational needs, and (c) continuous quality improvement process. (15 points)</td>
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<tr>
<td>c. The proposer demonstrates detail Inventory Management plan for the proposed services including (a) how the organization will provide adequate supplies and equipment when needed, (b) accuracy and efficiency of the proposed inventory management system, (c) how the organization will implement and accomplish the proposed system, and (d) how the proposed system will meet LHH’s needs. (20 points)</td>
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<tr>
<td>d. The proposer clearly defines ways the proposed tasks/services will be performed to meet the objectives of solicited services, including how the requested reports/information should be available to LHH personnel. (30 points)</td>
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<tr>
<td>3. Organizational Capacity and Experience (10 points)</td>
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</tr>
<tr>
<td>a. The proposer provides clear evidence of experience in successfully providing proposed services. (5 points)</td>
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<tr>
<td>b. The proposer demonstrates accomplishments under current and/or prior (within the last three years) public agency contracts to provide similar or like services. (5 points)</td>
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</tbody>
</table>
4. **Staff Experiences and Availabilities (10 points)**
   a. The proposer demonstrates the capacity to meet proposed staff requirements and licensure requirements. (5 points)
   b. The proposer demonstrates availabilities of proposed staff(s) and key personnel. (5 points)

**TOTAL POINTS POSSIBLE FROM PROPOSAL:** 100 Points

**TOTAL POINTS POSSIBLE UNDER LBE ORDINANCE:** N/A

*Due to the funding source for this project (Federal Medicare), the Local Business Enterprise (LBE) provisions of Chapter 14B of the San Francisco Administrative Code are not applicable to this project. However, the City strongly encourages proposals from qualified LBEs and the utilization of LBEs as subcontractors to the greatest extent feasible.*
RFP for Enteral Nutrition Equipment and Related Supplies

V. E-Questions and Contract award

A. E-Questions

All questions and requests for information must be received by electronic mail or US Mail and will be answered at the end of the E-Question period, by electronic mail, or US Mail to all parties who have requested and received a copy of the RFP. The questions will be answered by the program staff. This is the only opportunity firms can ask direct programmatic questions of the Department staff. All questions are to be directed to the following e-mail address: Yoshimi.Saito@sfdph.org, OR by telephone to:

Yoshimi Saito, Contract Analyst
San Francisco Department of Public Health
Office of Contracts Management & Compliance
1380 Howard St., 4th floor, 420A
San Francisco, CA 94103
Phone (415) 255-3636

E-questions may only be submitted from November 28, 2012 until 12:00 p.m. Noon December 5, 2012.

No questions or requests for interpretation will be accepted after 12:00 p.m. Noon on December 5, 2012.

B. Contract Award

The Department of Public Health Laguna Honda Hospital and Rehabilitation Center (LHH) will issue Notices of Intent to Award to the selected Proposer with whom LHH staff shall commence contract negotiations. The selection of any proposal shall not imply acceptance by the City of all terms of the Proposal, which may be subject to further negotiation and approvals before the City may be legally bound thereby. If a satisfactory contract cannot be negotiated in a reasonable time the LHH in its sole discretion may terminate negotiations with the recommended Proposer and begin contract negotiations with the next recommended Proposer.
VI. Terms and Conditions for Receipt of Proposals

A. Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP. Proposers are to promptly notify the Department, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or other error in the RFP. Any such notification should be directed to the Department promptly after discovery, but in no event later than five working days prior to the date for receipt of proposals. Modifications and clarifications will be made by addenda as provided below.

B. Inquiries Regarding RFP

Inquiries regarding the RFP and all oral notifications of an intent to request written modification or clarification of the RFP, must be directed to:

Yoshimi Saito, Contract Analyst
San Francisco Department of Public Health
Office of Contracts Management & Compliance
1380 Howard St., 4th floor, 420A
San Francisco, CA 94103
Phone (415) 255-3636
E-mail: Yoshimi.Saito@sfdph.org

C. Objections to RFP Terms

Should a proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, not more than ten calendar days after the RFP is issued, provide written notice to the Department setting forth with specificity the grounds for the objection. The failure of a proposer to object in the manner set forth in this paragraph shall constitute a complete and irrevocable waiver of any such objection.

D. Change Notices

The Department may modify the RFP, prior to the proposal due date, by issuing Change Notices, which will be posted on the website. The proposer shall be responsible for ensuring that its proposal reflects any and all Change Notices issued by the Department prior to the proposal due date regardless of when the proposal is submitted. Therefore, the City recommends that the proposer consult the website frequently, including shortly before the proposal due date, to determine if the proposer has downloaded all Change Notices.

E. Term of Proposal

Submission of a proposal signifies that the proposed services and prices are valid for 120 calendar days from the proposal due date and that the quoted prices are genuine and not the result of collusion or any other anti-competitive activity.

F. Revision of Proposal

A proposer may revise a proposal on the proposer’s own initiative at any time before the deadline for submission of proposals. The proposer must submit the revised proposal in the same manner as the original. A revised proposal must be received on or before the proposal due date.

In no case will a statement of intent to submit a revised proposal, or commencement of a revision process, extend the proposal due date for any proposer.
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At any time during the proposal evaluation process, the Department may require a proposer to provide oral or written clarification of its proposal. The Department reserves the right to make an award without further clarifications of proposals received.

G. Errors and Omissions in Proposal

Failure by the Department to object to an error, omission, or deviation in the proposal will in no way modify the RFP or excuse the vendor from full compliance with the specifications of the RFP or any contract awarded pursuant to the RFP.

H. Financial Responsibility

The City accepts no financial responsibility for any costs incurred by a firm in responding to this RFP. Submissions of the RFP will become the property of the City and may be used by the City in any way deemed appropriate.

I. Proposer’s Obligations under the Campaign Reform Ordinance

Proposers must comply with Section 1.126 of the S.F. Campaign and Governmental Conduct Code, which states:

No person who contracts with the City and County of San Francisco for the rendition of personal services, for the furnishing of any material, supplies or equipment to the City, or for selling any land or building to the City, whenever such transaction would require approval by a City elective officer, or the board on which that City elective officer serves, shall make any contribution to such an officer, or candidates for such an office, or committee controlled by such officer or candidate at any time between commencement of negotiations and the later of either (1) the termination of negotiations for such contract, or (2) three months have elapsed from the date the contract is approved by the City elective officer or the board on which that City elective officer serves.

If a proposer is negotiating for a contract that must be approved by an elected local officer or the board on which that officer serves, during the negotiation period the proposer is prohibited from making contributions to:

- the officer’s re-election campaign
- a candidate for that officer’s office
- a committee controlled by the officer or candidate.

The negotiation period begins with the first point of contact, either by telephone, in person, or in writing, when a contractor approaches any city officer or employee about a particular contract, or a city officer or employee initiates communication with a potential contractor about a contract. The negotiation period ends when a contract is awarded or not awarded to the contractor. Examples of initial contacts include: (1) a vendor contacts a city officer or employee to promote himself or herself as a candidate for a contract; and (2) a city officer or employee contacts a contractor to propose that the contractor apply for a contract. Inquiries for information about a particular contract, requests for documents relating to a Request for Proposal, and requests to be placed on a mailing list do not constitute negotiations.

Violation of Section 1.126 may result in the following criminal, civil, or administrative penalties:

1. Criminal. Any person who knowingly or willfully violates section 1.126 is subject to a fine of up to $5,000 and a jail term of not more than six months, or both.

2. Civil. Any person who intentionally or negligently violates section 1.126 may be held liable in a civil action brought by the civil prosecutor for an amount up to $5,000.

3. Administrative. Any person who intentionally or negligently violates section 1.126 may be held liable in an administrative proceeding before the Ethics Commission held pursuant to the Charter for an amount up to $5,000 for each violation.
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For further information, proposers should contact the San Francisco Ethics Commission at (415) 581-2300.

J. Sunshine Ordinance

In accordance with S.F. Administrative Code Section 67.24(e), contractors’ bids, responses to RFPs and all other records of communications between the City and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person’s or organization’s net worth or other proprietary financial data submitted for qualification for a contract or other benefits until and unless that person or organization is awarded the contract or benefit. Information provided which is covered by this paragraph will be made available to the public upon request.

K. Public Access to Meetings and Records

If a proposer is a non-profit entity that receives a cumulative total per year of at least $250,000 in City funds or City-administered funds and is a non-profit organization as defined in Chapter 12L of the S.F. Administrative Code, the proposer must comply with Chapter 12L. The proposer must include in its proposal (1) a statement describing its efforts to comply with the Chapter 12L provisions regarding public access to proposer’s meetings and records, and (2) a summary of all complaints concerning the proposer’s compliance with Chapter 12L that were filed with the City in the last two years and deemed by the City to be substantiated. The summary shall also describe the disposition of each complaint. If no such complaints were filed, the proposer shall include a statement to that effect. Failure to comply with the reporting requirements of Chapter 12L or material misrepresentation in proposer’s Chapter 12L submissions shall be grounds for rejection of the proposal and/or termination of any subsequent Agreement reached on the basis of the proposal.

L. Reservations of Rights by the City

The issuance of this RFP does not constitute an agreement by the City that any contract will actually be entered into by the City. The City expressly reserves the right at any time to:

1. Waive or correct any defect or informality in any response, proposal, or proposal procedure;
2. Reject any or all proposals;
3. Reissue a Request for Proposals;
4. Prior to submission deadline for proposals, modify all or any portion of the selection procedures, including deadlines for accepting responses, the specifications or requirements for any materials, equipment or services to be provided under this RFP, or the requirements for contents or format of the proposals;
5. Procure any materials, equipment or services specified in this RFP by any other means; or
6. Determine that no project will be pursued.

M. No Waiver

No waiver by the City of any provision of this RFP shall be implied from any failure by the City to recognize or take action on account of any failure by a proposer to observe any provision of this RFP.

N. Local Business Enterprise Goals and Outreach

Due to the funding source for this project (Federal Medicare), the Local Business Enterprise (LBE) provisions of Chapter 14B of the San Francisco Administrative Code are not applicable to this project. However, the City strongly encourages proposals from qualified LBEs and the utilization of LBEs as subcontractors to the greatest extent feasible.
RFP for Enteral Nutrition Equipment and Related Supplies

2. HRC Forms to be Submitted with Proposal

   a. All proposals submitted must include the following Human Rights Commission (HRC) Forms contained in the HRC Attachment 2: 1) HRC Contract Participation Form, 2) HRC “Good Faith Outreach” Requirements Form, 3) HRC Non-Discrimination Affidavit, 4) HRC Joint Venture Form (if applicable), and 5) HRC Employment Form. If these forms are not returned with the proposal, the proposal may be determined to be non-responsive and may be rejected.

   b. Please submit only two copies of the above forms with your proposal. The forms should be placed in a separate, sealed envelope labeled HRC Forms.

If you have any questions concerning the HRC Forms, you may call Human Rights Commission at (415) 252-2500.

For this RFP, these HRC forms are non-applicable; however they still have to be submitted. Please put N/A when submitting all forms except, Form 3: Non Discrimination Affidavit which is required to be filled out.
VII. Contract Requirements


The successful proposer will be required to enter into a contract in the form of the Agreement for Professional Services, attached hereto as Appendix C. Failure to timely execute the contract, or to furnish any and all insurance certificates and policy endorsement, surety bonds or other materials required in the contract, shall be deemed an abandonment of a contract offer. The City, in its sole discretion, may select another firm and may proceed against the original selectee for damages.

Proposers are urged to pay special attention to the requirements of Administrative Code Chapters 12B and 12C, Nondiscrimination in Contracts and Benefits. (Chapter 12B.2 “Nondiscrimination; Penalties in the Agreement); the Minimum Compensation Ordinance (Chapter 12P.5 “Requiring Minimum Compensation for Covered Employee” in the Agreement); the Health Care Accountability Ordinance (Chapter 12Q.2.9 “Requiring Health Benefits for Covered Employees” in the Agreement); the First Source Hiring Program (Chapter 83 “First Source Hiring Program” in the Agreement); and applicable conflict of interest laws, as set forth in paragraphs B, C, D, E and F below.

B. Nondiscrimination in Contracts and Benefits

The successful proposer will be required to agree to comply fully with and be bound by the provisions of Chapters 12B and 12C of the San Francisco Administrative Code. Generally, Chapter 12B prohibits the City and County of San Francisco from entering into contracts or leases with any entity that discriminates in the provision of benefits between employees with domestic partners and employees with spouses, and/or between the domestic partners and spouses of employees. The Chapter 12C requires nondiscrimination in contracts in public accommodation.

Additional information on Chapters 12B and 12C is available on the HRC’s website at www.sfhrc.org

C. Minimum Compensation Ordinance (MCO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Minimum Compensation Ordinance (MCO), as set forth in S.F. Administrative Code Chapter 12P. Generally, this Ordinance requires contractors to provide employees covered by the Ordinance who do work funded under the contract with hourly gross compensation and paid and unpaid time off that meet certain minimum requirements. For the contractual requirements of the MCO, see Sec.12P.5 of “Requiring Minimum Compensation for Covered Employee” in the Agreement.

For the amount of hourly gross compensation currently required under the MCO, see www.sfgov.org/olse/mco. Note that this hourly rate may increase on January 1 of each year and that contractors will be required to pay any such increases to covered employees during the term of the contract.

Additional information regarding the MCO is available on the web at www.sfgov.org/olse/mco.

D. Health Care Accountability Ordinance (HCAO)

The successful proposer will be required to agree to comply fully with and be bound by the provisions of the Health Care Accountability Ordinance (HCAO), as set forth in S.F. Administrative Code Chapter 12Q. Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter.

Additional information regarding the HCAO is available on the web at www.sfgov.org/olse/hcao.

E. First Source Hiring Program (FSHP)

If the contract is for more than $50,000, the First Source Hiring Program (Admin.Code Chapter 83) may apply. Generally, this ordinance requires contractors to notify the First Source Hiring Program of available entry-level jobs
and provide the Workforce Development System with the first opportunity to refer qualified individuals for employment.

Contractors should consult the San Francisco Administrative Code to determine their compliance obligations under this chapter. Additional information regarding the FSHP is available on the web at www.sfgov.org/moed/fsphp.htm and from the First Source Hiring Administrator, (415) 401-4960.

F. Conflicts of Interest

The successful proposer will be required to agree to comply fully with and be bound by the applicable provisions of state and local laws related to conflicts of interest, including Section 15.103 of the City's Charter, Article III, Chapter 2 of City's Campaign and Governmental Conduct Code, and Section 87100 et seq. and Section 1090 et seq. of the Government Code of the State of California. The successful proposer will be required to acknowledge that it is familiar with these laws; certify that it does not know of any facts that constitute a violation of said provisions; and agree to immediately notify the City if it becomes aware of any such fact during the term of the Agreement.

Individuals who will perform work for the City on behalf of the successful proposer might be deemed consultants under state and local conflict of interest laws. If so, such individuals will be required to submit a Statement of Economic Interests, California Fair Political Practices Commission Form 700, to the City within ten calendar days of the City notifying the successful proposer that the City has selected the proposer.
VIII. Protest Procedures

A. Protest of Non-Responsiveness Determination

Within five (5) working days of the City's issuance of a notice of non-responsiveness, any firm that has submitted a proposal and believes that the City has incorrectly determined that its proposal is non-responsive may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day following the City's issuance of the notice of non-responsiveness. The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

B. Protest of Contract Award

Within five (5) working days of the City's issuance of a notice of intent to award the contract, any firm that has submitted a responsive proposal and believes that the City has incorrectly selected another proposer for award may submit a written notice of protest. Such notice of protest must be received by the City on or before the fifth (5th) working day after the City's issuance of the notice of intent to award.

The notice of protest must include a written statement specifying in detail each and every one of the grounds asserted for the protest. The protest must be signed by an individual authorized to represent the proposer, and must cite the law, rule, local ordinance, procedure or RFP provision on which the protest is based. In addition, the protestor must specify facts and evidence sufficient for the City to determine the validity of the protest.

C. Delivery of Protests

All protests must be received by the due date. If a protest is mailed, the protestor bears the risk of non-delivery within the deadlines specified herein. Protests should be transmitted by a means that will objectively establish the date the City received the protest. Protests or notice of protests made orally (e.g., by telephone) will not be considered. Protests must be delivered to:

Jacquie Hale, Director
Office of Contracts Management and Compliance
San Francisco Department of Public Health
101 Grove, Room 307
San Francisco, CA 94102
Phone (415) 554-2609
Fax (415) 554-255

ATTACHMENTS:

Provided on paper/hard copy or electronically (in a “zipped” file) for this RFP:

☐ DPH Forms:
  o RFP Form #1 Solicitation and Offer
  o RFP Form #2 Contractual Record Form
  o RFP Form #3 Prospective Contractor Financial Survey Form

☐ HRC Attachment 2 (this contains the required HRC forms mentioned in Section VI.2)
☐ Acknowledgement of Requirements of Chapter 12B Declaration
RFP for Enteral Nutrition Equipment and Related Supplies

Appendix B
Standard Forms

Before the City can award any contract to a contractor, that contractor must file three standard City forms (items 1-3 on the chart). Because many contractors have already completed these forms, and because some informational forms are rarely revised, the City has not included them in the RFP package. Instead, this Appendix describes the forms, where to find them on the Internet (see page B-3), and where to file them. If a contractor cannot get the documents off the Internet, the contractor should call (415) 554-6248 or e-mail Purchasing (purchasing@sfgov.org) and Purchasing will fax, mail or e-mail them to the contractor.

If a contractor has already filled out items 1-3 (see note under item 3) on the chart, the contractor should not do so again unless the contractor’s answers have changed. To find out whether these forms have been submitted, the contractor should call Vendor File Support in the Controller’s Office at (415) 554-6702.

If a contractor would like to apply to be certified as a local business enterprise, it must submit item 4. To find out about item 4 and certification, the contractor should call Human Rights Commission at (415) 252-2500.

<table>
<thead>
<tr>
<th>Item</th>
<th>Form name and Internet location</th>
<th>Form</th>
<th>Description</th>
<th>Return the form to; For more info</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Request for Taxpayer Identification Number and Certification <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a> <a href="http://www.irs.gov/pub/irs-fill/fw9.pdf">www.irs.gov/pub/irs-fill/fw9.pdf</a></td>
<td>W-9</td>
<td>The City needs the contractor’s taxpayer ID number on this form. If a contractor has already done business with the City, this form is not necessary because the City already has the number.</td>
<td>Controller’s Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702</td>
</tr>
<tr>
<td>2.</td>
<td>Business Tax Declaration <a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a></td>
<td>P-25</td>
<td>All contractors must sign this form to determine if they must register with the Tax Collector, even if not located in San Francisco. All businesses that qualify as “conducting business in San Francisco” must register with the Tax Collector.</td>
<td>Controller’s Office Vendor File Support City Hall, Room 484 San Francisco, CA 94102 (415) 554-6702</td>
</tr>
</tbody>
</table>
### Item 3. S.F. Administrative Code

<table>
<thead>
<tr>
<th>Declaration: Nondiscrimination in Contracts and Benefits</th>
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</thead>
<tbody>
<tr>
<td><a href="http://www.sfgov.org/oca/purchasing/forms.htm">www.sfgov.org/oca/purchasing/forms.htm</a> – In Vendor Profile Application</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
<th>Return the form to;</th>
</tr>
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<tbody>
<tr>
<td>HRC-12B-101</td>
<td>Contractors tell the City if their personnel policies meet the City’s requirements for nondiscrimination against protected classes of people, and in the provision of benefits between employees with spouses and employees with domestic partners. Form submission is not complete if it does not include the additional documentation asked for on the form. Other forms may be required, depending on the answers on this form. <strong>Contract-by-Contract Compliance status vendors must fill out an additional form for each contract.</strong></td>
<td>Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500</td>
</tr>
</tbody>
</table>

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### Item 4. HRC LBE Certification Application

| www.sfgov.org/oca/purchasing/forms.htm – In Vendor Profile Application |

<table>
<thead>
<tr>
<th>Form</th>
<th>Description</th>
<th>Return the form to;</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Local businesses complete this form to be certified by HRC as LBEs. Certified LBEs receive a bid discount pursuant to Chapter 14B when bidding on City contracts. To receive the bid discount, you must be certified by HRC by the proposal due date. <strong>Please note, due to the funding source for this project (Federal Medicare), the Local Business Enterprise (LBE) provisions of Chapter 14B of the San Francisco Administrative Code are not applicable to this project. However, the City strongly encourages proposals from qualified LBEs and the utilization of LBEs as subcontractors to the greatest extent feasible.</strong></td>
<td>Human Rights Comm. 25 Van Ness, #800 San Francisco, CA 94102-6059 (415) 252-2500</td>
</tr>
</tbody>
</table>
RFP for Enteral Nutrition Equipment and Related Supplies

Where the forms are on the Internet

Office of Contract Administration

Homepage: www.sfgov.org/oca/
Purchasing forms: Click on “Required Vendor Forms” under the “Information for Vendors and Contractors” banner.

Human Rights Commission

HRC’s homepage: www.sfhrc.org
Equal Benefits forms: Click on “Forms” under the “Equal Benefits” banner near the bottom.
LBE certification form: Click on “Forms” under the “LBE” banner near the bottom