



**REQUEST FOR PROPOSALS**  
**for**  
**Food Service at the Families Forward Philadelphia Emergency**  
**and Supportive Services Facility**  
**for The**  
**CITY OF PHILADELPHIA**

**Issued on: March 24, 2017**

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Issued by:  
THE CITY OF PHILADELPHIA (“City”)  
**Office of Homeless Services**

**All proposals must be submitted electronically to the correct contract opportunity established for this RFP (identified by opportunity number), through the eContract Philly online application process at [www.phila.gov/contracts](http://www.phila.gov/contracts), choose eContract Philly. Applicants who have failed to file complete applications through the eContract Philly online application process will not be considered for the contract.**

**Proposals must be received no later than 5:00 p.m. Philadelphia, PA, local time, on April 21, 2017**

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***Optional Pre-Proposal Conference:***

Date: March 31, 2017

Time: 10:00 AM

Location: MSB, 1401 JFK Boulevard, 16<sup>th</sup> Floor, Room E

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**James Kenney, Mayor**

Elizabeth G. Hersh, Director, Office of Homeless Services

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## **I. Project Overview**

### **A. Introduction/Statement of Purpose**

The Office of Homeless Services (OHS) is the public entity charged with the policy, planning and coordination of the City's response to homelessness. OHS is the Collaborative Applicant for the HUD homeless Continuum of Care (CoC), and coordinates the Philadelphia CoC, an inter-agency planning body committed to coordinating and implementing a community-wide response to addressing homelessness in the city of Philadelphia. The community's response includes outreach; shelter, housing, and supportive services; and homeless prevention strategies that address the needs of persons experiencing or at-risk of experiencing homelessness.

### **B. Department Overview**

The mission of OHS is to make homelessness rare, brief and non-recurring. OHS works collaboratively with 63 (mostly not-for-profit) homeless housing and service providers, City departments, state and federal governmental entities to comprise Philadelphia's homeless service system. OHS provides emergency housing and services to people who are both literally homeless and/or at imminent risk of homelessness, prevention and diversion, emergency assistance, short and long-term rental assistance both with and without case management, and permanent supportive housing.

### **C. Project Background**

The Families Forward Philadelphia Emergency and Supportive Services Facility, located at 111 N. 49<sup>th</sup> Street, Philadelphia PA, provides emergency housing, support services and case management to homeless families with children. Families Forward Philadelphia has the capacity to house a combination of up to 75 households with children up to a total of 275 persons. Three meals must be provided (breakfast, lunch and dinner) daily. Meals must be well balanced, nutritious and adequate in quality and quantity to meet basic dietary needs of consumers according to the Federal Recommended Daily Allowances (RDA). Special efforts must be undertaken to ensure that pregnant, nursing women and children receive nutritious foods that exceed basic requirements and support healthy growth and development; snacks are required for these populations in compliance with the Child and Adult Care Food Program (CACFP).

### **D. Eligibility – eligible applicants may be for-profit or non-profit entities and include:**

- a. Currently contracted OHS food service operators who propose to provide or continue to provide the services identified in the RFP at the identified location.
- b. New applicants: non-OHS contracted food service operators in the Philadelphia community who are experienced and currently licensed to provide the services identified in the RFP.

The eligible non-profit or for-profit applicant has:

- a. Five (5) years organizational or personal experience successfully providing food services to persons experiencing homelessness
- b. Five (5) years experience successfully providing food services in an emergency housing or similar venue
- c. Financial solvency and administrative capacity to operate a program of the indicated scope at the full service level on the first day of the fiscal year (July 1, 2017)
- d. A track record of being an equal opportunity employer, without any founded charges of unfair hiring or promotions within the past ten years

- e. Financial Solvency-not currently indebted to the Federal Government, State of Pennsylvania, or the City of Philadelphia for nonpayment of taxes, fines, judgments, liens or fees

**All applicants must provide at least three (3) letters of support** documenting support of both the applicant for the proposed service and the applicant's ability to provide the proposed service.

The proposal review process will include consideration of the contract compliance and performance levels of any currently or previously contracted applicant. Currently contracted vendor applying under this RFP should address in their response any contract compliance or administrative issues, reporting and/or recordkeeping issues or any other issue(s) that have affected their performance.

## **E. Request for Proposals**

**The services identified in this Request for Proposals will be funded in Fiscal Year 2018 (July 1, 2017 through June 30, 2018)** and will be embodied in a Professional Services Contract with the Office of Homeless Services. The selected applicant must be able to provide services at the start of the contract on July 1, 2017 and through the end of the contract on June 30, 2018.

OHS is seeking proposals from certified food service vendors to provide quality food services to one or both of the following populations:

- Approximately 275 individuals in families residing at Families Forward Philadelphia. 111 N. 49<sup>th</sup> Street, Philadelphia, PA 19139.

OHS provides approximately 80% of the emergency housing provider's food items per the State Food Purchase Program (SFPP) regulations. The selected applicant is responsible for acquisition of food stuffs not provided by OHS.

The Applicant should budget three meals and one snack to serve the maximum capacity at each facility each day (price per meal times number of days per month times persons). Upon contract award, the selected provider will work with the emergency housing service provider to estimate the needs for each meal, including meals meeting special dietary requirements and box lunches. The selected Applicant is responsible for a monthly pickup of the OHS-supplied food items and for storage of the items per a pickup schedule that will be developed by the food service provider and the OHS Warehouse located at 4000 N. American Street.

The services identified in this Request for Proposal (RFP) will be funded in Fiscal Year 2018 (July 1, 2017 – June 30, 2018) and will be embodied in a Professional Services Contract with the City of Philadelphia, Office of Homeless Services. The successful Applicant must be able to provide the specified services at the start of the contract on July 1, 2017 and through the end of the contract on June 30, 2018. The services will be performed at City of Philadelphia owned or leased Emergency Housing (shelter) facilities and Intake Sites that serve men, women and children experiencing homelessness. Workers at OHS facilities are expected to treat consumers and staff with dignity and respect at all times.

## **F. General Disclaimer of the City of Philadelphia**

This RFP does not commit the City of Philadelphia to award a contract. This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. No other party, including any Applicant, is intended to be granted any rights hereunder. Any response, including written

documents and verbal communication, by any Applicant to this RFP, shall become the property of the City and may be subject to public disclosure by the City, or any authorized agent of the City.

## II. Scope of Work, Objectives, Timetable

### A. Project Details

OHS is seeking an eligible entity to serve as a professional, high quality food service vendor that can deliver food services that are consumer/customer service driven and that are provided in a safe, sanitary and supportive environment.

Services must be provided without regard to actual or perceived race, ethnicity, color, sex, sexual orientation, gender identify, religion, national origin, ancestry, age, disability, marital status, source of income, familiar status, genetic information or domestic or sexual violence victim status. The applicant must have operational standards that meet all regulatory requirements.

OHS reserves the right, however, to modify specific requirements, based on changed circumstances, the proposal selection process, and contract negotiations with the Applicant selected for negotiations, and to do so with or without issuing a revised RFP. The Applicant must provide a detailed proposed scope of work showing how it will meet the project requirements stated in this section.

#### 1. Facilities and Equipment

Families Forward does not have an onsite kitchen, but has one dining room for use by residents. The selected provider will be expected to deliver meals to the Center at specified mealtimes. The emergency housing provider serves the meals.

#### 2. General Description

Meals for residents at Families Forward are delivered to the facility by a service elevator connected to an underground tunnel system on the campus. The dining room is in the basement of the facility. Each day the provider staff notifies the food service operator of the number of meals to be provided per meal. The provider staff person signs off on the food delivery and the number of meals delivered per their earlier request. Food service staff removes food waste and picks up their equipment. This procedure is followed for breakfast, lunch and dinner 365 days a year.

Mealtimes at Families Forward are: Monday-Friday - breakfast from 6:30 am – 8:30 am; lunch from 12:00 pm – 1:00 pm; dinner from 5:00 pm – 7:00 pm; evening snack from 8:00 pm – 8:30 pm. Mealtimes on Saturday and Sunday are: breakfast from 7:00 am – 10:00 am; lunch from 12:00 pm – 1:00 pm; dinner from 5:00 pm – 7:00 pm; evening snack from 8:00 pm – 8:30 pm.

#### 3. Food Service Provider Service Requirements

- a. Meals provided in an efficient, timely, friendly manner and consumers treated with dignity and respect
- b. Compliance with the City of Philadelphia Department of Public Health Code regulating: “Eating, Drinking, and Catering Establishments” – Title 6 Philadelphia Health Code.
- c. Compliance with the OHS Emergency Housing Standards – Food Preparation and Distribution which can be found at [http://www.phila.gov/osh/PDFs/EH\\_Standards\\_Revised\\_2010.pdf](http://www.phila.gov/osh/PDFs/EH_Standards_Revised_2010.pdf).
- d. Compliance with the State CACFP Regulations, which can be found at

<http://www.education.pa.gov/Teachers%20-%20Administrators/Food-Nutrition/Pages/Child-and-Adult-Care-Food-Program.aspx#tab-1> compliance includes but is not limited to:

- Menus approved by CACFP and all required elements of the approved menus including a bread/bread substitute, two (2) vegetables/fruit, meat or a meat alternative and milk
  - Omission of any food items prohibited by CACFP
- e. Compliance with the Pennsylvania Department of Agriculture Rules and Regulation (State Food Purchase Program) if the facility receives food from the OHS Warehouse
  - f. Three daily well-balanced, nutritious meals plus a snack that meets the basic dietary needs of consumers according to the Federal Recommended Daily allowances with special efforts to ensure that pregnant, nursing women and children receive nutritious foods that exceed basic requirements and support healthy growth and development; snacks are required for those populations
  - g. Ability to meet the special dietary needs of the populations served. Special needs include but are not limited to dietary restrictions based on medical condition, religious beliefs, and a chosen vegetarian lifestyle
  - h. Provision of box lunches for residents who are offsite during the lunch hour and dinner must be provided for individuals who have late work schedules or other required activities that may cause them to miss dinner at its scheduled time\
  - i. Adequate number of qualified staff appropriately trained to carry out all aspects of food production (meal preparation, meal delivery, serving and breakdown of meals, etc. as applicable
  - j. Submission of applicable, current food licenses and certifications
  - k. Provisions for the continuation of food service during severe weather or other emergencies (snowstorms, hurricanes, Code Blue, transit strikes, etc.)
  - l. Maintenance of kitchen equipment and repairs of any food service provider owned equipment
  - m. Cleaning and sanitation of the kitchen and equipment
  - n. Monthly pickup of food stuffs from the Administrative Officer at the OHS Warehouse Complex Food Program, 400 N. American Street, which determines inventory available for preparation for the meals
  - o. Storage and inventory of food stuffs received
  - p. Acquisition of food stuffs not provided by OHS
  - q. Provision of paper goods (including paper plates, and other goods/utensils used in meal production as applicable)
  - r. Provision of serving trays, plates, beverage equipment, pots, pans, knives, serving utensils
  - s. Provision of condiments (salt, pepper, ketchup, etc.)
  - t. Delivery of the meals to Families Forward per the head count for each meal from the contracted emergency housing provider
  - u. Removal of food waste and pickup of food service operator equipment
4. Compliance with the mandatory Philadelphia Nutrition Standards as outlined by the Philadelphia Department of Health

Applicants are advised that any contract awarded pursuant to this RFP is subject to the mandatory City of Philadelphia Nutrition Standards, which are attached to this RFP as Appendix G. In July 2014, the City established new nutrition standards in response to Executive Order 4-14 *Establishing Nutrition Standards for Food and Beverages Purchased, Prepared, or Served by City Agencies*. The standards were established for food and beverages purchased or served by City agencies and are designed to ensure that



the City offers a broad range of healthy food and beverages. These standards have been implemented to improve the health of Philadelphians and ensure that people eating whole meals and snacks have a healthy, balanced diet. Standards are based on: 1) the 2015 Dietary Guidelines, 2) food standards adopted by other local and federal governments, and 3) review and feedback from City agencies. All City agencies that purchase, serve, sell or otherwise provide food to clients, patients, employees and the general public must work to integrate these comprehensive nutrition standards into their food service programs. This includes contracted vendors. Go to [www.phila.gov/nutritionstandards](http://www.phila.gov/nutritionstandards) for more information on the Philadelphia Nutrition Standards. Any exceptions to the City of Philadelphia Nutrition Standards must be approved by the City of Philadelphia. When the Philadelphia Nutrition Standards are updated, the latest version will be sent to the proposer and included in any subsequent renewal letter.

5. Please note that the Mandatory Philadelphia Nutrition Standards are separate and do not replace food establishment licensing and regulatory requirements found in the Health Code and *City of Philadelphia Regulations Governing Food Establishments*, which are administered by the Office of Food Protection.

6. Consumer Feedback

In order to ensure consumer satisfaction with the food services, the operator will:

- a. Develop a consumer feedback questionnaire and/or other mechanism to solicit consumer feedback and share the information with the facility service provider
- b. Disseminate, collect and review periodic consumer feedback questionnaires

7. Sanitation and Building Cleanliness

The food services operator is responsible for maintaining safe and sanitary conditions of all areas and surfaces of the kitchen including the floors utilized for the provision of food services including walk-in refrigeration/freezer boxes, and all food preparation equipment as applicable. The emergency housing provider or OHS is responsible for building maintenance including maintaining sanitary conditions of the dining area.

8. Food Service Operator Costs

The operator is responsible for the following expenses:

- a. Acquisition of food commodities, personnel, dry goods, including paper plates, utensils, other goods used in meal production and the replacement of serving trays, bowls, cutlery, serving utensils, tumblers, crocks and serving vessels
- b. Food handling supplies
- c. Cleaning chemicals specific to the kitchen (as applicable)
- d. Dry goods used in meal production
- e. Travel/transportation (as applicable)
- f. Criminal background checks; child abuse clearances

**Operator will be responsible for the cost of repairs to OHS-owned kitchen equipment when OHS determines that the damages are the result of negligence, misuse or lack of supervision.**

9. Timetable

All of the services will be conducted during Fiscal Year 18 – July 1, 2017 through June 30, 2018. The applicant must be able to assume operation starting on the first day of the fiscal year and continue to operate through the last day of the fiscal year.

#### 10. Tours

Applicants interested in a tour of the delivery area at the Families Forward Facility should contact Linda Ricci, OHS at 215-686-7186 or [linda.ricci@phila.gov](mailto:linda.ricci@phila.gov). OHS will establish two dates and times for tours of each facility.

### **B. Services and Tangible Work Products**

Please see Section II A 2 for detailed information.

### **C. Hours and Location of Work**

Please see Section II A 2 for detailed information.

### **D. Monitoring**

OHS will establish the method and frequency of monitoring. The selected applicant will be responsible for meeting the contract goals and performance levels that will be incorporated into the contract agreement. OHS shall monitor and evaluate the performance of the contracted operator according to the program scope and related service details identified in the scope of services. OHS shall review written policies, monthly reports, conduct site visits and hold periodic conferences with the contracted provider to evaluate performance. By submission of a proposal in response to this RFP, the Applicant agrees to comply with all contract monitoring and evaluation activities undertaken by the City of Philadelphia, and with all security policies and requirements of the City.

### **E. Reporting Requirements**

The successful Applicant shall report to the City of Philadelphia on a regular basis regarding the status of the project and its progress in providing the contracted services and/or products. At a minimum, the successful Applicant shall submit a monthly invoice detailing the services and/or products provided, the goals/tasks accomplished, and the associated costs. If hourly rates are charged, the invoice must also detail the number of hours, the hourly rate, and the individual who performed the service.

Additional details of reporting requirements by the various funding sources and/or OHS will be distributed upon contract award. It is the applicant's responsibility to facilitate staff training on how to maintain and distribute the information as required. OHS will provide technical assistance to applicants who do not have the internal expertise to set up such applications. Throughout the year, OHS will review the reporting requirements with the intent to streamline the amount of reports by combining common data elements where possible. Failure to submit this report may delay reimbursements to the provider.

OHS is under the Health and Human Services Cabinet (HHS). HHS will develop reporting requirements which will be provided to all OHS contractors at the time they become available.

The successful Applicant shall report to the City of Philadelphia on a regular basis regarding the status of the project and its progress in providing the contracted services and/or products. At a minimum, the

successful Applicant shall submit a monthly invoice detailing the services and/or products provided, the goals/tasks accomplished, and the associated costs. If hourly rates are charged, the invoice must also detail the number of hours, the hourly rate, and the individual who performed the service.

## **F. Specific Performance Standards**

The City expects that the contract resulting from this RFP will include performance and quality standards for the project. The City reserves the right to reject any item of work that does not meet the Department's minimum standards of performance and quality, or that does not conform to the contract scope of work. The City shall not be obligated to pay for rejected work.

## **G. Cost Proposal**

Applicants must provide a detailed cost proposal, with a line-item breakdown of the costs for specific services and work products proposed. Cost proposals must be "fixed price" proposals. The proposed price must include all costs that will be charged to the City for the services and tangible work products the Applicant proposes to perform and deliver to complete the project and including, but not limited to, costs for the following, if the Department is to pay for them: employee compensation and fringe benefits; communication; printing; administrative expenses; bonding; acquisition of real estate; rent, utilities, maintenance and security related to real estate; travel (reimbursable only at rates approved by the Department and in accordance with current City policies, which can be obtained from the Department); project management; development; testing; implementation; maintenance; training; and all other work proposed. Use the budget narrative column on the budget form for a brief explanation of budget items **and submit a separate page (can be a Word document) with a detailed narrative, that describes each budget cost.** Eligible administrative costs **may not exceed** 12% of the total cost of operations.

Any contract resulting from this RFP will provide for a not-to-exceed amount in the compensation section of the contract.

- Use the budget forms provided with this RFP. The form has five tabs. The form automatically calculates certain costs to ensure that proposed costs comply with OHS requirements. Applicants that propose to use OHS funds to support administrative staff salaries and fringe benefits must complete an additional schedule that shows all other funding for those salaries and fringe benefits. If your housing intervention requires leasing units or buildings, please use the forms designed to calculate the cost and then transfer the totals to the OHS budget forms.
- Do not input into color-coded cells, as they are self-populating. The form automatically calculates certain costs to ensure that proposed costs comply with OHS requirements.
- Schedule B – full time personnel page – must provide the applicant's total annual salary for each employee, percentage of time devoted to this program only and total yearly fringe benefits costs.
- Schedule C – part time and contracted employee page – must provide hourly wage, total weekly hours worked and total yearly fringe benefits costs.
- Schedule D – administrative personnel page – must provide the applicant's total annual salary for each employee, percentage of time devoted to this program only and yearly fringe benefits costs and all other funding for these salaries and fringe benefits.

## **H. Organization and Personnel Requirements**

The proposal must identify all personnel who will perform work on the project, by education level, skill set (described in detail), experience with a project of similar size/scope experience level, and job title. Resumes of all personnel so identified should be included in Applicant's proposal. The Department expects the following with respect to the successful Applicant's organizational structure and personnel:

- Organization chart
- Job descriptions with working titles, specific qualifications, experience and training requirements for all identified positions
- Resumes for all identified personnel or when applicable indicate TBD

### **III. Proposal Format, Content, and Submission Requirements; Selection Process**

#### **A. Proposal Format**

Applicants are required to submit both electronic and hard copy responses. Please see Section III (K) for instructions on the electronic submission process. In addition to the electronic application, submit one (1) original and six (6) unbound copies of completed proposal as follows:

**Office of Homeless Services  
1401 JFK Blvd, 10<sup>th</sup> Floor, Suite 1030  
Philadelphia, PA 19102  
Attn: Joye Presson, Deputy for Administrative Services**

The electronic and hard copies of proposals must be submitted by **5:00 PM, Local Time on April 21, 2017. Proposals submitted after this deadline will not be accepted.**

Hard copy proposals must contain the signature of a duly authorized officer or agent of the applicant who is empowered to bind the applicant to the requirements of the RFP. Proposals submitted without an authorized signature are non-responsive, incomplete, and unacceptable for review.

Proposals must be typed on 8-1/2 inch by 11 inch white paper with all pages numbered and either 1-1/2 spaced or double-spaced. Single spaced proposals are unacceptable.

Proposals or proposal components sent via facsimile (fax) transmission are unacceptable.

#### **B. Proposal Content**

Proposals submitted in response to this RFP must include a cover letter signed by the person authorized to issue the proposal on behalf of the Applicant, and the following information in the sections and order indicated. Attach all components of the proposal sections listed below electronically and provide hard copies as specified when responding to this contract opportunity. Submissions that are missing or have incomplete sections or forms may not pass threshold review.

- Cover Letter – Signed by CEO or Executive Director on organization letterhead.
- RFP Checklist (Attachment A) - Use the checklist to ensure that all of the requested information is provided. Submit a completed checklist with each hard copy and indicate if any items are non-applicable.

- Vendor Application (Attachment B) – Complete the Vendor Application. Include a list plus copies of all current applicable licenses, i.e., Certificate of Occupancy, Housing Inspection License, Food Preparation License, Food Safety Certifications, etc.
- Budget Forms (Attachments C&D) – Complete the budget forms. Applicant must complete and attach budget forms in the **Excel** format and include detailed budget narrative in Word format. Include any committed or potential leveraging in this section. See **Section III.I Cost Proposal** for more information.
- Introduction/Executive Summary – **(Maximum of 1 page)** – Applicant should provide an understanding of the need for the services as presented by OHS and should concisely highlight the contents of the proposal, including the amount of the request, the number of persons to be served, and the outcomes projected. The executive summary will summarize the needs of the target population, identifying existing barriers to needed services and describe the approach the Applicant will take to address these issues. Applicant shall describe how the Applicant’s business experience will benefit the project.
- Company Background and Profile – **(Maximum of 2 pages)** – Provide a narrative description of the Applicant itself, including the following: Applicant’s business identification information, including name, business address, telephone number, website address, and federal taxpayer identification number or federal employer identification number; a primary contact for the Applicant, including name, job title, address, telephone and fax numbers, and email address; a description of Applicant’s business background - whether registered to do business in Philadelphia and/or Pennsylvania, country and state of business formation, number of years in business, primary mission of business, significant business experience, whether registered as a minority-, woman-, or disabled-owned business or as a disadvantaged business and with which certifying agency, and any other information about Applicant’s business organization that applicant deems pertinent to this RFP.
- Project Understanding – **(Maximum of 1 page)** Provide a brief narrative statement that confirms the Applicant’s understanding of, and agreement to provide, the services and/or tangible work products necessary to achieve the objectives of the RFP. Applicant shall describe how the Applicant’s organizational experience will benefit the project.
- Statement of Qualifications; Relevant Experience - **(Maximum of 2 pages)** – Provide a statement of qualifications and capability to perform the services sought by this RFP, including a description of relevant experience with projects that are similar in nature, size and scope to that which is the subject of this RFP. If any minimum qualifications for performance are stated in this RFP, Applicant must include a statement confirming that Applicant meets such minimum requirements.
- Administrative Capacity - **(Maximum of 2 pages)** – Description of the administrative capacity to operate the program, fiscal management and reporting systems (including those used for data collection and reporting, programs and services, and human resources management).
- Statement of Financial Capability – Provide documentation demonstrating fiscal solvency and financial capability to perform the work sought by this RFP. **(One (1) page not including documents listed below.)** Provide the following:
  - General statement of the Applicant’s financial condition;
  - One copy of the most recent Independent Audit;
  - Disclosure of any bankruptcies filings over the past five years;

- Most recent IRS Form 990 (for non-profit organizations only).
- Letters of Support – All applicants must provide at least three (3) letters of support documenting support of both the applicant for the proposed project and the applicant’s ability to operate the project. (Not included in page limit)
- References - New applicants must provide three (3) references for projects they operate that are similar in type, scope, size and/or value to the work sought by this RFP and may include projects with other municipalities (if applicable) that are similar in size to the City of Philadelphia. New applicants and/or applicants proposing to operate a new facility must also provide documentation of political and community support of the applicant and the project. (Not included in page limit)
- Scope of Work Narrative - **(Maximum of eight (8) pages)** - Provide a description of the project that is complete and concise.
- Proposed Subcontractors – **(One (1) page maximum)** - State the intention to use subcontractors to perform any portion of the work sought by this RFP. For each such subcontractor, provide the name and address of the subcontractor, a description of the work Applicant intends the named subcontractor to provide, and whether the subcontractor can assist with fulfilling goals for inclusion of minority, woman, or disabled-owned businesses or disadvantaged businesses as stated in Appendix B. Note that if subcontractors at any tier may perform services arising directly out of a City contract resulting from this RFP, Applicants must inform them of the City’s minimum wage and benefits requirements and must require them to comply with such requirements. (See Section III.J for more information.)
- Statement of Anticipated Job Creation (if applicable) – **(One (1) page maximum)** - Narrative description on whether and how a contract award based on the proposal will result in new job creation within the following: (1) City of Philadelphia; (2) Philadelphia Metropolitan Statistical Area; (3) Commonwealth of PA; (4) United States of America. For each job anticipated, the Applicant shall describe the following: job title, job description, educational qualifications, and anticipated annual salary or anticipated annual hourly rate.
- Staffing & Organizational Structure – **(Maximum of 2 pages not including attachments)** – Listing of all personnel that will perform the work under this RFP by job title, education and experience level, skill set, technical expertise, licensing (if applicable), and experience with a project of similar size/scope. Applicant must submit the following:
  - Organization chart
  - Job descriptions with working titles, specific qualifications, experience and training requirements for all identified positions
  - Resumes for all identified program personnel or when applicable indicate TBD
- Requested Exceptions to Contract Terms - State exceptions, if any, to City Contract Terms that Applicant requests, including the reasons for the request and any proposed alternative language. **(See Section III.C for more information.)**
- Waivers – Vendors who wish to request a waiver from the wage and benefits requirements must submit a signed letter on their letterhead detailing the rationale for the waiver request. They must also complete the Health & Human Services Waiver Request Form. OHS will submit the waiver request form, the scope of services and the cost proposal to the City of Philadelphia Managing Director’s Office for review and notify the selected vendor if the waiver/s is approved – **(Attachment G).**

- Office of Economic Opportunity Anti Discrimination Policy – Minority, Woman and Disabled Owned Business Enterprises – Appendix B-1 is applicable for all for-profit applicants. For Appendix B-1 complete and attach the Solicitation for Participation and Commitment Form. Appendix B-2 is applicable to all non-profit applicants. For Appendix B-2 complete and attach the Diversity Report of Nonprofit Organizations form provided with this RFP.
- Tax and Regulatory Status and Clearance Statement – Per Section III.F include a statement in the form requested in **Appendix C**, regarding the Applicant’s tax and regulatory compliance with the City.
- Local Business Entity or Local Impact Certification – If applicable, Applicant may elect to provide the certification statement in the form of Appendix D as to Applicant’s status as a Local Business Entity or its local impact if awarded the contract. (See **Section III.I** for more information.)
- Disclosure Requirements - Disclose all information required under Chapter 17-1400 of the Philadelphia Code, including any local and state political campaign contributions, on the forms provided through eContract Philly. (See **Section III.J** for more information.)
- Disclosure of Litigation, Disclosure of Administrative Proceedings – State, for the five-year period preceding the date of this RFP, a description of any judicial or administrative proceeding that is material to Applicant’s business or financial capability or to the subject matter of the RFP, or that could interfere with Applicant’s performance of the work requested by this RFP, including, but not limited to, any civil, criminal or bankruptcy litigation; any debarment or suspension proceeding; and criminal conviction or indictment; and any order or agreement with or issued by a court or local, state or federal agency. For each such proceeding, state the name of the case or proceeding, the parties involved, the nature of the claims involved, its current status and the final disposition, if any. Provide the same information for any officer, director, principal, or partner of Applicant’s organization, and for any subcontractor Applicant plans to use to perform the services described in this RFP.
- Defaults - Provide a description, in detail, of any situation occurring within the past five (5) years in which the Applicant, or a joint venture or partnership of which Applicant was a part, defaulted or was deemed to be in noncompliance of any contractual obligations, explaining the issues involved in the default, the outcome, the actions taken by Applicant to resolve the matter. Also provide the name, title and telephone number of the party to the contract who asserted the event of default or noncompliance or the individual who managed the contract for that party.

**C. Notice to Applicants to State Requested Exceptions to Contract Terms in Proposal**

The City’s standard contract terms and conditions for services of the type sought by this contracting opportunity (Contract Terms) are set forth in the General Provisions attached to this RFP as Appendix A. By submitting a proposal in response to this contract opportunity, the Applicant agrees that, except as provided herein, it will enter into a contract with the City containing substantially the Contract Terms.

Applicants must state clearly and conspicuously any modifications, waivers, objections or exceptions they seek (“Requested Exceptions”) to the Contract Terms in a separate section of the proposal entitled “Requested Exceptions to Contract Terms.” For each Requested Exception, the Applicant must identify the pertinent Contract Term by caption and section number and state the reasons for the request. The

Applicant must also propose alternative language or terms for each Requested Exception. Requested Exceptions to the City's Contract Terms will be approved only when the City determines in its sole discretion that a Requested Exception makes business sense, does not pose unacceptable risk to the City, and is in the best interest of the City. By submitting its proposal, the Applicant agrees to accept all Contract Terms to which it does not expressly seek a Requested Exception in its proposal. The City reserves the right, in its sole discretion, to evaluate and reject proposals based in part on whether the Applicant's proposal contains Requested Exceptions to Contract Terms, and the number and type of such requests and alternative terms proposed.

**If, after the City issues its Notice of Intent to Contract to an Applicant, the Applicant seeks Requested Exceptions to Contract Terms that were not stated in its proposal, the City may, in its sole discretion, deny the Requested Exceptions without consideration or reject the proposal.**

The City reserves the right, in its sole discretion, (i) to waive any failure to comply with the terms of this Notice to Applicants if it determines it is in the best interest of the City to do so; and (ii) to require or negotiate terms and conditions different from and/or additional to the Contract Terms in any final contract resulting from this contract opportunity, without notice to other Applicants and without affording other Applicants any opportunity to revise their proposals based on such different or additional terms.

All meals shall comply with the City of Philadelphia Nutrition Standards, included as **Appendix E**. Proposed vendors shall follow the City nutrition guidelines whenever possible. *If compliance with the City of Philadelphia Nutrition Standards cannot be accomplished for a particular item (due to, for example, limited market availability), the food service management company shall explain why compliance cannot be accomplished for that particular item, with supporting documentation, and present an appropriate alternative for approval by the Office of Homeless Services in consultation with the Philadelphia Department of Public Health.* Any exceptions to the City of Philadelphia Nutrition Standards must be approved by the City of Philadelphia. When the Philadelphia Nutrition Standards are updated, the latest version will be sent to the proposer and included in any subsequent renewal letters.

#### **D. Office of Economic Opportunity – Participation Commitment/Diversity Reports**

Each Applicant is subject to the provisions of Mayoral Executive Order 03-12, the City's Antidiscrimination Policy, and is required to exercise its "Best and Good Faith Efforts" in response to the ranges specified in the Appendix B-1 portion of Appendix B, included with this RFP for participation by Minority Business Enterprises ("MBE"), Woman Business Enterprises ("WBE") and Disabled Business Enterprises ("DSBE") (collectively, "M/W/DSBE") as those terms are defined in Executive Order 03-12. Forms, instructions and special contract provisions for the Antidiscrimination Policy explain these requirements in more detail and are included in Appendix B-1 to this RFP. Applicants are required to complete and return with their proposals the "Solicitation for Participation and Commitment" form which is included in Appendix B-1. The City encourages proposals from M/W/DSBE Applicants. M/W/DSBE Applicants, like all other Applicants, are required to submit a proposal that is responsive to the Antidiscrimination Policy. The M/W/DSBE Applicant will receive credit towards the participation range for its certification category (i.e., MBE range, WBE range or DSBE range).

If Applicant is a nonprofit organization, Mayoral Executive Order 03-12 requires nonprofit Applicants to document their diversity policies. Applicants that are nonprofit organizations should refer to the special contract provisions and instructions attached to this RFP as Appendix B-2. Included in Appendix B-2 is the form, "Diversity Report of Nonprofit Organizations,"



which should be completed and returned with proposals submitted by nonprofit Applicants in addition to the Solicitation for Participation and Commitment form.

#### **E. The Philadelphia Tax and Regulatory Status and Clearance Statement**

It is the policy of the City of Philadelphia to ensure that each contractor and subcontractor has all required licenses and permits and is current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation of other regulatory provisions contained in the Philadelphia Code. To assist the City, through its Department of Revenue and Department of Licenses and Inspections, in determining this status, each Applicant is required to submit with its proposal the certification statement entitled City of Philadelphia Tax and Regulatory Status and Clearance Statement which is attached to this RFP as Appendix C.

If the Applicant is not in compliance with the City's tax and regulatory codes, an opportunity will be provided to enter into satisfactory arrangements with the City. If satisfactory arrangements cannot be made, Applicants will not be eligible for award of the contract contemplated by this RFP.

The selected Applicant will also be required to assist the City in obtaining the above information from its proposed subcontractors (if any). If a proposed subcontractor is not in compliance with City Codes and fails to enter into satisfactory arrangements with the City, the non-compliant subcontractor will be ineligible to participate in the contract contemplated by this RFP and the selected applicant may find it necessary to replace the non-compliant subcontractor with a compliant subcontractor. Applicants are advised to take these City policies into consideration when entering into their contractual relationships with proposed subcontractors.

If an Applicant or a proposed subcontractor is not currently in compliance with the City's tax and regulatory codes, please contact the Revenue Department to make arrangements to come into compliance at 215-686-6600 or [revenue@phila.gov](mailto:revenue@phila.gov).

Applicants need not have a City of Philadelphia Business Income and Receipts Tax Account Number (formerly Business Privilege Tax Account Number) and Commercial Activity License Number (formerly Business Privilege License Number) to respond to this RFP, but will, in most circumstances, be required to obtain one or both if selected for award of the contract contemplated by the RFP.<sup>1</sup> Applications for a Business Income and Receipts Tax Account Number or a Commercial Activity License<sup>2</sup> may be made on line by visiting the City of Philadelphia Business Services Portal at <http://business.phila.gov/Pages/Home.aspx> and clicking on "Register Now." If you have specific questions, call the Department of Revenue at 215-686-6600 for questions related to City of Philadelphia Business Income and Receipts Tax Account Number or the Department of Licenses and Inspections at 215-686-2490 for questions related to the Commercial Activity License.

#### **F. Compliance with Philadelphia 21<sup>st</sup> Century Minimum Wage and Benefits Ordinance**

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<sup>1</sup> Applicants that have a Business Privilege Tax Number should use that number, as it is automatically their Commercial Activity License Number, and need not apply for a new Commercial Activity License Number. Similarly, Applicants with a Business Privilege Tax Account Number should use that number as their Business Income and Receipts Tax Account Number.

<sup>2</sup> Commercial Activity Licenses are not typically required for non-profit organizations; however, Business Income and Receipts Tax Account Numbers typically are required.

Applicants are advised that any contract awarded pursuant to this RFP is a “Service Contract,” and the successful Applicant under such contract is a “Service Contractor,” as those terms are defined in Chapter 17-1300 of the Philadelphia Code (“Philadelphia 21<sup>st</sup> Century Minimum Wage and Benefits Standard Ordinance”) Any Subcontractor (as defined in the General Provisions attached as an Appendix to this RFP), and any sub-subcontractor at any tier proposed to perform services sought by this RFP, is also a “Service Contractor” for purposes of Chapter 17-1300. If any such Service Contractor (i.e. Applicant and subcontractors at any tier) is also an “Employer,” as that term is defined in Section 17-1302 (more than five employees), and is among the Employers listed in Section 17-1303 of the Code, then during the term of any resulting contract, it is subject to the minimum wage and benefits provisions set forth in Chapter 17-1300 unless it is granted a waiver or partial waiver under Section 17-1304. Absent a waiver, these minimum wage and benefits provisions, which include a minimum hourly wage that is adjusted annually based on the CPI, health care and sick leave benefits, are mandatory and must be provided to Applicant’s employees or the employees of any subcontractor at any tier who perform services related to the City contract resulting from this RFP. Applicants and any subcontractors at any tier proposed by Applicants are strongly encouraged to consult Chapter 17-1300 of the Philadelphia Code,<sup>3</sup> the General Provisions, and the About/Minimum Wage and Equal Benefits Ordinances Impacting Some City Contractors links on the eContract Philly home page for further details concerning the applicability of this Chapter to, and obligations it imposes on certain City contractors and subcontractors at any tier. In addition to the enforcement provisions contained in Chapter 17-1300, the successful Applicant’s failure or the failure of any subcontractor at any tier to comply (absent an approved waiver) with the provisions of Chapter 17-1300, or any discrimination or retaliation by the successful Applicant or Applicant’s subcontractors at any tier against any of their employees on account of having claimed a violation of Chapter 17-1300, shall be a material breach of any Service Contract resulting from this RFP. By submitting a proposal in response to this RFP, Applicants acknowledge that they understand, and will comply with the requirements of Chapter 17-1300, and will require the compliance of their subcontractors at any tier if awarded a contract pursuant to this RFP. Applicants further acknowledge that they will notify any subcontractors at any tier proposed to perform services related to this RFP of the requirements of Chapter 17-1300.

#### **G. Certification of Compliance with Equal Benefits Ordinance**

If this RFP is a solicitation for a “Service Contract” as that term is defined in Philadelphia Code Section 17-1901(4) (“A contract for the furnishing of services to or for the City, except where services are incidental to the delivery of goods. The term does not include any contract with a governmental agency.”), and will result in a Service Contract in an amount in excess of \$250,000, pursuant to Chapter 17-1900 of the Philadelphia Code (*see* footnote 3 for online access to the Philadelphia Code), the successful Applicant shall, for any of its employees who reside in the City, or any of its employees who are non-residents subject to City wage tax under Philadelphia Code Section 19-1502(1)(b), be required to extend the same employment benefits the successful Applicant extends to spouses of its employees to life partners of such employees, absent a waiver by the City under Section 17-1904. By submission of their Proposals in response to this RFP, all Applicants so acknowledge and certify that, if awarded a Service Contract pursuant to this RFP, they will comply with the provisions of Chapter 17-1900 of the Philadelphia Code and will notify their employees of the employment benefits available to life partners pursuant to Chapter 17-1900. Following the award of a Service Contract subject to Chapter 17-1900 and prior to execution of the Service Contract by the City, the successful Applicant shall certify that its employees have received the required notification of the employment benefits available to life partners and that such employment benefits will actually be available, or that the successful Applicant does not provide employment benefits to the spouses of married employees. The successful Applicant’s failure to comply with the provisions of Chapter 17-1900 or any discrimination or retaliation by the successful

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<sup>3</sup> A link to the Philadelphia Code is available on the City’s official web site, [www.phila.gov](http://www.phila.gov). Click on “City Code and Charter,” located to the bottom right of the Welcome page under the box “Transparency.”

Applicant against any employee on account of having claimed a violation of Chapter 17-1900 shall be a material breach of the any Service Contract resulting from this RFP. Further information concerning the applicability of the Equal Benefits Ordinance, and the obligations it imposes on certain City contractors is contained in the General Provisions attached to this RFP and the About/Minimum Wage and Equal Benefits Ordinances Impacting Some City Contractors links on the eContract Philly home page.

## **H. Local Business Entity or Local Impact Certification**

Pursuant to Mayoral Executive Order No. 04 -12, the City Department will, in the selection of the successful Applicant, consider whether that Applicant has certified that either (1) Applicant meets the criteria stated in Section 17-109(3)(b) of the Philadelphia Code to qualify as a Local Business Entity or (2) in the performance of the resulting contract, Applicant will employ City residents, or perform the work in the City. Any Applicant who wishes to demonstrate its eligibility for this consideration shall do so by completing, executing and attaching to its application a completed Local Business Entity or Local Impact Certification, the form of which is attached to this RFP as Appendix D. The Applicant shall then also include in a separate section of the application, labeled “Local Business Entity or Local Impact Certification,” a statement that the Applicant believes it has met the Local Business Entity or Local Impact criteria “as set forth in the attached Local Business Entity or Local Impact Certification.” The City Department shall deem it a positive factor where the Applicant has, in the City’s sole discretion, met the Local Business Entity or Local Impact criteria.

## **I. Mandatory Online Application Requirements**

You must apply online in order to be eligible for award of the non-competitively bid contract opportunity described in this RFP; proposals and any other related documents prepared in response to this RFP will not be considered unless they are filed, within the prescribed time period, through eContract Philly, which can be accessed on the City’s website at [www.phila.gov/contracts](http://www.phila.gov/contracts) by clicking on eContract Philly.<sup>4</sup> The posting of this RFP on eContract Philly is also referred to as a Notice of Contracting Opportunity.

The City requires that any Applicant who establishes an account on eContract Philly and utilizes that account for the purpose of responding to a particular contract opportunity is the same individual or business entity that, if awarded the contract, will enter into and perform the resulting contract with the City. Except in the case of joint ventures, applications posted on eContract Philly from Applicants that purport to be filing an application on behalf of another individual or business entity will not be considered, even if the other business entity is an affiliate of the Applicant.

In the case of multiple business entities that if awarded a contract have formed, or intend to form a joint venture to perform the contract, a single business entity may file an application on behalf of all such business entities so long as (i) the filing business entity is or will be a member of the joint venture, (ii) the application is made in the name of the existing or proposed joint venture, (iii) documentation is submitted with the application identifying all business entities that comprise, or will comprise, the joint venture, and demonstrating a binding agreement among those business entities to perform the contract as the joint venture identified in the application (for a joint venture that has not yet been formed, documentation signed by each identified business entity evidencing a commitment to form the joint venture if awarded the contract is sufficient), and (iv) the non-filing business entities are eligible for award of a City contract and make the disclosures required by Chapter 17-1400 of the Philadelphia Code (described in greater detail below) within fourteen (14) days after the joint venture receives notice that it has been awarded the contract.

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<sup>4</sup> The eContract Philly website is compatible with Internet Explorer, Google Chrome and Apple Safari, but the site is not presently compatible with Mozilla Firefox.

Pursuant to Chapter 17-1400 of the Philadelphia Code, Applicants are required to disclose their campaign contributions to political candidates and incumbents who are running for, or currently serving in, a local (Philadelphia) or state-wide elected office anywhere within the Commonwealth of Pennsylvania (federal campaign contributions are not included); any consultants used in responding to the RFP and contributions those consultants have made; prospective subcontractors; and whether Applicant or any representative of Applicant has received any requests for money or other items of value or advice on particular firms to satisfy minority-, woman- or disabled-owned business participation goals from City employees. This information, as well as a proposal or any other response document required, is part of the online application. For more information, please consult the reference materials found on the website, e-mail [econtractphilly@phila.gov](mailto:econtractphilly@phila.gov) or call 215-686-4914.

Applicants are advised that under Chapter 17-1400 individuals and businesses that make campaign contributions in excess of the amounts set forth in Section 17-1404(1), as periodically adjusted, are ineligible to enter into a City contract or subcontract at any tier. Applicants should take this into consideration in electing to apply for this opportunity or in selecting subcontractors if awarded a contract to perform the work sought by this RFP.

At their option, Applicants may require that their subcontractors disclose to the Applicants, the subcontractors' campaign contributions to political candidates and incumbents who are running for, or currently serving in, a local (Philadelphia) or state-wide elected office anywhere within the Commonwealth of Pennsylvania (federal campaign contributions are not included). Disclosure forms may be found on the Disclosure/Eligibility – Subcontractor Disclosure tab on eContract Philly. Applicants are not required to submit these forms to the City.

**Applicants who have failed to file complete applications – including the online disclosure forms – through the eContract Philly online application process prior to the closing date and time will not be considered for the contract.**

You are encouraged to start and complete your online application on eContract Philly as early as possible. Please be aware that internet connection speed depends on a variety of factors including: configuration of your computer, configuration of your business or home network, the condition of the wiring at your location, network or internet congestion (available bandwidth). Please prepare and plan accordingly to ensure a timely submission. Your proposal and other application documents will not be considered submitted until you sign the application and click on the “submit” button at the conclusion of the eContract Philly process. It is your responsibility to make sure that you have signed and submitted your complete application to the correct contract opportunity established for this RFP.

You can begin uploading (or attaching) your proposal and other application materials at any time. It is especially prudent for you to start uploading your attachments earlier if you have a large number of attachments (e.g. over five documents) or larger-sized attachments (e.g. above 5 MB). Please be advised that the eContract Philly website will not accept documents larger than 8 MB. If you have documents larger than 8 MB, you must separate them into smaller documents in order to successfully upload them to the system. Until you sign and submit your application, your materials are not accessible to any staff with the City of Philadelphia. Once you have signed and submitted your application, your application is accessible only to appropriate contract staff within the City of Philadelphia.

You are advised that any individual who signs and submits an application on eContract Philly must be an authorized signatory of the Applicant, authorized to both bind the Applicant to its proposal and to make the disclosures required to complete the eContract Philly process. Therefore, in conjunction with their electronic signatures provided at the conclusion of the submission of their applications online, signatories

will be required to certify that they are the Applicant or are employees or officers of the Applicant duly authorized to execute the application and make disclosures on the Applicant's behalf; and they represent and covenant that, to the best of their knowledge after appropriate inquiry, all of the information and disclosures provided are true and contain no material misstatement or omissions.

## **J. Selection Process**

This RFP is not a competitive bid subject to the requirement of Section 8-200 of the Philadelphia Home Rule Charter that award be made to the lowest responsible bidder. Cost to the City is a material factor, but it is not the sole, or necessarily the determining factor, in proposal evaluation. The City may, at its sole discretion, award a contract resulting from this RFP to a person or entity other than the responsible Applicant submitting the lowest price. If the City chooses to award a contract, that contract will be awarded to the Applicant whose proposal the City determines, in its sole discretion, is the most advantageous to the City and in the City's best interest.

The City will base its selection on criteria that include, but are not limited to:

1. Superior ability or capacity to meet particular requirements of contract and needs of City Department and those it serves
2. Eligibility under Code provisions relating to campaign contributions
3. Superior prior experience of Applicant and staff
4. Superior quality, efficiency and fitness of proposed solution for City Department
5. Superior skill and reputation, including timeliness and demonstrable results
6. Special benefit to continuing services of incumbent, such as operational difficulties with transition or needs of population being served
7. Benefit of promoting long-term competitive development and allocation of experience to new or small businesses, including those owned by minority or disabled persons or by women
8. Lower cost
9. Administrative and operational efficiency, requiring less City oversight and administration
10. Anticipated long-term cost effectiveness
11. Meets prequalification requirements
12. Applicant's certification of its Local Business Entity/Local Impact status pursuant to Executive Order 04-12

If a contract is awarded pursuant to this RFP, in compliance with Section 17-1402 (c) of the Philadelphia Code, a notice will be published on the City's eContract Philly website (go to <http://www.phila.gov/contracts> and click on eContract Philly) listing the names of all Applicants and identifying the successful Applicant and the basis for the award to that Applicant. This notice will appear on the City's website for at least one week before the contract is executed. In no event, however, shall the City Department or City Agency issuing this RFP be obligated to debrief unsuccessful Applicants as to the basis for its decision not to award a contract to them.

## **K. Criminal Record Checks**

The Fair Criminal Record Screening Standards Ordinance became effective on April 13, 2011 and it applies to all City agencies and private businesses that employ 10 or more employees within the City of Philadelphia, including job placement and temporary employment agencies. The ordinance prohibits employers from inquiring into an applicant's criminal history with a written employment application; inquiring into an applicant's criminal history before or during the first interview; taking adverse action against an applicant because of past arrests or criminal accusations which did not result in convictions; inquiring into criminal records at all if the employer does not conduct interviews. Employers may

conduct criminal background checks but only after the applicant's initial interview, which may occur in person, or by telephone.

OHS requires Criminal Record Checks for all program staff and volunteers at facilities that serve single adults and/or families (adults with children) **prior to hire and at five (5) year intervals thereafter. The OHS Contract Unit will notify the selected Applicant when to submit the Criminal Record Checks.**

#### **L. Child Abuse History Clearances**

OHS requires Child Abuse Clearances **for all staff and volunteers at facilities serving families prior to hire and annually thereafter. The OHS Contract Unit will notify the selected Applicant when to submit their Child Abuse History Clearances.**

## IV. Proposal Administration

### A. Procurement Schedule

RFP Posted	March 24, 2017
Pre-Proposal Meeting (attendance is optional)	March 31, 2017
Applicant Questions Due	April 5, 2017
Answers Posted on eContract Philly Website	April 7, 2017
Proposals Due	April 21, 2017
Applicant Selection	TBD
Contract Execution	July 1, 2017
Commencement of Work	July 1, 2017

The above dates are estimates only and the City reserves the right, in its sole discretion, to change this schedule. Notice of changes in the pre-proposal meeting date/time or location, the due date for Applicant questions, and the date for proposal submission will be posted on the City's website at [www.phila.gov/contracts](http://www.phila.gov/contracts) (click on *eContract Philly*). The other dates/times listed may be changed without notice to prospective Applicants.

### B. Pre-Proposal Meeting

A pre-proposal meeting to review the requirements of this RFP will be held on (March 31, 2017). OHS staff members will be present to review the RFP and respond to questions about the proposed services. A representative from OEO will also be present to discuss OEO Participation Requirements and to respond to questions. Attendance at the pre-proposal meeting is optional.

### C. Questions Relating to the RFP

All questions concerning this RFP must be submitted in writing via email to Diana H. Rivera at [diana.h.rivera@phila.gov](mailto:diana.h.rivera@phila.gov) **no later than 5:00 PM (Philadelphia, PA Local Time, April 5, 2017)**, and will not be considered if not received by then. The City will respond to questions it considers appropriate to the RFP and of interest to all Applicants, but reserves the right, in its discretion, not to respond to any question. Responses will be posted by (date) on the City's website at [www.phila.gov/contracts](http://www.phila.gov/contracts) (click on *eContract Philly* and go to the Opportunity Details page for this notice of contracting opportunity). Responses posted on the City's website become part of the RFP upon posting. The City reserves the right, in its discretion, to revise responses to questions after posting, by posting the modified response. No oral response to any Applicant question by any City employee or agent shall be binding on the City or in any way considered to be a commitment by the City.

### D. Term of Contract

It is anticipated that the initial term of the Contract shall commence on 7/1/17 (the "Initial Term") and, unless sooner terminated by the City pursuant to the terms of the Contract, shall expire one year thereafter, on 6/30/18. The City may, at its sole option, amend the Contract to add up to three (3) additional successive one-year terms ("Additional Terms"). Except as may be stated otherwise in such amendment, the terms and conditions of this Contract shall apply throughout each Additional Term.

## **V. General Rules Governing RFPs/Proposals; Reservation of Rights, Confidentiality and Public Disclosure**

### **A. Revisions to RFP**

The City reserves the right to change, modify or revise the RFP at any time. Any revision to this RFP will be posted on eContract Philly with the original Opportunity Details. It is the Applicant's responsibility to check the eContract Philly website frequently to determine whether additional information has been released or requested.

### **B. City Employee Conflict Provision**

City of Philadelphia employees and officials are prohibited from submitting a proposal in response to this RFP. No proposal will be considered in which a City employee or official has a direct or indirect interest.

### **C. Proposal Binding**

By submitting its proposal, each Applicant agrees that it will be bound by the terms of its proposal for a minimum of 180 calendar days from the application deadline for this RFP. An Applicant's refusal to enter into a contract which reflects the terms and conditions of this RFP or the Applicant's proposal may, in the City's sole discretion, result in rejection of Applicant's proposal.

### **D. Contract Preparation Fee**

Pursuant to Chapter 17-700 of the Philadelphia Code, the successful Applicant must generally pay a contract preparation fee. Regulations promulgated by the City Solicitor currently establish the following schedule of fees for preparation of the initial contract and subsequent amendments, based upon the amounts involved:

<u>Amount of Contract or Amendment</u>	<u>For-Profit Fees</u>		<u>Non-Profit Fees</u>	
	<u>Contract</u>	<u>Amendment</u>	<u>Contract</u>	<u>Amendment</u>
\$0-\$30,000	\$50	\$50	\$50	\$50
\$30,001-\$100,000	\$200	\$170	\$100	\$85
\$100,001-\$500,000	\$500	\$340	\$200	\$170
\$500,001-\$1,000,000	\$900	\$520	\$300	\$260
Over \$1,000,000	\$1,500	\$1,000	\$500	\$500

In its discretion, the Law Department may grant a full or partial waiver of any of the above fees in exceptional cases for good cause shown, such as violation of a grant covenant. Governmental entities are exempt from the fees. The Law Department reserves the right to collect up to twice the stated fee if extensive negotiation is required to reach a final contract with the successful Applicant.

### **E. Reservation of Rights**

By submitting its response to this notice of contract opportunity as posted on the eContract Philly web site ("eContractPhilly"), the Applicant accepts and agrees to this Reservation of Rights. The term "notice of contract opportunity," as used herein, means this RFP and includes all information posted on eContract



Philly in relation to this “New Contract Opportunity” as published on eContract Philly, including, without limitation, the information posted for this opportunity on the “Detailed Information for Opportunity” page, in the eContractPhilly “Opportunity List,” and including in addition to this RFP, any other document linked to the Detailed Information for Opportunity Page or otherwise displayed on or linked to this notice of contract opportunity.

1. This Notice of Contract Opportunity

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to this notice of contract opportunity:

- (a) to reject any and all proposals and to reissue this notice of contract opportunity at any time prior to execution of a final contract;
- (b) to issue a new notice of contract opportunity with terms and conditions substantially different from those set forth in this or a previous notice of contract opportunity;
- (c) to issue a new notice of contract opportunity with terms and conditions that are the same or similar as those set forth in this or a previous notice of contract opportunity in order to obtain additional proposals or for any other reason the City determines to be in the City’s best interest;
- (d) to extend this notice of contract opportunity in order to allow for time to obtain additional proposals prior to the notice of contract opportunity application deadline or for any other reason the City determines to be in the City’s best interest;
- (e) to supplement, amend, substitute or otherwise modify this notice of contract opportunity at any time prior to issuing a notice of intent to contract to one or more Applicants;
- (f) to cancel this notice of contract opportunity at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued, with or without issuing, in the City’s sole discretion, a new notice of contract opportunity for the same or similar services;
- (g) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

2. Proposal Selection and Contract Negotiation

The City reserves and may, in its sole discretion, exercise any one or more of the following rights and options with respect to proposal selection:

- (a) to reject any proposal if the City, in its sole discretion, determines the proposal is incomplete, deviates from or is not responsive to the requirements of this notice of contract opportunity, does not comply with applicable law (including, without limitation, Chapter 17-1400 of the Philadelphia Code), is conditioned in any way, or contains ambiguities, alterations or items of work not called for by this notice of contract opportunity, or if the City determines it is otherwise in the best interest of the City to reject the proposal;
- (b) to reject any proposal if, in the City’s sole judgment, the Applicant has been delinquent or unfaithful in the performance of any contract with the City or with others; is delinquent, and has not made arrangements satisfactory to the City, with respect to the payment of City taxes or taxes collected by the City on behalf of the School District of Philadelphia, or other indebtedness owed to the City; is not in compliance with City regulatory codes applicable to Applicant; is financially or technically incapable; or is otherwise not a responsible Applicant;
- (c) to waive any defect or deficiency in any proposal, including, without limitation, those identified in subsections (a) and (b) preceding, if, in the City’s sole judgment, the defect or deficiency is not material to the proposal;
- (d) to require, permit or reject, in the City’s sole discretion, amendments (including, without limitation, information omitted), modifications, clarifying information, and/or corrections to their proposals by some or all of the Applicants at any time following proposal submission and before the execution of a final contract;

(e) to issue a notice of intent to contract and/or execute a contract for any or all of the items in any proposal, in whole or in part, as the City, in its sole discretion, determines to be in the City's best interest;

(f) to enter into negotiations with any one or more Applicants regarding price, scope of services, or any other term of their proposals, and such other contractual terms as the City may require, at any time prior to execution of a final contract, whether or not a notice of intent to contract has been issued to any Applicant and without reissuing this notice of contract opportunity;

(g) to enter into simultaneous, competitive negotiations with multiple Applicants or to negotiate with individual Applicants, either together or in sequence, and to permit or require, as a result of negotiations, the expansion or reduction of the scope of services or changes in any other terms of the submitted proposals, without informing other Applicants of the changes or affording them the opportunity to revise their proposals in light thereof, unless the City, in its sole discretion, determines that doing so is in the City's best interest;

(h) to discontinue negotiations with any Applicant at any time prior to the execution of a final contract, whether or not a notice of intent to contract has been issued to the Applicant, and to enter into negotiations with any other Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;

(i) to rescind, at any time prior to the execution of a final contract, any notice of intent to contract issued to an Applicant, and to issue or not issue a notice of intent to contract to the same or a different Applicant and enter into negotiations with that Applicant, if the City, in its sole discretion, determines it is in the best interest of the City to do so;

(j) to elect not to enter into any contract with any Applicant, whether or not a notice of Intent to Contract has been issued and with or without the reissuing this notice of contract opportunity, if the City determines that it is in the City's best interest to do so;

(k) to require any one or more Applicants to make one or more presentations to the City at the City's offices or other location as determined by the City, at the Applicant's sole cost and expense, addressing the Applicant's proposal and its ability to achieve the objectives of this notice of contract opportunity;

(l) to conduct on-site investigations of the facilities of any one or more Applicants (or the facilities where the Applicant performs its services);

(m) to inspect and otherwise investigate projects performed by the Applicant, whether or not referenced in the proposal, with or without consent of or notice to the Applicant;

(n) to conduct such investigations with respect to the financial, technical, and other qualifications of each Applicant as the City, in its sole discretion, deems necessary or appropriate; and,

(o) to do any of the foregoing without notice to Applicants or others, except such notice as the City, in its sole discretion, elects to post on eContractPhilly.

### 3. Miscellaneous

(a) Interpretation; Order of Precedence. In the event of conflict, inconsistency or variance between the terms of this Reservation of Rights and any term, condition or provision contained in any notice of contract opportunity, the terms of this Reservation of Rights shall govern.

(b) Headings. The headings used in this Reservation of Rights do not in any way define, limit, describe or amplify the provisions of this Reservation of Rights or the scope or intent of the provisions, and are not part of this Reservation of Rights.

## **F. Confidentiality and Public Disclosure**

The successful Applicant shall treat all information obtained from the City which is not generally available to the public as confidential and/or proprietary to the City. The successful Applicant shall exercise all reasonable precautions to prevent any information derived from such sources from being

disclosed to any other person. The successful Applicant agrees to indemnify and hold harmless the City, its officials and employees, from and against all liability, demands, claims, suits, losses, damages, causes of action, fines and judgments (including attorney's fees) resulting from any use or disclosure of such confidential and/or proprietary information by the successful Applicant or any person acquiring such information, directly or indirectly, from the successful Applicant.

By submission of a proposal, Applicants acknowledge and agree that the City, as a municipal corporation, is subject to state and local public disclosure laws and, as such, is legally obligated to disclose to the public documents, including proposals, to the extent required thereunder. Without limiting the foregoing sentence, the City's legal obligations shall not be limited or expanded in any way by an Applicant's assertion of confidentiality and/ or proprietary data.

**APPENDIX A**

**THE CITY OF PHILADELPHIA PROFESSIONAL SERVICES CONTRACT  
GENERAL PROVISIONS FOR THE OFFICE OF HOMELESS SERVICES**

**Appendix B**  
**CITY OF PHILADELPHIA**  
**OFFICE OF ECONOMIC OPPORTUNITY**  
**ANTIDISCRIMINATION POLICY- MINORITY, WOMAN AND DISABLED OWNED BUSINESS**  
**ENTERPRISES**  
**FORMS, INSTRUCTIONS AND SPECIAL CONTRACT PROVISIONS**  
**(NON-COMPETITIVELY BID CONTRACTS)**

Under the authority of Executive Order No. 03-12, the City of Philadelphia has established an antidiscrimination policy ("Policy") relating to the participation of Minority (MBE), Woman (WBE) and Disabled (DSBE) Owned Business Enterprises in City contracts. Executive Order 03-12 is administered by the City's Office of Economic Opportunity ("OEO").

The purpose of this Policy is to provide equal opportunity for all businesses and to assure that City funds are not used, directly or indirectly, to promote, reinforce or perpetuate discriminatory practices. The City is committed to fostering an environment in which all businesses are free to participate in business opportunities without the impediments of discrimination and participate in all City contracts on an equitable basis. In accordance with the contracting requirements of the City, the City's antidiscrimination policy is applicable to this Notice of Contracting Opportunity (hereinafter, "NOCO").<sup>1</sup>

The Office of Economic Opportunity has approved the following projected ranges of participation for this NOCO which serve as a guide in determining each applicant's responsibility:

**MBE Ranges - 9% - 12%**

**And**

**WBE Ranges - 8% - 11%**

These ranges represent the percentage of MBE, WBE and/or DSBE (collectively, "M/W/DSBE") participation that should be attained by M/W/DSBEs from business opportunities existing in the available market absent discrimination in the solicitation and selection of these businesses and through applicant's exercise of Best and Good Faith Efforts. Best and Good Faith Efforts are those efforts, the scope, intensity and appropriateness of which are taken to achieve meaningful and representative opportunities for participation by M/W/DSBEs. These ranges are derived from an analysis of factors such as the size and scope of the contract and the availability of certified M/W/DSBEs to perform various elements of the contract. The submission of a Solicitation For Participation and Commitment Form and any supporting documentation (more fully discussed below) is an element of responsiveness to the NOCO and failure to submit the required information will result in rejection of your proposal.

Applicant hereby verifies that all forms, information and documentation submitted to OEO are true and correct and is notified that the submission of false information by applicant is subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities which may include payment of a fine of at least \$1,000 and a term of imprisonment of not more than two years. Applicant also acknowledges that under 18 Pa.C.S. §4107.2 (a)(4) it is a felony in the third degree, punishable by a term of imprisonment of not more than seven years in addition to the payment of any fines or restitution, if, under any contract awarded pursuant to this NOCO, applicant fraudulently obtains public moneys reserved for or allocated or available to minority business enterprises or women's business enterprises.

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<sup>1</sup> The term "Notice of Contracting Opportunity," shortened to the acronym "NOCO," refers to the City's contract solicitation documents and information posted on eContract Philly. Generally, these documents take the form of a Request for Proposals (RFP), Request for Qualifications (RFQ) or Request for Expression of Interest (RFI) and include any other document or information (for example, exhibits, appendices) related to the posting of the new contract opportunity.

## A. M/W/DSBE PARTICIPATION

1. Only firms that are certified by an approved certifying agency<sup>2</sup> and identified in the OEO Certification Registry by the time of contract award will be credited toward the participation ranges on City contracts. An OEO Certification Registry is maintained by the OEO and is available online at [www.phila.gov/OEO/directory](http://www.phila.gov/OEO/directory). Firms owned and controlled by minority persons, women or disabled persons, which are certified as MBE, WBE, DSBE or DBE by an approved certifying agency may apply to the OEO for listing in its OEO Certification Registry.

2. No applicant that seeks to meet the participation range(s) for participation by entering into a subcontract with any M/W/DSBE participant shall be considered to meet the range(s) if the M/W/DSBE participant does not perform a commercially useful function ("CUF"). An M/W/DSBE performs a Commercially Useful Function when it performs a distinct element of a City Contract (as required by the services to be performed in accordance with the NOCO) which is worthy of the dollar amount of the M/W/DSBE Subcontract and the M/W/DSBE carries out its responsibilities by managing and supervising the services involved and actually self-performing at least twenty percent (20%) of the services of the Subcontract with its own employees. For suppliers, an M/W/DSBE performs a Commercially Useful Function when it is responsible for sourcing the material, negotiating price, determining quality and quantity, ordering the material and paying for it from its own funds. Commercial usefulness will be evaluated and determined by the OEO on a proposal by proposal basis as informed by prevailing industry standards and the M/W/DSBE's NAIC codes. Participation that is not commercially useful will not be counted.

3. In order to maximize opportunities for as many businesses as possible, a firm that is certified in two or more categories (e.g. MBE and WBE and DSBE or WBE and DSBE) will only be credited toward one participation range as either an MBE or WBE or DSBE. The firm will not be credited toward more than one category. Applicants will note with their submission which category, MBE or WBE or DSBE, is submitted for credit.

4. An MBE/WBE/DSBE submitting as the prime applicant is required, like all other applicants, to submit a proposal that is responsive to the Policy. The M/W/DSBE Applicant will receive credit towards the participation range for its certification category (e.g., MBE range or WBE range or DSBE range). In addition, the participation of an M/W/DSBE partner, as part of a joint venture created for this contract, may be credited towards the participation ranges only to the extent of the M/W/DSBE partner's ownership interest in the joint venture in accordance with the following criteria:

- The MBE, WBE or DSBE partner(s) must be identified in the OEO Registry prior to contract award;
- The M/W/DSBE partner(s) must derive substantial benefit from the arrangement;
- The M/W/DSBE partner(s) must be substantially involved in all phases of the contract including planning, staffing and daily management;
- The business arrangement must be customary (i.e., each partner shares in the risk and profits of the joint venture commensurate with their ownership interest, contributes working capital and other resources, etc).

4. M/W/DSBE Subcontractors must perform at least twenty percent (20%) of the total amount of work to be performed under the Subcontract with their own employees.

5. In listing participation commitments on the Solicitation for Participation and Commitment Form, applicants are required to list a detailed description of the services or supply effort, the dollar amount of the quotation, and percentage of the contract the participation represents. In calculating the percentage amount, applicants may apply the standard mathematical rules in rounding off numbers.

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<sup>2</sup> Approved certifying agencies are identified on the OEO webpage found at [www.phila.gov/OEO](http://www.phila.gov/OEO). Applicant is strongly encouraged to search the Pennsylvania Unified Certification Program ("PaUCP") Directory which offers a robust listing of DBEs; the PaUCP Directory is found at [www.paucp.com](http://www.paucp.com).

The OEO reserves the right to request clarifying information from applicants in the event of an inconsistency or ambiguity in the Solicitation For Participation and Commitment Form.

## **B. RESPONSIVENESS**

1. A proposal responsive to the Policy is one which contains documentary evidence of the M/W/DSBEs that have been solicited and that will be used by the applicant on the contract, if awarded; where the proposal satisfies the M/W/DSBE participation ranges for that contract, the applicant is rebuttably presumed not to have discriminated in its selection of contract participants.

2. Applicants must submit documentary evidence of MBE, WBE and DSBEs who have been solicited and with whom commitments have been made in response to each of the participation ranges included in this NOCO. Failure to submit the Solicitation For Participation and Commitment Form will result in the rejection of the proposal as nonresponsive, although the City, at its sole discretion, may allow applicants to submit or amend the Solicitation For Participation and Commitment Form at any time prior to award. The Solicitation For Participation and Commitment Form must contain the following information:

- Documentation of all solicitations (regardless of whether commitments resulted therefrom) as well as all commitments made on the enclosed document entitled "Solicitation For Participation and Commitment Form". Applicants should only make actual solicitations of M/W/DSBEs whose services or materials are within the scope of this NOCO. Mass mailing of a general nature to M/W/DSBEs or similar methods will not be deemed solicitation, but rather will be treated as informational notification only. A reasonable period of time should be given to all solicited firms to ensure that they have sufficient time to adequately prepare their quotes/subproposals. The applicant's listing of a commitment with an M/W/DSBE constitutes a representation that the applicant has made a legally binding commitment to contract with such firm, upon receipt of a contract award from the City ("Contract Commitment").

- If the applicant has entered into a joint venture with an MBE, WBE and/or DSBE partner, the applicant is also required to submit along with the Solicitation For Participation and Commitment Form, a document entitled "Joint Venture Eligibility Information Form," available at OEO, for the City's review and approval of the joint venture arrangement.

3. If Applicant does not fully meet each of the range(s) for participation established for this NOCO, applicant must demonstrate that it exercised Best and Good Faith Efforts to achieve the M/W/DSBE participation ranges along with a written request, on its letterhead, for the reduction of part or all of the M/W/DSBE participation ranges ("Request For Reduction/Waiver"). Applicant, through the submission of documentary evidence must show that applicant took all necessary steps and made reasonable efforts to achieve the M/W/DSBE participation ranges, even if these efforts were not fully successful. OEO will evaluate the scope, intensity and appropriateness of these efforts to ascertain whether they could reasonably be expected to achieve M/W/DSBE participation commensurate with the ranges. Failure to submit the documentary evidence will result in rejection of the proposal as nonresponsive; the City, at its sole discretion, may allow applicants to submit or amend their submission at any time prior to award which may result in revision to Applicant's participation commitments. The submission shall contain and discuss, at a minimum, the following:

- Reasons for not committing with any MBE/WBE/DSBEs that submitted a quote/subproposal, regardless of whether the quote/subproposal was solicited by applicant.

- Any additional evidence pertinent to applicant's conduct relating to this NOCO including sufficient evidence which demonstrates to the OEO that applicant has not engaged in discriminatory practices in the solicitation of and commitment with contract participants. In describing applicant's efforts to achieve participation within the ranges, applicant may submit any corroborating documentation (e.g., copies of advertisements for participation).

The applicant's documentary evidence will be reviewed by the OEO to determine whether applicant exercised Best and Good Faith Efforts in response to the participation ranges. Applicant's expressed desire to self-perform services with its own employees will not excuse applicant from exercising Best and

Good Faith Efforts to include M/W/DSBEs in its proposal and cannot be used as a basis for requesting a reduction or waiver of the participation ranges. OEO's review will include consideration of the following:

- Applicant's contracting activities and business practices on similar public and private sector contracts. For example, if applicant rejects any M/W/DSBE based on price, applicant must fully document its reasons for the rejection and also demonstrate that applicant subjects non-M/W/DSBEs to the same pricing standards. OEO will investigate whether there was any attempt at good faith negotiation of price.

- Whether M/W/DSBEs were treated as equally as other businesses in the solicitation and commitment process. For example, the OEO will investigate whether M/W/DSBEs are given the same information, access to the plans and requirements of the contract and given adequate amount of time to prepare a quote/subproposal as others who were solicited by applicant. The OEO will also investigate whether M/W/DSBEs were accorded the same level of outreach as non-M/W/DSBEs, for example whether applicant short listed M/W/DSBEs for participation or solicited M/W/DSBEs at any pre-proposal meetings.

- Whether the applicant's contracting decisions were based upon policies which disparately affect M/W/DSBEs. OEO will ascertain whether applicant selected portions of work or material needs consistent with the capacity of available M/W/DSBE subcontractors and suppliers. OEO will consider whether applicant employed policies which facilitate the participation of M/W/DSBEs on City contracts such as segmentation of the contract or prompt payment practices.

4. After review of the applicant's submission and other information the OEO deems relevant to its evaluation, the OEO will make a written determination that will be forwarded to the awarding City Department.

- If the proposal is determined nonresponsive by the OEO, the applicant will be notified and may file a written appeal with the Executive Director of OEO within forty-eight (48) hours of the date of notification; the decision of the Executive Director of OEO shall be final.

### **C. RESPONSIBILITY**

1. Upon award, the completed Solicitation For Participation and Commitment Form and accompanying documents regarding solicitation and commitments with MBEs, WBEs and DSBEs become part of the contract and the successful applicant is required to enter into legally binding agreement(s) ("M/W/DSBE Subcontract(s)") with its M/W/DSBE participants for the services and in the dollar amount(s) and percentage(s) as so committed (the "Contract Commitment(s)"). M/W/DSBE percentage commitments are to be maintained throughout the term of the contract and shall apply to the total contract value (including amendments). Any change in commitment, including but not limited to, substitutions for the listed firm(s), changes or reductions in the work and/or listed dollar/percentage amounts, must be pre-approved in writing by the OEO.

2. Unless otherwise specified in the M/W/DSBE Subcontract, the successful applicant shall, within five (5) business days after receipt of a payment from the City for services performed under the contract, deliver to its M/W/DSBE participants, their proportionate share of such payment for services performed (including the supply of materials). In connection with the payment of its M/W/DSBE participants, the successful applicant agrees to fully comply with the City's payment reporting process which may include the use of electronic payment verification systems.

3. No privity of contract exists between the City and any M/W/DSBE participant identified in any contract resulting from this NOCO. The City does not intend to give or confer upon any such M/W/DSBE participant(s) any legal rights or remedies in connection with the subcontracted services pursuant to Executive Order 03-12 or by reason of any contract resulting from the NOCO except such rights or remedies that the M/W/DSBE subcontractor may seek as a private cause of action under any legally binding contract to which it may be a party.

4. If the OEO determines that the applicant has discriminated against a M/W/DSBE at any time during the term of the contract, the OEO may recommend to the Director of Finance the imposition of sanctions on



the applicant including debarment of the applicant from submitting and/or participating in future City contracts for a period of up to three (3) years.

#### **D. ACCESS TO INFORMATION**

1. The OEO shall have the right to make site visits to the applicant's place of business and/or job site and obtain documents and information from any applicant, subcontractor, supplier, manufacturer or contract participant that may be required in order to ascertain applicant's responsiveness and responsibility.

2. Failure to cooperate with the OEO in its review may result in a recommendation to terminate the contract.

#### **E. RECORDS AND REPORTS**

1. The successful applicant shall maintain all books and records relating to its M/W/DSBE commitments (e.g. copies of quotations, subcontracts, joint venture agreement, correspondence, cancelled checks, invoices, telephone logs) for a period of at least three (3) years following acceptance of final payment from the City. These records shall be made available for inspection by the OEO and/or other appropriate City officials. The successful applicant agrees to submit reports and other documentation to the OEO as deemed necessary by the OEO to ascertain the successful applicant's fulfillment of its M/W/DSBE commitments.

#### **F. REMEDIES**

1. The successful applicant's compliance with the requirements of Executive Order 03-12 is material to the contract. In the event the City determines that the successful applicant has failed to comply with any of the requirements of this Antidiscrimination Policy, including substantial compliance with any Contract Commitment, the City may, in addition to any other rights and remedies it may have under the Contract which includes termination of the Contract, exercise one or more of the following remedies which shall be deemed cumulative and concurrent:

- Debar successful applicant from proposing on and/or participating in any future contracts for a maximum period of three (3) years.
- Withhold from the contract payment(s) or any part thereof until corrective action is taken. If corrective action is not taken to the satisfaction of OEO, the City may, without institution of a lawsuit, deduct money in an amount equal to the M/W/DSBE shortfall which amount shall be collected and considered not as a penalty but as liquidated damages for the successful applicant's failure to comply with the contract.

The remedies enumerated above are for the sole benefit of the City and City's failure to enforce any provision or the City's indulgence of any non-compliance with any provision hereunder, shall not operate as a waiver of any of the City's rights in connection with any contract resulting from this NOCO nor shall it give rise to actions by any third parties including identified M/W/DSBE participants.

Should you have any questions related to the Contract Provisions, please call Mario Crestani, OEO at (215) 683-2068 or facsimile (215) 683-2085.

**ANTIDISCRIMINATION POLICY SOLICITATION FOR PARTICIPATION AND COMMITMENT FORM**  
*Minority (MBE), Woman (WBE), Disabled (DSBE) and Disadvantaged (DBE) Business Enterprises<sup>1</sup>*

**DEPARTMENT OF COMMERCE**  
**OFFICE OF ECONOMIC OPPORTUNITY (OEO)**

**Bid Number or Proposal Title:** **Name of Bidder/Proposer:** **Bid/RFP Opening Date:**  
**Food Service at Riverview Home**

List below ALL MBE/WBE/DBE/DSBEs that were solicited regardless of whether a commitment resulted therefrom. - Photocopy this form as necessary.

<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		<b>Work or Supply Effort to be Performed</b>	<b>Date Solicited</b>		<b>Commitment Made</b>		<b>Give Reason(s) If No Commitment</b>
Company Name			By Phone	By Mail	Yes (If Yes, give date)	NO	
Address							
Contact Person							
Telephone Number			<b>Quote Received</b>		<b>Amount Committed To</b>		
Fax Number			YES <sup>2</sup>	NO	Dollar Amount		
Email Address					\$		
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP			
				%			
<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		<b>Work or Supply Effort to be Performed</b>	<b>Date Solicited</b>		<b>Commitment Made</b>		<b>Give Reason(s) If No Commitment</b>
Company Name			By Phone	By Mail	Yes (If Yes, give date)	NO	
Address							
Contact Person							
Telephone Number			<b>Quote Received</b>		<b>Amount Committed To</b>		
Fax Number			YES <sup>2</sup>	NO	Dollar Amount		
Email Address					\$		
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP			
				%			
<input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> DSBE <input type="checkbox"/> M-DBE <input type="checkbox"/> W-DBE		<b>Work or Supply Effort to be Performed</b>	<b>Date Solicited</b>		<b>Commitment Made</b>		<b>Give Reason(s) If No Commitment</b>
Company Name			By Phone	By Mail	Yes (If Yes, give date)	NO	
Address							
Contact Person							
Telephone Number			<b>Quote Received</b>		<b>Amount Committed To</b>		
Fax Number			YES <sup>2</sup>	NO	Dollar Amount		
Email Address					\$		
OEO REGISTRY #	CERTIFYING AGENCY			Percent of Total Bid/RFP			
				%			

1. IF BIDDER/PROPOSER MAKES SOLICITATION(S) AND COMMITMENTS WITH A DBE, BIDDER/PROPOSER SHALL INDICATE WHICH CLASS TYPE, M-DBE OR W-DBE, IS SUBMITTED FOR CREDIT. 2. ATTACH ALL QUOTATIONS TO THIS FORM. 09/2010

## APPENDIX B-2

### **SPECIAL ANTIDISCRIMINATION CONTRACT PROVISIONS, INSTRUCTIONS AND FORMS FOR APPLICANTS THAT ARE NONPROFIT ORGANIZATIONS**

In response to the objectives of Executive Order 03-12, Applicants that are nonprofit organizations will be required to submit the following information to the Office of Economic Opportunity (OEO):

1. identification of the race, gender, disability status, and ethnic composition of the nonprofit Applicant's workforce;
2. identification of the race, gender, disability status, and ethnic composition of the nonprofit Applicant's board of directors or trustees;
3. a list of the nonprofit Applicant's five highest dollar value M/W/DSBE suppliers of products and services; and
4. the nonprofit Applicant's statement explaining its efforts to maintain a diverse workforce, a diverse board of directors and operate a fair and effective supplier diversity program.

Please use the attached form, "Diversity Report of Nonprofit Organizations," to submit this information, attaching additional pages as needed. This information should be submitted with the Applicant's proposal, but the City, at its sole discretion, may allow applicants to submit or amend this form at any time prior to award.

If a nonprofit organization is responding to a contract opportunity where ranges have been established for M/W/DSBE participation, in addition to the "Diversity Report of Nonprofit Organizations" form, a nonprofit Applicant must also complete and submit with its proposal the "Solicitation for Participation and Commitment" form included in this Appendix.

**APPENDIX B-2  
City of Philadelphia – Office of Economic Opportunity  
Diversity Report of Nonprofit Organizations**

1 DEMOGRAPHIC BREAKDOWN OF WORKFORCE							
Please provide the following demographic breakdown of your workforce by race/ethnicity/gender/ disability:		<b>#</b>	<b>%</b>			<b>#</b>	<b>%</b>
African American				Males			
Asian/Pacific Islander				Females			
Caucasian							
Disabled							
Hispanic							
Native American							
Other							
Total Number of Employees							
2 DEMOGRAPHIC BREAKDOWN OF BOARD COMPOSITION							
Please provide the following demographic breakdown of your Board of Directors or Trustees by race/ethnicity/gender/disability:		<b>#</b>	<b>%</b>			<b>#</b>	<b>%</b>
African American				Males			
Asian/Pacific Islander				Females			
Caucasian							
Disabled							
Hispanic							
Native American							
Other							
Total Number of Directors or Trustees							
3 SUPPLIER DIVERSITY							
Please check the appropriate box to indicate if you have a supplier diversity policy. If “no,” please explain on your letterhead.						Yes	No
If you maintain a supplier diversity policy, please attach a copy of your supplier diversity policy.							
Please identify below, your agency’s five (5) highest minority, woman, and/or disabled owned business suppliers of products or services, indicating your estimated annual expenditure(s) with the firm:							
	Company Name	Company Address	Company Telephone	Minority	Woman	Disabled	Annual Expenditures
1							
2							
3							
4							
5							
Signature:		Date:		Non-Profit Name:			

**APPENDIX C**

**CITY OF PHILADELPHIA TAX AND REGULATORY  
STATUS AND CLEARANCE STATEMENT  
FOR APPLICANTS**

**THIS IS A CONFIDENTIAL TAX DOCUMENT NOT FOR PUBLIC DISCLOSURE**

This form must be completed and returned with Applicant’s proposal in order for Applicant to be eligible for award of a contract with the City. Failure to return this form will disqualify Applicant’s proposal from further consideration by the contracting department. Please provide the information requested in the table, check the appropriate certification option and sign below:

Applicant Name	
Contact Name and Title	
Street Address	
City, State, Zip Code	
Phone Number	
Federal Employer Identification Number or Social Security Number:	
Philadelphia Business Income and Receipts Tax Account Number (f/k/a Business Privilege Tax) (if none, state “none”)*	
Commercial Activity License Number (f/k/a Business Privilege License) (if none, state “none”)*	

\_\_\_\_ I certify that the Applicant named above has all required licenses and permits and is current, or has made satisfactory arrangements with the City to become current with respect to the payment of City taxes or other indebtedness owed to the City (including, but not limited to, taxes collected by the City on behalf of the School District of Philadelphia), and is not in violation, or has made satisfactory arrangements to cure any violation, or other regulatory provisions applicable to Applicant contained in the Philadelphia Code.

\_\_\_\_ I certify that the Applicant named above does not currently do business, or otherwise have an economic presence in Philadelphia. If Applicant is awarded a contract with the City, it promptly will take all steps necessary to bring it into compliance with the City’s tax and other regulatory requirements.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

\* You can apply for a City of Philadelphia Business Income and Receipts Tax Account Number or a Commercial Activity License on line after you have registered your business on the City’s Business Services website located at <http://business.phila.gov/Pages/Home.aspx>. Click on “Register” or “Register Now” to register your business.

**APPENDIX D**

**LOCAL BUSINESS ENTITY OR LOCAL IMPACT CERTIFICATION**

Instructions: Applicants who seek as a positive factor in the City’s consideration of their application that they meet the Local Business Entity or Local Impact criteria as provided in Mayoral Executive Order No. 04-12 should complete this Certification and return it with their application. Applicants providing this Certification should also include in a separate section of their application labeled “Local Business Entity or Local Impact Certification,” a statement that the Applicant believes it has met the Local Business Entity or Local Impact criteria “as set forth in the attached Local Business Entity or Local Impact Certification.” Check all appropriate certification options that are applicable to Applicant and sign below:

**Applicant Name:** \_\_\_\_\_

**Local Business Entity Certification**

\_\_\_ I certify that the Applicant named above is a Local Business Entity because Applicant complies with the following criteria set forth in Section 17-109(3) (b) of the Philadelphia Code:

I. During the preceding 12 months, Applicant has filed a Commercial Activity or Business Privilege tax return with the City establishing that Applicant conducted business within the City within the calendar year preceding the filing of the return; and

II. During the preceding 18 months, Applicant:

A. Has continuously maintained a valid Commercial Activity or Business Privilege License and all other licenses and permits necessary to conduct business with the City;

B. Has continuously occupied an office within the City, where business is conducted; and

C. Satisfies at least one of the following requirements (*Check those applicable to Applicant*):

\_\_\_ (1) More than half of Applicant’s full-time employees work in the City at least 60% of the time;

\_\_\_ (2) More than 50 of Applicant’s full-time employees work in the City at least 60% of the time; or

\_\_\_ (3) Applicant’s principal place of business is located in the City.

**Local Impact Certification**

\_\_\_ I certify that in the performance of a contract resulting from this RFP, the Applicant named above will employ City residents.

\_\_\_ I certify that in the performance of a contract resulting from this RFP, the Applicant will perform the work in the City.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title