

SEPTEMBER 9, 2021



REQUEST FOR PROPOSALS (RFP) PUR 21-016
HOUSING ELEMENT AND HOUSING ACTION PLAN

PROPOSALS WILL BE RECEIVED UNTIL THE HOUR OF 2:00 PM, THURSDAY,
OCTOBER 07, 2021 IN THE OFFICE OF THE CITY CLERK, FIRST FLOOR, CITY HALL,
425 NORTH EL DORADO STREET, STOCKTON, CALIFORNIA 95202-1997

REQUEST FOR PROPOSALS (RFP)
HOUSING ELEMENT AND HOUSING ACTION PLAN

Dates and Times are Subject to Change

RFP INFORMATION	
PUR-21-016	
Contact	Jeff Molloy
Email Address	stocktonbids@stocktonca.gov
Pre-Submittal Meeting Optional	Wednesday, September 22, 2021 11:00 a.m. Microsoft Teams Please RSVP
MANDATORY/OPTIONAL SITE TOUR	N/A
RFP Submittal Mailing, Delivery Address and Electronic Mail	Office of the City Clerk 425 North El Dorado Street, First Floor Stockton, CA, 95202-1997 city.clerk@stocktonca.gov (if applicable)
Due Date for Questions and Clarifications	THURSDAY, SEPTEMBER 23, 2021
Due Date for Response to Questions/Clarifications	THURSDAY, SEPTEMBER 30, 2021
RFP Submittal Due Date & Time	THURSDAY, OCTOBER 07, 2021 2:00 P.M.
Short-List Interviews (if applicable)	N/A

NOTICE INVITING PROPOSALS

NOTICE IS HEREBY GIVEN that sealed proposals will be received no later than **Thursday, OCTOBER 07, 2021 at 2:00 pm (local time)** by the City of Stockton, California for a HOUSING ELEMENT AND HOUSING ACTION PLAN – PUR 21-016 in strict accordance with the specifications.

The City of Stockton, hereinafter referred to as the “City”, is requesting proposals (RFP) from firms or individuals, hereinafter referred to as “Proponent,” to provide consulting services to the City. The City is undertaking a multi-part Housing Action Plan, consisting of background research, analysis, outreach, and three major report deliverables: 1) land inventory for suitable and desired housing sites, 2) the Housing Action Plan, and 3) the 2023-2031 Housing Element Update and Housing Element certification by HCD prior to December 15, 2023.

Each sealed proposal shall be marked "PROPOSAL" and shall indicate the project name, number, and proposal opening date, and shall be mailed or delivered to the address below at or before the hour stated. Each Proponent must be licensed in accordance with applicable California State Law.

Proposal forms and specifications are available on the City’s website at www.stocktonca.gov/adminbid. Sealed proposals must be delivered to the Office of the City Clerk, City Hall, 425 North El Dorado Street, Stockton, CA 95202 unless electronic mail delivery to city.clerk@stocktonca.gov is applicable. Proponents will only be identified as responding to the RFP; no proposals will be opened or read aloud.

The City reserves the right to reject any/or all proposals received and re-advertise.

For questions about this project, please contact Jeff Molloy at stocktonbids@stocktonca.gov or (209) 937-8352.

ELIZA GARZA, CMC, CITY CLERK
CITY OF STOCKTON

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1.0 BACKGROUND/SUMMARY

The City of Stockton, hereinafter referred to as the “City”, is requesting proposals (RFP) from firms or individuals, hereinafter referred to as “Proponent,” to provide consulting services to the City. The City is undertaking a multi-part Housing Action Plan, consisting of background research, analysis, outreach, and three major report deliverables: 1) land inventory for suitable and desired housing sites, 2) the Housing Action Plan, and 3) the 2023-2031 Housing Element Update. Though the deliverables will result in two separate reports (the Housing Action Plan and the Housing Element, to include the land inventory), the base data, existing conditions research, community outreach, and analysis conducted through this effort will contribute to both reports, providing an opportunity to group these deliverables into one effort, resulting in fiscal efficiencies.

2.0 SCOPE OF SERVICES

Proponent shall conduct land inventory research, site inventory, draft and final RHNA land inventory, identify priority housing sites, and provide a priority site list.

2.1 TASK 1: Land Inventory

- 2.1.1 Background/Research – This will start with the existing site inventory from the 2015-2023 Housing Element and lead to identification of additional sites that can be developed for housing within the 2023-2031 planning period.
- 2.1.2 Regional Housing Needs Allocation (RHNA) Inventory Analysis - This is the citywide housing capacity analysis mandated by State Housing Law and quantifies the need for housing, broken out by income level, within the city during the Housing Element 2023-2031 planning period.
- 2.1.3 Draft RHNA land inventory
- 2.1.4 Conduct stakeholder outreach
- 2.1.5 Prepare final RHNA inventory
- 2.1.6 Housing Priority Site Analysis - Developed from the RHNA housing capacity analysis and identifies priority housing sites that encourage catalytic projects. Specified catalytic sites shall outline ownership approval, available partnerships, and City resources for sites deemed a priority.
- 2.1.7 Identify housing priority sites from RHNA inventory analysis.
- 2.1.8 Partner with owners of housing priority sites and identify partnerships. Identify housing priority site owners and identify potential partnerships.
- 2.1.9 Provide final housing priority site list – identifying sites by level of priority and feasibility of development.

2.2 TASK 2: Housing Action Plan

The Housing Action Plan “toolkit” shall encompass existing housing plans and policy objectives to increase overall housing production in the City of Stockton. The toolkit would assess and define housing needs by type (emergency, supportive, permanent) and by income level (very-low, low, moderate, and above-moderate income). The Housing Action Plan toolkit shall identify areas that allow each housing type, identify priority housing sites for catalytic projects, and a possible list of housing partnerships and funding, and site-specific and regional market analysis. The City desires that the toolkit serves as an overarching strategy document to implement housing policies, improve existing policies, develop and implement new policies pertaining to increased housing production, housing standards, best practices, and means to administer the programs and efforts within a set timeframe. The toolkit should be written to be read and understood by the broad public, City staff, elected and appointed officials, local community-based organizations, housing developers, and regional partners.

The proponent shall accomplish the following:

2.2.1 Existing Inventory & Assessment

- 2.2.1.1 Review Plans, Reports, Studies, other relevant documentation.
- 2.2.1.2 Review gaps in policy recommendations.
- 2.2.1.3 Prepare an overview of existing plans and major takeaways for implementation tools.
- 2.2.1.4 Review and prepare overview of barriers to housing production (incl. Housing Element, document review, developer interviews, etc.).
- 2.2.1.5 Inventory of specialty tools/incentives: TDRs, TIF/EIFD, Land Trusts, PPPs, etc.
- 2.2.1.6 Review and prepare overview of existing incentives for housing production.
- 2.2.1.7 Conduct Interviews: for-profit developers, non-profit housing developers, landholders, social service agencies, CBOs, and relevant stakeholders.

2.2.2 Draft Housing Action Plan

- 2.2.2.1 Review and provide existing Context + Baseline Market Conditions and Demographics.
- 2.2.2.2 Include various Types/Tiers of Housing, including specialty (e.g., Affordable, TOD, Missing Middle, etc.).
- 2.2.2.3 Include and identify Case Studies, Pro Formas, and Preplanning activities for catalyst sites.
- 2.2.2.4 Define housing “Priority Areas” that correspond to incentives and partnerships. As referenced in Task one (1), Land Inventory.

2.2.3 Final Housing Action Plan

2.2.4 Refinement of Draft Housing Action Plan (see 2.2.2 above).

2.2.5 Create Action Steps/Implementation Matrix (includes categorization/ranking of priority tools and strategies for the City to pursue; also includes roles and responsibilities).

2.2.6 Recommend Financing Mechanisms: traditional + creative (short vs. long term).

2.2.7 **Optional Services:** The proponent is encouraged to explore additional tasks that may assist in creating and implementing the action plan. These items may include but are not limited to the following:

2.2.8 Infrastructure Analysis for “Priority Areas” (used for future funding discussions).

2.2.9 Anti-Displacement Strategies.

2.2.10 Document feedback (creation of TAC, workshops, etc.).

2.2.11 Additional community engagement (builds on engagement from existing documents).

2.2.12 Development portal (website information and metrics)

2.2.13 Case studies and Best Practices Research.

2.2.14 Assist staff in preparing code amendments identifying areas of improvement in current local housing regulations (i.e., zoning code, updated housing policy or fees).

2.3 TASK 3: 2023- 2031 Housing Element Update

The City is preparing to update its Housing Element for the 2023-2031 planning period, as mandated by State Housing Law. The current Stockton Housing Element was certified by the State Department of Housing and Community Development (HCD) in 2016 and shall serve as a foundation for updating the Housing Element. The proponent shall evaluate: 1) the effectiveness of existing housing programs, goals, and policies; 2) the baseline for production of housing units at all income categories; 3) identification of housing characteristics; 4) update the Regional Housing Needs Allocation (RHNA); 5) analysis of special housing needs; 6) the identification of new State Housing Law and program requirements; 7) compliance with recently adopted legislation related to housing; 8) and current General Plan policies to determine compliance with newly adopted legislation. In addition to the Housing Element Update, the City wants to address SB 379, which requires all cities to include climate adaptation and resiliency strategies in the Safety Element of the General Plan in conjunction with the following Housing Element update. The consultant shall achieve certification of the Housing Element by HCD no later than December 15, 2023.

The proponent shall accomplish the following tasks:

2.3.1 Project Schedule

Develop a timeline with milestones for the review and certification of the Housing Element by HCD no later than December 15, 2023. The project schedule shall include a detailed explanation of all stages of the project, including but not limited to:

- i. Kick off meeting with staff to refine the scope of services.
- ii. Identification of major milestones, meetings, and work products.
- iii. Public outreach, Planning Commission, City Council meetings, and workshops.
- iv. Provide analysis and findings during assessment and development of the RHNA and Housing Element Update.
- v. Respond to HCD review and City staff review times.
- vi. Deliver draft and final draft Housing Element.
- vii. Provide revisions to the Safety Element.
- viii. Public hearings (Planning Commission and City Council).
- ix. CEQA compliance document.

2.3.2 Existing Conditions and Needs

- i. Review City's current Housing Element, General Plan and other supporting materials as needed to gain insight and understanding of Stockton's housing progress and priorities.
- ii. Evaluate results from previous housing programs and policies implemented and their effectiveness.
- iii. Assess the feasibility of the City's use of HCD's new streamlined update process, according to HCD's Housing Element Update Guidance document.

2.3.3 Regional Housing Needs Allocation Assessment (RHNA)

- i. Completed as part of Task 1, Land Inventory.

2.3.4 Assessment of Housing Needs

- i. Prepare an updated assessment of housing needs in Stockton and an inventory of resources and constraints relative to meeting those needs;
- ii. Incorporate the Regional Housing Needs Allocation Assessment (RHNA) figures as provided by the San Joaquin Area Council of Governments (SJCOG) and current demographic data from the 2020 Census.

2.3.5 Preparation of Draft Housing Element

A Draft Housing Element shall be prepared in compliance with all applicable state and federal laws, including all tables, maps, etc., and shall include the following:

- i. Updated housing, population, demographic, and employment data to coincide with recent San Joaquin Area Council of Government's growth projections and 2020 Census;
- ii. Assess current housing market conditions and immediate needs within the City, including special housing needs;
- iii. Identification of actual and potential constraints on the maintenance, improvement, and development of housing for all income levels.
- iv. Analysis of housing opportunities, with an inventory of sustainable sites and the City's capacity to meet regional housing goals.
- v. A Housing Element (2023-2031) implementation program including quantifiable objectives and programs to address housing needs for all income levels, the elderly, veterans, and populations with disabilities, special needs, or experiencing homelessness.

2.3.6 General Plan Amendment (if applicable)

- i. Identify sections of the City's General Plan Land Use Element that may need to be amended to meet compliance with State law, including all tables, maps, etc., consistent with the 2023-2031 Housing Element.
- ii. Revisions to the Safety Element to include climate adaptation and resiliency strategies required by SB 379.

2.3.7 Housing Element Deliverables:

- i. Prepare and submit one (1) electronic copy in Microsoft Word format and one (1) Adobe Portable Document Format (PDF) of the Draft Housing Element, revised Safety Element, and General Plan Land Use Element (if applicable) for City staff to review and comment upon in accordance with the project's schedule, design of the draft (text, font, graphics, tables, figures, and picture placement) to match the General Plan document format, and quality.
- ii. Integrate implementation actions in a user-friendly format that will support the Annual Progress Report to HCD.
- iii. Separately produce the housing inventory sites in a trackable format, such as Excel for ease of tracking.
- iv. Revise the Draft Housing Element, revised Safety Element, and General Plan Land Use Element to incorporate staff comments and submit one (1) electronic copy in Microsoft Word format, and one (1) electronic copy in Adobe Portable Document Format (PDF) of all Elements to the Community Development Department for City staff distribution to HCD, the City Council, the Planning Commission, and the general public for review and comment.
- v. Prepare addendum and revisions to draft documents both in response to City input and comments from HCD, including redline tracking of revisions.

- vi. Prepare Final Draft Updated Housing Element in response to comments from HCD, responsible agencies, City Staff, the Planning Commission, City Council, and the public. Upon determination of compliance by HCD of the Final Draft Housing Element, the consultant will submit ten (10) bound copies, one (1) electronic copy in Microsoft Word format, and one (1) electronic copy in Adobe Portable Document Format (PDF) of the Final Draft Housing Element (2023-2031) and Final Draft Land Use Element for distribution to the Planning Commission and the City Council for final adoption at corresponding public hearings.
- vii. If applicable, amend the Public Safety Element of the City's General Plan incorporating elements of climate adaptation and resiliency strategies consistent with SB 379.
- viii. Attend, present, and participate in Planning Commission Meetings, City Council meetings, informational workshops or study session meetings, City staff meetings, and public hearings as required by the City.
- ix. Prepare public meeting presentation materials, memos, letters, and other documents as required by City staff.
- x. Provide weekly e-mail progress reports to the City Project Manager.
- xi. Assist in the preparation of staff reports and exhibits for Planning Commission and City Council.
- xii. Provide and maintain an Internet-based (City to determine internet-based folder type) folder for all project materials accessible to City staff and required participants.
- xiii. Coordinate with City staff and HCD staff as necessary.
- xiv. Provide one (1) electronic copy in Microsoft Excel format of the land inventory.
- xv. Upon adoption of the Final Draft Housing Element, Final Draft revisions to the Safety Element, and Final Draft General Plan Land Use Element by the City Council, the consultant will prepare a final adopted version with the date of adoption prominently displayed on the front cover and throughout the document to distinguish it as the official document from other versions of the General Plan Elements. The proponent shall provide ten (10) bound copies, one (1) electronic copy in Microsoft Word format, and one (1) electronic copy in Adobe Portable Document format (PDF) of the adopted Housing Element, Safety Element revisions, and Land Use Element for distribution to HCD, City departments, and other stakeholders; and
- xvi. The proponent shall assist the City in achieving State certification of the Housing Element after adoption by the City Council and shall perform all tasks necessary to obtain HCD certification.

2.4 TASK 4: Environmental Review for both Efforts

Prepare, post, and file all the appropriate environmental documents for compliance with the California Environmental Quality Act (CEQA). In addition, the proponent will be responsible for preparing all notices and mailings for SB 18 and AB 52.

Cost Range

The estimated cost is approximately \$400,000 to complete all required tasks and selected optional tasks.

2.5 Schedule

The following dates indicate the anticipated milestones for this effort. *Subject to Change*

Timeline	Task/Effort
September 2021	Circulate RFP and City Council approval of Fiscal Year Budget.
October 2021	Vendor Interviews and selection.
November 2021	City Council Approval of Vendor Contract.
Winter 2021	Initiate Contract and Kick-Off Meeting.
Early 2022	Task 1
Mid 2022 – Late 2022	Task 2-4
Late 2022 – Spring 2023	Task 3-4

3.0 PROJECT SCHEDULE OF EVENTS

The following dates indicate the anticipated milestones for this project. All dates subject to change.

SCHEDULED DATES	PROJECT EVENTS
September 9, 2021	Project notice advertised
September 22, 2021 11:00 RSVP	Pre-Submittal Meeting – Optional
September 23, 2021	Project questions/clarifications due
September 30, 2021	Response to questions/clarifications
N/A	Final Addenda published, if applicable
October 07, 2021 2:00 P.M.	Proposal submittals due
TBD	Proposal evaluation
TBD	Interviews conducted, if applicable
TBD	Selection committee recommendation
TBD	City Council award
TBD	Contract routing & approval
TBD	Project coordination meeting

4.0 SUBMITTAL REQUIREMENTS

Minimum Qualifications

1. Experience of proponent team working together as a team on similar scope and type of projects, including coordination of certification of Housing Elements with HCD, and identification of Housing Elements of local jurisdictions that have been successfully certified with HCD.
2. Experience in preparation of Housing Elements that are clear, concise, and legally defensible, and which reflect the needs of the community.
3. Experience and knowledge of recently adopted State Housing Laws, including Housing Element Law, “No Net Loss” Law, Housing Accountability Act, Density Bonus Law, Anti-discrimination Law, Accessory Dwelling Unit (ADU) Law, and any proposed housing laws that may impact policy direction.
4. Proponents should not simply restate the information contained in this RFP; the evaluation criteria requires that the proposal identify critical issues to the project, identify an approach to resolving any critical issues, and otherwise provide additional information regarding the project which support’s the proponent’s ability to perform if selected.
5. Propose approach to the project, including the expected time commitment of key personnel, technical approach to the project, the emphasis on individual elements to successfully complete the project, and familiarity with types of issues and problems relevant to cities like Stockton attracting and increasing housing production.
6. Any other information that would assist the review team in understanding the consultant team’s capacity to efficiently and effectively complete the project.

4.1 PROPOSAL GUIDELINES, CONTENT AND FORMAT

The City of Stockton uses a qualifications-based selection process in obtaining these services. In order for the City to properly evaluate the Proponents’ qualification to perform this work, the proposals shall include, as a minimum, the following information:

- A. Evidence of the Proponent’s ability to be responsive to this project in regard to timeliness and expertise, including availability of staff proposed to be assigned.
- B. The Proponents are encouraged to expand on the Scope of Work to demonstrate their expertise. Evaluation of the proposals will be based on qualifications, the experience of staff proposed to be assigned to the project, references and thoroughness of the Proponent’s response to the Scope of Services.
- C. Such additional information that the Proponent may feel would be pertinent to assist the City of Stockton in making its final decision.

- D. Please submit one (1) original and FOUR (4) copies of your proposal/qualifications. Additionally, submit one (1) USB with an electronic version of the proposal. The original should be unbound to allow us to reproduce your proposal, as needed.
- E. The proposal must be submitted, typewritten on 8½" X 11" white paper and must be bound in a secure manner.
- F. Material and data not specifically requested for consideration, but which the Proponent wishes to submit must not appear with the Proposal but may appear only in an "Additional Data" section. This has specific reference to the following types of data: Generalized narrative of supplementary information; and Supplementary graphic material.
- G. All proposals must be signed with the full name of the Proponent, if an individual; by an authorized general partner, if a partnership; or by an authorized officer, if a corporation.
- H. When proposals are signed by an agent other than an officer of a corporation or a member of a general partnership, a power of attorney authorizing the signature must be submitted with the proposal.
- I. If the proposal is submitted by a partnership or joint venture, the Statement of Personal History attached to the Proposal must be completed by each general partner or joint venture thereof. If the proposal is submitted by a corporation, the Statement must be completed by each principal officer of said corporation.
- J. The original proposal must have wet ink signatures. Modification to a proposal after the proposal submittal deadline will not be accepted by the City.

4.2 COVER LETTER

Submit a letter on your company letterhead addressing the proposal and format. The letter should be signed by an officer of the firm authorized to bind the firm to all comments made in the proposal, and shall include the name, address, phone number and e-mail address of the person(s) to contact who will be authorized to represent your firm.

In no more than three (3) pages, the Cover Letter and Executive Summary shall include:

- A. The names of the key members of the consultant team;
- B. The mailing address, telephone number, and the name of the main point of contact for the consultant team;
- C. A summary of the consultant's electric-arc hazard assessment experience and qualifications and the significant advantages to selecting the consultant;
- D. An acknowledgement of receiving any addendum(s) to the RFP document.

4.3 REFERENCES

Provide a list of references with current contact person, e-mail address and phone number who may be contacted regarding firm performance.

The review team will conduct a background reference review of each respondent. Please include the following information for three (3) projects that the proposed consultant team worked on together:

- A. Name of the Project/Study
- B. Location of the Project
- C. Name, title, and contact information for the client.

- D. Project Budget
- E. Date of Completion of the Project

4.4 FINANCIAL STATEMENT

The Proponent must be able to demonstrate a good record of performance and have sufficient financial resources to ensure that they can satisfactorily provide the services required herein.

Proponent shall submit a full and detailed presentation of the true condition of the Proponent's assets, liabilities and net worth. The report should include a balance sheet and income statement. If the Proponent is a new partnership or joint venture, individual financial statements must be submitted for each general partner or joint venture thereof. If firm is a publicly held corporation, the most current annual report should be submitted.

Any Proponent who, at the time of submission, is involved in an ongoing bankruptcy as a debtor, or in a reorganization, liquidation, or dissolution proceeding, or if a trustee or receiver has been appointed over all or a substantial portion of the property of the Proponent under federal bankruptcy law or any state insolvency, may be declared non-responsive.

4.5 CORPORATE STRUCTURE, ORGANIZATION

Describe how your firm is organized, noting major divisions and any parent/holding companies, as well as brief history of the firm and all personnel potentially to be involved in the project including all sub-consultants. Designate the Principal in Charge and other key personnel. Include résumés. Also provide a description of the experience your firm has had with similar processes.

4.6 PROPOSAL FEE

Submit the proposal fee under sealed, separate envelope. Do not include with the technical proposal response. Provide detailed basic fee structure and break-down of any other charges related to your firm's proposal as specified. Finalist's fee structure may be subject to negotiation.

5.0 SELECTION CRITERIA & EVALUATION

The City is interested in selecting a qualified firm with the ability to provide PROJECT DESCRIPTION. A key component for the successful firm will be the ability to meet the performance desires of the City while minimizing the cost.

The Evaluation Panel will consist of City of Stockton staff and any other person(s) designated by the City. Following review of the proposals, the Panel may invite one or more Proponents to make an oral presentation. During these presentations, the Proponent will be allowed to present such information as may be appropriate in order that the Panel can effectively and objectively analyze all materials and documentation submitted as part of the proposals.

Each firm must be represented by an individual who will be the prime contact person to the City and any other individuals whom the firm may select. The highest-rated proposal(s) will then be further scrutinized through financial analysis and reference checks.

Proposals shall be evaluated according to; demonstrated understanding of tasks required, technical approach to specified operations, qualifications of staff, experience of company, demonstrated

knowledge of best practices for identified scope, financial business strength and fee schedule proposal. Proper format and demonstrated experience will merit consideration.

To that end, the Panel will evaluate the proposals based on, but not limited to, the following criteria:

1. Proponent’s approach and schedule to provide all services as outlined in the Scope of Services and related documents;
2. Related experience with similar projects, company background and personnel qualifications;
3. Proponent’s Fee Schedule - completed and signed under separate, sealed cover;
4. Proponent’s Agreement;
5. Non-Collusion Affidavit;
6. References;
7. Financials Review;
8. Interview/Presentation, if applicable; and
9. Any other criteria as best suits the City of Stockton.

1) Qualifications of the organization, overall experience, recent public sector experience conducting similar lobbying and/or funding efforts	30%
2) Approach and strategic fit consistent with the objectives of the City of Stockton	20%
3) Cost associated with proposed plan (retainer or hourly fee)	20%
4) References/Industry Reputation	20%
5) Quality and clarity of proposal	10%

6.0 CITY REQUIREMENTS

6.1 CITY RESPONSIBILITIES

City will provide all readily available plans, documentation, and data necessary for completing the above tasks.

Staff will be available as needed and will assist with coordination of stakeholder meetings and public outreach.

6.2 LOCAL BUSINESS PREFERENCE

Stockton Municipal Code Section 3.68.090 reads as follows:

Preference shall be given to the purchase of supplies, materials, equipment, and contractual services from local merchants, quality and price being equal. Local merchants who have a physical business location within the boundaries of San Joaquin County, and who have applied for and paid a business license tax and registration fee pursuant to Stockton Municipal Code Title 5, Chapter 5.08, License Taxes, shall be granted two (2) percent bid preference. Local merchants who have a physical business location within the boundaries of the City of Stockton, and who have applied for and paid a business license tax and registration fee pursuant to Stockton Municipal Code Title 5, Chapter 5.08, License Taxes, shall be granted five (5) percent bid preference. This section is intended to provide preference in the award of certain City contracts in order to encourage businesses to move into and expand within the City. (Ord. 2014-03-18-1601 C.S. § 1; prior code § 3-106.1)

6.3 OPTIONAL PRE-SUBMITTAL MEETING

An optional pre-proposal conference will be held on Wednesday, September 22, 2021 11:00 a.m. via Microsoft Teams. Interested proponents should RSVP to stocktonbids@stocktonca.gov no later than September 20, 2021 at 12:00 p.m. A link to the Microsoft Teams meeting will be emailed to all interested proponents who RSVP by the specified deadline.

6.4 TERM

Contract Term: From execution date to on or before June 30, 2023. No option to renew or extend.

6.5 OTHER GOVERNMENT AGENCIES

If mutually agreeable to all parties, the use of any resultant contract/purchase order may be extended to other political subdivisions, municipalities, or tax supported agencies.

Such participating governmental bodies shall make purchases in their own name, make payment directly to successful Proponent and be liable directly to the successful Proponent, holding the City of Stockton harmless.

6.6 INSURANCE REQUIREMENTS

Proponent/Bidder, at Proponent's/Bidder's sole cost and expense and for the full term of the resultant contract or any extension thereof, shall obtain and maintain at least all of the insurance requirements listed in attached Exhibit B.

All coverage shall be provided by a carrier authorized to transact business in California and shall be primary. All policies, endorsements, and certificates shall be subject to approval by the Risk Manager of the City to Stockton as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the Risk Manager.

Maintenance of proper insurance coverage is a material element of this contract, and failure to maintain or renew coverage or to provide evidence of renewal may be treated as a material breach of contract.

The Proponent shall assert that these insurance requirements will be met as part of their proposal response. Failure to comply with these insurance requirements may result in a proposal being

deemed unresponsive. Proponent shall satisfy these insurance requirements concurrently with the signing of the contract prior to commencement of work. It is strongly suggested that insurance requirements be reviewed with Proponent's broker to ensure any additional costs are included in the proposal pricing component.

Any questions pertaining to insurance requirements, please contact City of Stockton Risk Services at (209) 937-5037.

6.7 APPLICABLE LAW

Applicable law shall be governed by the laws of the State of California. Venue shall be proper in the Superior Court of the State of California, County of San Joaquin, Stockton Branch, or, for actions brought in Federal Court, the United States District Court for the Eastern District of California, Sacramento Division.

6.8 METHOD OF PAYMENT

Payment will be made within thirty (30) days after invoices are received and accepted by the City Manager. Invoices are to be rendered monthly, unless prescribed differently per contract.

6.9 NOTICE TO OUT OF STATE BUSINESS

It is the policy of the City of Stockton to pay all applicable California sales/use tax directly to the State Board of Equalization (BOE) pursuant to California Revenue and Taxation Code 7051.3. The City of Stockton will self-accrue all sales/use tax on purchases made from out-of-state business, unless documentation is provided by Proponent evidencing the business is registered with the state of California.

Sales and use tax on purchases made by the City of Stockton from all companies located outside California, not registered with the state and whose products are shipped from out of state will be remitted to the BOE directly by the City under permit number SR KHE 28-051174 DP. Please do not include sales/use tax on the invoice that you submit to the City of Stockton.

Questions regarding the City of Stockton's payment of sales/use tax can be directed to the City of Stockton's Procurement Division at (209) 937-8357.

6.10 CONFIDENTIALITY

If Proponent believes that portions of a proposal constitute trade secrets or confidential commercial, financial, geological, or geophysical data, then the Proponent must so specify by, at a minimum, stamping in bold red letters the term "CONFIDENTIAL" on that part of the proposal which the Proponent believes to be protected from disclosure. The Proponent must submit in writing specific detailed reasons, including any relevant legal authority, stating why the Proponent believes the material to be confidential or a trade secret. Vague and general claims as to confidentiality will not be accepted. The City will be the sole judge as to whether a claim is general and/or vague in nature. All offers and parts of offers that are not marked as confidential may be automatically considered public information after the contract is awarded. The Proponent is hereby put on notice that the City may consider all or parts of the offer public information under applicable law even though marked confidential.

6.11 PROTEST POLICY

Protest and Appeal Procedures. In order to maintain fairness and impartiality, the City of Stockton has established a solicitation protest policy and procedure.

6.11.A Protest Procedure

- 6.11.1 All protests must be in writing and stated as a formal protest.
- 6.11.2 A casual inquiry, complaint, or a statement of intent to protest that does not provide the facts and issues and does not comply with the content requirements or deadlines, will not be considered or acted upon as a protest.
- 6.11.3 The protest must contain a complete statement of the basis for the protest and must include all relevant supporting documentation.
- 6.11.4 The solicitation process and procedures, including evaluation criteria, shall not be proper grounds for protest. Concerns related to the solicitation process and procedures, including evaluation criteria, should be raised and addressed, if at all, prior to the bid/proposal due date and time to allow adjustments before evaluation of the solicitation.
- 6.11.5 Protests must be filed with the City's Chief Financial Officer, or designee, at the address listed in the Solicitation Protest FAQ sheet and Procurement Procedure Manual, not later than five (5) days after the date the City mails the Letter of Intent to Award.
- 6.11.6 Deliveries of the protest by hand, mail, email or fax are acceptable.
- 6.11.7 The City is not responsible for lost or misplaced protests, or to assure the protest is received within the protest deadlines
- 6.11.8 The party challenging the award decision to bear the burden of proof of material error to justify invalidation of the proposed award.

6.11.B Protest Review

- 6.11.9 The Chief Financial Officer or designee shall respond in writing at least generally to each material issue raised in the protest.
- 6.11.10 The Chief Financial Officer's, or designee 's, administrative decision may be appealed in writing to the City Manager no later than (5) business days after the date the Chief Financial Officer's, or designee's, the decision is mailed to the protesting party.
- 6.11.11 The City Manager shall review and decide the appeal based on the grounds and documentation set forth in the original protest to the Chief Financial Officer, or designee.
- 6.11.12 Each party shall bear its own costs and expenses involved in the protest and appeal process, including any subsequent litigation.
- 6.11.13 The City Manager's administrative decision is final. After the City Manager issues the final administrative decision, the time in which judicial review of the decision must be sought shall be governed by California Code of Civil Procedure Section 1094 or as such section may be amended from time to time.
- 6.11.14 If the protested procurement involves state or federal funds, the Chief Financial Officer, or designee, shall give notice to the interested party that he

or she has the right to appeal to the appropriate agency, which shall be identified by name and address. An appeal hereunder shall be filed with the appropriate agency within five (5) working days of the dispatch of rejection notices to the interested party(ies).

- 6.11.15 The City may require the protesting party to submit a City Council approved non-refundable protest fee to cover the administrative cost of processing the protest.

Bidders, Proponents, and contractors wishing to protest or appeal a procurement or contracting decision by the City must follow the procedures provided by this section. The City will not review protests or appeals that are not submitted in accordance with these provisions and procedures.

A copy of this policy can be requested from the procurement specialist by emailing stocktonbids@stocktonca.gov.

7.0 GENERAL REQUIREMENTS, TERMS & CONDITIONS

7.1 CONSEQUENCE OF PROPOSAL SUBMISSION

- A. The City shall not be obligated to respond to any proposal submitted nor be legally bound in any manner by the submission of a proposal.
- B. Acceptance by the City of a proposal obligates the Proponent to enter into an agreement with the City.
- C. An agreement shall not be binding or valid against the City unless or until it is executed by the City and the Proponent.
- D. Statistical information contained in these documents is for informational purposes only. The City shall not be responsible for the accuracy of said data. City reserves the right to increase or decrease the project scope.

7.2 ACCEPTANCE OR REJECTION OF PROPOSAL

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from, or to a proposal may be sufficient grounds for rejection of the proposal. The City has the right to waive any defects in a proposal if the City chooses to do so. The City may not accept a proposal if any document or item necessary for the proper evaluation of the proposal is incomplete, improperly executed, indefinite, ambiguous, or missing.

The City reserves the right to select the successful proposal and negotiate an agreement as to the scope of services, the schedule for performance and duration of the services with Proponent whose proposal is most responsive to the needs of the City. Further, the City reserves the right to reject any and all proposals, or alternate proposals, or waive any informality or irregularity in the proposal as is in the City's best interest.

The City reserves the right to reject any and all proposals, or portions thereof, received in response to the RFP or to negotiate separately with any source whatsoever, in any manner necessary, to serve the best interests of the City. Additionally, the City may, for any reason, decide not to award an agreement as a result of this RFP.

Non-acceptance of any proposal shall not imply that the proposal was deficient. Rather, non-acceptance of any proposal will mean that another proposal was deemed to be more advantageous to the City or that the City decided not to award an agreement as a result of this RFP.

7.3 RIGHT TO CHANGE OR AMEND REQUEST

The City reserves the right to change the terms and conditions of this RFP. The City will notify potential Proponent of any material changes by posting on the City's website. No one is authorized to amend any of the RFP requirements in any respect, by an oral statement, or to make any representation or interpretation in conflict with its provisions. If necessary, supplementary information and/or clarifications/questions/answers will be posted on the City's website at www.stocktonca.gov/adminbid. Failure of any Proponent to not have received such information and/or clarifications/questions/answers shall not relieve such Proponent from any obligation under his/her proposal as submitted.

Any exceptions to this Proposal shall be clearly stated in writing.

7.4 CANCELLATION

The City reserves the right to rescind award of the contract at any time before execution of the contract by both parties if rescission is deemed to be in City's best interest. In no event shall City have any liability for the rescission of award. The Proponent assumes the sole risk and responsibility for all expenses connected with the preparation of its proposal.

7.5 EXAMINATION OF PROPOSAL MATERIALS

The submission of a proposal shall be deemed a representation and warranty by the Proponent that it has investigated all aspects of the RFP, that it is aware of the applicable facts pertaining to the RFP process and its procedures and requirements, and that it has read and understands the RFP. No request for modification of the provisions of the proposal shall be considered after its submission on the grounds the Proponent was not fully informed as to any fact or condition. Statistical information which may be contained in the RFP or any addendum is for informational purposes only. The City disclaims any responsibility for this information which may subsequently be determined to be incomplete or inaccurate.

7.6 ADDENDA AND INTERPRETATION

The City will not be responsible for, nor be bound by, any oral instructions, interpretations, or explanations issued by the City or its representatives. Any request for clarifications, questions, or answers of this RFP shall be made in writing/e-mail and deliverable to:

CITY OF STOCKTON
ATTN: Jeff Molloy
PROCUREMENT DIVISION
400 E MAIN, 3RD FLOOR
STOCKTON, CA 95202
stocktonbids@stocktonca.gov

Such request for clarifications/questions/answers shall be delivered to the City by September 16, 2021. Any City response to a request for clarifications/questions/answers will be posted on the City's website at www.stocktonca.gov/adminbid by September 23, 2021 and will become a part of the RFP. The Proponent should await responses to inquiries prior to submitting a proposal.

7.7 DISQUALIFICATION

- a. Any of the following may be considered cause to disqualify a Proponent without further consideration:
- b. Evidence of collusion among Proponents;
- c. Any attempt to improperly influence any member of the evaluation panel;
- d. Any attempt to communicate in any manner with a City of Stockton elected official during the RFP process will, and shall be, just cause for disqualification/rejection of Proponent's proposal/Proponent's bid submittal and considered non-responsive.
- e. A Proponent's default in any operation of a professional services agreement which resulted in termination of that agreement; and/or
- f. Existence of any lawsuit, unresolved contractual claim, or dispute between Proponent and the City.
- g. No person, firm, or corporation shall be allowed to make or file or be interested in more than one bid for the same supplies, services, or both; provided, however, that subcontract bids to the principal bidders are excluded from the requirements of this section: Section 3.68.120 of the Municipal Code.

7.8 CONDITIONS IF WORK IS SUBCONTRACTED

The Proponent assumes full responsibility, including insurance and bonding requirements, for the quality and quantity of all work performed.

If Proponent's supplier(s) and/or subcontractor's involvement requires the use of a licensed, patented, or proprietary process, the proponent of the process is responsible for assuring that the subcontractor, supplier, and/or operator have been properly authorized to use the process or for providing another process which is comparable to that which is required prior to submission of a proposal.

7.9 LICENSING REQUIREMENTS

Any professional certifications or licenses that may be required to perform the scope of work will be the sole cost and responsibility of the successful Proponent.

A City of Stockton Business license may be required for this project. Please contact the City of Stockton Business License Division at (209) 937-8313.

7.10 INDEMNITY AND HOLD HARMLESS

To the fullest extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify the City of Stockton and its officers, employees, agents, and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees, arising from all acts or omissions of contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages, or expenses arising from the City of Stockton's sole negligence or willful acts. This obligation is

independent of, and shall not in any way be limited by, the minimum Insurance obligations contained in this agreement. These obligations shall survive the completion or termination of this agreement.

7.11 COMPETITIVE PRICING

Proponent warrants and agrees that each of the charges, economic or product terms or warranties granted pursuant to this Contract are comparable to or better than the equivalent charge, economic or product term or warranty being offered to any similarly situated commercial or other government customer of Proponent. If Proponent enters into any arrangements with another customer of Proponent to provide product under more favorable charges, economic or product terms or warranties, Proponent shall immediately notify City of such change and this Contract shall be deemed amended to incorporate the most favorable charges, economic or product terms or warranties.

7.12 AVAILABLE FUNDING

Any contract which results from this RFP will terminate without penalty at the end of the fiscal year in the event funds are not appropriated for the next fiscal year. If funds are appropriated for a portion of the fiscal year, this contract will terminate without penalty, at the end of the term for which funds are appropriated.

7.13 TERMINATION FOR CONVENIENCE

The City may terminate the resultant Agreement for convenience at any time by mailing a notice in writing to the Contractor.

7.14 AUDITING CHARGES AND SERVICES

The City reserves the right to periodically audit all charges and services made by the successful Proponent to the City for services provided under the contract. Upon request, the Proponent agrees to furnish the City with necessary information and assistance.

7.15 CHANGES

The City's Representative has the authority to review and recommend or reject change orders and cost proposals submitted by the Proponent or as recommended by the Proponent's project manager, pursuant to the adopted City of Stockton Standard Specifications.

7.16 AWARD

Upon conclusion of the RFP process, a contract may be awarded for a Housing Element and Housing Action Plan for the City. The City reserves the right to select the successful Proponent and to negotiate terms of a contract with the Proponent whose proposal is most responsive to the needs of the City. Further, the City reserves the right to reject any and all proposals, or alternate proposals, or waive any informality in the proposal as is in the City's best interest.

8.0 PROPOSAL DOCUMENTS

HOUSING ELEMENT AND HOUSING ACTION PLAN	
PUR-21-016	
SUBMITTAL DUE: THURSDAY, OCTOBER 07, 2021 AT 2:00 PM	
RFP Submittal Mailing, Delivery Address and Electronic Mail	Office of the City Clerk 425 North El Dorado Street, First Floor Stockton, CA, 95202-1997 city.clerk@stocktonca.gov (if applicable)
Proponent Business Name	
Proponent Contact Name	
Proponent Address	
Proponent Phone Number	
Proponent Email Address	
Department of Industrial Relations ID Number (if applicable)	

ATTACHMENT A – PROJECT SUBMITTAL CHECKLIST

THIS CHECKLIST IS PROVIDED FOR YOUR CONVENIENCE ONLY. IT IS NOT REQUIRED TO BE SUBMITTED WITH PROPOENT PROPOSAL.

- ✓ Complete the following proposal attachments (FROM THIS PACKET ONLY SUBMIT PAGES FROM SECTION 8 AND PLACE IN THE FRONT OF YOUR PROPOSAL).
- ✓ Sign and notarize by jurat certificate the "Non-Collusion Affidavit" form. An "All-Purpose Acknowledgment" form will not be sufficient.
- ✓ Complete and sign a "Proponent's Fee Schedule" form, (under separate cover).
- ✓ Sign the "Proponent's Covenant" form. Include (with proposal) name and e-mail address for City contact, if different from signatorem.
- ✓ Include your proposal, as outlined in these specifications.
- ✓ Submit one (1) ORIGINAL (unbound, no staples) and FOUR (4) COPIES of all proposal documents. Additionally, submit one (1) USB with an electronic version of the proposal or electronically to city.clerk@stocktonca.gov.
- ✓ Review all clarifications/questions/answers on the City's website at www.stocktonca.gov/adminbid.
- ✓ Use Section 8.0 Proposal Documents to deliver sealed proposal timely to City Hall, City Clerk's Office (1st floor), 425 North El Dorado Street, Stockton, CA 95202, or electronically to city.clerk@stocktonca.gov.

ATTACHMENT B- PROPONENT'S COVENANT

In submitting this proposal, as herein described, the Proponent agrees that:

1. They have carefully examined the Scope of Work and all other provisions of this document and understand the meaning, intent and requirements of same.
2. They will enter into contract negotiations and furnish the services specified.
3. They have signed and notarized the attached Non-Collusion Affidavit form, whether individual, corporate or partnership. Must be 'A Jurat' notarization.
4. They have reviewed all clarifications/questions/answers on the City's website at www.stocktonca.gov/adminbid.
5. Confidentiality: Successful Proponent hereby acknowledges that information provided by the City is personal and confidential and shall not be used for any purpose other than the original intent outlined in the Request for Proposal. Breach of confidentiality shall be just cause for immediate termination of contract agreement.

FIRM

ADDRESS

SIGNED BY & DATE

TITLE OR AGENCY

PHONE/FAX NUMBER

EMAIL

ATTACHMENT C - NON-COLLUSION AFFIDAVIT
AFFIDAVIT FOR INDIVIDUAL PROPONENT

No. 1

STATE OF _____, _____)ss.
County of _____)
(insert)

_____ being first duly sworn, deposes and says: That on behalf of any person not named herein; that said Proponent has not colluded, conspired, connived or agreed, directly or indirectly with, or induced or solicited any other bid or person, firm or corporation to put in a sham bid, or that such other person, firm or corporation shall or should refrain from bidding; and has not in any manner sought by collusion to secure to themselves any advantage over or against the City, or any person interested in said improvement, or over any other Proponent.

(Signature Individual Proponent)

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20__

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

Signature _____

No. 2

AFFIDAVIT FOR CORPORATION PROPONENT

STATE OF _____, _____)ss.
County of _____)
(insert)

_____ being first duly sworn, deposes and says: That they are the _____ of _____ a corporation, which corporation is the party making the foregoing bid, that such bid is genuine and not sham or collusive, or made in the interest or behalf of any person not named herein; that said Proponent has not colluded, conspired, connived or agreed, directly or indirectly with, or induced or solicited any other bid or person, firm or corporation to put in a sham bid, or that such other person, firm or corporation shall or should refrain from bidding; and has not in any manner sought by collusion to secure to themselves any advantage over or against the City, or any person interested in said improvement, or over any other Proponent.

(Signature Corporation Proponent)

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20__ by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

Signature _____

No. 3

AFFIDAVIT FOR FIRM, ASSOCIATION, OR CO-PARTNERSHIP

STATE OF _____)ss.

County of _____)

(insert)

_____, each being first duly sworn, depose and say: That they are a member of the firm, association or co-partnership, designated as _____ who is the party making the foregoing bid; that the other partner, or partners, are _____ that such bid is genuine and not sham or collusive, or made in the interest or behalf of any person not named herein; that said Proponent has not colluded, conspired, connived or agreed, directly or indirectly with, or induced or solicited any other bid or person, firm or corporation shall or should refrain from proposing; and has not in any manner sought by collusion to secure to themselves any advantage over or against the City, or any person interested in said improvement, or over any other Proponent.

(Signature)

(Signature)

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20____

by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Seal _____

9.0 PROPOSAL EXHIBITS

9.1 Exhibit 0 - Technical Specifications

9.2 [Exhibit 1 – Insurance Limits](#)

NOTE: The City of Stockton is now using the online insurance program PINS Advantage. Once you have been awarded a contract you will receive an email from the City's online insurance program requesting you to forward the email to your insurance provider(s). Please see attached flyer regarding PINS Advantage.

The Risk Services Division develops insurance requirements for all contracts for the City of Stockton. The Division also reviews and approves all bonds and evidence of insurance, including Certificates of Insurance and endorsements for all contracts. Examples include:

- Contracts - Constructions, Professional Services, Supplier, Lease
- Permits - Encroachment, Revocable, Street Closures, Block Parties
- Bonds - Performance, Maintenance, Labor and Materials
- Community Services – Special Events

This project is subject to Insurance Requirements for Consulting Services
Insurance Exhibit will be listed as a separate attachment.

9.3 [Exhibit 2 – Sample Contract](#)

Any major provision changes to the sample contract should be submitted by the Proponent along with the proposal response.

Sample Contract will be added as a separate attachment.