





Date: May 20, 2015

To: Patrick H. West, City Manager 

From: John Gross, Director of Financial Management 

For: Mayor and Members of the City Council

Subject: **Restrictions on Proposer Communications with City Officials for Recycling RFP and Financial-HR System RFP**

For large or complex RFPs, the City may include a restriction on communications between proposers and City Officials and Councilmembers. In general, while the RFP is being reviewed, communications by proposers can only be with the Purchasing Division designated contact and not with City Officials or Councilmembers. These restrictions are in place while proposals are being evaluated. The restrictions are intended to:

- ensure the integrity of the process;
- reduce the likelihood of proposal protests; and
- make clear the steps taken by the City in the event of legal action to protect City Officials and Councilmembers from accusations of interference with the RFP and vendor selection process.

These restrictions do not affect the ability of any eligible proposer to protest the RFP selection or the ability for proposers to speak at any regular City Council meeting, inclusive of the meeting with the proposed contract award.

At present, there are two pending RFPs that have this restriction:

- The Financial-HR System RFP (otherwise known as the Enterprise Resource Planning (ERP) RFP)
- The Recycling Collections Services RFP

The Civic Center project, a relatively recent RFP, also contained this restriction.

The specific section of the RFP (Recycling example) reads as follows:

“4.1.2 Until the earliest of (1) execution and delivery of the Agreement, (2) the City’s rejection of all Proposals, or (3) cancellation of the Project procurement, neither a Proposer nor its agents may have ex parte communications regarding the Project with City officials; City Council members; City employees, staff, or consultants; members of the Project Selection Committee; or any other person who will evaluate Proposals, except for communications expressly permitted in this RFP. The foregoing restriction shall not, however,

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preclude or restrict communications regarding matters unrelated to the Project or participation in public meetings or any public or Proposer workshop related to the Project. The City may, in its sole discretion, disqualify any Proposer engaging in such prohibited communications.”

Staff expects to recommend a preferred vendor to the City Council for the Financial-HR system before the end of the calendar year, and a recycling vendor in November 2015.

If you have any questions regarding this matter, please contact John Gross, Director of Financial Management, at (562) 570-6427.

JG:RJ

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