

San Francisco Bay Conservation and Development Commission

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REQUEST FOR PROPOSAL

**TECHNICAL CONSULTANT FOR
MODERNIZING BCDC’S REGIONWIDE PERMIT PROGRAM
AND STUDYING PROGRAMMATIC APPROACHES FOR HABITAT RESTORATION AND MULTI-BENEFIT
SHORELINE PROTECTION PROJECTS**

Notice to Prospective Contractors

April 15, 2026

You are invited to review and respond to this Request for Proposal (RFP), SFBC-P-25-15 Technical Consultant for Modernizing BCDC’S Regionwide Permit Program and Studying Programmatic Approaches for Habitat Restoration and Multi-Benefit Shoreline Protection Projects. In submitting your proposal, you must comply with these instructions.

Note that all Agreements entered into with the State of California will include by reference General Terms and Conditions and Contractor Certification Clauses that may be viewed and downloaded at the following link: [Standard Contract Language \(ca.gov\)](http://www.ca.gov). If you do not have Internet access, a hard copy can be provided by contacting the person listed below.

In the opinion of San Francisco Bay Conservation and Development Commission, this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

For specific questions concerning this project and RFP.	Information about BCDC is available at BCDC’s website:
Submit question(s) to Chenee Williams Contracts Manager E-mail: chenee.williams@bcdc.ca.gov	https://www.bcdc.ca.gov/

This RFP proposal contains a list of Key Action Dates in Section D, and Bid Requirements and Information (see Page 3, Table of Contents). While a Disabled Veteran Enterprise (DVBE) goal is not required for this RFP, DVBE participation is encouraged and, the DVBE Incentive and Small Business

Preferences do apply. See Section E, Special Programs, in this RFP for requirements. In submitting your bid, you must comply with all instructions and requirements contained herein.

This RFP package includes the following documents and shall be included in the final bid submission:

1. Notice to Prospective Bidders
2. Required Attachments
3. Bid/Bidder Certification Sheet
4. Payee Data Record - STD 204 (and STD 205, if applicable)
5. Contractor Certification Clauses (CCC 4/2017)
6. Bidder Declaration - GSPD-05-105
7. Commercially Useful Function Certification Form
8. Disabled Veteran Business Enterprise (DVBE) Participation in Exempt Contracts
9. Darfur Contracting Act
10. Sample Standard Agreement (STD 213):
 - a. Exhibit A – Scope of Work
 - b. Exhibit A-1 – Work Specification/Plan
 - c. Exhibit B – Budget Detail and Payment Provisions
 - d. Exhibit D – Special Terms and Conditions & Additional Provisions
11. California Civil Rights Laws Certification

The following documents are incorporated by reference and are available on the internet at <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>. Bidder may request an electronic copy of these documents by contacting the assigned contract manager listed below.

1. Exhibit C - General Terms and Conditions for Private Contractors (GTC 04/2017).
2. Standard Contractor Certification Clauses (CCC 04/2017)

Upon award, the Contractor shall be required to provide the following Insurance Requirements as listed in Exhibit D

This RFP can be made available in a text-only format as a disability-related reasonable accommodation compliant with the California Government Code and Americans with Disabilities Act (ADA).

Please note that no verbal information given will be binding upon BCDC unless such information is issued in writing as an official addendum. If you have questions or should you need any clarifying information, the contact person for this RFP is:

Chenee Williams, Contract Manager

375 Beale St., Ste. 510

San Francisco, CA 94105

Phone: (415) 352 - 3652

Email: chenee.williams@bcddc.ca.gov

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A) PURPOSE AND DESCRIPTION OF SERVICES

Under the McAteer-Petris Act, most activities within BCDC's jurisdiction require a permit from the Commission. The majority of activities are authorized under individual permits called major and administrative permits that analyze the impacts of projects case-by-case and their conformance to the Commission's adopted policies. Beginning in the 1980s, the Commission determined that some administrative activities had little impact on the Bay and therefore warranted the creation of a program that authorized common regionwide activities to be reviewed and permitted in a streamlined fashion, without the need for case-by-case individual permits. To facilitate this streamlined permitting path, the Commission created the regionwide permit (RWP) program. Regionwide permits are a programmatic approach to permitting certain categories of routine construction, reconstruction, replacement, and maintenance projects throughout the region. They provide efficient permitting pathways for common smaller-scale project types, allowing eligible projects to receive authorization in significantly less time and at lower cost than individual permits. These permits can only be issued for projects that would not adversely impact the environment and that would not reduce public access to the Bay, now or in the future.

BCDC is now undertaking a project to modernize and expand the scope of its [regionwide permit](#) program. The existing regionwide permits have not been comprehensively updated in many years and may lack the clarity and enforceability needed for end users to readily understand and comply with their requirements. Therefore, the existing regionwide permits will need to be readopted and improved.

In addition to updating its existing regionwide permits, BCDC is also seeking to expand the scope of the RWP program, which has historically focused on small-scale gray infrastructure activities, to cover a broader range of activities that are well-suited for streamlined permitting. The priority is green infrastructure and nature-based projects, which may include activities such as small-scale habitat restoration and enhancement, living shorelines elements, and placement of instrumentation to facilitate scientific study of the Bay. The project will also identify other routine, small-scale activities where a standardized permitting approach can reduce timelines and costs without compromising environmental protection.

Modernizing the RWP program aligns with the statewide Cutting Green Tape initiative to increase the pace and scale of environmental restoration by streamlining approval processes. Further, as the region begins implementing the Regional Shoreline Adaptation Plan (RSAP) and local governments develop Subregional Shoreline Adaptation Plans pursuant to Senate Bill 272, the demand for efficient permitting pathways for a broader range of project types will only grow. This project will position BCDC to meet that demand.

BCDC also recognizes that some project types, particularly for larger-scale habitat restoration, creation, and enhancement projects, or multi-benefit shoreline resilience projects, may be too large or complex to fit within the regionwide permit program. Because these are projects of regional significance, BCDC is exploring options to help provide faster permitting options. To address this need, this RFP includes scope items for studying a programmatic approach for those larger-scale activities.

The goal of this project is to modernize and expand the regionwide permit program to streamline permitting for a wider range of projects, particularly green infrastructure and nature-based solutions, thereby increasing the pace and scale of environmental restoration and adaptation efforts. Additionally, this initiative will improve clarity and enforceability of existing permits while developing new approaches for efficient programmatic pathways for both small-scale and larger-scale restoration activities.

SCOPE OF WORK AND PROJECT GOALS

The scope of work is organized into five tasks.

- Tasks 1 and 2 address the regionwide permit program, including readopting and improving existing permits and developing new ones for project types currently underserved by the program.
- Task 3 addresses programmatic approaches to approving projects that might not fit within the scope of the regionwide permit program, including studying possible approaches to achieve this goal.
- Task 4 provides stakeholder and public engagement support that runs across all technical tasks.
- Task 5 covers project management and administration.

BCDC and the Consultant will each play active roles throughout the project. In addition to the specific responsibilities described within each task, the Consultant will designate a single project manager as the primary point of contact for all coordination with BCDC, submit all draft deliverables in editable formats for BCDC review and comment prior to finalization, ensure all final deliverables are usable and accessible by users with all abilities and compatible with commonly-used assistive technologies, incorporate BCDC feedback within timeframes agreed upon at project kickoff, and comply with all applicable BCDC procurement and contract requirements.

In addition to functions identified in the tasks below, BCDC will be an active partner in the project and responsible for:

- Reviewing and approving all Consultant deliverables.
- Providing the Consultant with background information on the existing regionwide permit program, information and data necessary to assess trends in BCDC permitting, and other materials needed to support the Consultant's assessments.
- Presenting all materials prepared by the Consultant to the Commission for adoption at public hearings. The Consultant will prepare staff reports, presentation decks, and supporting materials, but BCDC staff will deliver the presentations.
- Coordinating with Commissioners and BCDC advisory groups as necessary throughout the project.
- Assisting with stakeholder identification and invitations for engagement activities.
- Providing legal counsel review and guidance on questions about BCDC's legal authority.

Task 1 — Readopt and Improve Existing Regionwide Permits

BCDC is currently updating its permitting regulations. As part of those revisions, the Commission is eliminating the permit requirement for several categories of work previously authorized under

regionwide permits and those RWPs will be rescinded. The revisions also change certain rules for the RWP program, so the regionwide permits already in place will need to be readopted. This readoption is an opportunity to comprehensively rewrite the permits to improve clarity, readability, and enforceability, and to update the standardized conditions embedded in those permits to reflect current best practices and to better align BCDC’s requirements with those of other permitting agencies. This change would serve the overall goal of the RWP program to reduce the burden on applicants, particularly those who must navigate multiple regulatory processes simultaneously.

Task 1.1 — Rewrite Existing Regionwide Permits and Modernize Permit Conditions

The Consultant will review all 8 existing regionwide permits and 3 abbreviated regionwide permits. Note that several of these permits may be phased out, rather than rewritten, as pending changes to BCDC’s administrative regulations that will reclassify certain activities as “de minimis” and no longer require permits. Also note that across these permits, much of the content is similar among the different permits. For instance, many of the permit conditions are repeated in multiple permits.

For the permits that will be readopted, the Consultant will significantly revise and rewrite each permit to improve logical organization, consistency of structure, and readability, using plain and accessible language throughout. The Consultant will ensure that each permit’s authorization, scope, and conditions are stated with sufficient clarity to be understood and enforced, and will revise any provisions that are ambiguous, outdated, ineffective or unenforceable.

This rewrite will be informed by a comprehensive review of the conditions used in BCDC’s regionwide permits, conducted by the Consultant. The conditions review will: identify and research current best practices for construction techniques and best management practices relevant to activities covered by the existing RWPs; survey how other state, federal, and local permitting agencies condition similar permitted activities and identify where BCDC’s requirements align, diverge, or create unnecessary duplication; develop recommendations for updated or new standardized conditions that reflect current best practices and reduce unnecessary regulatory burden on applicants; and draft updated conditions language for BCDC review and approval. The modernized conditions developed through this work will be incorporated into the readopted permits and will also inform conditions for new regionwide permits developed under Task 2.

The Consultant will incorporate BCDC staff edits and revisions prior to finalization.

Task 1.2 — Support Commission Adoption

The Consultant will prepare all materials needed to bring the readopted regionwide permits before the BCDC Commission for approval and will be present for the Commission meeting (however, BCDC staff will present the materials at Commission hearings). Materials required include a staff report summarizing the readoption process and the changes made; a presentation slide deck; and support for responding to Commissioner and public questions. It is envisioned that this Commission meeting will serve as the public meeting for this task, and no additional public meetings will be required. Details about stakeholder engagement and outreach efforts are described in Task 4.

Deliverables and Target Schedule

#	Task 1 Deliverables	Target Date
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1	Conditions comparison matrix (BCDC vs. other agencies) and updated conditions language	[TBD — est. Q3 2026]
2	Draft rewritten regionwide permits (all RWPs identified for readoption)	[TBD — est. Q3 2026]
3	Staff report, materials, and support for Commission adoption of readopted RWPs	[TBD — est. Q4 2026]
4	Final adopted regionwide permits incorporating any changes resulting from Commission review	[TBD — est. Q4 2026]

BCDC Responsibilities

As part of Task 1, BCDC will:

- Provide the Consultant with all existing regionwide permit files and related records.
- Assign a staff project manager to coordinate and respond to Consultant questions throughout the process.
- Conduct internal policy and legal review of all draft revised permits.
- Lead the Commission adoption proceedings.

Task 2 — Develop New Regionwide Permits

BCDC seeks to expand its regionwide permit program to cover frequent, small-scale project types not currently eligible for streamlined permitting. The priority for this expansion will be around activities that deal with topics such as green infrastructure, habitat restoration, and nature-based solutions, but the Consultant will also assess other routine, small-scale activities that occur frequently, have predictable impacts, and can be effectively managed through a regionwide permit. The goal is to develop new regionwide permits that reduce permitting timelines and costs for project sponsors, reduce the volume of individual permit applications BCDC staff must process, and advance the region’s adaptation and restoration goals.

Task 2.1 — Assess Candidate Activities and Prioritize

The Consultant will work with BCDC staff to identify, develop, and prioritize a list of candidate activities for new regionwide permits. The assessment may consider:

- The frequency and nature of similar permit applications already coming to BCDC, and the time and cost burden those impose on applicants.
- The degree to which a regionwide permit would reduce staff time spent processing individual permits for small projects with minimal impacts.
- The degree to which a regionwide permit would meaningfully reduce permitting timelines and out-of-pocket costs for project sponsors.
- The degree to which a regionwide permit would incentivize the adoption of beneficial projects for adapting Bay habitats, such as through nature-based solutions.
- Alignment with Bay Plan policies and BCDC’s mandate.
- Compatibility with the Cutting Green Tape initiative and existing statewide permitting programs, and opportunities to streamline across agencies.

- Whether the activity type is sufficiently discrete and predictable that a standardized approach is workable.

The Consultant will produce a prioritization memo recommending which activities to advance to permit development and which are better suited to a different permitting approach. Priority candidates identified to date include small-scale habitat restoration, enhancement, and creation activities; placement of scientific monitoring instruments in the Bay; and living shoreline elements.

Task 2.2— Draft New Regionwide Permits

For each activity type approved for new RWP development, the Consultant will draft a regionwide permit in coordination with BCDC staff. BCDC anticipates that the project will result in at least 10 new regionwide permits, though the final number may vary based on the opportunities identified in Task 1.1 and how permits are structured (i.e., whether similar activities are grouped into the same permit or not). Each permit will be written in plain, accessible language with a clear and consistent structure covering the scope of the authorization, eligibility criteria, conditions, and necessary findings. Conditions will reflect current best practices for construction techniques and best management practices and will be developed with attention to how other state, federal, and local permitting agencies condition similar activities, so that BCDC’s requirements align where possible and avoid unnecessary complications for applicants navigating multiple regulatory processes. Drafts will be developed iteratively with BCDC staff and stakeholder input before being finalized for Commission consideration.

Task 2.3 — Support Commission Adoption

The Consultant will prepare all materials needed to bring new regionwide permits before the Commission. This includes a staff report, a presentation slide deck, and other supporting materials as required. BCDC staff will present the materials to the Commission, but the Consultant will be available to provide technical support as needed during the hearing.

Deliverables and Target Schedule

#	Task 2 Deliverables	Target Date
1	Prioritization memo on recommended activities for new RWP development and rationale	[TBD — est. Q3 2026]
2	Draft new regionwide permits. Deliverable includes both draft version and final version.	[TBD — est. Q4 2026]
3	Staff report(s), materials, and support for Commission adoption of new RWPs	[TBD — est. Q1 2027]
4	Final adopted new regionwide permits incorporating Commission feedback	[TBD — est. Q1 2027]

BCDC Responsibilities

As part of Task 2, BCDC will:

- Provide input, share ideas, and ultimately select priority candidate activities for new permit development.
- Coordinate with Commission legal counsel on jurisdictional or authority questions.
- Lead the Commission adoption proceedings.

Task 3 — Programmatic Permitting Approach Memo

This task covers research, identification of different approaches, and recommendation of a strategy to create a programmatic permitting approach for large-scale habitat restoration, habitat creation and enhancement, and multi-benefit shoreline resilience projects that may not fit within the regionwide permit framework. The need for this task is that some activities that advance the region's restoration and adaptation goals may not be eligible for regionwide permitting, particularly larger-scale habitat restoration, creation, and enhancement projects and multi-benefit shoreline resilience projects, such as horizontal levees. Under BCDC's regulations, regionwide permits are limited to specific categories of activities that constitute minor repairs or improvements with no significant impact on areas within the Commission's jurisdiction. Projects that are larger in scale, involve more complex or variable environmental effects, or require site-specific review to address policy considerations such as public access may exceed the scope of what a regionwide permit can authorize. For these activities, a different permitting approach may be needed to streamline approvals while still providing appropriate environmental review.

As part of Task 3 the Consultant will:

- Assess the demand for programmatic permitting of large-scale habitat projects and multi-benefit projects, such as the development of horizontal levees for shoreline protection.
- Research and analyze analogous programmatic approaches at other agencies, such as the State Water Board’s Statewide Restoration General Order (SRGO), the California Department of Fish and Wildlife Restoration Management Permit, the Coastal Commission’s Consistency Determinations developed in partnership with the NOAA Restoration Center, and other Cutting Green Tape approaches that have been advanced in California.
- Analyze how a programmatic permitting approach would fit within BCDC’s existing legal authority and the Bay Plan’s policy framework, including the policy considerations that arise around large-scale habitat projects and multi-benefit adaptation projects, such as the relationship between habitat restoration and public access requirements.
- Identify opportunities to align a potential BCDC programmatic vehicle with existing state and federal programs to minimize duplicative review for project sponsors.
- Develop a recommended strategy for BCDC to pursue programmatic permitting, including the recommended form of the vehicle (most likely a new BCDC programmatic permit, though alternative approaches may be explored if warranted), key legal, policy, and procedural questions that would need to be resolved, and a proposed development timeline and process.

Deliverables and Target Schedule

#	Task 3 Deliverable	Target Date
1	Programmatic permitting approach memo, including demand assessment, legal/policy analysis, cross-agency review, and recommended approach	[TBD — est. Q1 2027]

BCDC Responsibilities

As part of Task 3, BCDC will:

- Provide the Consultant with background on prior programmatic permitting discussions, Commission policy direction, and relevant legal counsel guidance.
- Review and provide written feedback on the draft memo.
- Present the findings to the Commission to solicit direction on the recommended approach(es).

Task 4 — Stakeholder and Public Engagement

The Consultant will develop an engagement plan in coordination with BCDC staff and carry out targeted outreach throughout the project, organized around specific decision points rather than open-ended input sessions. The engagement plan will include structured sessions with relevant BCDC staff (permit analysts, enforcement and compliance, and others as appropriate); meetings and workshops with external stakeholders, including restoration practitioners and project sponsors, environmental NGOs, relevant state and federal permitting agencies, tribes and local governments (except for Task 1, where this is not envisioned); and preparation of public-facing materials as needed. The Consultant will draft agendas, facilitate sessions, and produce concise meeting summaries. The Consultant will prepare responses to public comments during formal comment periods. For Commission hearings, BCDC staff will present the item, however the Consultant will attend the meeting and support as needed.

Deliverables and Target Schedule

#	Task 4 Deliverables	Target Date
1	Develop and execute the stakeholder engagement plan	[TBD — Task-by-task]
2	Meeting summaries from stakeholder engagement	[TBD — Task-by-task]

BCDC Responsibilities

As part of Task 4, BCDC will:

- Help to identify and invite key stakeholders to engagement sessions.
- Review and approve the stakeholder engagement plan.
- Participate in staff briefings and workshops, as needed.
- Lead all Commission hearing proceedings.

Task 5 — Project Management and Administration

Task 5.1 — Project Kickoff

Within 30 days of contract execution, the Consultant will convene a kickoff meeting with BCDC to review and confirm the scope of work, task sequencing, and key milestones; establish communication protocols, meeting cadence, and deliverable review timelines; identify any initial information needs; and produce and deliver a final project schedule with confirmed milestone dates.

Task 5.2 — Ongoing Project Management

Consultant will attend regular project check-in meetings with BCDC staff (anticipated biweekly; frequency subject to adjustment), submit monthly progress reports summarizing work completed, work planned for the coming period, schedule risks, and budget status, and maintain and update the project schedule, flagging any anticipated delays or scope changes at the earliest opportunity.

Deliverables and Target Schedule

#	Task 5 Deliverables	Target Date
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1	Kickoff meeting notes and final project schedule	Within 30 days of contract execution
2	Monthly progress reports	Monthly throughout contract period

BCDC Responsibilities

As part of Task 5, BCDC will:

- Attend the project kick-off meeting and confirm the work plan and schedule.
- Participate in regular check-in meetings.
- Provide timely feedback on all deliverables.
- Escalate any scope or schedule concerns promptly.

B) BIDDER MINIMUM QUALIFICATIONS

The consultant or consultant team selected must have:

- **A Project Manager with a minimum of eight years of experience** in environmental permitting, regulatory program development, or a closely related field, including demonstrated experience managing complex, multi-stakeholder projects from initiation through delivery.
- **Demonstrated experience drafting regulatory or permitting documents**, such as permit conditions, program frameworks, or programmatic authorizations, that are intended for public agency adoption or implementation. (Prior experience developing a related programmatic environmental permit is not required but will be weighted favorably in the evaluation of qualifications.) Writing samples will be required.
- **Expertise in San Francisco Bay Area environmental planning**, including working knowledge of the regulatory landscape governing Bay Area restoration and development projects and familiarity with the roles of relevant state and federal agencies. (Direct experience with BCDC’s permitting program is strongly preferred but not required.)
- **Experience facilitating engagement with diverse stakeholders**, including permitting agencies, local governments, restoration practitioners, project sponsors, environmental NGOs, tribes, and other stakeholders, in contexts requiring consensus-building across divergent interests.
- **A demonstrated track record of on-time and on-budget project delivery**, including experience managing subcontractors, if applicable.

C) BUDGET, COST DETAIL AND METHOD OF PAYMENT INFORMATION

- 1) **Budget.** The bidder should include a proposed budget and estimated completion schedule for the tasks and deliverables described in the above scope of work.
- 2) **Cost Detail Format.** The proposed rate should be for the hourly rate of payment charged by the consultant who would work on the project. The rate should include overhead and any indirect costs.
- 3) **Method of Payment.** The selected consultant will be reimbursed no more than once a month the payment rate quoted and will be all-inclusive for overhead. Payments are dependent on the review and approval of work by BCDC project manager.

D) BID REQUIREMENTS AND INFORMATION**1) Key Action Dates**

The following dates are set forth for informational and planning purposes only and are subject to change:

RFP Available to Prospective Bidders	Date: April 15, 2026
Deadline for Questions	Date: April 24, 2026 Time: 2:00 pm
Deadline for Responses to Questions	Date: May 4, 2026 Time: 3:00 pm
Final Date for Submission of Bid	Date: May 11, 2026 Time: 3:00 pm
Proposed Bid Opening Date	Date: May 12, 2026 Time: 10:00 A.M.
Proposed Interviews Date	May 19, 2026 thru May 20, 2026 Time: 10:00 A.M. to Noon
Notice of Intent to Award	Proposed Date: June 12, 2026
Proposed Award Date	Date: June 19th or upon approval whichever is later
Term Start Date	Date: July 1, 2026 or upon approval whichever is later
Term End Date of Agreement	Date: March 30, 2027

2) Question and Answer Period

Any questions regarding this RFP must be submitted in writing via email to the Contract Manager listed on Page 2 of this RFP. All questions must be received prior to the deadline for questions. Emails should include the individual's name, firm name, and must reference RFP number. All answers will be posted on the Cal eProcure website. It is the responsibility of the Bidder to check the California State Contract Register at <https://caleprocure.ca.gov/pages/index.aspx> when inquiring about an addendum, questions, answers, and any other posts related to this RFP.

3) Packaging and Submittal Instructions

- a) All proposals and cost information must be submitted and received by the BCDC by the Final Date for Submission of Bid as identified in Section D)1) – Key Action Dates.
- b) Bids must be submitted by mail

1. Package must read

DO NOT OPEN
Solicitation # SFBC-P-25-15
Chenee Williams, Contract Manager
375 Beale St., Ste. 510
San Francisco, CA 94105
Phone: (415) 352 - 3652
Email: chenee.williams@bcdca.gov

Bidders are ultimately responsible for ensuring timely receipt of their bid. Bidders may verify receipt of a bid by contacting the BCDC Contract Manager identified in the cover letter of this RFP.

- c) Bidders are solely responsible for understanding the scope of work and all requirements, terms, conditions, evaluation criteria, etc., before submitting a bid. If the language is unclear or ambiguous, it is Bidder's responsibility to request clarification or assistance before submitting a bid. Please note that no verbal information shall be binding upon the State unless the State issues such information in writing as an official addendum. If the RFP is modified prior to the final bid submission date, the State shall issue an addendum to all bidders that received a bid package. By virtue of submitting a bid, Bidder is accepting the terms and conditions expressed herein. Costs incurred for developing bids and in anticipation of award of the Agreement are the responsibility of Bidder and shall not be charged to the State.
- d) Bidder may modify a bid after its submission by withdrawing the original bid and resubmitting a new bid prior to the bid submission deadline. Bidder modifications offered in any other manner, oral or written, shall not be considered.
- e) Bidder's bid may be withdrawn from consideration by submitting a written withdrawal request to the State, signed by Bidder or an authorized agent prior to the public bid opening. The bid is binding once it is opened by the State and may not be withdrawn without cause.
- f) Proposals should provide straightforward and concise descriptions of the proposer's ability to satisfy the requirements of this RFP. The proposal must be complete and accurate. Omissions, inaccuracies or misstatements may be cause for rejection of a proposal. The proposal must include:
 - 1) **Statement of Project:** A brief statement of the entire project as seen by the prospective consultant.
 - 2) **Work Plan:** The prospective consultant shall develop a work plan and schedule for task completion, including major tasks, necessary subtasks, deliverables, and/or specific milestones by which progress can be measured and payments made.

- 3) **Description of Qualifications:** A brief description of the prospective consultant’s qualifications and experiences. The resume of the assigned key person working under the contract shall be included in the Proposal.

- 4) **Cost:** The hourly rate charged by the prospective consultant who would work on the project and include unit prices for tasks listed in a separate sealed enveloped marked “COST PROPOSAL – DO NOT OPEN”

- 5) **Samples of Work:** Two samples of the prospective consultant’s work which most closely correspond to the consultant work being requested by BCDC. This could include examples of past regulatory products or developed programmatic permits.

- 6) **References:** The name, title, address, telephone numbers and e-mail addresses of at least three references.

4) Evaluation and Selection

- a) All bid packages properly received according to the RFP Instructions on or before the bid due date and time shall be publicly opened and the rates read on the date and time specified in Section D)1), Key Action Dates, Bid Opening, at the following address:
 - 375 Beale Street, Suite 510, San Francisco, CA 94105

- b) Bidders who plan to attend the virtual public bid opening must notify the Contract Manager listed in the cover letter of this BCDC at least three (3) business days before the date of the public bid opening Section D.1, Key Action Dates, Bid Opening. If Bidder and/or Bidder’s representative require reasonable accommodation to participate in the Public Bid Opening, Bidder must contact the Contract Manager identified in this package and identify what reasonable accommodation(s) is required for Bidder to participate.

BCDC will evaluate each bid to determine compliance and adherence to all RFP requirements, as well as verification of calculations. BCDC reserves the right to request clarification of any documents submitted with this bid regarding any and/or all sections of the RFP. The proposals that meet the minimum qualifications will be evaluated and scored according to the criteria indicated below. A minimum of 75 points must be achieved in this phase to be considered responsive. (A responsive proposal is one, which meets or exceeds the requirements stated in this RFP.) A minimum of 60% of possible points (e.g., 6 of 10 points) must be achieved for each rating/scoring criteria.

Rating/Scoring Criteria	Maximum Possible Points
Statement of Project and Work Plan	20
Description of Qualifications and	20

Experience (teams with direct experience developing a related programmatic environmental permit will receive additional points)	
Sample of Work	10
Interview	20
Cost (Cannot be less than 30% of the total points)	30
Total Points	100
Small Business Preference (If you are certified small business, the bidder will be awarded 5% preference)	5
DVBE (If you are certified Disabled Veterans Business Enterprise, the bidder will be awarded 3% preference)	3
Total Possible Points	108

- c) In the event of a precise tie between the lowest responsible bid of a certified small business and a certified disabled veteran owned small business, the contract must be awarded to the disabled veteran owned business per the Department of General Services (DGS) State Contracting Manual (SCM), Section 8.21C.
- d) Bids that contain false or misleading statements, or which provide references that do not support an attribute condition claimed by the bidder, may be rejected.
- e) No bid shall be considered unless the rate is submitted on the designated Rate Sheet and Bidder Certification form is in conformance with the submission requirements of this RFP.
- f) The bid must be submitted for the entire activity described herein. BCDC does not accept alternate contract language from a prospective contractor. A bid with such language shall be considered a counter proposal and shall be rejected. Additionally, bids may be rejected if the bid proposal shows any alterations of form, additions not called for, a conditioned or incomplete bid, or erasures and/or irregularities of any kind. Any bid amounts changed after the amounts are originally inserted **MUST** be initialed in original ink by Bidder.
- g) BCDC reserves the right to reject any and all bid submittal packages and/or waive any immaterial deviations in a bid submittal package and/or allow a Bidder to remedy any immaterial deviations in their bid submittal package. BCDC reserves the right to determine what constitutes an immaterial deviation in Bidder’s bid submittal package. The State’s

waiver of an immaterial deviation shall in no way modify the RFP document or excuse Bidder from full compliance with all requirements if awarded an Agreement.

- h) BCDC is not required to award an Agreement resulting from this RFP.
- i) If a previous Agreement with a prospective bidder was terminated for cause, BCDC reserves the right to hold a responsibility hearing before awarding the Agreement to determine if the bidder is responsible. The bid may be rejected if BCDC deems, at the conclusion of the responsibility hearing, that the bidder is not responsible.

5) Awards

- a) The award of an Agreement, if it is to be awarded, shall be made to the Bidder who acquire highest scores and whose bid complies with all requirements prescribed herein. In the event Bidder submits more than one (1) bid under this bid process, BCDC shall select the lowest bid and reject all other bids from this Bidder.
- b) Whenever an Agreement is awarded under a procedure which provides for competitive bidding, but the Agreement is not to be awarded to the low bidder, the low bidder shall be notified by electronic mail, facsimile transmission, overnight courier, or personal delivery five (5) working days prior to the award of the Agreement.
- c) Notice of the Intent to Award shall be posted in a public place in the office of the awarding agency at least five (5) working days prior to awarding the Agreement, if requested in writing by any bidder who submitted a bid.
- d) Upon receipt of a tentative award, the apparent winning Bidder must return all required documents to the contract manager within thirty (30) days of receipt. Failure to do so will result in the disqualification of the bidder's submission. A tentative award will then be issued to the next highest scored responsive responsible bidder.

6) Protests

- a) If any bidder, prior to the award of Agreement, files a written protest with the Department of General Services, Office of Legal Services (DGS/OLS), 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605 or Email at OLSProtests@dgs.ca.gov and the California on the grounds that the (protesting) bidder is the lowest responsive responsible bidder, the Agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter.
- b) Within five (5) days after filing the initial protest, the protesting bidder shall file with the DGS and the awarding agency, a detailed written statement specifying the grounds for the protest. The written protest must be sent to the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite #7-330, West Sacramento, CA 95605 and Email at OLSProtests@dgs.ca.gov. A copy of the detailed written statement should be mailed to the awarding agency. It is suggested that you submit any protest by certified or registered mail.

7) Disposition of Bids

- a) Upon bid opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- b) Bid packages may be returned only at the bidder's expense, unless such expense is waived by the awarding agency.

8) Agreement Execution and Performance

- a) The successful bidder(s) shall enter into an Agreement with BCDC prepared on a State of California Standard Agreement (STD 213 form, sample attached) and shall include Exhibits A, A-1, B, D. The approval of an Agreement is contingent upon timely receipt and the State's acceptance of the Contractor's certificates of insurance, bonds, licenses, permits and other required documents.
- b) This Agreement is not valid unless and until approved by DGS or, under its delegated authority, BCDC has no legal obligation unless and until the Agreement is approved. Any work commenced by the Contractor prior to approval may be considered voluntary and the Contractor may have to pursue claim for payment by filing with the California Victim Compensation and Government Claims Board. When the Agreement is fully approved, a copy shall be forwarded to Contractor.
- c) In the event the Bidder is party to an Agreement awarded in a prior bid for the same services and a contract award is made to Bidder as a result of this RFP, BCDC shall pay for services using rate(s) in the prior Agreement for the period of time up to and including the term end date of that Agreement. The only exception to this provision occurs when the rate(s) in a subsequent agreement is lower than those of the primary agreement; BCDC then has the sole right to determine which rate(s) will be applied.
- d) In the event an awarded Contractor fails to commence work at the agreed upon time, BCDC upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to BCDC for the difference between Contractor's bid price and the actual cost of performing work by the second lowest bidder or by another contractor.
- e) All performance under the agreement shall be completed on or before the termination date of the Agreement.

E) SPECIAL PROGRAMS

1) Disabled Veterans Business Enterprise (DVBE) Program

- a) DVBE Participation Program with **No** Goal

While a DVBE goal is not required, DVBE participation is encouraged, and the DVBE Incentive will apply to this RFP as described below.

- b) It is the intent of the California Legislature that every State procurement authority honor California’s disabled veterans by taking all practical actions necessary to meet or exceed the Disabled Veteran Business Enterprise participation goal of a minimum of three percent (3%) of total contract value. The Disabled Veteran Business Enterprise (DVBE) Certification and Outreach Branch program was created for this purpose. Under Senate Bill 115, Section 999.5, an incentive program was established.
- c) DVBE Incentive: The DVBE Incentive Program applies to this solicitation. It is separate from the DVBE Participation Program and was established in Military and Veterans Code Sections 999 et seq., and Title 2, California of Regulations, Sections 1896.99 (2 CCR Section1896.99) et seq., to encourage bidders to partner with DVBE subcontractors.

The incentive is used only for evaluation purposes to arrive at the successful bidder and does not alter the amounts of the actual bid. BCDC shall apply a DVBE Bid incentive to bids that propose California certified DVBE participation as identified on the **Bidder Declaration, GSPD-05-105**, and confirmed by the State. The DVBE incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation.

Any responsive and responsible bidder with the confirmed DVBE participation per the Table below is eligible to receive the incentive. Bidders who are not responsive and responsible regardless of the amount of DVBE participation are not eligible to receive the incentive.

The following percentages will apply for awards based on low price:

Confirmed DVBE Participation of:	DVBE Incentive Percentage:
5% or over	5%
4% to 4.99% inclusive	4%
3% to 3.99% inclusive	3%
2% to 2.99% inclusive	2%
1% to 1.99% inclusive	1%

Application of the DVBE incentive CANNOT displace a California Certified Small Business.

- d) Contractor understands and agrees that should award of this contract be based in part on their commitment to use the DVBE subcontractor(s) identified in their bid or offer, per Military and Veterans Code 999.5 (e), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by the Department of General Services (DGS). Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment.
- e) Failure of Contractor to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination, recovery of damages under rights and remedies due to the State, and penalties as outlined in M&VC § 999.9; Public Contract Code (PCC) § 10115.10, or PCC § 4110 (applies to public works only).

- f) Pursuant to Government Code 14841, upon completion of the contract for which a commitment to achieve small business (SB) or DVBE participation was made, the contractor shall report to the awarding department the actual percentage of SB/DVBE participation that was achieved.
- g) Withhold: Pursuant to Mil. & Vet. Code Section 999.7, ten thousand dollars (\$10,000) will be withheld from the final payment, or the full final payment if less than ten thousand dollars (\$10,000), until the prime contractor complies with the certification requirements of subdivision (d) of Mil. & Vet. Code Section 999.5. Prime contractor shall be given 30 days' notice to cure the defect. If, after 30 calendar days from the date of notice, the prime contractor refuses to comply with the certification requirements, BCDC shall permanently deduct ten thousand dollars (\$10,000) from the final payment, or the full payment if less than ten thousand dollars (\$10,000).

2) Small Business Preferences

- a) Current law encourages state departments to first consider a Small Business Enterprise (Small)/ Micro-business Enterprise (Micro) for contracting opportunities. BCDC is committed to supporting Small/Micro business participation in state contracting and seeks to use certified Small/Micro businesses whenever possible. A Small/Micro business enterprise is defined as a business certified by the Office of Small Business and DVBE Services (OSDS) in which:
 - I) The principal office is located in California
 - II) The officers are domiciled in California
 - III) The business is independently owned and operated
 - IV) The business, with any affiliates, is not dominant in its field of operation and:
 - (a) For Small Business, either:
 - (i) The business, together with any affiliates, has 100 or fewer employees and averaged annual gross receipts of \$15,000,000 or less over the previous three years, or
 - (ii) The business is a manufacturer with 100 or fewer employees.
 - (b) For Micro Business, either:
 - (i) The business, together with any affiliates, has 25 or fewer employees and averaged annual gross receipts of \$5,000,000 or less over the previous three years, or
 - (ii) The business is a manufacturer with 25 or fewer employees.
- b) Section 14835, et seq., of the California Government Code requires that a five percent (5%) preference be given to bidders who qualify as a Small/Micro business enterprise. The rules and regulations of this law are contained in Title 2, California Code of Regulations Section 1896, et seq. A copy of the regulation is available upon request.
- c) To claim the Small/Micro business preference, which may not exceed \$50,000 for any bid, Bidder's firm must have a completed application (including proof of annual receipts) on file with the DGS, Procurement Division, OSDS, by 5:00 p.m. on the date bids are opened, and

receipt verified by such office. Therefore, if Bidder is a Small/Micro business, but is not certified, it is to Bidder's advantage to become certified. For certification and preference approval process information, contact the OSDS by telephone at (916) 375-4940 or access the OSDS Internet website at <https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program>

- d) If upon verification of Bidder's Small/Micro business status it is determined Bidder is not a certified Small/Micro business enterprise, Bidder's business shall be classified as a large business which shall preclude Bidder's bid from receiving the five percent (5%) Small/Micro business preference.
- e) Pursuant to Title 2, California Code of Regulations Section 1896, et seq., and Government Code Section 14838, et seq., a bid preference of five percent (5%) is available to a responsive non-small business claiming no less than twenty-five percent (25%) Small/Micro business subcontractor participation with one or more Small/Micro businesses. This preference is considered only if the tentative low bidder is not a certified Small/Micro business. In granting the Non-Small Business Subcontractor (NSBS) preference, no bid price shall be reduced by more than \$50,000. This preference cost adjustment is for computation purposes only and does not alter the actual cost offered by Bidder. To be eligible for the NSBS preference, the business must complete the following forms:
 - I) Non-Small Business Subcontractor Preference Request
 - II) Small Business Subcontractor/Supplier Acknowledgement
- f) Pursuant to Military and Veteran Code Section 999.50 et seq., Nonprofit Veteran Service Agencies (NVSAs) claiming Small/Micro business preference and verified as such in the relevant category or business type, shall be granted a preference of five percent (5%) of the lowest responsive bid, if the lowest responsive bid is submitted by a bidder not certified as a Small/Micro business. In granting Small/Micro business preference to NVSAs, no bid shall be reduced by more than \$50,000. The preference cost adjustment is for computation purposes only and does not alter the actual cost offered by Bidder. To be eligible for the NVSA Small/Micro business preference, the business concern must:
 - I) Request preference at the time of bid submission; and
 - II) Have a completed application on file with DGS, OSDS by 5:00 p.m. on the date bids are due.

F) REQUIRED DISCLOSURES

1) Commercially Useful Function

If Bidder is a California certified small business in accordance with Government Code Sections 14837(d)(1)(2), Bidder must address specific aspects of the legislation that requires certified small businesses to perform a commercially useful function as defined in Government Code Sections 14837(d)(4)(A)(B). A Commercially Useful Function Certification (CUF) form is attached to this solicitation.

2) Darfur Contracting Act

Effective January 1, 2009, contracts for Non-Information Technology (Non-IT) goods or services must address the requirements of the Act. The Act was passed to preclude State agencies generally from contracting with "SCRUTINIZED" companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in PCC Section 10475.

A SCRUTINIZED company is a company doing business in Sudan as defined in PCC Section 10476. SCRUTINIZED companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for Non-IT goods or services (PCC Section 10477(a)). PCC Section 10478(a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a SCRUTINIZED company in order to submit a bid or proposal to a State agency. A SCRUTINIZED company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the DGS according to the criteria set forth in PCC Section 10477(b).

3) California Civil Rights Laws Certification

Per PCC Sections 2010, prior to bidding on, submitting a proposal or executing a contract or renewal for a State of California contract for goods or services of \$100,000 or more, a vendor must certify compliance with California Civil Rights Laws and Employer Discriminatory Policies. (CC Section 51 – Unruh Civil Rights Act; GC 12960 – Fair Employment and Housing Act)

4) Contractor Certification Clauses

The Contractor Certification Clauses (CCC) may be downloaded from the Internet at <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language>. An original, signed copy of page 1 must be submitted with the bid. Failure to submit a signed CCC shall delay approval of this Agreement.

5) Economic Sanctions

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (EO) regarding sanctions in response to Russian aggression in Ukraine. The EO is located at <https://www.gov.ca.gov/wp-content/uploads/2022/03/3.4.22-Russia-Ukraine-Executive-Order.pdf>. The EO directs all agencies and departments that are subject to the Governor's authority to take certain immediate steps, including notifying all contractors and grantees of their obligations to comply with existing economic sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law.

This paragraph serves as a notice under the EO that as a contractor or grantee, compliance with the economic sanctions imposed in response to Russia's actions in Ukraine is required, including with respect to, but not limited to, the federal executive orders identified in the EO and the sanctions identified on the U.S. Department of the Treasury website (<https://home.treasury.gov/policy-issues/financial-sanctions/sanctionsprograms-and-country-information/ukraine-russia-related-sanctions>). Failure to comply may result in the termination of contracts or grants, as applicable. Please note that for any agreements or grants valued at \$5 million or more, a separate notification will be sent outlining additional requirements specified under the EO.

REQUIRED ATTACHMENTS

All required documents are listed on Attachment 1, Bidder's Checklist, and must be included when submitting a bid.