

**SAN MATEO COUNTY HARBOR DISTRICT**

**REQUEST FOR PROPOSALS**

**TO PROVIDE STRATEGIC BUSINESS PLAN  
PREPARATION SERVICES**

**October 14, 2013**



**400 Oyster Point Boulevard, Suite 300  
South San Francisco, CA 94080**

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# **SAN MATEO COUNTY HARBOR DISTRICT**

## **REQUEST FOR PROPOSALS FOR STRATEGIC BUSINESS PLAN PREPARATION SERVICES**

### **GENERAL INFORMATION**

The San Mateo County Harbor District (District) requests proposals from qualified firms, joint ventures, partnerships or other teams to prepare a Strategic Business Plan for the District and its two harbor facilities, Pillar Point Harbor and Oyster Point Marina/Park.

There is no expressed or implied obligation from the San Mateo County Harbor District to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

To be considered, seven (7) print copies and three (3) electronic copies on flash drive of a proposal must be received by Peter Grenell, General Manager, at 400 Oyster Point Blvd., Suite 300, South San Francisco, CA 94080, by 3:00 p.m. PST on Thursday, February 27, 2014. The Harbor District reserves the right to reject any or all proposals submitted.

The District reserves the right to request additional information or clarification from proposers, to allow for the correction of errors or omissions, retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this Request for Proposals (RFP), unless clearly and specifically noted in the proposal submitted and confirmed within the contract between the District and the firm selected.

Inquiries related to this RFP should be made to the San Mateo County Harbor District Administration Office at 650-583-4400, or submitted via e-mail to:

Peter Grenell  
General Manager  
[harbordistrict@smharbor.com](mailto:harbordistrict@smharbor.com)

It is anticipated that staff will make a recommendation to the Board of Harbor Commissioners at the Wednesday, March 19, 2014 Board meeting.

## BACKGROUND

The San Mateo County Harbor District is an independent special district created by San Mateo County pursuant to provisions of the California Government Code and Harbors and Navigation Code. The District's jurisdiction is coterminous with that of San Mateo County. The District is governed by a five-member Board of Harbor Commissioners elected at large by County voters for staggered four-year terms. The District presently operates two harbors: Pillar Point Harbor, a 369-berth public commercial fishing harbor that also supports sport fishing and recreational boating, located in the unincorporated community of Princeton on Half Moon Bay approximately twenty-five miles south of the City of San Francisco, and for which the District received a State Tidelands Grant in 1960; and Oyster Point Marina/Park, a 455-berth recreational marina located about two miles north of San Francisco International Airport in the City of South San Francisco at a municipal landfill, that also contains a commuter ferry terminal operated by SF Ferry (the Water Emergency Transportation Authority). The District operates Oyster Point under a Joint Powers Agreement with South San Francisco, which owns the facility.

Historical Overview: The Harbor District was established in 1933, initially to create a harbor in Redwood City. The Depression and World War II intervened and the District became inactive. It was reactivated in 1948 after Coastside citizens urged Congress to fund creation of a harbor of refuge for the fishing fleet at Pillar Point. A federal breakwater was built by the Army Corps of Engineers in 1959-61, with an extension in 1967. With State financial assistance, the Harbor District constructed the Harbor's docks and berths in the 1980s, along with a second, inner breakwater to provide further protection. A master plan for potential Pillar Point improvements was done in 1991. This plan did not include a financial plan or strategy for implementation. A few plan goals were fully or partially achieved, and later other newer harbor needs not incorporated into the plan were accomplished.

Meanwhile, in 1977, the City of South San Francisco requested the District to assume operational control over the City's Oyster Point Marina, in view of the District's countywide jurisdiction. A Joint Powers Agreement was executed, giving the District the authority to improve and complete construction of a 600-berth recreational marina. Full build-out was accomplished during the 1980s, consistent with the overall planning guidelines of the City's 1983 Oyster Point Specific Plan.

South San Francisco's dream of having ferryboat service connect it with other SF Bay communities began to achieve fruition with the State Legislature's creation of the Water Transit Authority (WTA), which began work in 2000. The Legislature later expanded the WTA's purview by charging it with preparation of a Water Transportation system Emergency Management Plan (2009) and renaming the agency as the Water Emergency Transportation Authority (WETA). The Harbor District, with City concurrence, issued a long term lease to the WETA for water and land area at Oyster Point in which to build and operate a ferry terminal, and agreed

to remove two docks to provide space for the terminal. WETA began ferry service to the East Bay in spring of 2012, with new expanded services being tested and planned to San Francisco.

Harbor District Relationship with State Division (formerly Department) of Boating and Waterways (DBW): The District financed construction of its harbor facilities primarily with loans provided by DBW. In 2004, the District completed a financial business plan at the behest of DBW that established a schedule for retiring the District's debt at the time of \$19.77 million. The District has continued to make annual payments of principal and interest to DBW to reduce its outstanding loan balance. Presently the balance is down to approximately \$8.1 million, and the District expects to completely retire the debt in 2018, one year earlier than the repayment schedule.

The Harbor District's Strategic Planning Process: The Board of Harbor Commissioners has conducted annual public strategic planning workshops for a number of years. The Board reviews the District's financial condition and progress on achievement of Commission priorities for operations and improvements to its facilities, and considers emerging issues and priority updates to guide District activities for the coming fiscal year and into the future.

Several substantial political, economic, financial, environmental, and regional changes have occurred in recent years that suggest the need for an overall stock-taking by the District. These changes include but are not limited to the extended economic recession, the extended closure of salmon fishing (recently resumed) that resulted in significant adverse impacts on Pillar Point Harbor, other regulatory changes in the commercial fishing industry, the elimination by the State of redevelopment agencies that has affected the City of South San Francisco's plans for Oyster Point Marina, the inauguration of San Francisco Bay ferry service at Oyster Point, the passage of ten years since the District's Business Plan was prepared for the State Department of Boating and Waterways (now a Division of the State Parks and Recreation Department) for the District's development loan restructuring, growing recognition of climate change impacts especially sea level rise, other impacts on Pillar Point Harbor as the San Mateo Coastside becomes a more popular visitor and recreation destination (including growing interest in the annual Mavericks Big Wave Surfing Contest), with more demands on the District for non-revenue producing recreational facilities and activities.

Other recent State policy changes have also influenced the District's thinking about its own planning: The Strategic Plan of the California Ocean Protection Council (2012-17), created by the Legislature in 2004 "to help protect, conserve, and maintain healthy coastal and ocean ecosystems and the economies they support", sets forth several goals and actions the Council will pursue. These include improving understanding of climate change and addressing climate change impacts on ocean ecosystems and coastal communities; and working with other agencies to

support sustainable fisheries management including improving access to fisheries and revitalizing ports and harbors.

Additionally, the California State Coastal Conservancy's new Strategic Plan (2013-18) identifies action priorities including adaptation strategies to reduce hazards from sea level rise, and development of waterfront revitalization plans for public access, commercial and recreational fishing, and economic revitalization.

Locally, the San Mateo County's Planning Department has just begun a Comprehensive Planning Process for the unincorporated Coastside community of Princeton, in which the District's Pillar Point Harbor is located. The primary goal of this two-year process is to identify and recommend changes to County policy to guide Planning Commission and Board of Supervisors' decision-making, Local Coastal Program provisions, and zoning regulations for Princeton. The Department, with its team of consultants, will consider a number of key subject areas that relate to Pillar Point Harbor and the District. These include shoreline management, enhancing public access, support to coastal-dependent uses, and facilities for commercial fishing and recreational boating.

Other background information on the Harbor District may be found on the District's website: [www.smharbor.com](http://www.smharbor.com).

All of these factors have led to the Harbor Commission's decision to prepare a multi-year Strategic Business Plan as a benchmark to guide its ongoing activities through its continuing annual strategic planning process.

## **STRATEGIC BUSINESS PLAN OBJECTIVES**

The Strategic Business Plan will accomplish several objectives:

- (1) Update the ten year-old District business plan prepared for Boating and Waterways (DBW) that focused on retiring the District's remaining debt to DBW (now down to \$8.1 million);
- (2) Have at its core strategies for sustaining the commercial and recreational fishing industries at Pillar Point Harbor and the Harbor's working waterfront character, including making Pillar Point a more desirable destination for commercial fishermen and others doing business in the fishing industry;
- (3) Include a Capital Facilities Plan for both Harbors with an updated facilities condition assessment (FCA) and framework for a five-year FCA update to guide infrastructure repairs, upgrades, replacements, and

provision of new facilities through annual capital improvements plans, and which takes into account sea level rise adaptation measures;

- (4) Set forth approaches for enhancing District revenues including assessment of market opportunities and new business lines, public/private partnerships, selected development compatible with harbor and marine environments, innovative financing approaches, leasing policies, and grant sources such as the Ocean Protection Council and Coastal Conservancy;
- (5) Include an economic and employment impact analysis of the District's Harbors on local, County, and regional economies with respect to District and boater expenditures, direct and indirect employment, and taxes generated, with a focus on the fishing industry and its local industry profile, public and private facilities, management and marketing opportunities, and also the increasing tourism and recreational interest in these Harbor facilities;
- (6) Include an updated analysis of potential sea level rise impacts on the District's Harbors based on alternative projections and timelines, and identify implications and opportunities for adaptive capital facilities and development planning;
- (7) Identify opportunities for new Countywide District activities, e. g., collaborating with County, local SF Bayside jurisdictions, and the Water Emergency Transportation Authority (WETA) on waterborne emergency preparedness and response facilities, and with other agencies regarding tsunami and major storm preparedness and response;
- (8) Identify opportunities at the District's Harbors for joint marine-related educational activities with federal, state, County and other local agencies and educational institutions;
- (9) Include development of a data base for and identify opportunities for restoration of indigenous marine life to both Pillar Point Harbor and Oyster Point Marina/Park, including opportunities for improving harbor water circulation and quality; and
- (10) Include a robust and well-managed public outreach element to include harbor and marina tenants, businesses, and other facility users as direct stakeholders in the District and its future, and also the harbors' respective surrounding communities (South San Francisco and Coastsides), and other relevant agencies and organizations.

## SITE TOURS

Site tours will be conducted at each District Harbor facility. While not mandatory, respondents are strongly urged to visit these facilities to familiarize themselves with them and to clarify concerns. Interested parties may confirm tour dates and details by contacting the District Administration Office at 650-583-4400.

## SCHEDULE

The schedule for consultant selection is as follows:

Site Visits: Pillar Point Harbor: Thursday, November 21, 2013, 10:00 a.m.:  
Harbor Master's Office  
1 Johnson Pier  
Princeton, CA

Oyster Point Marina: Wednesday, November 20, 2013, 10:00 a.m.:  
Harbor Master's Office  
95 Harbor Master Rd.,  
South San Francisco, CA

**Proposal Submittal Date: Proposals must be submitted by: 3 p.m. PST on Thursday, February 27, 2014, to:**

San Mateo County Harbor District  
Administration Office  
400 Oyster Point Blvd., Suite 300  
South San Francisco, CA 94080.

Proposal Evaluation and Proposer Interviews: March 4-12, 2014.

Staff Report and Recommendation to Board of Harbor Commissioners for Consultant Selection: Wednesday, March 19, 2014.

## CONTACT FOR INFORMATION

Peter Grenell  
General Manager  
San Mateo County Harbor District  
Tel: 650-583-4400  
Email: [Harbordistrict@smharbor.com](mailto:Harbordistrict@smharbor.com)



## INSTRUCTIONS FOR PROPOSAL SUBMITTAL

1. Please review this RFP carefully. Note the closing date for submitting your proposal.
2. Submit all information as required by this RFP.
3. Seven (7) print copies and three (3) electronic copies on flash drive of the proposal containing the requested information below must be submitted to the District.
4. If a proposer considers any of the information contained in its proposal as proprietary, the portion(s) considered proprietary must be clearly designated or otherwise submitted in a separate sealed envelope clearly marked. Marking of the entire proposal as proprietary is unacceptable. Proprietary information and materials submitted by a respondent will be kept strictly confidential until and unless that respondent is awarded a contract by the District.
5. Each proposal shall give the full business address of the respondent and shall be signed by an authorized official of the responding firm. If a proposer is a joint venture or partnership, all participants in the venture or partnership should provide the above-referenced information. The name of each person signing the proposal shall be typed or printed below the signature. When requested by the District, satisfactory evidence of the authority of the person signing on behalf of the respondent shall be furnished.
6. Proposers may identify items appearing to be missed by using a request for information (RFI) process. All questions or other RFIs must be submitted only in writing (email, fax, or post are acceptable) to the District no less than ten (10) days prior to proposal submittal date to enable RFI responses. District will provide answers to written questions to all proposers.
7. **Proposals must be received no later than 3 p.m. PST on Thursday, February 27, 2014.** Proposals may be mailed or hand delivered to: San Mateo County Harbor District, Administration Office, 400 Oyster Point Blvd., Suite 300, South San Francisco, CA 94080.
8. All proposals must be addressed to the Attention of the General Manager, and be clearly marked "Response to Request for Proposals: Harbor District Strategic Business Plan". The envelopes must also show the respondent's name and address.

## **TIMELINE FOR VALID PROPOSALS**

All proposals received will remain valid for not less than ninety (90) calendar days from the proposal due date.

## **SCOPE OF WORK**

Proposer's scope of work shall address the ten Strategic Business Plan objectives set forth above. The Plan should address these objectives for the District as a whole, and separately for Pillar Point Harbor and Oyster Point Marina/Park as appropriate. The Scope includes:

An Updated plan for retiring remaining DBW dept: An updated plan specifically addressing retirement of the District's remaining loan balance to the California Division of Boating and Waterways (formerly Department) should be prepared as a technical appendix and referenced as needed in the Strategic Business Plan.

A Capital Facilities Plan: This document should address facilities needs for the District and its constituent harbor facilities and should be prepared as a detailed companion to the Plan document and its discussion of facilities. The Facilities Plan shall make use of existing facility conditions survey material available with the Harbor District, but should use additional data as needed to be gathered by consultant. A forecast and demand survey should be conducted with respect to existing facilities in regard to future occupancy expansion and/or operational changes called for by anticipated or proposed changes in facility use. The Facilities Plan should take into account sea level rise (SLR) projections with respect to types, location, design, planning and construction timelines and regulatory parameters for various harbor and marina facilities. SLR projections for short, medium, and long term periods, for a range of changing conditions, and including consideration of possible major storm surge impacts should be considered.

Sustainable Fisheries Plan: As a major component of this Strategic Business Plan, a plan for sustaining the fishing industry at Pillar Point Harbor should be prepared as part of the Pillar Point Harbor section of the Plan. The intent should be to improve landings, support the working waterfront and its fishermen and local fishing industry businesses, and take advantage of increasing consumer interest and demand for local seafood. This plan should consider the local industry profile including with respect to different fisheries, harbor fishing industry-related infrastructure needs, constraints on fishing industry operations (fishermen, local buyers, unloaders, distributors, and other industry participants), including regulatory and other management measures and changes, marketing strategies,

sustainable fishery management approaches, and resolution of harbor management, facilities maintenance and financial needs versus industry costs and operational concerns for fishermen, Harbor District lessees and other industry participants.

A revenue enhancement plan: Also of primary importance, the Plan should articulate strategies, methods, and opportunities for increasing and diversifying District revenues through compatible coastal-dependent or marine-related development, while taking into account environmental and climate change-related limitations on spatial development and constraints on traditional rates and fees-related revenue generation. The Plan should also identify potential sources of grant and cost-share funds that may be available to cover at least partial costs of work items proposed in the Plan. A companion to revenue generation strategies that focuses on opportunities for reductions in operational expenditures should also be prepared.

An economic impact analysis of the District and its facilities: As outlined in the plan objectives above, this analysis should be prepared as a technical appendix and referenced in the Plan as appropriate. The economic and employment impacts of Pillar Point Harbor on the local and regional economy are of particular interest.

Opportunities for other District activities in San Mateo County: The Plan should identify and discuss opportunities for new District activities within its San Mateo County jurisdiction. These should include but not be limited to:

- (a) water-related or waterborne emergency preparedness and response concerns related to San Francisco Bay shoreline communities within the County;
- (b) exploring opportunities for enabling establishment of a U. S. Coast Guard presence at Pillar Point Harbor to complement the Harbor District's present ocean search and rescue activities, and to facilitate interagency cooperation on matters of mutual interest and concern;
- (c) potential operational or managerial roles regarding other harbors and marinas within the County. This discussion should identify criteria for the District's possible use in evaluating desirability and feasibility of involvement with other harbors and marinas;
- (d) identification of opportunities at the District's Harbors for joint marine-related educational activities for school children and adults with federal, state, County and other local agencies and educational institutions; and
- (e) potential for development of a data base for and identification of opportunities for restoration of indigenous marine life to both Pillar Point Harbor and Oyster Point Marina/Park, including opportunities for improving harbor water circulation and quality within the confines of these Harbors' protective breakwaters.

Sea level rise adaptations: The Plan must identify and discuss a strategy for addressing climate change-related sea level rise concerns at District facilities. It should be based on alternative assumptions and timelines for sea level rise, storm surge impacts, etc. Implications for Harbor facilities improvements, additions, and alterations should be identified and incorporated into the Capital Facilities Plan.

Public outreach plan: Proposers should include a public outreach plan that articulates the proposed nature, extent, and type of involvement of and communication with the public they would propose for the District and the successful proposer regarding preparation of the Strategic Business Plan. This outreach plan should include Harbor and Marina tenants, businesses, other facility users, their respective surrounding communities (South San Francisco and Coastside), and other relevant organizations and agencies. The outreach plan should discuss specific methods proposers would use in communicating with and obtaining input from the public on Plan preparation.

## **REQUIRED WORK PRODUCTS**

Deliverables required by a contract issued pursuant to this RFP will include:

(a) a Strategic Plan document with sections on the District (including the District's strategic planning process overview, values, vision, and mission); on Pillar Point Harbor (including discussion of a sustainable fisheries business plan), on Oyster Point Marina/Park (including interrelationships with the City of South San Francisco and discussion of long-term outlook for the Joint Powers Agreement); and on consistency with federal, state, regional (San Francisco Bay Plan), county (Local Coastal Program), and city plans of South San Francisco and Half Moon Bay (General, Specific, Local Coastal Program (Half Moon Bay)).

(b) a Summary Strategic Plan document for broad public distribution that summarizes the District's vision, mission, Strategic Plan elements and goal priorities, situational analysis, and implementation approach.

(c) a Capital Facilities Plan document with sections on the District, Pillar Point Harbor, and Oyster Point Marina/Park, which includes design criteria, service levels, cost estimates, projects and priorities, and financing options.

(d) Technical Appendices that should include but may not be limited to:

- Existing Conditions of District Facilities
- Financial Condition of the Harbor District

- Updated business plan for retirement of outstanding District loan balance and debt service to the Division of Boating and Waterways (DBW), including debt service since the 2004 business plan and current status; determination of adequate reserves for remaining debt service; schedule for payoff of outstanding balance; projected revenue – existing, new possibilities; possibilities for new DBW facilities loans, e. g., docks, sea level rise adaptations.
- Sustainable Fisheries Business Plan (Pillar Point Harbor)
- Economic and Market Trends Analysis
- Demand and Forecasting Analysis for Marina and Harbor business (including needs assessment for slip sizes)
- Economic Impact Analysis, with particular emphasis on Pillar Point Harbor impacts
- Public Outreach Plan (a part of the Strategic Business Plan preparation process).

## **PROJECT TEAM**

Proposer will furnish all necessary labor, facilities, equipment, and materials to perform the work called for by this RFP. If a proposer is a team of firms, a joint venture, partnership, or prime contractor with subcontractors, describe the intended role of each partner in the proposal, the relationship of each partner or subcontractor to the responding firm and the responsible entity in the organizational structure for various project activities and ongoing overall project management. Specify whether firms proposed for the team, joint venture, partnership or other multi-party arrangement have worked together previously on projects. Provide information on these projects and the firms that worked on the projects.

The District will entertain proposals to implement the complete Scope of Work as set forth in this RFP, or to implement one or more specific components of the Scope, e. g., a sustainable fishing industry plan.

The District retains the right to confer with any and all proposers regarding merging, matching, or combining teams to comprise a project team optimal to achieving the District's objectives.

## **EXPERIENCE OF RESPONDENT**

### Firm Qualifications and Experience

Proposers should state the size of the firm, the location of the office from which the work on this engagement is to be performed, the number and nature of the professional staff to be employed in this engagement on a full-time basis, and the number and nature of the staff to be employed on a part-time basis.

### Partner(s), Supervisory, and Staff Qualifications and Experience:

Proposers must identify the principal supervisory and management staff, including engagement partner, managers, other supervisors, and specialists who will be assigned to the engagement.

Project Manager: Proposers must identify the Project Manager for the project, who shall be the principal individual responsible for implementing the proposer's obligations and responsibilities of any agreement to be executed for this project. Proposers must guarantee that the Project Manager will be available for the project's duration (unless he/she leaves the proposer's firm). Three references for the Project Manager should be provided that support his/her ability to deliver the required work products on schedule and within budget.

Provide information on the qualifications of all participating staff including their duties, years of experience, similar projects on which they have worked and their respective roles.

Describe at least three comparable projects on which respondent's firm has worked, including specific scope of work, level of participation, and other relevant information.

Provide the names, telephone numbers, and address of at least three (3) business references. The District may, but is not obligated to, contact any or all of these references.

Provide a list of any proposer contracts terminated by clients for cause during the past ten (10) years.

## **PROPOSAL TIMELINE**

Provide an estimated project timeline from start of work until estimated completion, showing all tasks and stages of the scope of work including public outreach activities or milestones.

## **PROPOSAL BUDGET**

The proposal must include a project budget and contain all pricing information relative to performing the job as described in this RFP, including a schedule of billing rates and hourly levels of effort of all Project Team members. If the proposer is a team, a joint venture or partnership, the above referenced information should be provided for each firm partner.

The total all-inclusive maximum price to be proposed is to contain all direct and indirect costs including all out-of-pocket expenses.

No cost increases shall be passed onto the District after the proposal has been submitted.

## **WAIVER**

Respondent, by submitting a proposal in response to this RFP, waives all rights to protest or seek any legal remedies whatsoever regarding any aspect of this RFP, the District's selection of any other respondent, the District's rejection of any or all responses to this RFP, and any subsequent agreement entered into by the District as a result of this RFP.

## **CONSULTANT SELECTION PROCESS AND PROPOSAL EVALUATION**

Under the terms of this RFP, the District is not obligated to contract with the proposer lowest in cost. Proposals submitted by the deadline will be reviewed by the District for completeness, understanding of and responsiveness to the intent of this RFP, demonstration of respondent's capability and experience with execution of similar projects, statements of experience and qualifications of key project personnel.

The District may request additional information from any or all proposers after the initial evaluation of the proposals submitted as may be deemed necessary or desirable.

A short-listed group of proposers may be selected based upon the District's review of proposals received. Short-listed firms will be required to be interviewed and make verbal presentations of their proposals and qualifications to the District.

The District will evaluate proposers' proposals and interviews and rank them based on several selection criteria listed below, for a total of up to 100 points:

- (1) Experience in preparing strategic business plans for harbor or port agencies or other government entities (15 points);
- (2) Demonstrated competence, qualifications, knowledge, and abilities to perform the tasks summarized in this RFP's Plan Objectives and Scope of Work including management approach and ability to keep to project schedule (30 points);
- (3) Professional experience and qualifications and availability of key personnel for this project, and demonstrated ability to effectively work as a project team of the project manager and key personnel of all team firms or other partners (20 points);
- (4) Responsiveness to and understanding of this RFP's submittal requirements and clarity and quality of written and oral communications in the proposal and interview (15 points);
- (5) Cost of performing the tasks called for by this RFP (20 points);
- (6) References (0 points. References will be contacted regarding level of performance [satisfactory/unsatisfactory]).

Proposals will be received and evaluated according to the above-referenced RFP Schedule. The District reserves the right to modify this Schedule as the District may determine is needed.

The District may negotiate additional terms and conditions, and will award the contract to the proposer most responsive to the needs of the District and most capable of providing the services to meet those needs. The District will be the sole judge concerning responsiveness and capabilities of applicants.

## **CONFLICT OF INTEREST**

The proposer selected by the District shall be required to disclose any conflicts of interest existing or anticipated resulting from engaging in business with other harbor districts or related entities on a similar project during the term of any agreement entered into with this District pursuant to this RFP. The proposer represents that proposer is familiar with California Government Code Sections 87100 *et seq.* and warrants that proposer has no knowledge of facts regarding conflict of interest on the part of any officer, employee or representative of the District that may constitute a violation of the above-referenced Code sections.



## **CONTRACT NEGOTIATIONS**

The scope of services and fees to be included in an agreement between the District and the successful, top-ranked proposer will be negotiated by the District with that proposer. If an agreement cannot be reached with this firm, the District reserves the right to negotiate contract terms and conditions with the second-ranked proposer. This process will continue until the District has successfully negotiated an agreement.

The contract that the successful proposer will be expected to execute is the professional services agreement attached to this RFP as Exhibit I. Proposers shall submit proposed changes to the agreement and an explanation for the requested changes as part of each proposer's proposal.

## **OTHER TERMS AND CONDITIONS**

1. The information presented in this RFP and in any report or other information provided by the District is provided solely for the convenience of the interested parties. It is the responsibility of interested parties to assure themselves that the information contained in this RFP or other documents is accurate and complete. No representations, assurances, or warranties pertaining to the accuracy of such information are provided by the District or its advisors.
2. The issuance of this RFP does not constitute an agreement by the District that any contract will actually be entered into by the District. The District expressly reserves the right at any time to:
  - (a) Waive any defect or informality in any response, proposal, or proposal procedure;
  - (b) Reject any or all proposals;
  - (c) Suspend any and all aspects of the process indicated in this RFP at any time;
  - (d) Reissue a Request for Proposals;
  - (e) Select a contractor by any other means;
  - (f) Extend deadlines for accepting proposals, or accept amendments to proposals after expiration of deadlines; or
  - (g) Determine that no project will be pursued.
3. The District reserves the right to reject any or all proposals submitted if deemed necessary in the best interest of the District and the public, and to waive any technical defect in a submittal that does not affect or alter the

substantive provisions thereof. Failure by the District to object to an error, omission, or deviation in any proposal will in no way modify this RFP or excuse proposer from full compliance with the requirements of this RFP or any agreement resulting from this RFP.

4. The District may modify, clarify, and change this RFP by issuing one or more written addenda. Such addenda may be sent by regular first-class United States mail to the last known business address of each potential proposer receiving a copy of this RFP. The District will make reasonable efforts to notify respondents in a timely manner of changes to this RFP. Notwithstanding this provision, each respondent assumes the risk of submitting its proposal(s) on time as per RFP schedule.
5. The San Mateo County Harbor District must comply with the provisions of the California Public Records Act (Government Code sections 6250 *et seq.*). The District will use reasonable efforts to protect the confidentiality of documents or other information provided to it in confidence by proposers to this RFP, including but not limited to proposer's proprietary information, as provided for in the Public Records Act. Any information provided by proposers in response to this RFP which proposers consider is exempt from disclosure should be so designated by proposers with an explanation and relevant legal references to support the specific exemption.

The District reserves the right to determine, at its sole discretion, whether any information received is subject to disclosure. Designation of an entire proposal or significant amounts of it as proprietary may result in a proposal being deemed unresponsive to this RFP. The District has an obligation to comply with requests for public records involving a proposal received by the District, and shall be subject to no liability to a proposer for any such disclosure. Some exemptions from disclosure may be applicable solely during proposal evaluation and selection, following which such information may be publicly available.

6. All proposals submitted shall become the property of the District. Proposals and related materials submitted by proposers will not be returned.
7. The District accepts no financial responsibility for any costs incurred by a proposer in responding to this RFP, and will make no reimbursement for any costs incurred by proposers for preparation of a response to this RFP.