



PROCUREMENT APPEAL PROCEDURES

Presented by: Economic Development Department, July 24, 2020

City of San Antonio Complaint Procedures

- Restrictions on Communication
- Pre-solicitation
- After solicitation is released
- After solicitation is closed
- Review meetings
- City Council award
- Post-solicitation
- Non Discrimination Ordinance

Restrictions on Communication

- In order for the City to be fair and avoid any appearance of being unfair, it is imperative that improper communication with contractors during the solicitation process be avoided. **Sec 2-61 of the City Code**
- There are three “communication” phases of a contracting initiative which include:
 - *Period prior to issuance of the solicitation document.*
 - *Period following issuance of the solicitation but prior to receipt of responses.*
 - *Period after the responses have been received and evaluated, but prior to City Council approval.*
- Prior to issuance of the solicitation document, open communication between potential respondents and City staff is permissible, though they should never be of a nature to give one party an unfair advantage over another.
- Upon issuance, Respondents are prohibited from contacting 1) City officials regarding a solicitation RFP or proposal from the time the RFP has been released until the contract is posted for consideration as an agenda item during a meeting designated as an A session; and 2) City employees from the time the RFP has been released until the contract is approved at a City Council “A” session.
- If contact is required, it must be done in accordance with procedures *outlined* in the solicitation document. Examples include questions asked during a pre-submittal or questions submitted in writing to a specific person no later than a specific date and time. Responses to questions must be in writing and be made available to all potential respondents taking the form of an addendum to the solicitation document.
- Exceptions to the ROC allow direct communication with the City’s EDD, Small Business Office for information pertaining solely to the SBEDA requirements.
- Violation of this provision by Respondent and/or its agent may lead to disqualification of Respondent’s proposal from consideration.

Procurement Process

- Pre-solicitation
 - Vendors may review Annual Procurement Guide or Anticipated Solicitation Newsletter and contact appropriate city department regarding an upcoming project.
- After solicitation is released
 - Vendors may attend the Pre- Submittal Conference for all formal solicitations.
 - City Staff representing Finance, EDD & department issuing the solicitation discuss scope of services, requirements and respond to any questions posed by vendors.
 - Questions could be related to SBEDA incentives, scope, previous awards, bonding and insurance requirements & wage and labor (if applicable).
- After solicitation is closed
 - Finance Department reviews responses and, if applicable, notifies non-responsive respondents in writing.
 - If deemed non-responsive, Respondents can request a **review meetings** with Finance, city department issuing solicitation and EDD staff (as applicable), by contacting the designated Finance staff listed on solicitation.
 - Restrictions on communications apply.

Review Meetings - Pre Award

Review meetings may be scheduled by City staff (Finance, Department issuing the project and EDD, as applicable)

- To determine if a vendor is responsive / responsible
- To provide additional or missing information
- To review SBEDA subcontracting goal requirements if not met.
- To review Good Faith Effort documentation provided by respondent with the Subcontracting Goal-Waiver Request Form.
- Attendees for the meeting may include: City staff, vendor, pertinent sub-contractors and respondent may request additional persons (including attorneys) by giving a 48 hour notice.

Award Process

■ City Council Award

- City staff provides award recommendation(s) to City Council.
- City notifies successful and unsuccessful respondents for discretionary contracts in writing.
 - For low-bid contracts intent to award is published on City website.
- The agenda is posted one week prior to the City Council meeting.
 - Respondents may contact their Council Member.
 - Respondents may speak publicly during City Council meeting.

■ Post Solicitation Award

- Unsuccessful respondents may request a detailed debriefing to assess strengths and weaknesses of their submittals.
- City provides an overview of the solicitation process.
- Finance, department issuing solicitation and EDD staff, as applicable, attend debriefings.
- A contractor or City may request a review meeting for ongoing contract compliance matters, i.e. SBEDA compliance and/or contract performance and other issues,

Non-Discrimination Ordinance (NDO)

- City Council approved this Ordinance in September 2013 to protect residents from discrimination in the areas of City employment, City contracts and subcontracts, appointments to Boards and Commissions, housing, and public accommodation within the city limits.
- Any entity or individual that is being discriminated on the basis of their race, color, religion, sex, sexual orientation, gender identity, veteran status, disability, familial status, national origin or age their complaint may submit a complaint online by mail, or in person at the City Clerk's Office.
 - *Office of Equity manages the complaint process*
 - *To submit a complaint:*
<https://www.sanantonio.gov/Equity/Discrimination-Complaints/complaintform>, online and PDF form for printing available.

Contact Information

- Economic Development Department
 - SBEDAinfo@sanantonio.gov or call 210-207-8080
- Finance
 - Finance@sanantonio.gov or call 210-207-5734
- City Council Members: <https://www.sanantonio.gov/council>
- Office of Equity (NDO):
<https://www.sanantonio.gov/Equity/Discrimination-Complaints>
- City Department Directory:
<https://www.sanantonio.gov/GetConnected/Departments>



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