City of Albuquerque

Social Services Contracts Procurement Rules

Promulgated by

The Department of Health, Housing and Homelessness
Successor to the Department of Family and Community Services

Effective Date: ~~April 1, 2026~~TBD

This issuance supersedes those issued prior to TBD~~April 1, 2026~~

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Index

Contents

1. Authority 1
   A. Authority 1
   B. Applicability 1
2. Definitions 2
   3. General 3
   A. Funding 3
   B. Agreement Requirements 3
   C. Form RFP and RFQ 3
   D. Drafting Agreements 4
   E. Right to Refuse to Contract 4
4. Exemptions from the Request for Proposals Process 4
   A. Procurement of Social Services by Negotiation 4
   B. Procurement of Social Services Pursuant to a Plan Approved by City Council 4
   C. Procurement of Social Services Pursuant to City Funds Appropriated to the Department by City Council 4
   D. Procurement of Specialized Social Services through Request for Qualifications (RFQ) 5
   E. Procurement of Social Services for Emergencies or Urgent Needs 6
   F. Non-Competitive Procurement of Social Services 6
   G. Purchasing From Government Contracts 7
5. Request for Proposals Process for Social Services 7
   A. Conditions for Use 7
   B. Notice of Request for Proposals 7
   C. Addenda 7
   D. Modifications or Withdrawal of Offers 8
   E. Submittal of Offers 8
   F. Initial Evaluation of Offers for Responsiveness 8
   G. Recommendation of Award 10
   H. Protests 10
   I. City Council Approval of Recommendation of Award 10
   J. Contract Negotiations 11
   K. Term of Agreement 11
6. Approval of Agreements 11
   A. City Council Approval of Social Services Agreements shall be required pursuant to Section §5-5-19 R.O.A. 1994. 11

B. Signature Authority on each Agreement shall be pursuant to Administrative Instruction 1-1. 11
7. Eligibility of Offerors and Contractors 11
A. Non-profit Organizations and Public Agencies 11
B. Consortium 11
C. Ineligible Entities 12
8. Debarment 12
A. Right to Conduct Debarment Proceedings 12
B. Effect of Debarment 12
C. Debarment Verification 13

1. Authority

A. Authority

1. The City of Albuquerque Code of Ordinances, Section 5, Article 5: Public Purchases ("Article 5") authorizes agreements for Social Services to be procured in accordance with written Rules and Regulations promulgated by the Department of Family and Community Services, or a successor entity, such as the Department of Health, Housing and Homelessness, and approved by the Chief Procurement Officer. See §5-5-39 R.O.A.

2. The Chief Procurement Officer, by approval of these Rules, delegates authority to the Department of Health, Housing and Homelessness and the Department of Youth and Family Services to procure Social Services in accordance with these Rules. The Chief Procurement Officer shall be the final authority if questions arise regarding the applicability of these Rules to a specific purchase, procurement or contract.

B. Applicability

1. These Rules establish policies, procedures and guidelines related to the procurement of Social Services and administration of Social Services Agreements.

2. These Rules are applicable to the purchase of Social Services per §5-5-39 R.O.A., and any such Agreements for Social Services are subject to these rules and the Administrative Requirements promulgated by the Department of Health, Housing and Homelessness.

3. These Rules are designed to promote the following purposes and policies:

(a) To simplify, clarify and accurately describe the procurement process for Social Services and the contract administration for Social Services Agreements.

(b) To make as consistent as possible the procurement process for Social Services.

(c) To ensure the fair and equitable treatment of all persons who receive and provide Social Services.

(d) To improve the quality, delivery and effectiveness of Social Services funded by the City of Albuquerque.

4. These Rules shall control with respect to all procurements described herein, except that where these Rules are silent on matters covered by Article 5, the latter shall apply.

5. These Rules are not applicable to the procurement of goods, services or construction which do not meet the definition of Social Services.

2. Definitions

The following terms when used in these Rules shall have the following meanings unless the context clearly indicates otherwise:

A. "Administrative Requirements" refers to the current version of those requirements developed by the Department of Health, Housing and Homelessness, entitled in full Administrative Requirements for Contracts Awarded Under the City of Albuquerque.

B. "Contractor" refers to an entity that has entered into a Social Services Agreement with the City.

C. "Agreement" refers to a "Social Services Agreement" defined below in 2. Q. From time to time, the terms "Agreement" and "Contract" will be used interchangeably.

D. "Contract" refers to a "Social Services Agreement" defined below in 2.Q. From time to time, the terms "Agreement" and "Contract" will be used interchangeably.

E. "Department" refers to the Department of Health, Housing and Homelessness, the Department of Youth and Family Services, or their successor(s), or any other City of Albuquerque Department that procures Social Services under these rules.

F. "Debarment" refers to exclusion or prohibition from contracting.

G. "Director" refers to the Director of the Department of Health, Housing and Homelessness, the Director of the Department of Youth and Family Services, or their designee.

~~G.~~H. "For-Profit Entity" refers to a sole proprietorship, partnership, limited liability company, corporation, joint venture, or other legal entity, other than a Public Entity or a Non-Profit Organization, that is organized or operated to generate profit or financial gain for its owners, members, shareholders, or other equity holders, regardless of whether it earns a profit in any given period.

~~H.~~I. "Non-Profit Organization" refers to any organization designated as a 501(c) by the Internal Revenue Service.

~~I.~~J. "Offer" refers to the proposal submitted in response to an RFP or RFQ. This term is used interchangeably in these Rules with the term "Proposal."

~~J.~~K. "Offeror" refers to an entity which has submitted a proposal or offer in response to an RFP or RFQ.

~~K.~~L. "Plan" refers to a written document which generally describes community needs, specific actions to be undertaken to address the stated needs and the allocation of funds authorized within the Plan to fund the stated actions.

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L.M. "Proposal" refers to the proposal submitted in response to an RFP or RFQ. This term is used interchangeably in these Rules with the term "Offer."

M.N. "Public Entity" refers to any governmental agency, entity or political subdivision.

N.O. "RFP" refers to Request for Proposals.

O.P. "RFQ" refers to Request for Qualifications.

P.Q. "Social Services" refers to the provision, primarily to low and moderate income residents of the City, of human services such as health care, substance abuse treatment and prevention, day care, emergency shelters, youth services, senior services, employment services and job training; the provision of housing intended primarily for low and moderate income residents of the City; and economic development activities designed to benefit primarily low and moderate income areas of the City or to increase employment among low and moderate income residents.

Q.R. "Social Services Agreement" refers to a contract with a For-Profit Entity, Non-Profit Organization, or Public Entity, for Social Services which specifies the services to be provided and the terms and conditions which must be adhered to in order to receive funds or in-kind payment from the City of Albuquerque for the provision of Social Services, including, but not limited to, the costs for labor, supplies, operating expenses, equipment and the acquisition or improvement of real property as set out in the terms of the Agreement.

3. General

A. Funding

In accordance with §5-5-39 R.O.A. 1994, the Department of Health, Housing and Homelessness has drafted these Rules which govern the procurement of Social Services. Funds for Social Services Agreements are generated from a variety of sources including, but not limited to, City General Funds, City special revenue funds, and grant funds, i.e., federal, state and county appropriations, private foundations, and contributions.

B. Agreement Requirements

As applicable, Contractors executing Social Services Agreements with the City shall adhere to these Rules, the Administrative Requirements, City law, other law, any applicable grant requirements, and the terms and conditions of the Agreement between the Contractor and the City. In the event the terms and conditions of the Administrative Requirements are not applicable for a given funding source, the specific requirements to which a Contractor must adhere will be detailed in the Agreement. If federal rules or regulations are more stringent than the Administrative Requirements or City law, the more stringent requirements shall apply to the Agreement. If there is any conflict between these requirements and federal requirements, federal requirements shall take precedence.

C. Form RFP and RFQ

Only Department Director approved RFP and RFQ forms shall be used for the procurement of Social Services.

D. Drafting Agreements

The Department shall be responsible for drafting Department Social Services Agreements, including an appropriate scope of services, method of payment, and performance measures. The Department shall submit each Agreement for review and signature pursuant to Administrative Instruction 1-1.

E. Right to Refuse to Contract

1. In addition to the criteria laid out in Section 7. C. herein, the Department reserves the right to refuse to proceed with the development or renewal of a Social Services Agreement at any time when it is in the best interest of the City.

2. Except when specifically authorized by the Director in writing, the Department shall not contract with an organization in debt to the City as a consequence of the findings of an audit or other review.

4. Exemptions from the Request for Proposals Process

In addition to the applicable exemptions set forth in §§5-5-20 and 5-5-26 R.O.A., the following exemptions from the RFP process apply to purchases of Social Services:

A. Procurement of Social Services by Negotiation

Purchases of Social Services of $100,000 or less per fiscal year, or the amount currently provided for professional/technical agreements in §5-5-29 R.O.A., may be made by negotiation and execution of an Agreement signed by the Director.

B. Procurement of Social Services Pursuant to a Plan Approved by City Council

1. A Department may develop a number of Plans in accordance with the requirements of various funding sources. These Plans may be developed through a citizen participation process, may involve public hearings, and shall be submitted to the City Council for approval.

2. If a Plan specifies that one or more Agreements will be entered into pursuant to the Plan, and also specifies the goal, amount and term, and the name of the Contractor, an RFP is not required for the resulting Agreements.

3. The Agreements entered into pursuant to this Section shall not be subject to City Council approval as required in §5-5-19 R.O.A. 1994, unless a City Councilor has requested a special report on the Agreement from the Mayor or has requested approval of said Agreement by the full Council.

4. The renewal of an Agreement entered into pursuant to this Section shall be subject to all sections of these Rules.

C. Procurement of Social Services Pursuant to City Funds Appropriated to the

Department by City Council

1. The Department of Health, Housing and Homelessness, and the Department of Youth and Family Services receive an annual allocation of City Funds from the City Council. These funds, defined in the City budget process as the "Contract Services" line item, include appropriations for Social Services Agreements. If the approved City budget document or other appropriating legislation specifies the goal, amount and term, and the name of the Contractor, an RFP shall not be required for such contracts.

2. The Social Services Agreements entered into pursuant to this Section shall not be subject to City Council approval as required in §5-5-19 R.O.A. 1994, unless a City Councilor has requested a special report on the Agreement from the Mayor or has requested approval of said Agreement by the full Council.

3. Resolution R-03-224, Enactment 99-2003, requires funding to be directed to improve and expand services in areas of higher assessed need, addresses outcomes desired from Social Services programs financed by the City, and bases funding on the costs of services to achieve those outcomes, as well as providing adequate funding to allow for outcome evaluation of selected programs. To that end, the City Council and Department staff annually review Department goals and programs supported with the City's General Fund and other funding sources in relation to City and Department goals and priorities to improve the well-being of people in Albuquerque.

4. Social Services Agreements resulting from the exemption described in this Section C shall have an initial term of one year or the term identified in the appropriating legislation, which shall not exceed a total of three years.

5. Funds allocated for affordable housing pursuant to this Section must be in alignment with the Affordable Housing Act, the NM Mortgage Finance Authority Affordable Housing Act Rules, and the Affordable Housing Implementing Ordinance, each as may be subsequently amended.

D. Procurement of Specialized Social Services through Request for Qualifications (RFQ)

1. The Department has determined that certain Social Services are best procured by prequalification of potential Offerors rather than selection at the time a project or funding is identified. In order to accommodate the need to move expediently when opportunities arise, the Department has developed an RFQ process.

2. The Department may designate Social Services for which an RFQ process may be used. The Director shall make a written determination that project quality and efficiency will best be served through use of the RFQ process in the procurement of the applicable types of Social Services and indicate the reasons for this determination. The Department shall consult with the Chief Procurement Officer as appropriate with respect to such designations and determinations.

3. The RFQ document shall establish the prequalification requirements which must be met in order for Offerors to submit an offer for designated Social Services.

4. In most cases, Offerors may respond to an RFQ at any time during the life of the funded program for which an RFQ is allowed. The RFQ, unless otherwise stated in the document or by the notice to Offerors, shall not have a due date, or a closing date for the submittal of offers.

5. With respect to notice of an RFQ, addenda to an RFQ, modification or withdrawal of an RFQ, evaluation of offers received as a result of an RFQ, and appeal of an RFQ outcome, the process established for RFPs shall apply in all substantive respects.

6. From time to time, following evaluation of submitted Offers in response to an RFQ, the Ad Hoc Committee will provide the Director with written notice of Offerors which are recommended in rank-score order to be prequalified by the Committee, based on criteria listed in the RFQ. The Department shall retain written documentation of the reasons for selection as a public record. The Department shall notify unsuccessful Offerors in writing of their non-selection by a method that allows the Department to track date of receipt. Unsuccessful Offerors may appeal the decision to the Director in accordance with these Rules.

7. The Department reserves the right to reject any and all responses to and cancel an RFQ when it is in the best interest of the Department. Notice of rejection of all offers or cancellation of the RFQ shall be provided to all Offerors that have submitted a response to the RFQ. Such notice of rejection or cancellation shall be in writing, sent using a method that allows the Department to track date of receipt.

E. Procurement of Social Services for Emergencies or Urgent Needs

In the event of any civil emergency or public health emergency declared pursuant to §§2-9-1-3 R.O.A. et seq., or in the event of an unforeseen and dangerous situation requiring immediate action to preserve the peace, health, or safety of persons or property within the jurisdiction of the City or to prevent significant loss, the Department may purchase Social Services by Agreement without a competitive solicitation or in accordance with an expedited competitive process, as approved by the Director. Such emergency purchases shall be reported to the City Council in quarterly purchasing reports. The Director shall make a determination, in writing, that an emergency situation exists identifying the reasons for its determination and establishing the appropriate process for obtaining an Agreement. The Department shall make every reasonable effort to obtain three quotes. If the Department is unable to obtain three quotes, a selection shall be made from the quotes obtained.

F. Non-Competitive Procurement of Social Services

Social Services may be procured without a competitive solicitation regardless of the estimated cost when the Director makes a determination, after conducting a good faith review of available sources and consulting the user, that there is only one source for the required Social Services. The Director or designee shall conduct negotiations, as appropriate, as to price, delivery and quantity in order to obtain the price most advantageous to the City. Any qualified potential contractor may protest an intent to award a sole source procurement exceeding $75,000 or the

amount pursuant to §5-5-32 R.O.A. within thirty (30) calendar days after the sole source procurement is posted to the Department website. Any sole source contract that exceeds $75,000 or the amount pursuant to §5-5-32 R.O.A., if greater, shall be subject to City Council approval.

G. Purchasing From Government Contracts

Social Services may be procured without a competitive solicitation if the purchase meets the requirements of §5-5-33 R.O.A.

5. Request for Proposals Process for Social Services

A. Conditions for Use

1. An RFP is required for the procurement of Social Services unless exempted in Section 4, Exemptions from the Request for Proposals Process, or an alternate process applies as set out in the Rules herein. Only the Department may issue an RFP for Social Services, unless otherwise approved by the Chief Procurement Officer.

2. If contract performance standards are not met by the Contractor for two consecutive years, an RFP pursuant to the Department regulations shall be required.

3. The Department may issue a "problem-based," also referred to as a "solution-based," competitive solicitation, in which Offerors are asked to identify a need or gap in services and describe the proposed service to address it, and desired outcomes.

B. Notice of Request for Proposals

1. The Department shall provide Notice of a Request for Proposals by:

(a) Publication of an advertisement stating the general purpose of the RFP in a newspaper of general circulation a minimum of one (1) time and at least ten (10) days prior to the due date; and

(b) Posting of the advertisement of the RFP on the City's website or other appropriate online location approved by the Director. The requirements of this Subsection 5.B.1.(b) may be waived in the event the online location is unavailable due to technical reasons.

2. The Department may choose to distribute notice in a variety of manners, which may include electronic posting or distribution. Failure to distribute such notices or the omission of an entity from the distributed notice shall not constitute a failure to provide adequate notice of the availability of an RFP.

3. The Department shall provide any additional notice pursuant to the procurement laws, rules or regulations of the applicable funding sources.

C. Addenda

1. An addendum to an RFP shall be in written form and clearly identified as an addendum.

2. An addendum shall refer to the portion of the RFP it amends and clearly state the changes made.

3. Addenda shall be distributed in a manner that provides all prospective Offerors with notice of the addendum.

4. Addenda shall be distributed within a reasonable time to allow prospective Offerors to consider them in preparing their proposals. If the time and date set for receipt of proposal will not permit such preparation, an addendum shall allow an extension of time for receipt of proposals.

5. The Offeror shall acknowledge receipt of addenda in writing.

6. The Department shall issue addenda for, but not limited to, the following types of non-substantive modifications:

(a) To make any non-substantive changes in the RFP, specifications and time of performance;

(b) To correct any defects or ambiguities;

(c) To furnish to other Offerors information given to one Offeror.

D. Modifications or Withdrawal of Offers

1. An Offer may be modified or withdrawn by the Offeror prior to the time set for submission of Offers by delivering written notice to the location designated in the RFP as the place where Offers are to be received. The Offeror must present proper identification before an Offer can be modified or retrieved.

2. All documents relating to the modification or withdrawal of an Offer shall be made part of the appropriate procurement file.

3. After the time set for submission has occurred, an Offer may be withdrawn at any time prior to the award of contract.

E. Submittal of Offers

Offerors shall submit Offers to the Department in accordance with the method and at the time and place specified in the applicable RFP document. Failure to submit Offers in accordance with the RFP shall be cause to deem that Offer nonresponsive.

F. Initial Evaluation of Offers for Responsiveness

The Department shall review Offers submitted in response to an RFP as follows:

1. Department staff from at least two (2) different divisions will review submitted Offers to ensure technical compliance. Technical compliance may include, but is not limited to:

(a) submission of the Offer within date and time, and location specified in the RFP;

and

(b) inclusion of required elements of the Offer package as specified in the RFP.

2. Failure to comply with submission of the technical requirements of the RFP may result in the Offer being deemed non-responsive. Non-responsive submissions will not be considered for review.

3. The review/evaluation criteria for Offers shall be stated in the RFP and may consist of, but are not limited to:

(a) organizational capacity to deliver the services;

(b) fiscal management infrastructure to support the proposed Social Services;

(c) demonstrated understanding of how the requested Social Services would contribute to improved outcomes for the identified target population;

(d) method of Social Service delivery and number of persons to be served;

(e) past performance (if applicable);

(f) consistency of budget with program goals and reasonable administrative expenses; and

(g) to the extent that no federal funds are used, procurement of Social Services will follow State and City law regarding procurement preferences; preferences may be included for non-profit status.

4. Failure to comply with evaluation requirements of the RFP may result in the Offer being deemed non-responsive. Non-responsive submissions will not be considered for award.

5. An Ad Hoc Committee will review the Offers. The Ad Hoc Committee shall consist of a minimum of three (3) persons and may include members of relevant advisory groups or other affected people and Department staff. The Chief Administrative Officer or Designee and Director will approve the composition of the Ad Hoc Committee and such written approval will be made part of the file.

6. During evaluation, Offers submitted to the Department shall be kept confidential. The Department will use its best efforts to restrict distribution to those individuals involved in the review and analysis of the Offers. Prior to review of Offers, Ad Hoc Committee members will sign a non-disclosure agreement and an agreement to disclose any conflicts of interest. Upon approval of the Recommendation of Award in accordance with the Rules herein, the Department shall make Offers available for public inspection.

7. The Department reserves the right to reject any and all Offers and cancel the RFP

when it is in the best interest of the Department. Notice of rejection of all Offers or cancellation of the RFP shall be provided to all Offerors that have submitted an Offer in response to the RFP through a method that allows the Department to track date of receipt.

G. Recommendation of Award

1. The Ad Hoc Committee shall provide the Director with a recommendation of award listing the Offers in the order in which they are recommended based on criteria listed in the RFP. Written documentation of the reasons for selection shall be kept as public record. The Ad Hoc Committee may include additional recommendations regarding the project as allowed by the RFP and/or proposed by the successful Offeror.

2. If the Director concurs with the Ad Hoc Committee recommendation, the Director will so notify the Offeror(s) in writing and instruct staff to begin contract negotiations. If the Director does not concur with the Ad Hoc Committee recommendations the Director may request one reconsideration by the Committee or require re-issuance of the RFP.

3. Unsuccessful Offerors will be notified in writing of their non-selection and may appeal the decision of the Director as follows:

(a) A written appeal detailing a justification for reconsideration must be submitted to the Director within ten (10) business days of notification of the recommendation of award. The appeal should also include: name and address of party submitting the appeal, the RFP number and name, the facts supporting the appeal, and a statement specifying the ruling requested.

(b) The Director will have thirty (30) calendar days from the date of Offeror's notice of appeal to respond to the appeal. The decision of the Director is final.

H. Protests

The specifications or any portion of an RFP or Recommendation of Award shall not be subject to protest at any time, except through the appeal process, or as detailed in specific RFP as required by a particular funding source, or set out in these Rules.

I. City Council Approval of Recommendation of Award

1. If City Council approval is required, the Mayor shall submit the Recommendation of Award and an executive communication containing the term and dollar amount of the contract, and copy of the RFP to the City Council for approval. The executive communication shall be approved or disapproved by City Council. In the event of disapproval, the City Council shall give its reasons therefor. The Mayor may submit a revised Recommendation of Award to the City Council if a Recommendation of Award is not approved.

2. If the Recommendation of Award for an RFP has been approved by City Council, the contract resulting from that RFP and any supplements to the contract will not require additional approval by the City Council on the condition that the amounts of the contract and contract scope were identified in the executive communication or any related documents presented to City Council for approval. Any supplement to a contract resulting from an RFP previously approved by the City Council shall require additional approval by the City Council if the contract is

increased by over 20% of the amount previously identified, or the supplement changes the scope of services related to the management or operations of a city facility.

J. Contract Negotiations

Prior to City Council approval, but after the Recommendation of Award has been initially approved, negotiations may be conducted with the recommended offeror, or offerors if multiple contracts will be awarded. If negotiations are unsuccessful, as determined by the Director, negotiations may be conducted with the next offeror or offerors identified in the Recommendation of Award. During Contract negotiations, the Department shall have the right, if reserved in the RFP document, to request non-substantive changes, additions or deletions to the Social Services required due to changes required in the project or Social Services described in the RFP. In making such requests, a substantive change to the scope of services required in the RFP cannot be made.

K. Term of Agreement

Social Services Agreements resulting from an RFP process shall have an initial term of one year. Agreements awarded through an RFP process may be eligible for annual renewal up to two years for a total of three (3) years within the RFP process in which the Agreement was offered by the City.

6. Approval of Agreements

A. City Council Approval of Social Services Agreements shall be required pursuant to Section §5-5-19 R.O.A. 1994.

B. Signature Authority on each Agreement shall be pursuant to Administrative Instruction 1-1.

7. Eligibility of Offerors and Contractors

A. Non-Profit Organizations, For-Profit Entities, and Public Entities

All Non-Profit Organizations, For-Profit Entities, and Public Entities are eligible to submit Offers in response to an RFP or RFQ for Social Services or to contract with the Department to provide Social Services.

B. Consortium

A consortium of more than one (1) entity may submit an RFP or RFQ for Social Services and/or enter into an Agreement to provide Social Services.

1. In the event one (1) or more members of the consortium ceases participation or is deemed ineligible, the remaining members of the consortium may request to continue providing all or a portion of the Social Services required.

2. The applicable Department shall determine, based on the Social Services required and other applicable factors, whether the Agreement may be continued with the remaining members of the consortium.

C. Ineligible Entities

Certain entities are not eligible to respond to RFPs or RFQs or contract with the City to provide Social Services. These include:

1. Entities that owe a debt to the City as a result of unresolved questioned costs or disallowed costs. These entities will not be eligible for funding until full payment has been made to the City.

2. Entities that have had an Agreement terminated by the City for cause for a period of two (2) years beyond the date of Agreement termination, unless such entities request and receive written authorization of eligibility from the Director of the Department, based upon adequate, written justification for allowing an exception. Such written justification will include an explanation of how the previous cause for termination will not impact the project for which funding is being requested due to specific remedial actions taken by the entity. The written request and Director determination shall be maintained on file with the relevant RFPs, RFQs and/or contracts within the two-year timeline. In the event an Agreement has been terminated for cause and the entity has additional Agreements with the City, the additional Agreements may be terminated for convenience.

3. Entities debarred by any federal, state or municipal entity, including the City.

4. In order to ensure objective performance and eliminate unfair competitive advantage, entities or individuals that develop or draft specifications, requirements, statements of work, or requests for quotes or requests for proposals shall be excluded from competing for such procurements. For the purpose of these Rules, "develop or draft" shall mean all active participation, by an entity or individual, in the drafting or development of specifications, requirements, statements of work, or requests for bids or requests for proposals following the City's decision to affirmatively move forward on a competitive solicitation. This exclusion shall not apply to: 1) “problem-based” or “solution-based" competitive solicitations; or 2) solicitations for which the development or drafting of aspects of the specifications, requirements, statements of work, or requests for bids or requests for proposals were conducted in a public setting and open to the general public to participate. The participation of an entity or individual in a public meeting, survey, questionnaire, town hall or similar event shall not be deemed to be participation in development or drafting. Questions about the timing of entity or individual participation in development or drafting shall be directed to the Chief Procurement Officer.

8. Debarment

A. Right to Conduct Debarment Proceedings

The Department shall have the right to conduct a debarment proceeding, in accordance with the applicable City rules and regulations, of any Offeror which has submitted an Offer or contracted for Social Services with the Department. The Department shall obtain approval to conduct such a proceeding from the Chief Procurement Officer in each specific case.

B. Effect of Debarment

Any Contractor debarred by the Department shall be deemed debarred for the applicable period

for all City procurements and shall not be eligible to submit an Offer or enter into an Agreement with the City for such time.

C. Debarment Verification

The Department will verify agencies seeking funding in the System for Award Management (https://www.sam.gov/SAM/) website to see if they have been debarred. Contractors or Offerors that have been debarred shall not be considered for City funding.

These Social Services Agreements Procurement Rules are effective for all procurements of Social Services that occur after TBD, 2026 or the final approval date, whichever comes later.

Approved by:

_____
Gilbert Ramirez, Director
Department of Health, Housing and Homelessness

_____
Date:

_____
Kathleen Oney
Chief Procurement Officer

_____
Date:

_____
Samantha Sengel
Chief Administrative Officer

_____
Date: