

**REQUEST FOR PROPOSALS (RFP) 11-06
CRIMINAL BACKGROUND CHECKS**

PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY

October 11, 2011

Dear Proposer:

The Berkeley Housing Authority (BHA) is seeking a firm to conduct criminal background checks on Applicants to and current Participants of the Section 8 Program.

The project scope and submission requirements are summarized below. Proposals must be received by **October 24, 2011**. Please submit one original and two (2) copies of the proposal as follows:

Mail or Hand Deliver To:
Berkeley Housing Authority
ATTN: BHA Criminal Background Check RFP
1901 Fairview Street
Berkeley, CA 94703

The project scope, content of proposal, and vendor selection process are summarized in the RFP (attached). **Proposals must be received no later than 3:00 pm, on Monday, October 24, 2011 (Pacific Daylight Time)**. Respondents are solely and entirely responsible for ensuring that submissions are received before the stated due date and time. All responses must be in a sealed envelope and have “**COMPANY NAME – Criminal Background Checks**” clearly marked on the **outer most mailing envelope**.

Proposals will not be accepted after the date and time stated above. Incomplete proposals or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFP does not obligate the Authority to award a contract, nor is the Authority liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The Authority retains the right to award all or parts of this contract to several bidders, to not select any bidders, and/or to re-solicit proposals. The act of submitting a proposal is a declaration that the proposer has read the RFP and understands all the requirements and conditions.

Questions on the RFP must be submitted via email, by October 18, to: bha@ci.berkeley.ca.us. Prospective vendors may register interest via email (provide name, phone number, mailing address, website, and email address of primary contact person) to: bha@ci.berkeley.ca.us. Registration is not required, but will allow you to receive notice of any revisions to the RFP, as well as questions and answers regarding the RFP.

We look forward to receiving and reviewing your proposal.

Sincerely,

Rachel Gonzales-Levine
Management Analyst

I. BHA BACKGROUND /SUMMARY/INTRODUCTION

With a jurisdiction of the City of Berkeley, in the County of Alameda, in the State of California, BHA operates the Section 8 Housing Choice Voucher and Project-based Section 8 (with a HUD Annual Contributions Contract of 1,841 vouchers).

By federal regulation, housing authorities are required to screen applicants for criminal activity (CFR Title 24 Part 982.553), and may screen program participants for criminal activity if there is some substantiated indication that such activity is or has taken place.

BHA seeks a Contractor to provide screening capability for such criminal activity, including the two activities for which a housing authority must either not allow to participation, or immediately terminate assistance, for:

- a. Conviction of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing (immediate termination); or,
- b. Subject to a lifetime registration requirement under a State sex offender registration program (may not participate in programming).

II. SCOPE OF SERVICES

The selected contractor shall perform a search of the records of individuals to identify any felony convictions or criminal background (5 year history of criminal activity (arrests or convictions) involving: illegal drugs; violent criminal behavior; sex offenses; lifetime registration sex offender; or conviction for manufacturing or producing methamphetamine) verification that may exist for persons applying or currently on the Section 8 Housing Choice Voucher Program, Moderate Rehabilitation Program, and Low-income Housing Program. Ideally, BHA would like to contract with a firm that can provide a national search with the lowest fee and quickest turnaround time. These services are to be provided upon request and on as needed basis. Estimated record searches per year is 600.

Criminal Background Record Search

The selected contractor shall inform the Housing Authority of the existence of any criminal record and for any individual:

- listed as a registered sex offender, and/or
- having any Felony Convictions in last 5 years, and/or
- any illegal drug-related criminal activity in last 5 years, and/or
- any person convicted of manufacturing or producing methamphetamine, or any other narcotic violation, and/or
- on parole or probation status for drug or violent behavior.

BHA will provide Contractor with first and last name, current address, date of birth, and social security number for each individual. The record search firm shall provide a report informing the Housing Authority of the database(s) that it has searched, and if a criminal background exists, and specific information concerning the criminal background if it does exist.

The type of criminal background information expected is as follows:

- Name of individual
- Date of Birth
- Address
- Social Security
- Confirmation of exact match of individual searched (name/social security/birth date match)
- Criminal Background (yes or no)

- Type of Criminal background discovered, if any
- Type of Offence
- Date of Offence
- Arrest Record for each Offense
- Conviction Record for each offense
- Additional related information.

III. PROPOSAL SUBMISSION REQUIREMENTS

All proposals shall include the following information, and should be concise and to the point.

Cover Letter

Provide a brief summary of your firm's approach to the work associated with the requested services, including an understanding of the scope of services required and unique or innovative approaches utilized in performing these services.

Contractor Identification

Provide the name of the firm, the firm's principal place of business, the name and telephone number of the primary contact person and company tax identification number.

Qualifications

The following are the minimum qualifications required for a firm to be considered as a potential provider of services to BHA:

- a. The firm must be familiar with federal regulations pertaining to criminal background searches.
- b. The firm must have experience working in areas where sensitive and/or confidential information is stored.

Methodology

Provide data sources used to search each record submitted by the housing authority. Describe whether there is an on-line database system for which BHA will be provided a log-in and password; and whether there will be one login for the entire agency, or if one will be provided for each staff person. Or, if another method for requesting such searches (fax, email, phone), please describe. Indicate turn-around time for results for all geographical levels of searches: County (if various counties within California have different fees, please list them); State; and National.

Describe any methods, if any, that applicants and program participants have to dispute records discovered with regard to criminal activity.

Proposed Fee Schedule

Provide a fee proposal, indicating whether there is a flat fee for all geographical levels of searches or if there are different charges for: County (if various counties within California have different fees, please list them); State; and National searches. Indicate whether Contractor would consider a flat rate for entire contract for unlimited usage, for national searches. Indicate whether any fees are negotiable.

If there are other types of special criminal searches offered ("rush" or "crosschecks"), provide description and associated charges.

Client References

Provide a minimum of three client references. At least two of the references should be from housing authorities. Provide the designated person's name, title, organization, address, and telephone number. For each entity include:

- The term (beginning and ending dates) of your contract agreement(s).
- A brief description of the scope of work.

IV. SELECTION CRITERIA

The following criteria will be considered, although not exclusively, in determining which firm is hired.

1. Cost/ability to provide national searches at same cost as local level (county) searches (25 points)
2. Experience and knowledge of federal regulations (25 points)
3. Proposal Completeness (20 points)
4. Efficiency of Turn-around time (15 points)
5. References (15 points)

V. PAYMENT

Invoices must be fully itemized (unless a flat fee contract), and provide sufficient information for approving payment and audit.

VI. OTHER REQUIREMENTS

1. Indemnification.

Contractor shall defend, hold harmless and indemnify the Authority, and its respective Board members, officers, agents and employees of and from all claims, loss, damage, injury, actions, causes of action and liability of every kind, nature and description directly or indirectly arising out of or connected with the performance of this Contract and any of Contractor's operations or activities related thereto, excluding the willful misconduct or the gross negligence of the person or entity seeking to be defended, indemnified or held harmless.

2. Insurance.

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$1,000,000, automobile liability insurance (unless a fully on-line service) in the minimum amount of \$500,000 and a professional liability insurance policy in the amount of \$1,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance (if applicable) must name the Berkeley Housing Authority, its officers, agents, volunteers and employees as additional insureds. Firm shall provide an original Certificate of Insurance evidencing the required coverage.

3. Worker's Compensation Insurance.

A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.

(Worker's Compensation Insurance cannot be waived for any person who employs others.)

4. Section 3 Compliance.

Firm must describe proposed compliance with Section 3 of the Housing Act of 1968, as amended regarding the provision of training and employment opportunities for low-income persons, with priority to residents of Berkeley, California.

Firm must complete the Certifications of Representations of Offertory, Non Construction Contract (Form HUD-5369-C) and Non Collusion Affidavit form furnished in this RFP package.

5. Business License

Virtually every contractor that does business in the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. The infirm, warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections 9.04.290, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305).

Vendor must apply for a City of Berkeley business license and show proof of application to the Finance Manager within seven days of being selected as intended contractor. The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

VII. SCHEDULE (dates subject to change)

- | | |
|--|---------------------|
| <input type="checkbox"/> BHA Issues RFP to Potential Bidders: | 10/11/2011 |
| <input type="checkbox"/> Questions regarding RFP must be submitted to BHA: | 10/18/2011 |
| <input type="checkbox"/> RFP Due | 10/24/2011, 3:00 pm |
| <input type="checkbox"/> BHA Notifies Company Selected | 10/28/2011 |
| <input type="checkbox"/> Staff Training | Week of 11/7/2011 |
| <input type="checkbox"/> Start of Contract | 11/14/2011 |

Certifications and Representations of Offerors Non-Construction Contract

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

This form includes clauses required by OMB's common rule on bidding/offering procedures, implemented by HUD in 24 CFR 85.36, and those requirements set forth in Executive Order 11625 for small, minority, women-owned businesses, and certifications for independent price determination, and conflict of interest. The form is required for nonconstruction contracts awarded by Housing Agencies (HAs). The form is used by bidders/offerors to certify to the HA's Contracting Officer for contract compliance. If the form were not used, HAs would be unable to enforce their contracts. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality.

1. Contingent Fee Representation and Agreement

(a) The bidder/offeror represents and certifies as part of its bid/offer that, except for full-time bona fide employees working solely for the bidder/offeror, the bidder/offeror:

- (1) has, has not employed or retained any person or company to solicit or obtain this contract; and
- (2) has, has not paid or agreed to pay to any person or company employed or retained to solicit or obtain this contract any commission, percentage, brokerage, or other fee contingent upon or resulting from the award of this contract.

(b) If the answer to either (a)(1) or (a) (2) above is affirmative, the bidder/offeror shall make an immediate and full written disclosure to the PHA Contracting Officer.

(c) Any misrepresentation by the bidder/offeror shall give the PHA the right to (1) terminate the resultant contract; (2) at its discretion, to deduct from contract payments the amount of any commission, percentage, brokerage, or other contingent fee; or (3) take other remedy pursuant to the contract.

2. Small, Minority, Women-Owned Business Concern Representation

The bidder/offeror represents and certifies as part of its bid/offer that it:

- (a) is, is not a small business concern. "Small business concern," as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualified as a small business under the criteria and size standards in 13 CFR 121.
- (b) is, is not a women-owned small business concern. "Women-owned," as used in this provision, means a small business that is at least 51 percent owned by a woman or women who are U.S. citizens and who also control and operate the business.
- (c) is, is not a minority enterprise which, pursuant to Executive Order 11625, is defined as a business which is at least 51 percent owned by one or more minority group members or, in the case of a publicly owned business, at least 51 percent of its voting stock is owned by one or more minority group members, and whose management and daily operations are controlled by one or more such individuals.

For the purpose of this definition, minority group members are:

(Check the block applicable to you)

- | | |
|---|---|
| <input type="checkbox"/> Black Americans | <input type="checkbox"/> Asian Pacific Americans |
| <input type="checkbox"/> Hispanic Americans | <input type="checkbox"/> Asian Indian Americans |
| <input type="checkbox"/> Native Americans | <input type="checkbox"/> Hasidic Jewish Americans |

3. Certificate of Independent Price Determination

(a) The bidder/offeror certifies that—

- (1) The prices in this bid/offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other bidder/offeror or competitor relating to (i) those prices, (ii) the intention to submit a bid/offer, or (iii) the methods or factors used to calculate the prices offered;
- (2) The prices in this bid/offer have not been and will not be knowingly disclosed by the bidder/offeror, directly or indirectly, to any other bidder/offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and
- (3) No attempt has been made or will be made by the bidder/offeror to induce any other concern to submit or not to submit a bid/offer for the purpose of restricting competition.

(b) Each signature on the bid/offer is considered to be a certification by the signatory that the signatory:

- (1) Is the person in the bidder/offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or
- (2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above (insert full name of person(s) in the bidder/offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the bidder/offeror's organization);
(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above.

- (c) If the bidder/offeror deletes or modifies subparagraph (a)2 above, the bidder/offeror must furnish with its bid/offer a signed statement setting forth in detail the circumstances of the disclosure.

4. Organizational Conflicts of Interest Certification

- (a) The Contractor warrants that to the best of its knowledge and belief and except as otherwise disclosed, it does not have any organizational conflict of interest which is defined as a situation in which the nature of work under a proposed contract and a prospective contractor's organizational, financial, contractual or other interest are such that:
- (i) Award of the contract may result in an unfair competitive advantage;
 - (ii) The Contractor's objectivity in performing the contract work may be impaired; or
 - (iii) That the Contractor has disclosed all relevant information and requested the HA to make a determination with respect to this Contract.
- (b) The Contractor agrees that if after award he or she discovers an organizational conflict of interest with respect to this contract, he or she shall make an immediate and full disclosure in writing to the HA which shall include a description of the action which the Contractor has taken or intends to eliminate or neutralize the conflict. The HA may, however, terminate the Contract for the convenience of HA if it would be in the best interest of HA.
- (c) In the event the Contractor was aware of an organizational conflict of interest before the award of this Contract and intentionally did not disclose the conflict to the HA, the HA may terminate the Contract for default.
- (d) The Contractor shall require a disclosure or representation from subcontractors and consultants who may be in a position to influence the advice or assistance rendered to the HA and shall include any necessary provisions to eliminate or neutralize conflicts of interest in consultant agreements or subcontracts involving performance or work under this Contract.

5. Authorized Negotiators (RFPs only)

The offeror represents that the following persons are authorized to negotiate on its behalf with the PHA in connection with this request for proposals: (list names, titles, and telephone numbers of the authorized negotiators):

6. Conflict of Interest

In the absence of any actual or apparent conflict, the offeror, by submission of a proposal, hereby warrants that to the best of its knowledge and belief, no actual or apparent conflict of interest exists with regard to my possible performance of this procurement, as described in the clause in this solicitation titled "Organizational Conflict of Interest."

7. Offeror's Signature

The offeror hereby certifies that the information contained in these certifications and representations is accurate, complete, and current.

Signature & Date:

Typed or Printed Name:

Title: