



## 2021-2022 Transportation Network Company (TNC) Driver Resolution Center (DRC) Request for Proposals (RFP) Guidelines

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### Office of Labor Standards

The City of Seattle created the Office of Labor Standards (OLS) to increase workplace equity and establish a fair and healthy economy for workers, businesses, and residents. The mission of OLS is to advance labor standards through thoughtful community and business engagement, strategic enforcement, and innovative policy development with a commitment to race and social justice.

### Purpose of the Driver Resolution Center (DRC)

The Transportation Network Company (TNC) Driver Deactivation Rights Ordinance, Seattle Municipal Code (SMC) 14.32, establishes labor standards protections for TNC drivers when their access to the online platform that allows them to earning a living has been blocked (deactivated). Specifically, the Ordinance establishes standards for deactivations and provides drivers with an impartial process to contest deactivations.

Prior to this Ordinance, TNC drivers did not have consistent access to a process to contest these deactivations nor did they have regular access to human resources staff who have the power to correct unwarranted deactivations or to air their deactivation-related grievances. TNC drivers who have protection against unwarranted deactivation will be more likely to remain in their positions over time, and to devote more time to their work as TNC drivers. Such experienced drivers will improve the safety and reliability of the TNC services provided by the TNCs to passengers and thus reduce safety and reliability problems created by frequent turnover in the industry.

The Ordinance also allows the City to contract with a non-profit organization that will serve as a Driver Resolution Center (DRC), including culturally competent driver resolution services to TNC drivers that are consistent with the requirements of SMC 14.32 and Seattle Human Rights Rules Chapter 200<sup>1</sup>. These services include representation and consultation in deactivation arbitration proceedings and outreach and education about their rights. A key role of the DRC will be to represent drivers during arbitration proceedings, an impartial process to resolve disputes regarding deactivations from the platform that were unwarranted, and to facilitate payment of the costs of arbitration when the driver is represented by the DRC, as required by SMC 14.32.050(D)(2)-(3).

### Request for Proposals (RFP)

The purpose of this Request for Proposals is to select one organization or a collaborative partnership that will provide services (as a non-profit entity) to TNC drivers (“drivers”) that are culturally competent and include direct representation, support, outreach, and education services for an estimated contract period of up to 18 months. This contract period is anticipated to begin July 1, 2021 and end on December 31, 2022. **The contract’s performance period is subject to the effective date of the TNC Drivers Deactivation Rights Ordinance. The effective date is anticipated to be July 1, 2021, contingent upon the City Budget Office certifying the availability of sufficient revenue for the project by that date. However, if certification does not occur by July 1, 2021, the performance start date of the contract will occur 60 days after the City Budget Office makes its certification.**

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<sup>1</sup> The Office of Labor Standards anticipates that Chapter 200 will be finalized in May 2021. Proposed Rules can be viewed by visiting the Office of Labor Standards [TNC Driver Deactivation Rights Ordinance Webpage](#). OLS encourages applicants to review these proposed rules, especially with respect to anticipated requirements of the Driver Resolution Center related to information and representation services, filing and scheduling assistance of represented and unrepresented drivers.

The City reserves the right to cancel this solicitation for proposals and reissue a request for proposals should significant time lapse between the funding award decision and certification by the City Budget Office. Applicants acknowledge that the start of the project is contingent upon the ordinance going into effect, which is prompted by City Budget Office certification. Applicants also acknowledge that the awardee will enter a contract with the City with a performance start date that begins when the ordinance goes into effect.

Total funds available for 2021 are anticipated to be \$1,675,000. Total funds available for 2022 are anticipated to be \$3,350,000. **However, the amount of actual funding is contingent upon City Budget Office’s certification of the availability of sufficient revenue and upon sufficient appropriation by City Council in the 2021 and 2022 Adopted Budgets.** OLS will work with the applicant selected to review the budget and scope of work deliverables before contract execution. Additionally, the applicant selected for this contract will review budget and scope of work deliverables on a 3-month basis to accommodate changes in available funding to either increase or decrease workplan activities.

Organizations can apply individually or as part of a collaborative partnership with one organization as the lead. Due to the broad scope of DRC services, OLS encourages collaborative applications.

OLS will provide an optional **RFP Orientation Workshop** to assist applicants. See workshop date listed under **Section E. Deadlines and Additional Information** below.

The **minimum qualifications** for an organization applying are:

- Has not been found to have committed a violation of a Seattle labor standard or of Seattle’s Fair Employment Practices Ordinance within the last ten years;
- Meets all licensing requirements that apply to its organization. Companies must license, report and pay revenue taxes for the Washington State Business License (UBI#) and Seattle Business License, if they are required by the laws of those jurisdictions; and
- The organization’s administration or formation is not funded, excessively influenced, or controlled by a TNC. *See Definition of “Driver Resolution Center” in SMC 14.32.020.*

## **A. Statement of Need and Intent**

OLS seeks to select one organization or a collaborative partnership to deliver DRC services at no cost to drivers and consistent with the requirements of SMC 14.32 and corresponding administrative rules.

Specifically, the organization will:

1. Provide consultation and support services to drivers facing deactivation, including providing arbitration filing and scheduling services to drivers regardless of whether the driver wishes to be represented by the DRC in the arbitration process;
2. Provide direct legal representation to drivers in deactivation arbitration proceedings consistent with the requirements of SMC 14.32 and corresponding administrative rules;
3. Provide outreach, education, and support to drivers about their rights, including and especially rights under Seattle’s labor standards, and about successfully doing their TNC job (e.g., safe workplace practices training, customer service training, licensing and certification training); and
4. Provide culturally and language-specific services to drivers in the primary languages that drivers speak and that meet driver’s accessibility needs (e.g., mobile/flexible services, disability accommodations, technology accessibility).

## **B. Proposal Submission and Content Requirements**

To be considered for funding, organizations must submit a written application that consists of completed Attachments A through D, by **Monday, April 26, 2021, 5:00 PM PDT to the attention of Courtney Velazquez, OLS Consultant**, via email at [labor.standards@seattle.gov](mailto:labor.standards@seattle.gov). Please include “2021-2022 DRC RFP Application” and your organization’s name in the subject line.

**A complete application includes Attachments A through D. Please do not include application brochures or letters of support.**

### **1. Cover Page & Minimum Qualifications (Attachment A)**

For organizations that are applying with a plan for collaborative partnership, please submit one Cover Page & Minimum Qualifications for the primary contractor and additional Cover Page & Minimum Qualifications for each collaborative partner.

### **2. Application Questions (Attachment B) - Maximum 12 pages**

For organizations that are applying with a plan for collaborative partnership, please submit only one response that reflects the specified roles of the primary contractor and each sub-contractor, as applicable.

### **3. Proposed Scope of Work (Attachment C)**

The proposed scope of work should include activities the organization intends to engage in with drivers, including consultation for drivers facing deactivation; direct representation in deactivation arbitration proceedings; outreach, education, and support to drivers about their labor standards rights and successfully doing their job; and culturally and language-specific services. Provide the estimated number of drivers for whom you intend to provide services in 18 months with benchmarks per quarter. If selected, OLS will work with you to adjust projections as necessary over the term of the contract and/or as new or different work gets added to the plan. See **Section G. Examples of Service Activities** below for suggestions by members of the driver community and OLS. Applicants may use these examples or expand upon them to complete the Proposed Scope of Work.

### **4. Proposed Budget (Attachment D)**

The proposed budget is taken into consideration and serves as a guide to determine the allocation of funds to grantees. In the “Description of Responsibilities/Activities,” please specify which position will be responsible for data collection and reporting. Please modify the “Activities” as needed. If applying with a plan for collaborative partnership, please submit one Budget for the primary contractor and additional Budgets (tabbed spreadsheets) for each sub-contractor.

**Preference will be given to applicants who can demonstrate the following:**

- Experience providing consultation and direct representation to low-wage workers in grievance or legal proceedings;
- Experience providing outreach, education, and support to low-wage workers about their labor standards rights and successfully doing their jobs (e.g., safe workplace practices training, customer service training, licensing and certification training); and
- Understanding of and commitment to eliminating institutional racism to increase low-wage workers’ access to and/or retention of employment.

### OLS encourages collaborative applications.

- If applying as a collaborative partnership, this partnership must:
  - Have a clearly articulated plan for how each will work together to meet DRC goals;
  - Have a primary contractor who has the infrastructure and staff capacity to collect reports, disperse funds, and provide consistent training and technical support to sub-contractors. It is strongly encouraged for the primary contractor to have at minimum one dedicated staff person to oversee the program and to ensure collective goals are reached; and
  - Have a well-thought-out process for how the primary contractor will delegate and share work, disperse and receive payments, and be accountable to sub-contractors.

## C. Reporting

In addition to agreed-upon services, recipients named in the contract are expected to provide monthly reports to OLS including quantitative updates and qualitative descriptions of current efforts meeting objectives, as well as successes and challenges. Recipients named in the contract will be required to maintain records that verify provision of services.

### Quantitative reporting may include:

1. Quantity and types of outreach, education, and training activities.  
Examples include:
  - DRC Outreach Activities: Face to Face (or virtual) activities that take 1 – 30 minutes, which broadly promote or discuss driver labor standards rights and/or successfully doing their job (e.g., one-on-one, speaking events, public announcements at large gatherings or festivals, etc.)
  - DRC Education and Training Activities: Face to Face (or virtual) activities that are generally more than 30 minutes to discuss in detail driver labor standards rights and/or successfully doing their job (e.g., group trainings or one-on-one trainings)
  - DRC Other Communication Activities: Social or traditional media activities that inform or promote driver labor standards rights and/or successfully doing their job (e.g., public radio interviews, Facebook posts, What'sAPP messages, newsletters, etc.)
  - Specified languages used in DRC Outreach, Education, and Training Activities
2. Quantity and type of intakes with TNC drivers.  
Examples include:
  - Information Only Intakes: Listening to a driver's complaint and offering guidance on ways to address the complaint, but driver chooses to not take action;
  - Deactivation Consultation Intake: Supporting a driver to file and schedule a challenge to their deactivation and working with them through the process in a supportive role, but not directly representing the driver in deactivation arbitration proceedings;
  - Support Intake: Supporting a driver to resolve a complaint regarding other labor standards rights and/or successfully doing their job with help from DRC; and
  - Referral Intake: Supporting a driver to resolve a complaint regarding other labor standards rights and/or successfully doing their job with help from another organization or agency that is a better fit for their needs
3. Languages used by drivers during services, including Intake Activities.
4. Overall number of deactivations, length of deactivations, and reasons for deactivations.

5. Number and outcomes of deactivation proceedings where direct representation was provided and the number of staff hours spent on direct representation.

Examples include:

- Preparing to provide direct representation for drivers in deactivation arbitration proceedings;
- Directly representing drivers in deactivation arbitration proceedings (including before the Deactivation Appeals Panel or a private arbitration proceeding);
- Following up with drivers after deactivation arbitration proceedings to enforce terms of decision;
- Arbitration proceeding decisions where the deactivation was found to be UNWARRANTED;
- Arbitration proceeding decisions where the deactivations was found to be WARRANTED;
- Directly representing drivers to enforce judgements; and
- Languages used in Deactivation Arbitration Proceeding Activities

6. Number and voluntary demographic information of drivers reached and assisted with their labor standards rights and/or to support their ability to successfully do their job.

**Qualitative reporting may include:**

1. Describing trends and issues identified through DRC deactivation arbitration proceeding activities; DRC intake activities; and DRC outreach, education, and training activities conducted to inform drivers about their labor standards rights and support their ability to successfully do their job;
2. Feedback from drivers on activities conducted by and/or services received from DRC;
3. Feedback from neutral arbitrator, sub-contractor partners, agencies providing resources and support to drivers on activities conducted by DRC; and
4. Gathering stories and information about the impact of the TNC Driver Deactivation Rights Ordinance and other Seattle labor standards concerning drivers and about which labor standards drivers are unaware or less familiar.

**Verification includes but is not limited to:**

1. Intake forms for deactivation arbitration proceeding consultation/representation and support services;
2. Documentation of one-time and/or on-going services provided;
3. A schedule of deactivation arbitration proceeding consultation/representation and support service activities;
4. Samples of outreach, education, and training material(s) created and distributed by the DRC;
5. Rosters, registration sheets, and sign-in sheets; and
6. A schedule of outreach, education, and training events.

## **D. Evaluation Criteria**

OLS will review and evaluate proposals based on the following scoring criteria:

1. **Experience and Qualifications (Maximum 50 Points)**
  - a. Experience consulting for and directly representing low-wage workers in grievance proceedings or legal proceedings;
  - b. Experience providing outreach, education, and support to low-wage workers about:
    - their labor standards rights, and

- successfully doing their jobs (e.g., safe workplace practices training, customer service training, licensing and certification training); and
- c. Understanding of and commitment to eliminating institutional racism to increase low-wage workers' access to and/or retention of employment.

**2. Proposal for Delivery of Services (Maximum 50 Points)**

- a. Clear understanding of TNC driver populations;
- b. Clear goals and strategies for providing comprehensive DRC services;
- c. Clear strategies to provide services to drivers in their primary languages/cultures and that meet their accessibility needs (e.g., mobile/flexible services, disability accommodations, technology accessibility);
- d. Clear strategies to provide consultation and advising for drivers facing deactivation, including filing and scheduling services for drivers that wish to challenge their deactivation;
- e. Clear strategies to provide direct representation to drivers in deactivation arbitration proceedings consistent with the requirements of SMC 14.32 and corresponding administrative rules;
- f. Staff and capacity to support work plan objectives and ability to immediately provide services; and
- g. Completed budget that supports work plan activities and ability to responsibly administer City funds.

**E. Deadlines and Additional Information**

| Deadlines  |   |
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| Wednesday, March 31, 2021                          | Application Period starts   |
| Wednesday, April 14, 2021<br>1:00 PM – 3:00 PM PDT | Optional RFP Orientation Workshop (virtual). Please RSVP by filling out the below online registration.<br><br>RSVP:<br><a href="https://www.surveymonkey.com/r/DRC_RFP_Orientation">https://www.surveymonkey.com/r/DRC_RFP_Orientation</a><br><br>Those who RSVP will receive a link to a virtual meeting after registration. |
| Monday, April 19, 2021 by 5:00 PM PDT              | Deadline for Questions  |
| <b>Monday, April 26, 2021 by 5:00 PM PDT</b>       | <b>Application Deadline</b>   |
| Tuesday, May 4 – Wednesday, May 5, 2021            | Interviews with applicants (scheduled individually)   |
| Friday, May 28, 2021                               | Anticipated Funding Decision  |

OLS reserves the right to modify this schedule. Changes will be posted on the OLS website. Explanation of deadlines and additional information as follows:

1. **RFP Orientation Workshop** – Applicants are highly encouraged but not required to attend to apply. The workshop will answer questions about the RFP, clarify issues, and allow Applicants to raise concerns. Failure to raise concerns over any issues at this workshop will be a consideration in any protest filed regarding such items.

2. **Questions** – Applicants may email questions to the attention of Courtney Velazquez, OLS Consultant, at [labor.standards@seattle.gov](mailto:labor.standards@seattle.gov) until the deadline stated above. Failure to request clarification of any inadequacy, omission, or conflict will not relieve the Applicant of responsibilities under any subsequent contract. It is the responsibility of the interested Applicant to assure they receive responses to questions if any are issued.
3. **Electronic Submittal** – The application must be emailed to the address and by the submittal deadline listed in *Section B. Proposal Submission and Content Requirements*. Please follow instructions listed above. The City’s email system will typically allow documents up to 20 Megabytes.
4. **Interview Presentations** – The City will invite applicants who meet minimum qualifications to an interview to present their proposals. The time allotted for each interview presentation will be 45 minutes. Rankings of applicants shall be determined by using the combined results of the presentations and written proposal submittals. Interviews will be with key person(s) named by the Applicant in the proposal. The Applicant shall not bring individuals who do not work for the Applicant or who are not on the project team without advance authorization by Courtney Velazquez, OLS Consultant.
5. **Additional Information**
  - a. **Effective Dates of Offer** – RFP applications are valid until the City completes the award. Should any Applicant object to this condition, the Applicant must object prior to the deadline for Questions listed above.
  - b. **Cost of Preparing Proposals** – The City is not liable for costs incurred by the Applicant to prepare, submit and present proposals, interviews, and/or demonstrations.
  - c. **Readability** – The City’s ability to evaluate proposals is influenced by the organization, detail, comprehensive material, and readable format of the response.
  - d. **Changes or Corrections to Submission** – Prior to the submittal due date, an Applicant may change its proposal, if communicated via email by the Applicant. No changes are allowed after the closing date and time.
  - e. **Errors in Proposals** – Applicants are responsible for errors and omissions in their proposals. No error or omission shall diminish the Applicant’s obligations to the City.
  - f. **Withdrawal of Proposal** – An application may be withdrawn by written request of the Applicant.
  - g. **Rejection of Proposals** – The City may reject any or all proposals with no penalty. The City may waive immaterial defects and minor irregularities in any submitted proposal.
  - h. **Incorporation of RFP and Proposal in Contract** – This RFP and Applicant’s response, including promises, warranties, commitments, and representations made in the successful proposal once accepted by the City, are binding and incorporated by reference in the City’s contract with the Applicant.
  - i. **Screening** – The City will review responses for responsiveness and responsibility. Those found responsive and responsible based on an initial review of Minimum Qualifications shall proceed to evaluation review. Prior to finalizing an award, further screening for Equal Benefits, a WMBE Inclusion Plan (as applicable), satisfactory financial responsibility, and other elements will be conducted. A significant failure to perform on past City projects may also be considered in determining the responsibility of a firm.
  - j. **Selection** – The City shall select the highest ranked Applicant for award including written proposal and the interview presentation. The City reserves the right to make a final selection based on the combined results and/or the overall consensus of the RFP Evaluation Committee.
  - k. **Contract Negotiations** – The City may negotiate any aspect of the proposal or the solicitation. The City cannot modify contract provisions mandated by Federal, State or City law: Equal Benefits,

Audit (Review of Vendor records), WMBE and EEO, Confidentiality, Debarment, or mutual indemnification, and Seattle Municipal Code 14.32 and associated regulations. The mandated provisions of City law are found in SMC 14.32 and Seattle Human Rights Rules Chapter 200.

- l. Right to Award to Next Ranked Applicant** – If a contract is executed resulting from this solicitation and is terminated within 90 days, the City may return to the solicitation process to award to the next highest ranked responsive Applicant by mutual agreement with such Applicant. New awards thereafter are also extended this right.
- m. Repeat of Evaluation** – If no Applicant is selected at the conclusion of all the steps, the City may return to any step in the process to repeat the evaluation with those proposals active at that step. The City shall then sequentially step through all remaining steps as if conducting a new evaluation process. The City reserves the right to terminate the process if no proposals meet its requirements.

## F. Terms

Please see Attachment E for additional request for proposal terms and procedures. Attachment E also specifies information pertaining to the boilerplate and non-negotiable contract terms that the selected fund recipient will enter.

## G. Examples of Service Activities

The following examples were generated through engagement with the TNC driver community. Applicants may use these examples or expand upon them to complete the **Proposed Scope of Work (Attachment C)**.

### 1. **Provide consultation and direct representation for TNC drivers facing deactivation.**

Example A: Meet with drivers at locations of their choice to talk about their deactivation or risk of deactivation and help identify options for addressing their situations.

Example B: Represent drivers in arbitration proceedings to challenge deactivations.

Example C: Support drivers who represent themselves or choose other representation in arbitration proceedings to file and schedule challenges to their deactivations.

Example D: Assist neutral arbitrator with contacting drivers who have requested arbitration services to challenge deactivations.

### 2. **Provide outreach, education, and support to inform TNC drivers about their labor standards rights and successfully doing their TNC job (e.g., safe workplace practices training, customer service training, licensing and certification training).**

Example A: Develop easy to understand Know Your Rights resources for drivers about deactivation rights, paid sick and safe time, minimum compensation, and unemployment insurance; and share via phone/online.

Example B: Create a visual step-by-step guide to explain the Deactivation Appeals Panel Arbitration process.



Example C: Conduct customer service training for drivers to cover de-escalation, conflict resolution, ways to document passenger interactions, and dealing with passengers who are intoxicated or make racist/biased remarks.

Example D: Conduct legal clinics for drivers about navigating insurance issues and accidents.

Example E: Advocate for drivers to be able to meet basic needs while working (e.g., access to restroom facilities).

**3. Provide culturally and language-specific services to drivers in their primary languages and that meet their accessibility needs (e.g., mobile/flexible services, disability accommodations, technology accessibility).**

Example A: Subcontract with cultural/language-specific organizations to conduct in-language outreach and education activities to meet drivers where they are at (e.g., airport waiting lots, places of worship, restaurants).

Example B: Offer "house-call" (i.e. on-site, personalized) consulting to specific communities (immigrant and refugee, LGBTQ, disability, female, etc.) about driver rights and DRC services.

Example C: Work with TNCs to translate service agreements and policies into languages of drivers and into easy-to-understand formats.