

## Office of Economic Development's Legacy Business Request for Proposals (RFP)

The City of Seattle's Office of Economic Development (OED) works to maximize Seattle's potential as a thriving hub for businesses, jobs, robust neighborhoods, and economic opportunity for everyone in our city. We are committed to supporting a diverse economy which benefits the whole city by promoting access to economic opportunities for all of Seattle's communities. OED provides services to businesses through advocacy, retention and expansion assistance, and workforce development.

Our business development efforts seek to create jobs and foster a diverse array of industry sectors. Our Small Business Development Team helps individual businesses get their projects done. Our community development programs are revitalizing Seattle's distinctive and diverse neighborhoods. Our workforce development initiatives meet the needs of low-income job seekers and employers.

### Project Overview

In September 2016, the City of Seattle's Office of Economic Development released Mayor Ed Murray's [Commercial Affordability Advisory Committee Recommendations Report](#), which included a recognition that legacy businesses make important economic and cultural contributions and that many face heightened pressure during rapidly changing economic times. The Committee noted a desire to identify ways to support those businesses and the City Council included funding to commission such a study.

The Office of Economic Development seeks proposals for a study to define *legacy businesses*, and evaluate options for supporting those businesses. At minimum, primary questions to be addressed include:

- a. How do we define what attributes make up a "legacy business"?
- b. What data best describe the challenges in maintaining an operable small business model for legacy businesses?
- c. What are the recommendations and/or public policy strategies to support legacy businesses? What methods, priorities, and systems have been used for supporting legacy businesses have in other municipalities?
- d. What is the feasibility of implementing said strategies within existing Washington State and City of Seattle legal parameters?

### Scope of Work

Define and assess the economic impact of and specific challenges to legacy businesses in the City of Seattle and recommend public policy to protect and preserve legacy business as cultural/economic assets. Check ins with project manager are expected at major decision points, primary among them; the completion of the Definition phase (Phase 1) and completion of the Identify Policy/Program Options phase (Phase 2).

#### Phase 1: Define Legacy Businesses

1. Collect and analyze data to **identify attributes** of long-standing businesses that may be served by a legacy business program. Attributes may include, but are not limited to business tenure, industry, location, cultural significance and/or community impact. If possible, incorporate the [Displacement Risk Index](#) created by the Office of Planning and Community Development.<sup>1</sup>
2. Present evidence such as closure rates and sales declines to support the proposed definition of legacy businesses. We seek an approach to data collection that includes qualitative research, such as ethnography, and interviews

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<sup>1</sup> [http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web\\_informational/p2273983.pdf](http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/p2273983.pdf)



with community organizers and residents, to the extent possible. With an equity lens, we seek inclusion of otherwise underrepresented voices in this analysis.

3. Identify challenges and barriers that impact legacy businesses.
4. Upon delivering results of this phase of study to the City, a working definition of “legacy business” will inform additional phases of the project.

#### Phase 2: Identify Policy/Program Options

1. Research related policies and programs implemented by other municipalities to address business displacement and if possible, summarize their designation process and characterize their effectiveness and any (unintended) consequences. If a formal evaluation or assessment is available, provide a summary and citation/link.
2. Catalog and summarize additional policy options. The consultant, OED, or City Council may suggest these.

#### Phase 3: Evaluate Options

1. Define evaluative criteria for these mitigation strategies, which include, but are not limited to:
  - a. Legal or regulatory environment
  - b. Cost/Scalability
  - c. Number of businesses served
  - d. Projected impact/effectiveness
  - e. Racial and Gender equity with an inclusion of LGBT culture
2. Quantify projected outcomes when possible and evaluate policy options based on these criteria.

#### **Budget**

Total budget for this work is \$50,000:

- \$20,000 for Defining Legacy Business (Phase 1)
- \$10,000 for Identifying Policy/Program Options (Phase 2)
- \$20,000 for Evaluation of Options (Phase 3)

#### **Submissions**

Your response must arrive no later than **5:00 p.m. (PST)** on **Friday 3/17/2017** to:

Michael Wells  
City of Seattle  
Office of Economic Development  
700 Fifth Avenue, Suite 5752 (deliveries)  
P.O. Box 94708 (postal mail)  
Seattle, WA 98124-4708  
[Michael.Wells@seattle.gov](mailto:Michael.Wells@seattle.gov)

The City of Seattle retains the right to reject any responses and is not required to award any funds if in its opinion, the response failed to meet its requirements.

#### **Electronic Submittal**

OED requests electronic submissions in lieu of a paper submittal.

- a. The electronic submittal should be e-mailed to Michael Wells at [michael.wells@seattle.gov](mailto:michael.wells@seattle.gov), by 5:00 p.m. (PST) on Friday, March 17, 2017.
- b. Title the e-mail so it won't be lost in an e-mail stream.

- c. Any risks associated with an electronic submittal are borne by the Proposer.
- d. The City's e-mail system will typically allow documents up to 20 Megabytes.
- e. If the Proposer also submits a hard-copy, the hard copy has precedence.

### **Proposer Responsibility to Provide a Full Response**

It is the Proposer's responsibility to respond in a manner that does not require interpretation or clarification by the City. The Proposer is to provide all requested materials, forms and information. The Proposer is to ensure the materials submitted properly and accurately reflect the Proposer's offering. During scoring and evaluation (prior to interviews if any), the City will rely upon the submitted materials and shall not accept materials from the Proposer after the RFP/RFQ deadline; this does not limit the City's right to consider additional information (such as references that are not provided by the Proposer but are known to the City, or past City experience with the consultant), or to seek clarifications as needed.

### **Prohibited Contacts**

Proposers shall not interfere in any way to discourage other potential and/or prospective proposers from proposing or considering a proposal process. Prohibited contacts includes but is not limited to any contact, whether direct or indirect (i.e. in writing, by phone, email or other, and by the Proposer or another person acting on behalf of the Proposer) to a likely firm or individual that may discourage or limit competition. If such activity is evidenced to the satisfaction and in sole discretion of the City department, the Proposer that initiates such contacts may be rejected from the process.

### **Schedule**

Informational meeting for potential respondents:	<b>3/10/2017**</b>
Proposals due to the Office of Economic Development:	<b>3/17/2017 (5:00 PM PST)</b>
Finalist interviews:	<b>Week of March 27th, 2017</b>
Notification of selection:	<b>Week of April 3, 2017</b>
Contract executed by:	<b>6/5/2017</b>

**\*\***The informational session for potential respondents will be held on Friday, March 10, 2017 at 10am. The meeting will be held at OED – 700 Fifth Avenue, Suite 5752 (Large Conf. Room), Seattle.

A selection committee will review the responses to this Request, followed by conversations with finalists, and selection of one or more organizations. *The City reserves the right to modify this. Changes will be posted on the Office of Economic Development website or as otherwise stated.*

### **Contracts**

OED will develop contracts with the successful respondent. The contracts will include a scope of work and project milestones and outcomes. Reimbursement will be based on achievement of project milestones and outcomes. OED retains the right to revise budget requests to reflect funding availability.

### **Protest Procedures**

In the event that an unsuccessful RFQ respondent wishes to protest the selection of a successful respondent, they must do so by submitting in writing the reason for the protest to the Director of OED. Any such protest must be received within three (3) business days of receipt of notification of the successful respondent.

The decision of the Director will be final and conclusive unless the respondent affected makes a written request for reconsideration by the Director. Such a request must be received within three (3) business days after receipt of the Director's decision. A request for reconsideration will be denied unless the respondent affected shows the request is

based on information that was not available prior to the protest. The Director shall consider all the facts available and issue a decision within five (5) business days after receipt of the request for rehearing, unless additional time is necessary, in which case, the affected respondent will be notified of the delay.

### **License and Business Tax Requirement**

The Consultant must meet all applicable licensing requirements immediately after contract award or the City may reject the Consultant. Companies must license, report and pay revenue taxes for the Washington State Business License (UBI#) and Seattle Business License, if required by law. Carefully consider those costs before submitting an offer, as the City will not separately pay or reimburse such costs.

### **State Business Licensing**

Before the contract is signed, you must have a State of Washington business license (a "Unified Business Identifier" known as a UBI#). If the State of Washington has exempted your business from State licensing (some foreign companies are exempt and sometimes, the State waives licensing because the company has no physical presence in the State), then submit proof of that exemption to the City. All costs for any licenses, permits and associated tax payments due to the State because of licensing shall be borne by the Consultant and not charged separately to the City. Instructions and applications are at <http://bls.dor.wa.gov/file.aspx> and the State of Washington Department of Revenue is available at 1-800-647-7706.

### **Federal Excise Tax**

The City is exempt from Federal Excise Tax.

### **No Guaranteed Utilization**

The City does not guarantee utilization of any contract(s) awarded through this RFP process. The solicitation may provide estimates of utilization; such information is for Consultant convenience and not a usage guarantee. The City reserves the right to issue multiple or partial awards, and/or to order work based on City needs. The City may turn to other appropriate contract sources or supplemental contracts to obtain these same or similar services. The City may re-solicit for new additions to the Consultant pool. Use of such supplemental contracts does not limit the right of the City to terminate existing contracts for convenience or cause.

### **Expansion Clause**

The contract limits expansion of scope and new work not expressly provided for within the RFP/RFQ.

Expansion for New Work (work not specified within the original Scope of Work Section of this Agreement, and/or not specified in the original RFP as intended work for the Agreement) must comply with the following:

- (a) New Work is not reasonable to solicit separately;
- (b) is for reasonable purpose;
- (c) was not reasonably known by the City or Consultant at time of solicitation or was mentioned as a possibility in the solicitation (i.e. future phases of work, or a change in law);
- (d) is not significant enough to be regarded as an independent body of work;
- (e) would not attract a different field of competition; and
- (f) does not change the identity or purpose of the Agreement.

The City may make exceptions for immaterial changes, emergency or sole source conditions, or other situations required in City opinion. Certain changes are not subject to these limitations, such as additional phases of Work anticipated during solicitation, time extensions, and Work Orders issued on an On-Call contract. Expansion must be mutually agreed

and issued by the City through written Addenda. New Work performed before an authorizing Amendment may not be eligible for payment.

The City reserves the right to independently solicit and award any New Work to another firm when deemed appropriate or required by City policy.

### **Equal Benefits**

Seattle Municipal Code Chapter 20.45 (SMC 20.45) requires consideration of whether Proposers provide health and benefits that are the same or equivalent to the domestic partners of employees as to spouses of employees, and of their dependents and family members. The Consultant Questionnaire requested in the Submittal instructions includes materials to designate your equal benefits status.

### **Women and Minority Subcontracting**

The Mayor's Executive Order and City ordinance require the maximum practicable opportunity for successful participation of minority and women-owned subcontracts. All proposers must agree to SMC Chapter 20.42, and seek meaningful subconsultant opportunities with WMBE firms.

WMBE firms need not be state certified to meet the City's WMBE definition. The City defines WMBE firms as at least 51% (percent) owned by women and/or minority. To be recognized as a WMBE, register on the City's [Online Business Directory](#). Federally funded transportation projects require a Disadvantaged Business Enterprises (DBE) program; for that program, firms must be certified by the [Washington State Office of Minority and Women Business Enterprises \(OMWBE\)](#).

### **Proprietary Materials**

*The State of Washington's Public Records Act (Release/Disclosure of Public Records) Under Washington State Law (reference RCW Chapter 42.56, the Public Records Act) all materials received or created by the City of Seattle are considered public records. These records include but are not limited to bid or proposal submittals, agreement documents, contract work product, or other bid material.*

The State of Washington's Public Records Act requires that public records must be promptly disclosed by the City upon request unless that RCW or another Washington State statute specifically exempts records from disclosure. Exemptions are narrow and explicit and are listed in Washington State Law (Reference RCW 42.56 and RCW 19.108). Bidders/proposers must be familiar with the Washington State Public Records Act and the limits of record disclosure exemptions. For more information, visit the Washington State Legislature's website at <http://app.leg.wa.gov/rcw/default.aspx?cite=42.56>.

If you have any questions about disclosure of the records you submit with your bid, contact Michael Wells at [michael.wells@seattle.gov](mailto:michael.wells@seattle.gov).

### **Marking Your Records Exempt from Disclosure (Protected, Confidential, or Proprietary)**

As mentioned above, all City of Seattle offices ("the City") are required to promptly make public records available upon request. However, under Washington State Law some records or portions of records are considered legally exempt from disclosure and can be withheld. A list and description of records identified as exempt by the Public Records Act can be found in RCW 42.56 and RCW 19.108.

If you believe any of the records you are submitting to the City as part of your bid/proposal or contract work products, are exempt from disclosure you can request that they not be released before you receive notification. To do so you must

complete the City Non-Disclosure Request Form (“the Form”) provided by the City (see page 4 on the Consultant Questionnaire) and very clearly and specifically identify each record and the exemption(s) that may apply. (If you are awarded a City contract, the same exemption designation will carry forward to the contract records.)

The City will not withhold materials from disclosure simply because you mark them with a document header or footer, page stamp, or a generic statement that a document is non-disclosable, exempt, confidential, proprietary, or protected. Do not identify an entire page as exempt unless each sentence is within the exemption scope; instead, identify paragraphs or sentences that meet the specific exemption criteria you cite on the Form. Only the specific records or portions of records properly listed on the Form will be protected and withheld for notice. All other records will be considered fully disclosable upon request.

If the City receives a public disclosure request for any records you have properly and specifically listed on the Form, the City will notify you in writing of the request and will postpone disclosure. While it is not a legal obligation, the City, as a courtesy, will allow you up to ten business days to file a court injunction to prevent the City from releasing the records (reference RCW 42.56.540). If you fail to obtain a Court order within the ten days, the City may release the documents. The City will not assert an exemption from disclosure on your behalf. If you believe a record(s) is exempt from disclosure you are obligated to clearly identify it as such on the Form and submit it with your solicitation. Should a public record request be submitted to City Purchasing for that record(s), you can then seek an injunction under RCW 42.56 to prevent release. By submitting a bid document, the bidder acknowledges this obligation; the proposer also acknowledges that the City will have no obligation or liability to the proposer if the records are disclosed.

### ***Requesting Disclosure of Public Records***

The City asks bidders and their companies to refrain from requesting public disclosure of bids until an intention to award is announced. This measure is intended to protect the integrity of the solicitation process particularly during the evaluation and selection process or in the event of a cancellation or re-solicitation. With this preference stated, the City will continue to be responsive to all requests for disclosure of public records as required by State Law. If you do wish to make a request for records, address your request in writing to the Procurement Contact named in this document.

### **Ethics Code**

Familiarize yourself with the City Ethics code: [http://www.seattle.gov/ethics/etpub/et\\_home.htm](http://www.seattle.gov/ethics/etpub/et_home.htm). For an in depth explanation of the City’s Ethics Code for Contractors, Vendors, Customers and Clients, visit: <http://www.seattle.gov/ethics/etpub/fagcontractorexplan.htm>. Any questions should be addressed to Seattle Ethics and Elections Commission at 206-684-8500.

### **Background Checks and Immigrant Status**

Background checks will not be required for workers that will be performing the work under this contract. The City has strict policies regarding the use of background checks, criminal checks and immigrant status for contract workers. The policies are incorporated into the contract and available for viewing on-line at <http://www.seattle.gov/business/WithSeattle.htm>

### **Fair Contracting Practices and Ordinance**

The selected contractors will be required to comply with the Fair Contracting Practices Ordinance of the City of Seattle (Ordinance 119601), as amended. Conduct made unlawful by that ordinance constitutes a breach of contract. Engaging in an unfair contracting practice may also result in the imposition of a civil fine or forfeiture under the Seattle Criminal Code as well as various civil remedies.



**CITY OF SEATTLE**  
office of **economic** development

### **Questions**

If you have any questions about this RFP please contact Michael Wells, City of Seattle's Office of Economic Development, (206) 684-8612 or [michael.wells@seattle.gov](mailto:michael.wells@seattle.gov)