



COUNTY OF SAN DIEGO

Independent Redistricting Commission

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AGENDA ITEM

DATE: January 14, 2021

Item 9

TO: Independent Redistricting Commission

SUBJECT: COMPETITIVE PROCUREMENT OF REDISTRICTING CONTRACTED SERVICES

OVERVIEW:

At the December 18, 2020 Independent Redistricting Commission (IRC) meeting the IRC requested additional information from staff on certain procurement topics. A list of the topics is included below and have been addressed with recommendations in the following sections.

- General Options for Structuring the Procurement Process
- Timeline
- Inclusion of Small and Minority Businesses
- Combining demographer and mapping software services
- Subcontractors
- Translation Services
- Comparison of other redistricting contracting processes

General Options for Structuring the Procurement Process

Redistricting is a public process that occurs once per decade following the federal Census. As such, the IRC's efforts necessitate a unique set of tools, knowledge, and expertise that is outside the scope of County IRC staff. To support the IRC's responsibilities, certain specialized services have been identified to be retained by the County under agreement with various contractors, to be funded by the appropriations established by the Board of Supervisors for the IRC.

To meet the IRC's deadline under State law and ensure maximum time for public participation in the redistricting process, there is a need to engage contractors for the following services:

- **Demographer Services and Mapping Software**
Services to provide demographic data and analysis, mapping software, and mapping services to the IRC for the process of redrawing the Supervisorial districts. Demographics are inseparable from line drawing (mapping) in the context of redistricting. Districts must be relatively equal in population and population characteristics must be taken into account to be able to comply with the Constitutional equal population requirement, the Voting Rights Act protections for voting rights, and California's mandate in statute that the integrity of local communities of interest be respected in a manner that minimizes its

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division to the extent possible. These considerations are inseparable from decisions regarding the placement of Supervisorial district boundaries.

- Public Outreach and Engagement
Services to coordinate public outreach for the IRC process of redrawing the Supervisorial districts. This contractor will advise the IRC on broad and diverse public outreach to maximize public engagement in the redistricting process.

The County uses a standardized RFP process to ensure the impartial and objective selection of contractors to perform services and ensure a full, open and fair competitive procurement process. This process includes the drafting and public posting of an RFP to which qualified Offeror(s) can submit a response; and the formation of a confidential Source Selection Committee (SSC) assigned to comprehensively and impartially evaluate proposals, and recommend a contract award on the basis of best value (price and other factors). Under the County's standard process, the Source Selection process is confidential to limit possibility of outside influence on SSC members. At the December 18, 2020 meeting of the IRC, staff presented an informational item about this standardized RFP process where:

- Three (3) IRC Commissioners would be identified to participate with County staff in each RFP, for a total of six Commissioners participating in the process
- For each RFP, one Commissioner would serve as Technical Advisor to review and comment on procurement documents (e.g., the Scope of Work) before RFP issuance, and two Commissioners would serve as Voting Members of a five-voting member SSC to objectively evaluate RFP responses from Offerors and recommend the award of contracts.
- Selection of the members in the RFP process was to be selected by confidential random drawing.

The IRC discussed this process and requested that staff research and provide at the next meeting information regarding the feasibility of alternative approaches that would increase IRC involvement, while maintaining confidentiality. Staff discussed possible options with counsel and worked to balance the mandate of the Brown Act that legislative bodies deliberate and make decisions in public unless an exception applies, the confidentiality of decision-making that is a feature of the County's standard procurement process, and the desire of the IRC to have increased participation in the process. The following two new options are presented for the IRC's consideration:

- Option 1: the full IRC, in the context of public meetings, develops key aspects of the RFP, which includes a statement of work, evaluation criteria, submittal questions for Offerors, budgetary requirements and any other additional items needed, with the input of the Department of Purchasing and Contracting (DPC) to ensure that the RFP meets the required standards for public contracting. Based on IRC feedback, staff is including an Industry Day for each of the RFPs. An Industry Day will give the public an additional opportunity to see a presentation of the services needed and give feedback and input with respect to the procurements prior to the posting of the RFP to the public. The Industry Day is meant to serve as an information and feedback session with the goal of soliciting input to be incorporated as applicable into the procurement. In addition, since development of the RFP

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will be conducted at public meetings, the public will have multiple opportunities to provide input on the drafting of the RFPs.

After the development of the RFP, an SSC made up solely of county staff would evaluate the proposals received, in accordance with the RFP evaluation criteria developed by the IRC. The SSC evaluation process will be conducted in a confidential setting in accordance with the County’s standardized RFP process. In short, this option attempts to balance the IRC’s desire for increased participation and transparency regarding the IRC’s role in the process with the benefits of keeping the selection process confidential.

A sample timeline for this option is as follows. This timeline:

- Requires no additional IRC meetings;
- Would require procurement agenda topics for at least three regular meetings (anticipate a minimum of 2 hours of discussion for each meeting); and,
- Targets contracts to be effective by early to mid-April.

Staff recommends that the IRC consider whether to call one or more special meetings in order to advance the timeline.

Date	Anticipated Timeline
January 18	Send current draft procurement documents (that are applicable) to commissioners along with other RFPs from other counties and cities to review.
January 25	Industry Day for Procurements – Open to the Public (possibly noticed as IRC Special Meeting)
January 28 (IRC Meeting)	Commission sends revised drafts and/or recommendations to staff.
February 11 (IRC Meeting)	Staff presents edits to the Demographer and Mapping RFP and Commissioners discuss and finalize draft of RFP at IRC meeting (anticipate 2 hours for discussion). If there is need for more discussion or other requests this will push the timeline out a minimum of two weeks, unless the IRC calls a special meeting.
February 25 (IRC Meeting)	Staff presents final Demographer and Mapping RFP to the IRC for approval and posting. Staff presents edits to the Outreach RFP and Commissioners discuss and finalize draft of RFP at IRC meeting (anticipate 2 hours for discussion). If there is need for more discussion or other requests this will push the timeline out a minimum of two weeks, unless the IRC calls a special meeting.
March 1	Demographer and Mapping RFP is posted.
March 11 (IRC Meeting)	Staff presents final Outreach RFP and to the IRC for approval and posting.
March 15	Outreach RFP is posted.

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March 17	Demographer and Mapping RFP submissions are due to the County. County staff begins conducting selection process.
March 31	Outreach RFP Submissions are due to the County. County staff begin conducting selection process.
April 5	Targeted execution of the Demographer and Mapping Contract
April 19	Targeted execution of the Outreach Contract

- Option 2: Instead of proceeding via the standardized County RFP process, the IRC could pursue an alternative RFP process, under the guidance of DPC, that could be conducted almost entirely in public. This would allow the IRC the most flexibility to determine how to structure its participation in the procurement process but would not include the confidentiality of the selection process provided by Option 1, except as to cost. If the IRC determines to pursue this option, the IRC may wish to convene an advisory subcommittee composed of less than a majority of members of the IRC to discuss the options for structuring procurement, and report back to the full IRC at its next regular meeting so that the full IRC can determine how to proceed. This will delay the draft timeline, however, so the IRC may again wish to call additional special meetings (several are already contemplated in the timeline below) in order to keep the timeline on track. The projected impacts on the procurement timelines may limit the number of contractors willing to participate, given other commitments. While it cannot be known with any certainty, the public review of proposals could discourage contractors from participating to avoid disparagement, for example at the instigation of a competitor. In addition, there will be additional costs associated with having special meetings for translation and legal counsel services.

An anticipated sample timeline for this option utilizing components similar to those of the State of California procurement process for redistricting, which is completed publicly, is as follows. This timeline:

- Would require procurement agenda topics for at least three regular meetings (anticipate a minimum of 1-2 hours of discussion for each meeting);
- Would require a minimum of four (4) special IRC meetings in April (anticipate a minimum of 4-8 hours of discussion at each meeting), if presentations of proposals are requested additional special IRC meetings will be needed and will delay timeline;
- Would require an ad-hoc committee to be created for review of the cost proposal; and,
- Targets contracts to be effective by late April and mid-May.

As mentioned, if an advisory committee is created, staff would need to convene a meeting with the committee to determine the new RFP process and timeline and come back to the Commission with a new proposed process at a future meeting.

Date Demographer and Mapping Anticipated Timeline	
January 18	Send current draft procurement documents (that are applicable) to commissioners along with other RFPs from other counties and cities to review.

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January 25	Industry Days for Procurements – Open to the Public (possibly noticed as IRC special meeting)
January 28 (IRC Meeting)	Commission sends revised drafts and/or recommendations to staff
February 11 (IRC Meeting)	Staff presents incorporated edits for the Demographer and Mapping RFP and Commissioners discuss and finalize draft at IRC meeting (recommend 2 hours for discussion). If there is need for more discussion or other requests this will push the timeline out a minimum of two weeks, unless special meetings are scheduled.
February 25 (IRC Meeting)	Staff presents final Demographer and Mapping RFP to Commission for approval for posting. Commission creates a Demographer and Mapping Evaluation Advisory Committee.
March 1	Demographer and Mapping RFP is posted.
March 17	Demographer and Mapping RFP submissions are due to the County.
March 18	Demographer and Mapping proposal submissions (not including cost proposal) will be published on the County of San Diego Redistricting Website. Commissioners will begin reviewing proposal submissions.
March 29	Demographer and Mapping Evaluation Advisory Committee meets to review the cost proposals and compute the cost points for each submitted proposal.
April 1 (Special Meeting)	Commission to review, evaluate and rate each Demographer and Mapping proposal per the evaluation criteria (recommend 4-8 hours for discussion).
April 2 (Special Meeting)	Commission to continue to review, evaluate and rate each Demographer and Mapping proposal per the evaluation criteria (recommend 4-8 hours for discussion). Finalize evaluation and award to contractor with the highest score (including the cost proposal points). If there is a need to have offeror presentations to clarify any parts to their proposal prior to the final evaluation and award, this would need to occur in a special IRC meeting and would delay process.
April 19	Targeted execution of the Demographer and Mapping Contract

Date Outreach Anticipated Timeline	
January 18	Send current draft procurement documents (that are applicable) to commissioners along with other RFPs from other counties and cities to review.

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January 25	Industry Day for Procurements – Open to the Public (possibly noticed as IRC special meeting)
February 1 (IRC Special Meeting)	Commission sends revised drafts and/or recommendations to staff
February 25 (IRC Meeting)	Staff presents incorporated edits for the Outreach RFP and Commissioners discuss and finalize draft of RFP at IRC meeting (recommend 1.5 hours for discussion). If there is need for more discussion or other requests this will push the timeline out a minimum of two weeks, unless special meetings are scheduled.
March 11 (IRC Meeting)	Staff presents final Outreach RFP to Commission for approval for posting. Commission creates an Outreach Evaluation Advisory Committee.
March 15	Outreach RFP is posted.
April 2	Outreach RFP Submissions are due to the County.
April 5	Outreach proposal submissions (not including cost proposal) will be published on the County of San Diego Redistricting Website.
April 12	Outreach Evaluation Advisory Committee meets to review the cost proposals and compute the cost points for each submitted proposal.
April 15 (IRC Special Meeting)	Commission to review, evaluate and rate each Outreach proposal per the evaluation criteria (recommend 4-8 hours for discussion).
April 16 (IRC Special Meeting)	Commission to continue to review, evaluate and rate each Outreach proposal per the evaluation criteria (recommend 4-8 hours for discussion). Finalize evaluation and award to contractor with the highest score (including the cost proposal points). If there is a need to have offeror presentations to clarify any parts to their proposal prior to the final evaluation and award, this would need to occur in a special IRC meeting and would delay process.
May 1	Targeted execution of the Outreach Contract

Information on Small and Minority Owned Business Preferences

Upon request of Commissioners for more information on procurement preferences for Small and Minority Owned Businesses, the current related Board of Supervisors policies applicable to the Department of Purchasing and Contracting include:

- **Small Business:** The purpose of this policy is to facilitate the successful participation of Small Businesses (SB) in County procurements and allows for a standalone set aside procurements reserved exclusively for SB’s (and Veteran Owned Businesses) not to exceed \$100,000 , favorable payment terms under certain circumstances and the separation of large contractual requirements into smaller segments where doing so would maximize small business participation. The full policy is posted at.
<https://www.sandiegocounty.gov/content/dam/sdc/cob/docs/policy/B-53.pdf>

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- Veteran Owned Business (VOB) and Disabled Veterans Business Enterprise (DVBE) Program: This policy promotes VOB and Disabled Veteran Business (DVB) participation in County Contracts through subcontractor participation goals, set aside procurements, favorable payment terms and the separation of large contractual requirements into smaller segments. The full policy is posted at <https://www.sandiegocounty.gov/content/dam/sdc/cob/docs/policy/B-39a.pdf>
- Local Business: This policy requires competitive procurements to give preference to any Local Business that is also a Disabled Veteran Owned Business, Veteran Owned or Small Business in the evaluation of a bid or proposal price (5% subtracted from a bid/proposal price with the amount subtracted not to exceed \$50,000).

The County of San Diego does not have specific policies in place regarding minority-owned business preferences. The California Constitution Article I - Declaration of Rights Section 31 states that the State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.

Due to the new options described above, details of the above the policies can be requested during the discussion of the RFPs.

Subcontractors

Staff originally recommended the Outreach and Engagement Coordinator Contractor retain the services of no fewer than two (2) subcontractors to support the goals and objectives in the Statement of Work. Subcontractors shall include local community-based organizations and service providers who currently provide broad and diverse public outreach/engagement services to the target population or trusted members of the community who have a close understanding of the community served.

Due to the new options described above, subcontractor topics can occur during the discussion of the RFPs.

Translation Services

The County of San Diego currently has contracts for translation services including services for the hearing and visually impaired. These have been competitively procured and have been determined to offer best value to County departments using these services. County staff will draw upon these existing contracts for translation of IRC agendas and some materials, as well as any in-person translation requests for the IRC meetings.

Staff recommends that the IRC receive a presentation at a future meeting about these available translation services with associated costs.

Comparison of Other Redistricting Contracting Processes

Staff reviewed multiple cities and counties to compare redistricting procurement processes and found that the processes were completed differently throughout California, ranging from staff overseeing and selecting contractors to a very open public procurement process with selection of contractors determined by the commission.

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RECOMMENDED ACTIONS:

Discuss and approve either option 1 or option 2 of the procurement process. Approve staff recommendations for small and minority owned business and translation services.