



**Town of Los Gatos**  
**Housing Element Update**

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## **REQUEST FOR PROPOSAL**

**For Professional Services**

**Housing Element Update**  
**2023-2031**

**RFP Submittal Deadline:**

**5:00 pm, May 24, 2021**

**RFP Contact:**

Erin Walters, Associate Planner

Jocelyn Shoopman, Associate Planner

[Planning@losgatosca.gov](mailto:Planning@losgatosca.gov)

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## 1. INTRODUCTION

The Town of Los Gatos will be updating its current Housing Element for the 2023-31 planning period, as mandated by State Law. The Town of Los Gatos is requesting proposals from qualified firms, consultants, or consultant teams with specific experience in the preparation of Housing Elements including necessary environmental review to achieve certification by the State Department of Housing and Community Development (HCD) no later than January 1, 2023.

## 2. BACKGROUND

Incorporated in 1887, the Town of Los Gatos is a small community nestled at the base of the Santa Cruz Mountains, approximately 60 miles south of San Francisco. It is bounded by the Cities of San Jose, Campbell, Monte Sereno, and Saratoga as well as unincorporated pockets of Santa Clara County. The Town of Los Gatos is a picturesque and charming Town, full of enterprising residents that are engaged in civic activities.

The Town of Los Gatos has a population of approximately 31,314 residents, encompassing approximately 14 square miles. The Town of Los Gatos Planning Area encompasses a wide variety of terrain, ranging from flat topography at the edge of the valley floor to densely wooded hillsides. Both the valley floor and hillsides are interspersed with creeks, streams, and riparian habitat. The sharp contrast between the valley floor and the hillsides provides the Town's picturesque background.

The Town of Los Gatos is situated within the largest metropolitan area of northern California and is closely tied to Silicon Valley and its fast-paced economy. The Town of Los Gatos, however, retains a mix of residential, commercial, and light industrial uses, attracts visitors, and retains its small-town image. The Town of Los Gatos has a strong economic presence, with an award-winning Downtown that includes local and regional favorites, and a corporate community that includes the headquarters for several prestigious corporations, from flourishing startups to companies such as Netflix. Land use issues include preserving the historic character of the Town of Los Gatos, blending new development with existing development, and meeting the interests of distinct neighborhoods.

The Town of Los Gatos is guided by the principles of Small-Town Service, Community Stewardship, and Future Focus. The Town of Los Gatos government is fiscally healthy, and focuses on teamwork, collaboration, and civic engagement.

The Town of Los Gatos is a General Law jurisdiction with a five-member Town Council and an annually rotating Mayor's position.

### 3. HOUSING ELEMENT UPDATE VISION

The Town of Los Gatos' current Housing Element (2015-2023) was previously certified by HCD on May 5, 2015 and will serve as a foundation for the Housing Element update.

*Regional Housing Needs Allocation 6 (RHNA 6):* The Town of Los Gatos anticipates an allocation of approximately 2,000 units for RHNA 6, compared to 619 units in RHNA 5, representing a 323% increase from the past planning cycle.

*2040 General Plan Update:* The Town of Los Gatos is actively working on the 2040 General Plan update and associated EIR, anticipated to be completed by the end of 2021. In April of 2020, the Town Council adopted a Preferred Land Use Alternative Framework identifying Community Place Districts that will plan for mixed-use/multi-family residential development potential for a diverse housing stock to meet the needs of a diversifying community. Because the Town of Los Gatos is constrained by the surrounding hillsides, which cannot accommodate increased density, and a lack of vacant land, the Alternative Framework accommodates future growth by strategically increasing density and/or intensity ranges in existing residential and commercial designations. Rezoning will take place following the adoption of the 2040 General Plan, not included in this project.

*Objective Standards:* The Town of Los Gatos is currently working with a consultant to develop objective standards and by right findings which will be used for the review of qualifying housing development applications.

#### Public Participation

The Housing Element update process will include a broad public outreach component. Below is a summary of the anticipated public participation process. Consultants or Consultant Teams should use these ideas as a starting point for their recommendations to engage the community, Planning Commission, and Town Council. The engagement activities should be integrated into the overall process and tied to specific work products and milestones.

*Kick-Off Meeting:* The objectives of this meeting would be to inform the public and community of the value and purpose of the Housing Element and the Housing Element update. Key issues would be presented, and community members could provide input on issues, challenges, and the vision for the future of housing in the Town of Los Gatos.

*Engagement through Technology:* The Consultant or Consultant Team retained by the Town of Los Gatos will create a Housing Element update website as a portal for information regarding the Housing Element update, key documents, and interactive activities to solicit input at various stages of the process. In addition, the Town of Los

Gatos intends to use its social media accounts to push out information and invitations to workshops, meetings, and public hearings.

*Public Workshops:* Public workshops would be held at numerous key stages throughout the process to: educate the public on the purpose of the update and the Town of Los Gatos obligations under RHNA 6; present the Consultant's or Consultant Teams' approach to updating the Housing Element and identifying housing opportunity sites; and solicit feedback from the public on the potential sites.

*Panel Discussions:* This is an option that the Town of Los Gatos may consider to introduce planning and housing innovations to the community, the Housing Element Advisory Board (HEAB), Planning Commission, and Town Council.

*Housing Element Advisory Board (HEAB):* The Town Council will appoint a HEAB to provide guidance on the development of the Housing Element, be an additional forum for public involvement, and make recommendations to the Planning Commission and Town Council. The HEAB will be examining the issue of how the Town of Los Gatos can accommodate the housing needs of its residents and businesses for the next eight years as expressed in its assigned RHNA 6. The Consultant or the Consultant Team retained by the Town of Los Gatos will facilitate the necessary HEAB meetings along with staff to help the HEAB formulate its recommendation to the Planning Commission and Town Council. The HEAB met 14 times throughout the last Housing Element update drafting process.

*Town Commissions:* During the Housing Element update process, staff liaisons to Boards, Commissions, and Committees will provide progress reports on the Housing Element update and receive comments that will be shared with the HEAB, Planning Commission, and Town Council.

*Town Council Meetings:* Town Council direction will be sought at major milestones.

The Town of Los Gatos has the following resources available for preparation of the update:

- **2015-2023 Housing Element:**  
<https://www.losgatosca.gov/1735/General-Plan---Housing-Element>
- **Annual Progress Report for Housing Element Implementation:**  
<https://mccmeetingspublic.blob.core.usgovcloudapi.net/losgatos-meet-991ba9567f43445cb65a25160da1c655/ITEM-Attachment-002-81ba670e9a6a4cf5b5a881efd20a9e50.pdf>

- **General Plan and Zoning Information:**  
<https://www.losgatosca.gov/2137/General-Plan-Zoning-Information>
- **2040 General Plan Update Website:** <http://www.losgatos2040.com/>
- **Housing Programs:** <https://www.losgatosca.gov/345/Housing-Programs>
- **Planning Documents:** <https://www.losgatosca.gov/198/Planning-Documents>
- **Affordable Housing Overlay Zone (AHOZ) Design Guidelines:**  
<https://www.losgatosca.gov/DocumentCenter/View/8745/Adopted-Final-AHOZ-Design-Guidelines?bidId=>

*Association of Bay Area Governments (ABAG) – Housing Technical Assistance Program:* Through the Town of Los Gatos’ engagement with a countywide collaborative and ABAG’s regional Housing Technical Assistance Program, the Town of Los Gatos anticipates a reduction of costs for some core update tasks. The collaborative is supported by a part-time technical assistance provider, and draft materials for some sections of the Housing Element which are similar throughout the county as well as the following resources: the Housing Element Site Selection (HESS) Tool; and Local Housing Needs Assessment. The Consultant or Consultant Team should consider utilizing these materials as appropriate, and factor this into their proposal. For more information: <https://abag.ca.gov/our-work/housing/housing-technical-assistance-program>

*Grant Funding:* The award of LEAP and REAP grant funding are expected for certain Housing Element update tasks. In terms of budgeting, it should be noted that final invoices for LEAP grant funding and REAP grant funding must be submitted to HCD for reimbursement by September 30, 2023.

#### 4. SCOPE OF WORK

The Town of Los Gatos’ current Housing Element was previously certified by HCD and shall serve as a foundation for updating the Housing Element. The Consultant or Consultant Team, selected shall evaluate: (1) the effectiveness of the existing housing programs, goals, and policies; (2) the production of housing units at all income categories and identify any potential barriers to housing production; (3) identification of housing characteristics; (4) update of the RHNA 6; (5) analysis of special housing needs; (6) identification of new State Housing Law and programs; (7) compliance with recently adopted legislation related to Housing Elements; (8) the potential review of current and proposed General Plan policies to determine internal consistency and compliance with newly adopted legislation; and (9) associated environmental review.

The Consultant or Consultant Team shall assist staff with the RHNA 6 and Housing Element update, pursuant to the State of California Government Code Sections 65580 through 65589.8, and shall accomplish the following tasks:

A. Project Schedule

1. Develop a timeline schedule with milestones for review and the certification of the Housing Element by HCD by January 1, 2023. The project schedule shall include a detailed explanation of all stages of the project, including, at a minimum:
  - a. Kickoff meeting with staff to refine the scope of services;
  - b. Identification of major milestones, meetings, and work products;
  - c. HEAB, Planning Commission, and Town Council Study Sessions;
  - d. HEAB meetings;
  - e. Public hearings (Planning Commission and Town Council);
  - f. Strategies to meet the Town's RHNA 6 and the Housing Element update;
  - g. Response to HCD review comments and Town staff review times; and
  - h. Delivery of a draft and final draft Housing Element, including any required updates to other General Plan Elements as required by State law.

B. Existing Housing Conditions and Needs

1. Review the Town of Los Gatos' current Housing Element and General Plan, 2040 General Plan update, Annual Housing Report, Affordable Housing Overlay Zone, and other supporting materials as needed to gain insight and understanding of the Town of Los Gatos' housing progress and priorities;
2. Evaluate results from existing housing programs and polices implemented, and their effectiveness;
3. Research and analysis topics from the Town of Los Gatos' outreach regarding current housing polices and programs; and

4. Asses the feasibility of the Town of Los Gatos to use HCD’s new streamlined update process, according to HCD’s Housing Element Update Guidance document.
- C. Public Outreach
1. Prepare a robust public outreach process, including key participation, goals, milestones, and outcomes;
  2. Include strategies that involve diverse and traditionally underrepresented stake holder groups, including non-English-speaking residents, and topics identified by the Town of Los Gatos and stakeholders; and
  3. The outreach plan must also include a comprehensive digital outreach plan that focuses on new/engaging digital participation approaches.
- D. Regional Housing Needs Assessment
1. Review the Town’s vacant land inventory; and
  2. Review and assist with RHNA 6.
- E. Assessment of Housing Needs
1. Prepare an updated assessment of housing needs in Los Gatos and an inventory of resources and constraints relative to meeting those needs, including those effecting traditionally underrepresented groups; and
  2. Incorporate the RHNA 6 figures as provided by ABAG and current demographic Census data.
- F. Housing Sites Inventory
1. Assessment of housing sites to comply with HCD requirements and updated State legislation.
- G. Preparation of Draft Housing Element
1. Updated housing, population, demographic, and employment data to coincide with recent ABAG growth projections and Census data;
  2. Assessment of the housing market conditions and immediate needs within the Town of Los Gatos, including special housing needs;



3. Identification of actual and potential constraints on the maintenance, improvement, and development of housing for all income levels;
4. Analysis of housing opportunities, along with an inventory of sites and the Town of Los Gatos' capacity to meet regional housing goals;
5. Analysis that affirmatively furthers fair housing, in compliance with Assembly Bill 686; and
6. A Housing Element (2023-31) implementation program, including quantifiable objectives and programs to address housing needs for all income levels, seniors, veterans, populations with disabilities, or special needs, and those experiencing homelessness.

#### H. General Plan Amendments

1. Identify Elements of the Town of Los Gatos' existing General Plan that may need to be amended to comply with State law, including text, tables, maps, etc.

#### I. Environmental Documents

1. Prepare, post, and file all the appropriate environmental documents for compliance with the California Environmental Quality Act (CEQA), including the Initial Study, Notice of Intent to Adopt a Mitigated Negative Declaration, EIR, or other CEQA determinations as applicable, Response to Comments, Mitigation Measures, Mitigation Monitoring Program, and Notice of Completion to be filed with OPR and the Santa Clara County Clerk. In addition, the Consultant or Consultant Team will be responsible for preparing all notices and mailings for SB 18 and AB 52.

#### J. Deliverables

1. Prepare and submit one (1) electronic copy in Microsoft Word (Word) format (.docx) and one (1) in PDF format of the draft Housing Element, and other Elements as applicable for the Town of Los Gatos staff to review and comment upon in accordance with the project's schedule and the design of the draft (text, font, graphics, tables, figures, and picture placement) shall match the 2040 General Plan document format and quality;
2. Revise the draft Housing Element and applicable Elements to incorporate staff's comments and submit (1) electronic copy in Word format, and one (1) electronic copy in PDF format of all Elements to the Town of Los Gatos for staff distribution

to HCD, the Town Council, the Planning Commission, the HEAB, and the general public for review and comment;

3. Prepare, post, and file all the appropriate environmental documents for compliance with CEQA, including the Initial Study, Notice of Intent to Adopt a Mitigated Negative Declaration, EIR, or other CEQA determinations as applicable, Response to Comments, Mitigation Measures, Mitigation Monitoring Program, and Notice of Completion to be filed with OPR and the Santa Clara County Clerk;
4. Prepare addendums and revisions to draft documents both in response to the Town of Los Gatos' input and comments from HCD, including tracking said revisions;
5. Prepare final draft updated Housing Element in response to comments from HCD, responsible agencies, Town of Los Gatos staff, HEAB, Planning Commission, Town Council, and the public. Upon determination of compliance by HCD of the final draft Housing Element, the Consultant or Consultant Team, will submit thirty (30) bound copies, one (1) electronic copy in Word format, and one (1) electronic copy in PDF of the Final Housing Element (2023-2031) and Final Draft General Plan Element(s), if necessary, for distribution to the Planning Commission and the Town Council for final adoption at corresponding public hearings;
6. Attend, present, and participate in HEAB meetings, Planning Commission meetings, Town Council meetings, informational workshops or Study Session meetings, and public hearings as required by the Town of Los Gatos;
7. Prepare public meeting presentation materials, memos, letters, and other documents as required by the Town of Los Gatos staff;
8. Provide regular e-mail progress reports to the Project Managers;
9. Assist in the preparation of staff reports and exhibits for HEAB, Planning Commission, and Town Council meetings and hearings;
10. Provide and maintain an Internet-based folder for all project materials accessible to Town staff and the Consultant or Consultant Team;
11. Coordinate with Town staff and HCD staff as necessary; and
12. Upon adoption of the Final Housing Element and any required General Plan amendments by the Town Council, the Consultant or Consultant Team will

prepare a final adopted version with the date of adoption prominently displayed on the front cover and throughout the documents to distinguish it as the official document from other versions of the General Plan Elements. The Consultant or Consultant Team shall provide ten (10) bound copies, one (1) electronic copy in Word format, and one (1) electronic copy in PDF format of all adopted materials for distribution to HCD, Town departments, and other stakeholders.

In addition to experience with preparation of Housing Elements and updates, the Consultant or Consultant Team should also have demonstrated in-house expertise or the ability to work with experienced sub-consultants, in the areas of:

- a. Community outreach/public participation;
- b. Community meeting facilitation;
- c. Housing policy;
- d. Planning policy;
- e. Urban design;
- f. Graphics;
- g. GIS and technical analysis,
- h. Project Management; and
- i. CEQA/Environmental Analysis and Review.

## **5. INSTRUCTIONS TO PROPOSERS**

### **a. Examination of Proposal Documents**

Submittal of a proposal shall be deemed a representation and certification by the proposer that they:

- Have carefully read and fully understand the information that was provided by the Town of Los Gatos to serve as the basis for submittal of the proposal;
- Have the capability to successfully undertake and complete the responsibilities and obligations of the proposal being submitted;
- Represent that all information contained in the proposal is true and correct;
- Did not, in any way, collude, conspire to agree, directly or indirectly, with any person, firm, corporation, or other proposer in regard to the amount, terms, or conditions of this proposal; and

- Acknowledge that the Town of Los Gatos has the right to make any inquiry it deems appropriate to substantiate or supplement information supplied by the Consultant or Consultant Team, and Consultant or Consultant Team hereby grants the Town of Los Gatos permission to make these inquiries, and to provide any and all related documentation in a timely manner.

No request for modification of the proposal shall be considered after its submittal on grounds that the Consultant or Consultant Team was not fully informed to any fact or condition.

b. Addenda/Clarifications

Questions regarding the RFP shall be submitted in writing to Erin Walters, Associate Planner, and Jocelyn Shoopman, Associate Planner by email at [Planning@losgatosca.gov](mailto:Planning@losgatosca.gov).

Written responses will be sent to all parties who have expressed an interest in applying for the opportunity. **Questions will not be accepted by phone.**

Inquiries received after 5:00 p.m., Friday, May 14, 2021, will not be accepted and will be returned to senders without response. All addenda shall become a part of the RFP and shall be acknowledged on the Consultant's or Consultant Team's Form.

The Town of Los Gatos shall not be responsible nor be bound by any oral instructions, interpretations, or explanations issued by the Town of Los Gatos or its representatives.

c. Submittal of Proposals

Submit one (1) electronic copy in PDF format via email to:

**Erin Walters, Associate Planner and Jocelyn Shoopman, Associate Planner at [Planning@losgatosca.gov](mailto:Planning@losgatosca.gov)**

**Subject Line: Housing Element Update Proposal – Add Consultant or Consultant Team Name**

The Consultant's or Consultant Team's name, address, email address, and phone number should be clearly marked in the body of the email and in the attached proposal.

Proposals must be delivered no later than **5:00 pm, Monday, May 24, 2021**. All proposals submitted after the deadline shall not be accepted.

d. Withdrawal of Proposals

A Consultant or Consultant Team may withdraw their proposal at any time before the expiration of the time for submission of proposals as provided in the RFP by delivering a written request for withdrawal signed by, or on behalf of, the Consultant or Consultant Team via email to Erin Walters, Associate Planner, and Jocelyn Shoopman, Associate Planner at [Planning@losgatosca.gov](mailto:Planning@losgatosca.gov).

e. Rights of the Town of Los Gatos

This RFP does not commit the Town of Los Gatos to enter into a contract, nor does it obligate the Town of Los Gatos to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The Town of Los Gatos reserves the right to:

- Make the selection based on its sole discretion;
- Reject any and all proposals;
- Issue subsequent RFPs;
- Postpone opening for its own convenience;
- Remedy technical errors in the RFP process;
- Approve or disapprove the use of particular subcontractors;
- Negotiate with any, all, or none of the Consultants or Consultant Teams;
- Accept other than the lowest cost proposal;
- Waive informalities and irregularities in the proposals; and/or
- Enter into an agreement with another Consultant or Consultant Team in the event the originally selected Consultant or Consultant Team defaults or fails to execute an agreement with the Town of Los Gatos.

An agreement shall not be binding or valid with the Town of Los Gatos unless and until it is executed by authorized representatives of the Town of Los Gatos and of the Consultant or Consultant Team.

**6. PROPOSED TENTATIVE TIMELINE**

The tentative RFP timeline is as follows:

RFP Issued	April 21, 2021
Deadline for questions/clarifications	May 14, 2021
<b>Proposals Due</b>	<b>5:00 pm, May 24, 2021</b>
Interviews	Week of May 31, 2021
Selection of Consultant	June 2021
Initiate Update	August 2021
Complete Draft Housing Element and EIR	April 2022
HCD Review	July 2022

Town Council Final Approval	November 2022
Housing Element Approval by HCD	December 2022
Housing Element Adoption Deadline	January 1, 2023

## 7. INFORMATION TO BE SUBMITTED

These instructions outline the guidelines governing the format and content of the proposal and the approach to be used in its development and presentation. The intent of the RFP is to encourage responses that clearly communicate the Consultant's or Consultant Team's understanding of the Town of Los Gatos' requirements and its approach to successfully provide the products and/or services on time and within budget. Only that information which is essential to an understanding and evaluation of the proposal shall be submitted. Items not specifically and explicitly related to the RFP and proposal, (e.g. brochures, marketing material, etc.) will not be considered in the evaluation.

Each Consultant or Consultant Team who responds to this RFP is required to submit the information listed below.

- Letter of transmittal.
- A description of the firm(s) with emphasis on work related to Housing Element updates, associated public engagement, and EIRs.
- A description of Housing Elements, public engagement, and CEQA compliance recently completed.
- If this is a joint venture, explain in detail the responsibilities of each firm.
- Identification of the key personnel who will be assigned to this project and a description of their responsibilities. Also, list recent projects on which principal staff have worked and describe their responsibilities.
- Statement of the approach to be used on this project, including the following information:
  - Overall approach to the project.
  - Scope of work
  - Project schedule
  - Project management
  - A project budget broken down by objective, function, consultant, work phase, and work product. Indicate hourly rates of individuals involved and the fee structure for additional work outside of contract.

This information should be written so that it may be incorporated, as modified during the contract negotiation meetings, as an attachment to the consultant agreement.

- Statement that the firm(s) has sufficient staff resources and capability to perform the work contained within this RFP during the timeframe of the entire Housing Element update process.

- Project references, with names and phone numbers of contact persons.

## **8. REVIEW AND SELECTION PROCESS**

The following criteria are among those that will be used to evaluate the submitted proposals:

- Professional competence and track record in the preparation of Housing Elements, community engagement, and EIRs;
- Experience of personnel assigned to the project;
- If a joint venture, the track record of team members experience working together;
- Quality of the proposal. The proposal should clearly demonstrate the firm's understanding of the Town of Los Gatos' overall objectives in the Housing Element update, EIR, and related community engagement;
- Ability to produce a high-quality document that is readable with high quality graphics that can be published in hard copy form and electronically;
- Demonstrated ability to work with local government staff;
- Ability to complete the project within the desired schedule and budgeted cost;
- Cost of preparing the Housing Element and EIR in relation to the services offered; and
- Review of references.

The proposals will be evaluated by a panel of Town staff. The selected Consultant or Consultant Team will be asked to participate in an interview with the panel to select a final consultant.

## **9. PUBLIC NATURE OF MATERIALS**

Responses to this RFP become the exclusive property of the Town of Los Gatos. At such time as the Town of Los Gatos is able to successfully negotiate an agreement with a Consultant or Consultant Team or determines that the RFP will result in no award, then all proposals received in response to this RFP become a matter of public record and shall be regarded as public records, with the exception of those elements in each proposal which are defined by the Consultant or Consultant Team as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary." The Town of Los Gatos shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as "Confidential," "Trade Secret," or "Proprietary" or if disclosure is required under the Public Records Act. Any proposal which contains language purporting to render all or significant portions of the proposal "Confidential," "Trade Secret," or "Proprietary" shall be regarded as non-responsive.

Although the California Public Records Act recognizes that certain confidential trade secret information may be protected from disclosure, the Town of Los Gatos may not accept or approve that the information that a Consultant or Consultant Team submits is a trade secret. If a request is made for information marked “Confidential,” “Trade Secret,” or “Proprietary,” the Town of Los Gatos shall provide the Consultant or Consultant Team who submitted the information with reasonable notice to allow the Consultant or Consultant Team to seek protection from disclosure by a court of competent jurisdiction.

#### **10. COLLUSION**

By submitting a proposal, each Consultant or Consultant Team represents and warrants that its proposal is genuine and not a sham or collusive or made in the interest of or on behalf of any person not named therein; that the Consultant or Consultant Team has not directly induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and that the Consultant or Consultant Team has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

#### **11. DISQUALIFICATION**

Factors such as, but not limited to, any of the following may be considered just cause to disqualify a proposal without further consideration:

- Evidence of collusion, directly or indirectly, among Consultants or Consultant Teams in regard to the amount, terms, or conditions of the proposal;
- Any attempt to improperly influence any member of the evaluation team;
- Existence of any lawsuit, unresolved contractual claim, or dispute between Consultant or Consultant Team and the Town of Los Gatos;
- Evidence of incorrect information submitted as part of the proposal;
- Evidence of Consultant’s or Consultant Team’s’s inability to successfully complete the responsibilities and obligations, of the proposal; and
- Consultant’s or Consultant Team’s default under any previous agreement with the Town of Los Gatos, which resulted in termination of the Agreement.

#### **12. NON-CONFORMING PROPOSALS**

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from, or to, a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole discretion of the Town of Los Gatos.



### **13. GRATUITIES**

No persons shall offer, give, or agree to give any Town of Los Gatos employee any gratuity, discount, or offer of employment in connection with the award of a contract by the Town of Los Gatos. No Town of Los Gatos employee shall solicit, demand, accept, or agree to accept from any other person a gratuity, discount, or offer of employment in connection with a Town of Los Gatos contract.

### **14. FIRMS OR PERSONS NOT ELIGIBLE TO SUBMIT**

In order to avoid any conflict of interest or perception of a conflict of interest, Consultant(s) or Consultant Team(s) selected to provide professional services under this RFP will be subject to the following requirements:

- The Consultant(s) or Consultant Team(s) who works on the procurement will be precluded from submitting proposals or bids as a prime contract or subcontractor in the ultimate procurement.
- The Consultant(s) or Consultant Team(s) may not have interest in any potential Consultant or Consultant Team for the ultimate procurement.