

REQUEST FOR PROPOSALS (RFP)

Date of Issuance: September 19, 2023
~~Due Date: October 9, 2023*~~
Extended Due Date: October 23, 2023

**BUSINESS LICENSE TAX CONSULTING
SERVICES**

CITY OF FOSTER CITY

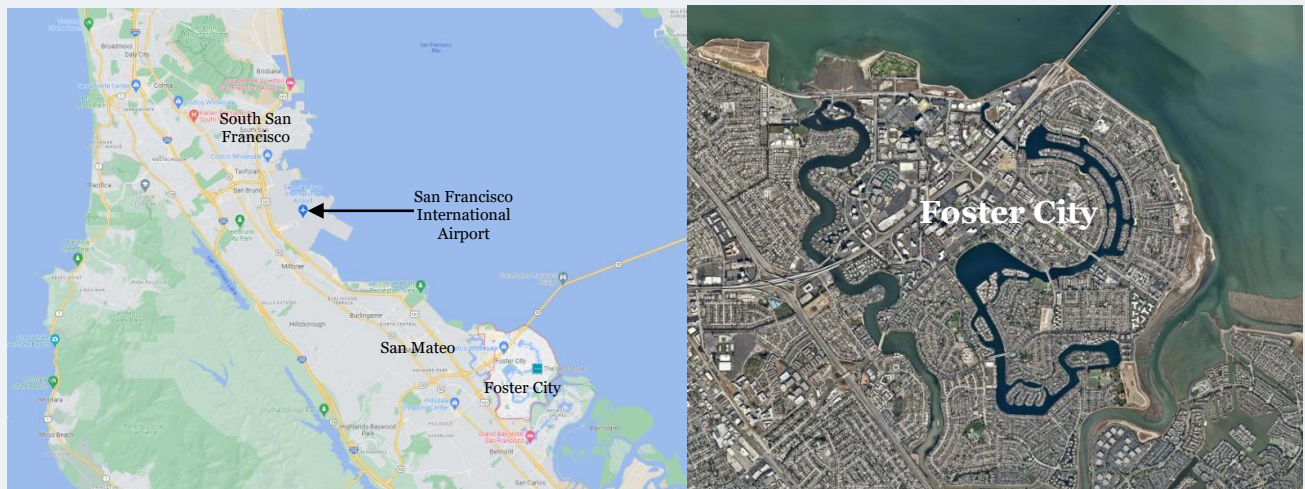


A. INTRODUCTION

The City of Foster City (the “City”) is seeking proposals from qualified firms for business license tax consulting services. The City is seeking to modernize its business license tax structure that is fair and equitable among businesses based on size and category. Respondents will conduct a comprehensive study on the City’s current business license tax ordinance and provide recommendations to the business license tax structure.

B. FOSTER CITY OVERVIEW

Foster City is located midway between San Francisco and San Jose on the western shoreline of the San Francisco Bay, east of U.S. 101, which provides convenient access to the San Francisco Airport and San Francisco to the north and Santa Clara County to the south. The City is bisected by State Route 92 (the J. Arthur Younger Freeway), which runs between Half Moon Bay to the west and Highway 880 to the east via the San Mateo-Hayward Bridge. The City encompasses 12,345 acres, of which 9,726 acres are part of San Francisco Bay and Belmont Slough, and 2,619 acres are land area.



Location map; Source: Google Maps

The City of Foster City is a full-service, General Law City with a Council-Manager form of government. The City Council also serves as the Board of Directors for the Estero Municipal Improvement District (“District”). The District, although a separate legal entity, encompasses the same geographical area, is inhabited by the same citizens and governed by the same bodies and procedures as the City. The City/District collectively call (“City”) has approximately 177 employees who deliver high quality municipal services to its 33,056 residents. The City’s fiscal year 2023-24 appropriations for its General Fund is approximately \$58.26 million.

Foster City Municipal Code requires that any person who engages in a business in the City must obtain and maintain a valid business license ([link](#)).

C. BUSINESS LICENSE TAX OVERVIEW

The City of Foster City's Business License Tax (BLT) Ordinance was enacted in 1972, shortly after the City's incorporation. Since that time, the BLT Ordinance has only been updated once in 2013 (Attachment 1). Foster City Municipal Code Title 5 "Business Licenses and Regulation" Chapters 5.04 to 5.40 outlines the provisions of the City's BLT. The model is based on the gross receipts model with a single tax rate. The last update in November 2013 increased minimum tax and maximum revenue caps upon which the tax is calculated and was phased in over a 3-year period from calendar year 2014 to 2016.

The City has approximately 1,700 Business License Tax licensees. Per its adopted 2023-24 Budget ([link](#)), the current tax rate is 0.075% with a gross receipts cap of \$38,129,333 for a maximum tax of \$28,597 for the calendar year 2023. There are approximately 24 businesses with gross receipts that exceed the cap. The gross receipts cap is adjusted annually based on inflation. FY 2022-23 revenues were estimated at \$1.58 million and projected to reach \$1.62 million in FY 2023-24, but still below the FY 2018-19 level of \$1.76 million.

Earlier this year, City Council adopted its key priorities and initiatives for the calendar year 2023 ([link](#)).

The Goal 3.1, reads:

"Identify new revenue sources and strengthen existing resources to ensure Foster City finances are more resilient to economic fluctuations and support city services."

Under this goal, one of the metrics for the success is as follows:

Consideration of a 2024 ballot measure on Business License Tax (BLT)

Metrics/Outcome/Deliverables:

- Initiate and engage in ongoing dialogue with City businesses to build strong relationships and assess their needs and understand their perspectives on a BLT ballot measure.*
- Research BLT methodologies and consider feasibility of various methodologies (e.g., gross receipts, square footage, employee count) with presentation to Council in January 2024.*

To protect Foster City's fiscal stability and maintain essential services, the City is looking to explore possibility of increasing the gross receipts cap. BLT is considered a general tax that would require a 2/3rd majority vote of the City Council (4 out of 5 Councilmembers) to be placed on the ballot and a simple majority vote (50% + 1) of the voters to pass. Based on City Council direction and following stakeholder engagement, the proposed BLT ballot measure will be placed in the November 2024 General Election.

In order to adequately inform the City Council and the business community, a comprehensive report on the City's current BLT ordinance, other license tax fee structures, and notably, impact of proposed changes to BLT on the City's revenue and business community is critical.

D. SCOPE OF SERVICES

Foster City is seeking proposals from qualified firms to provide a comprehensive report on the City's current business license tax ordinance and provide recommendations to the business license tax structure.

1. Meet with City staff to discuss the project scope, purpose, uses and goals of the City's business license tax to ensure that the proposal will be appropriate to needs of Foster City.
2. Meet with City staff to access data as needed to understand the City's methodology of calculating the current business license tax.
3. Develop a written study of the current business license tax fee structure.
4. Present an informational report to City Council that compares Foster City's business license tax with other local jurisdictions and provide an analysis of comparable cities' business license tax structures. Provide an analysis of alternative business license tax fee structures, formula, its impact on existing businesses and City's revenue. The timeline for this task is set for January 2024.
5. Discuss best practices for business license tax structure.
6. Present to City staff and the City Council the recommended changes, as well as the alternatives, providing documentation and reasoning as to why the proposed methodology is superior to the current business license tax structure and the other alternatives (one to two public meetings).
7. Based on the direction from the City Council, conduct or assist city staff with stakeholder outreach and engagements meetings to introduce the proposed changes to the BLT (three to four engagement meetings).

E. PRELIMINARY SCHEDULE

The following is a preliminary schedule for the award of the contract.

Distribution of RFP	September 19, 2023
Deadline to Submit Written Questions	5:00 pm October 02, 2023
Deadline to submit proposals	5:00 pm October 09, 2023*
Extended deadline to submit proposals	5:00 pm October 23, 2023
Award of the contract	October 20, 2023*

Note that this schedule is preliminary. The schedule may be adjusted, as needed, by the City. The deadline for submitting proposals may be extended if the City does not receive adequate responses from qualified firms. Accordingly, the date for awarding the contract will change.

F. DEADLINE FOR WRITTEN QUESTIONS

All inquiries regarding this RFP shall be directed to Sofia Mangalam, Community Development Director, via telephone at (650) 286-3239, or, preferably, via email at smangalam@fostercity.org before 5:00 pm on **October 02, 2023**. The City will compile a list of written questions with responses and post to the City website within one week. It is the responsibility of consultants to carefully review this RFP and any addenda including checking the City website regularly.

Except as specified above, consultants and their representatives may not communicate with any officer, director, employee, or agent of the City with respect to this RFP except as may be reasonably necessary to carry out the procedures specified in this RFP. Nothing herein prohibits consultants or their representatives from making oral statements or presentations in public to one or more representatives of the City during a public meeting. The City will not respond to verbal inquiries and interested consultants are specifically discouraged from contacting the city in person or by telephone during this RFP and selection process.

G. PROJECT BUDGET

All tasks within the enclosed Scope of Services shall be included within the proposal's fee schedule and itemized according to required and optional tasks.

H. PROPOSAL CONTENT

Consultant proposal must include the following and follow directions outlined in each section below:

1. A cover letter with contact information
A description and statement of the firm's qualifications for this project, as well as those of any subconsultants.
2. Project team
 - Organizational chart of the project team.
 - Names, qualifications and resumes of all project team members who will directly participate in the project.
 - Sub consultants. Identify any sub consultants that would be used and their specific role. (All sub consultant costs, including any markup, must be included in consultant's cost proposals.)
3. Table of Contents. Each proposal shall include an index to the major topics contained in the proposal and all pages shall be numbered.
4. Approach to Scope of Services.
 - a. Work Plan and Approach.
 - i. Discuss your firm's understanding of the Scope of Services to be performed.
 - ii. Describe the method for management of overall project costs, schedule, quality assurance/quality control, responsiveness to City requests and inquiries, and other issues critical to this project. Specifically address your firm's approach to resolving unanticipated issues efficiently and effectively while maintaining project budget and schedule. In addition, explain your team's ability to adapt to changes in environment and/or existing conditions throughout the process that may affect the program outcome and schedule.
 - iii. Describe the needs from City staff. For example, what City staff expertise is needed and how much time do you anticipate.
 - iv. Identify any "value-added" services that your firm may provide.

- b. Schedule: Outline a proposed project schedule starting from a kickoff meeting to development of draft documents and final report. Include any significant milestone and resource needs such as staff, meeting space, reports, etc. from the City.
5. Timeline. Provide a detailed timeline associated with each task listed “Scope of Services,” specifically ability to meet the deadline for presentation to the City Council in January 2024.
6. Qualifications Details
 - a. Provide experience/expertise of your firm in evaluating business license tax ordinances and making recommendations on alternative business license tax structures and proposing such recommendations to other similar governmental agencies.
 - b. Provide details of your firm’s ability to meet the Scope of Services outlined.
7. References. Provide at least three (3) references of California agencies. At least two (2) references must have worked with the proposed project manager and other key staff proposed to be assigned to the City’s project. References should include the following:
 - a. Name, address, and telephone number of the agency
 - b. Time period for the project
 - c. Brief description of the scope of the review
 - d. Recommended procedures
 - e. Reference contact name, email, and telephone number

I. CONSULTANT SELECTION PROCEDURE

i. EVALUATION CRITERIA

All proposals will be evaluated using the following criteria:

- Quality and completeness of proposal.
- Quality of the proposed services to be provided.
- Ability and experience of team members assigned to work on the project.
- Technical experience in performing work of a closely similar nature.
- Methodology and work program, including knowledge of local needs and the ability to work closely with City staff, the project team, Planning Commission and City Council.
- Consultant availability, including ability to attend and make presentations.
- Creativity and insight of proposal.
- Timing of work program and ability to perform the work within the time specified.
- Project cost.
- Ability to produce high-quality and easy-to-read graphic information.

ii. EVALUATION PROCEDURE

Evaluation of the proposals will be performed by City staff who will assess the qualifications, experience, and ability to perform the work of each consultant based

on the criteria listed above. An oral interview with one or more of firms may be requested after written proposals have been received and reviewed by the City. At the time of the interview, representatives of the consulting firm shall be prepared to clarify and elaborate on the details set forth in the firm's proposal.

The City of Foster City Community Development Department will administer the contract. The decision to accept any proposal shall be made not later than thirty (30) calendar days after the deadline for proposals to be submitted. Consultants whose proposals have not been accepted shall be so notified.

J. GENERAL INFORMATION FOR PROPOSALS

- The prospective consultant firm shall submit its proposal to the City via email not later than October 23 09, 2023* at 5:00 P.M.
- Any questions related to the project and/or this RFP shall be directed to the Community Development Director, Sofia Mangalam, who can be reached at (650) 286-3239 or via email at smangalam@fostercity.org.
- The proposal shall be signed by an authorized official of the firm.
- All costs incurred in the preparation of the proposal shall be the sole responsibility of the consultant.
- The City reserves the right to reject any and all proposals and to request additional information concerning any proposal for purposes of clarification.
- If awarded a contract, the consultant shall maintain insurance coverage, including worker's compensation, reflecting the minimum amounts and conditions specified by the City.
- The terms and scope of the contract will be arrived at on the basis of professional negotiations between the City and the prospective consultant. If the City and the prospective consultant fail to reach a contractual agreement, the City may then renegotiate with any other consultant.
- The consultant will comply with access of records, conflict of interest, and other provisions as required.

K. TERMS AND CONDITIONS

Issuance of this RFP does not commit the City to award a contract for services or to pay any costs incurred in the preparation of a response to this request. The City retains the right to reject any and all submittals. Once submitted, the proposals become the property of the City.

The consultant selected to perform the scope of services described in this RFP will be required to obtain a Foster City Business License. For more information regarding the Business License process, or to obtain a Business License application packet, please visit the City's Business License webpage at:

<https://www.fostercity.org/finance/page/business-license-application>.

L. ATTACHMENTS

- BLT Ordinance
- City's Standard Contract