Request for Information (RFI) – Portable PSL System for Domestic Workers – Q & A Log

Date Received	Name	Organization	Question	Response Date	Response
10/12/23	Eliza Young Ferguson	Nava	Is there an anticipated budget for this?	10/12/23	On the online response form on page 10 under Section D: Pricing Structure, respondents to the RFI are requested to insert a Rough Order of Magnitude (ROM) cost estimate for the proposed solution containing the respondent firm's proposed reimbursement rate or fee schedule. We are asking respondents to base the ROM on their past solutions if they have developed something like this before to let us know generally a Rough Order of Magnitude cost to assist with our development of a final budget to develop and administer the system. Following our review of the RFI responses and the implementation of a possible future procurement process which would include project bids, OEWD will be able to finalize the project budget. OEWD has received an initial budget allocation that we anticipate will enable us to get us through a planning phase, procurement phase and an initial development phase. In terms of the final project budget, we don't have that confirmed yet because that will be based on the responses in the RFI and an anticipated formal future bidding process which would include both the development cost and the ongoing administration cost for the proposed system. The RFI Responses related to ROM figures will help us as we develop the final budget further. That is why we're not asking the RFI respondents for trade secrets, but rather we are asking for their understanding of a ROM cost estimate through the RFI response form.
10/12/23	David Herndon	Unknown	If you find a solution - is there a goal for getting started?	10/12/23	We plan to move forward immediately following the RFI phase to a formal procurement phase in Fiscal Year 2023-2024. Once under contract with a third party developer we plan to develop and have the system go live in 2024 if feasible.
10/12/23	Eliza Young Ferguson	Nava	Is there a preference for a commercial-off-the-shelf solution?	10/12/13	At this point, we don't have a preference. We want to create the system that the ordinance requires. That is why we're doing the RFI because we don't know if an off the shelf system exists and we haven't seen an off the shelf system in the exact version our ordinance prescribes. If there is one, that would be fine. That's why we're open to responses to the RFI that demonstrate a capability to utilize an off-the-shelf system, or customized versions of an off the shelf system, or brand new systems, developed for our requirements from scratch. We're open to all of these options at this point.
10/12/23	Eliza Young Ferguson	Nava	Is there another city that has implemented something similar?	10/12/23	Yes, there have been other systems developed and there are other cities looking into developing similar systems but there is nothing exactly like what we are proposing that we have found, that is why we are issuing the RFI to conduct an industry review of what is available or not.
10/12/23	Eric Lund	Unknown	Is there any case where the system needs to be responsible for actually taking care of paying out any of that sick leave? Should they, you know, no longer work and have that balance sitting out there or is it they, if they don't use it for a paid time leave or sick leave, that they just lose those hours in that bank or what you know, can you talk a little bit about that?	10/12/23	In the RFI system features and functions table. We are looking at at least 2 different options. One where a system would be able to calculate the Paid Sick Leave (PSL) accruals. A system to help keep track of the calculation for each worker across their multiple employers. The regulations state that in addition to the PSL accrual calculations, the system has to track the order, the PSL accruals are accrued for the paid sick leave. So in one scenario, the system may not hold funds or pass through funds, it would just be a time management, accrual calculator and manager and a PSL payment notification system. Where once the worker wants to take the paid sick leave they would notify the system and the system would notify the employer and then all the payment transfers could be handled outside of the system as the payroll is handled currently. But, the alternative scenario we are seeking input for could be that in addition to the above features, the system could actually provide the option to have the system facilitate the transfer of the PSL funds to the domestic worker through the system. At this point we are not prescribing whether the system needs to actually hold or transfer the funds or not. The feasibility of that functionality is what we want to review through the RFI responses. We're asking the RFI respondents to let us know what their systems and their capabilities would be in that regard. We are asking respondents to clarify if there are any government reporting requirements related to systems that hold or transfer PSL funds in their experience. Paid Sick Leave laws governing PSL in San Francisco require that the PSL time off be taken before the PSL payment is transferred from the employer to their employee. So the employee would actually have to have completed taking that sick leave time off before they can actually receive the PSL fund payment. Secondly, under the local ordinance for the domestic workers portable PSL system, the paid sick leave time accrued doesn't expire even when the employment relationship terminates. The system will still need to communicate to the employer that they have to pay out the paid sick leave once it's requested by a current or past employee in any current or future year. The system wold not be responsible for paying out PSL payments that a hiring entity failed to pay. Violations of the paid sick leave law and failure to pay PSL payments to domestic workers as required under the law would be able to be referred to the San Francisco Office of Labor Standard Enforcement (OLSE) who is responsible for enforcement of violations to San Francisco's paid sick leave requirements.
10/12/23	Eric Lund	Unknown	So that kind of gets to one of the things that I wanted to kind of talk through a little bit with you is the logistics of some of that. And the reason for that is, is that there's a lot of potential scenarios that are gonna make that very challenging. So for example, If I'm cleaning houses and I spent, you know, hours at multiple different homes every week, right? You know, maybe 3 hour one day on this day, 3 hour another day, whatever the case may be. If I'm no longer cleaning that house for that employee, that person, they owe me certain level of sick hours. And let's say that person is no longer even in the country, not living in San Francisco, that employer, or maybe not even alive, God forbid. How are we going to go through and track that? Data and you know and what level of information like how far back do you want to go and some of that. And then the other aspect of that is that if I do request, let's say I need to go to the doctor's office on Monday morning. We then need to assume we need to track. That who do I normally work for on Monday because I'm not going to ping one of my other people that employ me to clean their house on Tuesdays. But that's opens up a lot of requirements to validate some of that information because I could see that being very, well, I took the day off and, you know, I could just use any day and a lot of validation and follow-up needs to be done from a logistic standpoint. So I'm just you know, the ability to monitor that. While the software can do some of that for sure or, you know, have some capability to do that. There are some of that that we're just gonna probably be beyond the scope.	10/12/23	Under paid sick leave laws that govern the proposed system, the employees can only access the paid sick leave after they take the sick leave for a legitimate use. The system would need to include a feature where the employee would sign a self attestation form to confirm that they have taken the sick leave time off for one of the allowed uses under the law. Allowed uses include taking time off to go to the doctor or to care for a sick child among other things. Once the employee confirms they have taken the sick leave time off for a allowed purpose, the system would notify the employer(s) of the amount(s) they are responsible to pay to the employee for the sick leave taken. Paid sick leave will be paid out in the order it was accrued across all of the domestic worker's employers registered to use the system. If an employee doesn't request to take sick leave in a given year, the sick leave accrued to date does not expire. A current or former employer doesn't have to pay out any Paid Sick Leave accrued in advance, they only pay it to their current or former employee once the sick leave has been taken and requested through the system. If the employer does not pay or respond to the domestic worker's request [through the system] for payment of the PSL accruued, a complaint to The Office of Labor Standards Enforcement (OLSE) could be made by the system or the domestic worker as OLSE is the entity to enforce violations to the law including for the non payment of PSL requested and due. Additionally, OLSE may create a rule for the system to follow in this scenario. Through OLSE, The City of SF investigates and responds to violations to the local PSL laws. If employers are not abiding by the law, it's not the system's job to enforce. The system's job is to facilitate access to PSL payments. The system is responsible for the calculation of the PSL accruals and for the noticing of the employer's obligations and the domestic worker's obligations. If feasible, the system may also facilitate the transfer of the payment of the PSL by the hiring entity to the domestic worker.

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10/12/23	Eric Lund	Unknown	The other question I would have is what did you envision as control who controls putting the data in. So if I'm the employee, I'm the worker, is it my responsibility to put the data in of my employer, my information is that the employers responsibility to enter that data or are they providing all of that to you folks and you're entering the data?	10/12/23	Most likely, the employee would put in the time worked and net hourly pay rate or their Shift Pay data into the system directly. The employer would then review and approve that data through the system. In the features and functions portion of the RFI under time sheets, it requests informaiton on respondent firm's system capability to receive inputs on the # of hours worked, input of the hourly pay rate and ability to calculate net pay rate from input of shift payments. The system would need to have the capacity to make PSL accruual calculaitons from these data inputs provided by each domestic worker registered to use the system and this data would need to be confirmed by their employers.
10/12/23	Eric Lund	Unknown	My example of cleaning someone's house, I know I'm saying, hey, it might take me approximately 3 h to do that. One cause it often varies. is there a validation of those hours if I'm not there with the employee? or have you thought through any of that or any of the things that you know you're looking for that might assist with that.\n\n I mean, since we're not the enforcers of this, right, we can give you the notification that, hey, they are actually getting paid less minimum wage according to our calculation. We're not enforcing any of that. We're just notifying you that that's a potential issue.	10/12/23	We're not prescribing one way to do this, but one way we've talked about it could possibly work is for the employee to submit the time sheet and the employer to sign off on it, or the employer to reject it. They will need to state that they aree with the time and pay rate submitted or not. If they don't agree with the time and net pay rate submitted by the domestic woker, then the employer will need to discuss what they don't understand or don't agree with and together confirm and finalize the actual net hourly pay rate and # hours worked. The domestic worker could re-submit the time and pay rate data once an agreement has been reached between the worker and the hiring entity. Because many domestic works get paid a shift pay, there might be a difference in perception on how many hours was worked for that shift and in order to calculate the net hourly pay rate, the doestic worker would likely have to input the amount of hours they worked for any particular shift. If the domestic worker actually received less than the required minimum wage they would be able to make a formal complaint through the City/OLSE for enforcement.\n\nThe system would not be able to accept any net hourly pay rate data input or data calculaiton that results in less than the San Francisco hourly minimum wage. In that scenario the data entry would be rejected by the system and the domestic worker would need to resubmit their time and net hourly pay rate or shift pay in a manner than is in compliance with San Francisco's current minimum hourly wage rate. If the domestic worker actually received less than the required minimum wage they would be able to make a formal complaint through the City/OLSE for enforcement.
10/12/23	Eric Lund	Unknown	We know in the space of time keeping and so forth, sometimes having an employee or a manager approved time cards is difficult enough. What is going to be the process of getting employers to approve timesheets? Especially if there's an issue like for example it doesn't meet requirements so something gets kicked back out. Who's the ownership gonna rely on regarding that? What are you envisioning? and I asked that because I'm trying to think of like what do we need the system in order to do to help. Provide the information or the solution for you. What happens if we can't get the either the employee to resubmit correctly or an employer to validate what the employee has submitted?	10/12/23	The system should include information on where complaints about disagreements regarding hourly pay rate or time worked would be filed through SF's Office of Labor Standard Enforcement. So in that case, It's going to be up to the employee to file a complaint if they can't resolve their dispute with their employer related to the time sheet, or if they can't resolva a dispute related to the employer's complaince with PSL laws. Employers are obligated to use the system if they do not directly pay their employees paid sick leave through the original Citywide San Franhcsico Paid Sick Leave ordinance for all sectors (information on the Citywide Paid Sick Leave ordinance is included in Appendix B) Although its a voluntary system. The hiring entities of domestic wokers either have to use the system for domestic worker access to PSL or they can use the process in the original Citywide law to pay the PSL to their employees, which may be more cumbersome for hiring entities of domestic workers. That's why this new law Ordinance 4-22 (See RFI Appendix A) was created.
10/12/23	Eric Lund	Unknown	I just wanted to know what you were thinking. Like, do we want to have somebody be able to override that in the city and approve it? Is that not legal? I don't think it would be. You know, what do we just do in some of these cases? Cause I could just see that being a cumbersome take for you on your guys' part right all of a sudden we've got thousands of sheets here that are sitting out there that are waiting on a bunch of people and how do we follow up on this?	10/12/23	Regaridng the amount of time an employer has to approve or dissaprove a timesheet or data submission by the dometic worker, that's something that we may need to address in terms of program rules that will need to be created by OLSE for the system as the ordinance does not explicitly state what to do in that scenario. The system should provide guidance or rules about this to employers and domestic workers when they register to use the system. OLSE working with OEWD can work with the vendor to create rules for this program before launching the system and after launching, as issues arise.\n\nThrough the RFI responses OEWD is looking for guidance from respondents on how you would approach this if you were administering the system. So in the responses we ask if your firm is able to administer in addition to develop a system like this. We're going to take the information from the RFI responses about these kinds of problems that we will have to address through rule making. The issue you raise would need to be addressed.
10/16/23	Anteneh Addis	Focus Consulting	(Scope) Given that the ordinance was signed in 01/2022 and implementation was indicated to be completed in 01/2023, what is the current timeline for the implementation of this project?	10/24/23	Following the RFI closing and review of the RFI responses in the Fall 2023, OEWD will likely proceed with a formal procurement process in 2023 through a Request for Proposal or other allowed City procurement method. In 2024 once a third party vendor has been procured and is under contract with the City, development of the system would begin. The timeline will be confirmed following OEWD's industry review through the responses to the RFI and through any future formal procurement process.
10/16/23	Anteneh Addis	Focus Consulting	(Scope) Has there been any work done by the agency or another vendor that needs to be transitioned?	10/24/23	No
10/16/23	Anteneh Addis	Focus Consulting	(Scope) Are there any other deadlines for the launch of this system that we should account for?	10/24/23	At this RFI phase we are seeking responses that include timelines based on firms' experience building similar systems. These responses will inform our timeline as the project moves forward into the formal procurement phase.
10/16/23	Anteneh Addis	Focus Consulting	(Scope) Is the agency open to running a pilot phase before a broader launch?	10/24/23	Possibly, if that is your recommended approach you may include that in your response to the RFI under the timeline section.
10/16/23	Anteneh Addis	Focus Consulting	(Scope) How does the agency intend to structure the cost of user support and system administration on an ongoing basis after system launch? Yearly contracts? Transitioned to the agency?	10/24/23	The cost of user support and system administration on an ongoing basis would be confirmed through a future formal procurement process and a contract with the City of San Francisco for the administration of the system.
10/16/23	Anteneh Addis	Focus Consulting	(Scope) Is the agency open to considering different blended hourly rates for the implementation and post-launch phases of the project?	10/24/23	Through the RFI responses OEWD is seeking input from respondents on their suggestions related to all features and functions for the system and will evaluate the proosed features included in the RFI responses to determine if they meet the requirements under the program and requirements under the enabling ordinance for the system and Paid Slck Leave laws.
10/16/23	Anteneh Addis	Focus Consulting	(Integrations) Does the agency have a preference for an existing portable benefits system that can be configured and extended over a custom built solution (or vice versa)?	10/24/23	No there is no preference at this RFI phase for an existing portable benefits system that can be configured and extended over a custom built solution (or vice versa). The RFI responses will be reviewed to understand what the market can or can not produce in this regard for the various proposed system features and functions.
10/16/23	Anteneh Addis	Focus Consulting	(Integrations) Under 'Technological Product Requirements' section, the RFI states that "We would also consider an API-based product that delivers information for display in SF's existing secure, accessible dot-gov web platform." Can you provide a reference to this existing system so we can understand options to integrate a possible API-based solution?	10/24/23	1. The product will need to meet San Francisco's Digital Accessibility and Inclusion Standard.\n2. It will also need to meet San Francisco's Citywide Cybersecurity Policy.\n3. If the current system does not meet the first two standards we would consider plans that would allow additional work to meet those standards either though integrations with internal or custom systems or by running on our own infrastructure.
10/16/23	Anteneh Addis	Focus Consulting	(Integrations) Does the agency or the city have an existing payments processing system that we can integrate with to enable payments for this project?	10/24/23	No, the City of San Francisco does not have an enxisting payments processing system that a third party vendor could integrate with to enable paid sick leave payments for domestic workers and their hiring entities registered to use the proposed portable system. Respondents to the RFI should include information about their system's capability to facilitate the transfer of Paid Sick Leave payments to the domestic worker without integrating these payments with other City and County of SF payment systems for City employee payments or for City supplier payments.
10/16/23	Anteneh Addis	Focus Consulting	(Integrations) Does the agency administer payment escrow accounts or would we need to get a 3rd party to administer on SF's behalf?	10/24/23	No, the City of San Francisco would not administer payment escrow accounts for the proposed portable paid sick leave system. The City is seeking responses from third party vendors through the RFI to understand the respondent's technological solution's capability to facilitate payments of PSL by hiring entities to their domestic workers registered to use the system.

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10/16/23	Anteneh Addis	Focus Consulting	(Administration & Support) Who would be responsible for processing mailed applications into the system?	10/24/23	This question is related to the proposed accessibility feature that the RFI is asking respondents to state if their existing or prpoosed system could manage this (or not). The question in the RFI asks respondents to select one or more answers regarding the following feature "The System should be able to accommodate paper applications and paper timesheet submittal by users in multiple languages that could be photographed (like a check deposit) or scanned to be submitted into the System or mailed to the administer to upload into the System." The system administrator would be responsible for uploading mailed applicatoins in the scenario presented, although scanning or uploading the timesheet is also mentioned as another example. The responses to this feature in the RFI may be submitted by selecting one or more of the following to answer: - My system has this capability - My system does not have this capability - I can customize my system or develop a system to include this capability
10/16/23	Anteneh Addis	Focus Consulting	(Administration & Support) Does the agency expect to award the work to a single vendor (or a vendor team applying together) or is the agency open to awarding administration and user support requirements to a separate vendor from the system implementation vendor?	10/24/23	At this point in the process OEWD is conducting an industry review regarding what is available through the market and through the RFI we are seeking vendor input on whether their firm could administer the system features proposed in the RFI or not. We have not made any decisions on whether or not we would procure separately certain administration and user support requirements from the procurement of the system development requirements at the current RFI phase of the project.
10/16/23	Anteneh Addis	Focus Consulting	(Administration & Support) Under the 'Administration of the Portable Benefits System' section, the RFI states "The System should include human based technical assistance to access and enroll in the System in person and/or via phone …". What is the expected physical location for in-person assistance?	10/24/23	This is a proposed feature, at this RFI phase we are asking respondents to select the following responses that apply regarding this feature: - My system has this capability - My system does not have this capability - I can customize my system or develop a system to include this capability
10/16/23	Anteneh Addis	Focus Consulting	(Administration & Support) Does the agency have existing templates for paper based timesheets that would be submitted into the system?	10/24/23	No
10/16/23	Anteneh Addis	Focus Consulting	(Features) How will client data be uniquely identified given that SSN and TIN numbers are optional?	10/24/23	We are seeking information through the RFI responses on which features or functions proposed are available through the market. Examples of A privacy identifier for client data could include a pin# or password. Client data creation and storage attributes listed in the RFI also include Name and Phone Number. The RFI seeks responses from vendors about their existing system capabilities regarding how client data can be uniquely identified if SSN and TIN numbers are optional.
10/16/23	Anteneh Addis	Focus Consulting	(Features) Can you provide more details on how net pay calculation of Shift Pay would work? It seems like there would still be a time entry component for the expected number of hours for the shift work.	10/24/23	The calculation of the PSL accrual for domestic workers is based on I hour of PSL accruued for 30 hours worked. Therefore a time entry component is required for calculating the PSL accruual. A net pay rate is also required for the calculation for the PSL accruual. A shift pay data entry would need to include the total # hours worked and the shift pay rate to determine the hourly net pay rate.
10/16/23	Anteneh Addis	Focus Consulting	(Features) Is there a cap on the total accrual for employees across multiple employers?	10/24/23	Under the EXPIRATION & LIMITS ON PSL ACCRUAL section of the RFI System Features & Functions Table Response Form, "A single Hiring Entity may cap accrual of the PSL contributions for a Domestic Worker at 40 hours of PSL"
10/16/23	Anteneh Addis	Focus Consulting	(Features) Are payments available in parallel or does an earlier requested payment block the invoice of the next payment?	10/24/23	Payments of PSL are paid only after the domestic worker takes the PSL time off. There is no stated feature under the ordinance that would restrict the number of requests for PSL submitted by a domestic worker but payment of PSL by the employer must occur after the the paid time off was taken under PSL law.
10/16/23	Anteneh Addis	Focus Consulting	(Features) What are examples of digital payment methods that PSL is expected to support?	10/24/23	Some examples of digital payments could include payment of PSL by the hiring entity to the domestic worker through the system where the PSL is loaded onto a debit card issued to the domestic worker or deposited into a bank account for the domestic worker.
10/16/23	Anteneh Addis	Focus Consulting	(Features) Are SMS based notifications sufficient since email is not listed as a required client data?	10/24/23	The RFI seeks to understand what notification options are available in the market for similar sytems or proposed systems. There are no restrictions to notification by email under the ordinance. SMS notrificaiton is included specifically as an example of a feature we are seeking responses from vendors regarding their system capability to include. Respondents can list other forms of notification their system can respond with.
10/16/23	Anteneh Addis	Focus Consulting	(Features) What happens to employee PSL attestations that are denied?	10/24/23	The PSL attestation would only be denied if the employee did not confirm that they took the sick leave for one of the allowed reasons under the law.