

Note: All informational text in italics should be removed prior to release to suppliers.

Use for IT goods and services (either IFB or RFP) competitive over \$500K. May be used for IT goods alone (IFB) if a department determines risk warrants the use of this 10 Section document. All IFB/RFP's must be advertised, and must include all 10 Sections as described in this template. This does not preclude identification of a section (such as Section X) as not applicable.

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Invitation for Bid (IFB)

and

Request For Proposal (RFP)

General Information

The information that follows is intended to represent a model Invitation for Bid (IFB) and Request For Proposal (IFB/RFP) document for use in acquiring information technology (IT) equipment, software and services, as applicable. Generally, the IFB document is used when the department knows exactly what goods are needed to meet their needs and thus requests a “bid”. IFB's for goods may be evaluated on lowest cost. An IFB/RFP is used when a department only knows what solution is expected and asks suppliers to “propose” solutions that meet their needs. RFP's generally include integrated system solutions with hardware and software, including services and must be evaluated on a value effective methodology. Standard and suggested language is in normal type. Instructional or notational information is in italics and must be deleted when tailoring the document for a specific acquisition.

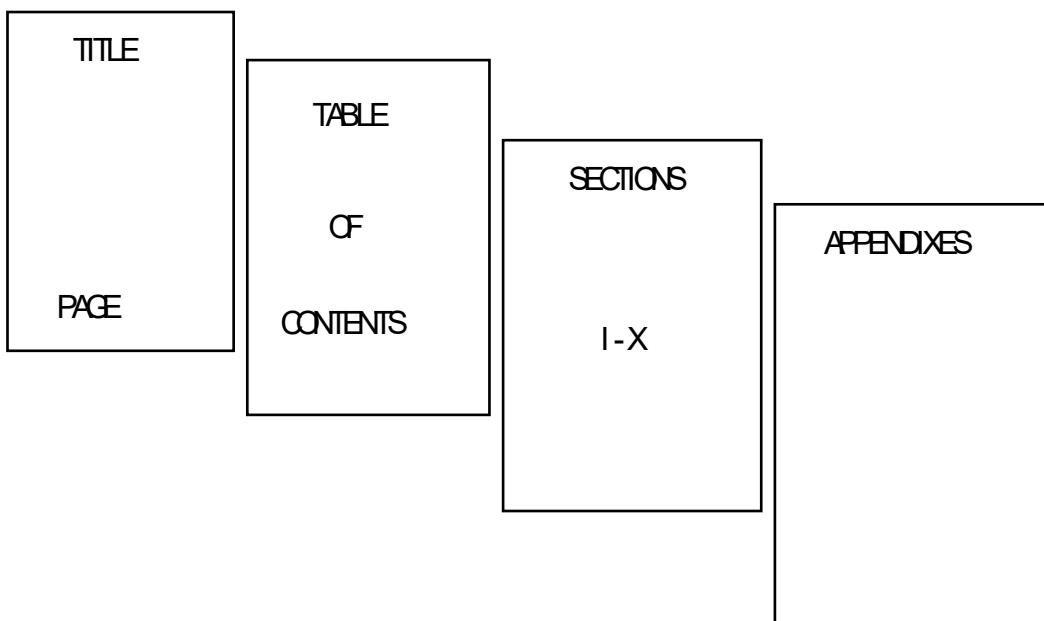
This model is set up for proposals that are awarded based on methodology(s) other than cost alone (point award).

*The applicability of portions of this model is dependent, in some instances, upon the identity of the goods or services required. Standard language in this model may be modified to fit the specific situation only if it is necessary, however the general intent and approaches used herein may not be modified. Suggested language in this model is identified by notational information and may be modified at the department's discretion. Section II, RULES GOVERNING COMPETITION, is **not** to be retyped by the department and may **not** be modified. Departments can obtain the latest version of Section II in electronic or hardcopy form from the DGS/PD, PAMS by submitting a written request or by contacting PAMS at PAMS@dgs.ca.gov.*

IFB/RFP documents generally consist of a Title Page, Table of Contents, Sections I through X, and appropriate Appendixes. A blank page with the section title and the words "NOT APPLICABLE" shall be included for any section that is not applicable for the specific procurement.

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Request For Proposal**

IFB/RFP Outline



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Request For Proposal**

Sample Title Page

REQUEST FOR PROPOSAL

for

(name of system or project)

IFB/RFP -(number) -

(date of issue)

State of California
(name of department or agency)
(address)

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Table of Contents

[Use the level of detail as shown in this model. Additional sections may be used as appropriate.]

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K. CONTRACTOR'S LICENSE

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N. ENTERPRISE ZONE ACT (EZA)

O. LOCAL AGENCY MILITARY BASE RECOVERY AREA (LAMBRA) ACT

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 - 2. Volume II--Completed Contract
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- D. DRAFT PROPOSAL FORMAT AND CONTENT**
- E. FORMAT DETAIL (Optional)**
 - 1. Volume I--Response to Requirements
 - 2. Volume II--Completed Contract
 - 3. Volume III--Cost Data
 - 4. Volume IV--Literature

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7. Evaluation Criteria

X. BENCHMARK/DEMONSTRATIONS OF REQUIREMENTS (*if applicable*)

- A. GENERAL
- B. PREPARATION
- C. REQUIREMENTS

[Use the appropriate model contract(s) and include the corresponding instructions for completing the contract in final form.]

APPENDIXES A- CONTRACTS TO BE SUBMITTED IN THE PROPOSAL [Use the corresponding instructions for compiling and completing the appropriate model contract in final form.]

B- [Use the appropriate attachments from the following list in the order shown:]

Std. 213IT will list the appropriate attachments

- Attachment 1, Statement of Work (including Equipment and Delivery Schedules)
- Attachment 2, Form GSPD 401, IT General Provision, Effective (*Identify Date*)
- Attachment 3, Information Technology Purchase Special Provisions
- Attachment 4, Information Technology Maintenance Special Provisions
- Attachment 5, Information Technology Software License Special Provisions
- Attachment 6, Information Technology Personal Services Special Provisions

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SECTION I

INTRODUCTION AND OVERVIEW OF REQUIREMENTS

A. PURPOSE OF THIS REQUEST FOR PROPOSALS

This first paragraph should capsulate the basic purpose of this procurement document. In addition, identify the legislative mandate, State business, or operational reason for the procurement. There is no need to give any background about the department or any other extraneous information. Just be brief, but let the potential bidders know what is being requested.

The purpose of this Request For Proposal (hereafter called the IFB/RFP) is to ...

Responses to this IFB/RFP will be evaluated based on the total bid, and award, if made, will be to a single bidder awarded the highest points as calculated in accordance with the methodology defined in Section IX Evaluation of this IFB/RFP.

B. SCOPE OF THE IFB/RFP AND BIDDER ADMONISHMENT

This IFB/RFP is being conducted under the policies developed by the Department of Information Technology and procedures developed by the Department of General Services as provided under Public Contract Code Section 12102 et seq. This IFB/RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested bidders. The format that bid information is to be submitted and the material to be included therein follows. This IFB/RFP also addresses the requirements that bidders must meet to be eligible for consideration, as well as addressing bidders' responsibilities before and after installation.

If the IFB/RFP is to include a Conceptual Proposal and/or a Detailed Technical Proposal step, include the following paragraph in this section:

This Procurement will follow a phased approach designed to increase the likelihood that Final Proposals will be received without disqualifying defects. The additional step(s) will (1) ensure that the bidders clearly understand the State's requirements before attempting to develop their final solutions; (2) ensure that the State clearly understands what each bidder intends to propose before those proposals are finalized; and (3) give the State and each bidder the opportunity to discuss weaknesses or potentially unacceptable elements of a bidder's proposal and give the bidder the opportunity to modify its proposal to correct such problems. Specific information regarding such steps is found in Section II, RULES GOVERNING COMPETITION, and the IFB/RFP sections on BID FORMAT and EVALUATION.

IF A BIDDER EXPECTS TO BE AFFORDED THE BENEFITS OF THE STEPS INCLUDED IN THIS IFB/RFP, THE BIDDER MUST TAKE THE RESPONSIBILITY TO:

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- CAREFULLY READ THE ENTIRE IFB/RFP;
 - IF CLARIFICATION IS NECESSARY, ASK APPROPRIATE QUESTIONS IN A TIMELY MANNER
 - SUBMIT ALL REQUIRED RESPONSES, COMPLETE TO THE BEST OF BIDDERS ABILITY, BY THE REQUIRED DATES AND TIMES;
 - MAKE SURE THAT ALL PROCEDURES AND REQUIREMENTS OF THE IFB/RFP ARE ACCURATELY FOLLOWED AND APPROPRIATELY ADDRESSED; AND
 - CAREFULLY REREAD THE ENTIRE IFB/RFP BEFORE SUBMITTING EACH BID.
-

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C. AVAILABILITY

The equipment and/or software proposed to meet the requirements of this IFB/RFP must be installed at the State location and fully operational on or before the Ready-for-Use Date(s) specified in paragraph F. KEY ACTION DATES.

D. DEPARTMENT OFFICIAL

This is the individual conducting the solicitation process. If DGS Procurement Division (PD) is conducting the solicitation on behalf of a department, the PD official is to be listed here.

The Department Official and the mailing address to send bids, questions or copies of protests is: *(If applicable, also provide a phone number and an email address)*

E. DEPARTMENT CONTACT

The Department Contact person(s) for visits or other information is: ***Note: This may be the same person as identified in I.D above.***

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F. KEY ACTION DATES

Listed below are the important actions and dates and times by which the actions must be taken or completed. If the State finds it necessary to change any of these dates, it will be accomplished via an addendum to this IFB/RFP. **OTHER THAN INSTALLATION (READY-FOR USE) DATE, ALL DATES AFTER THE FINAL PROPOSAL SUBMISSION DEADLINE ARE APPROXIMATE AND MAY BE ADJUSTED AS CONDITIONS INDICATE, WITHOUT ADDENDUM TO THIS IFB/RFP.**

<u>ACTION</u>	<u>DATE/ TIME</u>
1. Release of IFB/RFP	
2. Last day to submit questions for clarification of IFB/RFP for Bidder's Conference	
3. Bidder's Conference (<i>Also identify the location of the conference</i>)	
4. Last day to submit intention to bid, signed Confidentiality Statement (Exhibit I-D) and financial responsibility information	
5. Submission of Conceptual Proposal (IF APPLICABLE)	
6. Confidential Discussions with Individual Bidders (IF APPLICABLE)	#
7. Submission of Detailed Technical Proposal (IF APPLICABLE)	
8. Confidential Discussions with Individual Bidders (IF APPLICABLE)	#
9. Last day to submit final questions for clarification of IFB/RFP prior to submittal of Draft Proposals	
10. Last day to request a change in the requirements of the IFB/RFP*	
11. Last day to protest the IFB/RFP**	
12. Submission of <u>Draft</u> Proposals	
13. Confidential Discussions with Individual Bidders@	
14. Submission of <u>Final</u> Proposals ***	
15. Demonstration of Requirements	
16. Notification of Intent to Award	
17. Last Day to Protest Selection **	
18. Contract Award and Execution	

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19. Installation (Ready-for-Use) Date

Additional action dates may be inserted as desired.

- # These dates will be determined when the number of bidders is known, and each bidder will be notified of its schedule.
- * Or five (5) days following the last Addendum that changes the requirements of the IFB/RFP. See Section II B.4., Questions regarding the IFB/RFP.
- ** See Section II, E. 1., Protests.
- @ This key action date is an optional step in the IFB/RFP process.

***** BIDDERS: REVIEW BID SUBMISSION CHECKLIST PRIOR TO SUBMITTING FINAL PROPOSAL**

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[In order to allow the State and the Bidders enough time to execute their respective tasks during the procurement, sufficient time must be allowed between events to minimize the risk of procurement abortion. The times shown below are typical of a normal procurement and depend upon such things as number of requirements, the complexity of the relationship among requirements, etc. Prior to the release of an RFP (before Event 1) allow 10 working days for review of the RFP by DGS Office of Legal Services.

<u>Between Events:</u>	<u>Allow at Least:</u>	
1 & 2	10 working days	<i>Bidder reads, rereads IFB/RFP, prepares questions.</i>
2 & 3	5 working days	<i>State prepares answers to questions.</i>
3 & 4	5–10 working days	<i>Bidder decides to bid & prepares materials.</i>
4, 5 or 7	5–15 working days	<i>Bidder prepares proposal—time depends on complexity of requirements.</i>
5 - 10	10–60 working days	<i>Depends on complexity and number of Bidders expected to submit proposals. See note.</i>
10 & 11	5-15 working days	<i>Depends on complexity of questions, number of Bidders submitting questions; allocate time for State to prepare responses.</i>
11&12	5-10 working days	<i>Bidder needs reaction time to change his/her proposal in response to State action(s).</i>
12 &13	5 working days	<i>State responds to protest.</i>
13 & (14), 15	10-15 working days	<i>State reviews & notifies Bidder of defects; additional working days if (optional) step 14 is included in the IFB/RFP. Bidder makes corrections for Final Bid.</i>
15 & 16	10–15 working days	<i>Depends on complexity of State evaluation of bids and Bidder preparation for demonstration.</i>
16 & 17	5–15 working days	<i>Depends on length of demonstration, amount of preparation to finalize selection package.</i>
17 &18	5 working days	
18 &19	1 working day	<i>Assuming no protest. A protest will delay this event.</i>

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19 & 20	10 working days	Or as specified on the Contract/Purchase Order to meet Agency's needs
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Note: *The Conceptual Proposal and the Detailed Technical Proposal Steps include the substeps of: State review of proposals, preparation of Discussion Agenda, submittal of Agenda to the Bidder, Bidder response preparation, individual discussions with the Bidders, preparation of Discussion Memoranda, Bidder review of Memoranda, resubmission of selected proposal items as determined necessary, and Bidder preparation of next proposal submittal. Allow sufficient time for each of these activities for the expected number of Bidders to respond. Discussions may take from 1/2 to 2 days per Bidder as a general guideline, depending on the complexity of the requirements and the Discussion Agenda. If more than 2 days is anticipated, a close review of the requirements and discussion agenda is suggested.]*

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G. INTENTION TO BID

Bidders that want to participate in the IFB/RFP steps must submit a notification of intention to bid on this procurement in accordance with Section II, Paragraph B.6., Bidder's Intention to Submit a Proposal, to receive additional information. Only those Bidders acknowledging interest in this IFB/RFP will continue to receive additional correspondence throughout this procurement. The letter should identify the contact person for the solicitation process, plus include an email address, and a phone and fax number. See **EXHIBIT I-A**. The State is responsible for notifying one (1) contact person per bidder. Information related to a Bidder will be given to the designated contact person. It shall be the Bidder's responsibility to immediately notify the Department Official identified in Section I, in writing, regarding any revision to the information. The State shall not be responsible for proposal correspondence not received by the Bidder if the Bidder fails to notify the State, in writing, about any change pertaining to the designated contact person. The letter is to also identify the Bidder's intention related to contract language. See Appendix A for more instructions on submitting proposed contract language changes.

H. FINANCIAL RESPONSIBILITY INFORMATION

[The following language and Statement of Experience and Financial Condition (EXHIBIT I-C) may be used if financial statements are required by the requesting department as part of the Administrative Requirements.]

1. Financial Statements

The bidder must provide financial statements giving the State enough information to determine financial stability. These statements may include, but are not limited to:

- a. Financial Statement or Annual Report or 10K for the last three (3) years;
- b. Statement of income and related earnings;
- c. Statement of Changes in financial position;
- d. Letter from the bidder's banking institution;
- e. Statement from certified public accounting firm.

If the information submitted by the bidder, or available from other sources, is insufficient to satisfy the State as to the bidder's contractual responsibility, the State may request additional information from other sources or reject the bid and select the bid from the next lowest responsive bidder. The State's determination of the bidder's responsibility, for the purposes of this IFB/RFP, shall be final.

NOTE: If any of the submitted information is identified by the bidder as confidential, it shall be treated as such by the State and returned upon request after the bidder's responsibility has been determined.

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I. AMERICANS WITH DISABILITIES ACT (ADA)

To comply with the nondiscrimination requirements of ADA, it is the policy of the State to make every effort to ensure that its programs, activities and services are available to all persons, including persons with disabilities.

For persons with a disability needing a reasonable modification to participate in the procurement process, or for persons having questions regarding reasonable modifications of the procurement process, you may contact the Department Official identified in Section I. You may also contact the State at the numbers listed below.

IMPORTANT: TO ENSURE THAT WE CAN MEET YOUR NEED, IT IS BEST THAT WE RECEIVE YOUR REQUEST FOR REASONABLE MODIFICATION AT LEAST 10 WORKING DAYS BEFORE THE SCHEDULED EVENT (i.e., MEETING, CONFERENCE, WORKSHOP, etc.) OR DEADLINE DUE-DATE FOR PROCUREMENT DOCUMENTS.

(If DGS/PD is NOT conducting the procurement, replace the information below with your contracting department information).

The Procurement Division TTY telephone numbers are:

Sacramento Office: (916) 376-1891

The California Relay Service Telephone Numbers are:

Voice: 1-800-735-2922 or

1-888-877-5379

TTY: 1-800-735-2929 or

1-888-877-5378

Speech to Speech: 1-800-854-7784

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EXHIBIT I-A

LETTER OF INTENT TO BID

{Specify the name and mailing address of the Department Official conducting this procurement solicitation.}

Reference: *{specify IFB/RFP}*

This is to notify you that it is our present intent to (Bidder shall specify) **{submit/*not submit}** information in response to the above referenced IFB/RFP. The individual to whom all information regarding this IFB/RFP should be transmitted is:

Name: _____

Address:

City, State, & Zip

Phone Number:

Fax Number:

Email address:

We are enclosing, as requested, the following completed documents:

(A) Statement of Experience and Financial Condition (includes Financial Statements); and

(B) Signed Confidentiality Statement

We concur with the proposed contract language as presented in the IFB/RFP.

***If declining to bid, please state reason(s) why:**

Sincerely,

Name (Signature)

Typed Name and Title

(_____
Company

() _____

Company

Phone Number

Fax Number

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Email Address

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EXHIBIT I-B

The following SAMPLE Bidder's Checklist is illustrated for consideration and inclusion in the IFB/RFP solicitation. Its purpose is to assist bidders in finalizing their Final Proposal response prior to the specified date and time for Final Proposal submission. The items on the checklist shall be tailored to the specific requirements in each solicitation. Emphasis should be on requirements that the bidder may overlook which could result in the rejection of their bid. The disclaimer statement must be included whenever a Bidder's Checklist is included in the solicitation. The checklist is intended as a tool for participating bidders. It is not all inclusive, and is not to be used as an evaluation factor for determining contract award.

BIDDER'S FINAL PROPOSAL CHECKLIST

- DOES YOUR FINAL PROPOSAL SUBMITTAL DOCUMENTATION FOLLOW THE FORMAT SPECIFIED IN SECTION VIII (PROPOSAL AND BID FORMAT) IN THE IFB/RFP?
 - ⇒ COVER LETTER WITH ORIGINAL SIGNATURE INCLUDED?
 - ⇒ LABELED VOLUMES AS IDENTIFIED AND IN THE SPECIFIED NUMBER OF COPIES?
 - ⇒ NO COST DATA PROVIDED IN ANY VOLUMES EXCEPT VOLUME 3
- IS THE CONTRACT IN YOUR FINAL PROPOSAL AND IN ORDER?
 - ⇒ CONTRACT SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE FIRM?
 - ⇒ HAVE ALL BLANK AREAS IN THE CONTRACT LANGUAGE BEEN COMPLETED?
 - ⇒ HAVE THE COSTS FOR ALL EQUIPMENT AND SERVICES BEING OFFERED IN THE FINAL PROPOSAL BEEN IDENTIFIED IN THE APPLICABLE EXHIBITS OF THE CONTRACT?
 - ⇒ HAVE THE CALCULATIONS FOR THE ABOVE COSTS BEEN CHECKED FOR ACCURACY?
 - ⇒ DO THE COSTS ENTERED ON THE COST SHEETS IN VOLUME III OF THE FINAL PROPOSAL SUBMITTAL CORRESPOND WITH THOSE COSTS IDENTIFIED IN THE CONTRACT EXHIBIT(S)?
- BONDS AND OTHER SECURITY DOCUMENTS REQUIREMENT SATISFIED?
- CONTRACTOR LICENSE INFORMATION COMPLETED?

IN THE “CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM REQUIREMENTS” PACKET, IS THE “DVBE PROGRAM REQUIREMENTS

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SUPPLIER CHECKLIST” FOR ASSISTING BIDDERS IN THE COMPLETION AND SUBMISSION OF REQUIRED DOCUMENTS FOR THE REQUIREMENT.

BIDDERS: THE STATE MAKES NO WARRANTY THAT THE CHECKLIST IS A FULL COMPREHENSIVE LISTING OF EVERY REQUIREMENT SPECIFIED IN THE SOLICITATION. CHECKING OFF THE ITEMS ON THE CHECKLIST DOES NOT ESTABLISH YOUR FIRM’S INTENT NOR DOES IT CONSTITUTE RESPONSIVENESS TO THE REQUIREMENT(S). THE CHECKLIST IS ONLY A TOOL TO ASSIST PARTICIPATING BIDDERS IN COMPILED THEIR FINAL PROPOSAL RESPONSE. BIDDERS ARE ENCOURAGED TO CAREFULLY READ THE ENTIRE SOLICITATION. THE NEED TO VERIFY ALL DOCUMENTATION AND RESPONSES PRIOR TO THE SUBMISSION OF FINAL PROPOSALS CANNOT BE OVER EMPHASIZED.

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EXHIBIT I-C
Page 1

STATEMENT OF EXPERIENCE AND FINANCIAL CONDITION

SUBMITTED BY:

NAME OF FIRM:

ADDRESS:

DATES OF FINANCIAL STATEMENTS:

PRIVACY NOTIFICATION

The State of California Information Practices Act of 1977 requires the State to provide the following information to individuals who are asked to supply information about themselves:

The principal purpose for requesting the information on this form is to provide financial information to determine financial qualification. State policy and state and federal statutes authorize maintenance of this information.

Furnishing all information on this form is mandatory. Failure to provide such information will delay or may even prevent completion of the action for which the form is being filled out.

The official responsible for maintaining the information contained in this form is:

{Official's Name, Name of Department Making The Award, Mailing Address}

The State will treat all financial information provided as confidential when designated as such. This information will only be shared with State personnel involved in the evaluation. All financial data will be returned or destroyed if requested. Bidders may be required to provide additional financial data as part of the IFB/RFP.

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EXHIBIT I-C, (CONTINUED)
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REQUIREMENTS

1. Attach Financial Statements for the last **{specify #}** of years, accompanied by the following statement which has the title(s) and signature(s) of the individual(s) who (prepared/examined/reviewed) the statements:

“We have **(prepared/examined/reviewed)** the balance sheet of **(Bidder)** as of **(date)** and the related statements of income, retained earnings and changes in financial position for the year the ended.

In **(my/our)** opinion, the financial statements mentioned present fairly the financial position of **(Bidder)** as of **(date)** and the results of its operations and changes in its financial position for the year then ended, in conformity with generally accepted accounting principles applied on a consistent basis.”

Name _____ **of** _____ **Company:** _____

Address: _____

Signature(s) _____ **and** _____ **Title:** _____

Date: _____

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EXHIBIT I-D

CONFIDENTIALITY STATEMENT

As an authorized representative and/or corporate officer of the company named below, I warrant my company and its employees will not disclose any documents, diagrams, information and information storage media made available to us by the State for the purpose of responding to **IFB/RFP** _____ - _____ - _____ or in conjunction with any contract arising therefrom. I warrant that only those employees who are authorized and required to use such materials will have access to them.

I further warrant that all materials provided by the State will be returned promptly after use and that all copies or derivations of the materials will be physically and/or electronically destroyed. I will include with the returned materials, a letter attesting to the complete return of materials, and documenting the destruction of copies and derivations. Failure to so comply will subject this company to liability, both criminal and civil, including all damages to the State and third parties. I authorize the State to inspect and verify the above.

I warrant that if my company is awarded the contract, it will not enter into any agreements or discussions with a third party concerning such materials prior to receiving written confirmation from the State that such third party has an agreement with the State similar in nature to this one.

(Signature of representative)

(Date)

(Typed name of representative)

(Typed name of company)

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SECTION II

RULES GOVERNING COMPETITION

This section is not to be modified or retyped by the department. A current copy, suitable for reproduction and complete with the latest modifications, will be supplied by the Department of General Services, Procurement Division, upon request by the department. This section is intended to provide the overall process for information technology “formal” procurements. The Key Action Dates in Section I identify the specific phases required for this procurement, see Section C.1 below.

A. IDENTIFICATION AND CLASSIFICATION OF IFB/RFP REQUIREMENTS

1. Requirements

The State has established certain requirements with respect to bids to be submitted by prospective contractors. The use of "shall," "must," or "will" (except to indicate simple futurity) in the IFB/RFP indicates a requirement or condition which is mandatory. A deviation, if not material, may be waived by the State. A deviation from a requirement is material if the deficient response is not in substantial accord with the IFB/RFP requirements, provides an advantage to one bidder over other bidders, or has a potentially significant effect on the delivery, quantity or quality of items bid,* amount paid to the supplier, or on the cost to the State. Material deviations cannot be waived.

2. Desirable Items

The words "should" or "may" in the IFB/RFP indicate desirable attributes or conditions, but are non-mandatory in nature. Deviation from, or omission of, such a desirable feature, even if material, will not in itself cause rejection of the bid.*

B. BIDDING REQUIREMENTS AND CONDITIONS

1. General

This IFB/RFP, the evaluation of responses, and the award of any resultant contract shall be made in conformance with current competitive bidding procedures as they relate to the procurement of goods and services by public bodies in the State of California. A bidder's Final Bid is an irrevocable offer for 45 days following the scheduled date for contract award specified in Section I. A bidder may extend the offer in the event of a delay of contract award.

2. IFB/RFP Documents

This IFB/RFP includes, in addition to an explanation of the State's needs which must be met, instructions which prescribe the format and content of bids to be submitted and the model(s) of the contract(s) to be executed between the State and the successful bidder(s).

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If a bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this IFB/RFP, the bidder shall immediately notify the Department Official identified in Section I of such error in writing and request clarification or modification of the document.

- * If this solicitation document is an RFP, the word "bid" as used throughout is intended to mean "proposed," "propose" or "proposal" as appropriate.

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Modifications will be made by addenda issued pursuant to Paragraph B-7, Addenda, below. Such clarifications shall be given by written notice to all parties who have identified themselves as bidders to the Department Official identified in Section I, without divulging the source of the request for same. Insofar as practicable, the State will give such notices to other interested parties, but the State shall not be responsible therefore.

If the IFB/RFP contains an error known to the bidder, or an error that reasonably should have been known, the bidder shall bid at its own risk. If the bidder fails to notify the State of the error prior to the date fixed for submission of bids, and is awarded the contract, the bidder shall not be entitled to additional compensation or time by reason of the error or its later correction.

3. Examination of the Work

The bidder should carefully examine the entire IFB/RFP and any addenda thereto, and all related materials and data referenced in the IFB/RFP or otherwise available to the bidder, and should become fully aware of the nature and location of the work, the quantities of the work, and the conditions to be encountered in performing the work. Specific conditions to be examined may be listed in the IFB/RFP section on ADMINISTRATIVE REQUIREMENTS and/or the section on TECHNICAL REQUIREMENTS.

4. Questions Regarding the IFB/RFP

Bidders requiring clarification of the intent or content of this IFB/RFP or on procedural matters regarding the competitive bid process may request clarification by submitting questions, in an email or envelope clearly marked "Questions Relating to IFB/RFP _____" (using the IFB/RFP identification on the IFB/RFP title page), to the Department Official listed in Section I. To ensure a response, questions must be received in writing by the scheduled date(s) given in Section I. Question and answer sets will be provided to all bidders without identifying the submitters. At the sole discretion of the State, questions may be paraphrased by the State for clarity.

A bidder who desires clarification or further information on the content of the IFB/RFP, but whose questions relate to the proprietary aspect of that bidder's proposal and which, if disclosed to other bidders, would expose that bidder's proposal, may submit such questions in the same manner as above, but also marked "CONFIDENTIAL," and not later than the scheduled date specified in Section I to ensure a response. The bidder must explain why any questions are sensitive in nature. If the State concurs that the disclosure of the question or answer would expose the proprietary nature of the proposal, the question will be answered and both the question and answer will be kept in confidence. If the State does not concur with the proprietary aspect of the question, the question will not be answered in this manner and the bidder will be so notified.

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If the bidder believes that one or more of the IFB/RFP requirements is onerous, unfair, or imposes unnecessary constraints to the bidder in proposing less costly or alternate solutions, the bidder may request a change to the IFB/RFP by submitting, in writing, the recommended change(s) and the facts substantiating this belief and reasons for making the recommended change. Such request must be submitted to the Department Official by the date specified in Section I for submitting a request for change. **Oral answers shall not be binding on the State.**

5. Bidders' Conference

A Bidders' Conference may be held, during which suppliers will be afforded the opportunity to meet with State personnel and discuss the content of the IFB/RFP and the procurement process. Suppliers are encouraged to attend the Bidders' Conference. The time, date and place of such conference, if held, is included in the Key Action Dates specified in Section I. Written questions received prior to the cutoff date for submission of such questions, as noted in Section I, will be answered at the conference without divulging the source of the query.

The State may also accept oral questions during the conference and will make a reasonable attempt to provide answers prior to the conclusion of the conference. A transcript of the discussion, or those portions which contain the questions and appropriate answers, will normally be transmitted within approximately ten (10) working days to all suppliers who have submitted an intention to bid and those who have submitted a written request to receive the information. Written requests are to be submitted to the Department Official identified in Section I. If questions asked at the conference cannot be adequately answered during the discussion, answers will be provided with the transcribed data. Oral answers shall not be binding on the State.

6. Supplier's Intention to Submit a Bid

Suppliers who want to participate in the bidding process are asked to state their intention by the date specified in Section I, KEY ACTION DATES, with respect to submission of bids. The State is also interested as to a supplier's reasons for not submitting a bid; as, for example, requirements that cannot be met or unusual terms and conditions which arbitrarily raise costs. Suppliers are asked to categorize their intent as follows:

- a. Intends to submit a bid and has no problem with the IFB/RFP requirements.
- b. Intends to submit a bid, but has one or more problems with the IFB/RFP requirements for reasons stated in this response.
- c. Does not intend to submit a bid, for reasons stated in this response, and has no problem with the IFB/RFP requirements.
- d. Does not intend to submit a bid because of one or more problems with the IFB/RFP requirements for reasons stated in this response.

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If a supplier intends to submit a bid, the letter should include additional information identified in Section I, INTENTION TO BID. If suppliers have indicated significant problems with the IFB/RFP requirements, the State will examine the stated reasons for the problems and will attempt to resolve any issues in contention, if not contrary to the State's interest, and will amend the IFB/RFP if appropriate. All suppliers who have submitted an intention will be advised by the State of any actions taken as a result of the suppliers' responses. If after such actions, a supplier determines that the requirements of the IFB/RFP unnecessarily restrict its ability to bid, the supplier is allowed five (5) working days to submit a protest to those IFB/RFP requirements or the State's action, according to the instructions contained in paragraph E-1 of this section.

Hereafter, for the purposes of the instructions of this IFB/RFP, all suppliers who have indicated their intent to submit a Final Bid are called bidders until such time that the bidder withdraws or other facts indicate that the bidder has become nonparticipating. Should a bidder not participate in a bid step, the State reserves the right to drop them from the participating bidder list and they will not receive any further correspondence until they contact the Department Official to indicate that they would like further correspondence.

7. Addenda

The State may modify the IFB/RFP prior to the date fixed for Contract Award by issuance of an addendum to all bidders who are participating in the bidding process at the time the addendum is issued, unless the amendments are such as to offer the opportunity for nonparticipating bidders or supplies that submitted an intention to become participating, in which case the addendum will also be sent to those parties. Addenda will be numbered consecutively. If any supplier determines that an addendum unnecessarily restricts its ability to bid, the supplier is allowed five (5) working days to submit a protest to the addendum according to the instructions contained in Paragraph E-1 of this section.

8. Plastic Trash Bag Certification Violations

Public Resources Code Section 42290 et seq. prohibits the State from contracting with any supplier, manufacturer, or wholesaler, and any of its divisions, subsidiaries, or successors that have been determined to be noncompliant to the recycled content plastic trash bag certification requirements. This includes award of a State contract or subcontract or renewal, extension, or modification of an existing contract or subcontract. Prior to award the State shall ascertain if the intended awardee or proposed subcontractor is a business identified on the current California Integrated Waste Management Board noncompliant list(s). In the event of any doubt of the status or identity of the business in violation, the State will notify the Board of the proposed award and afford the Board the opportunity to advise the State. No award will be made when either the bidder or a subcontractor has been identified either by published list or by advice from the Board, to be in violation of certification requirements.

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9. Bonds

The State reserves the right to require a faithful performance bond or other security document as specified in the IFB/RFP from the supplier in an amount not to exceed the amount of the contract. In the event a surety bond is required by the State which has not been expressly required by the specification, the State will reimburse the supplier, as an addition to the purchase price, in an amount not exceeding the standard premium on such bond.

10. Discounts

In connection with any discount offered, except when provision is made for a testing period preceding acceptance by the State, time will be computed from date of delivery of the supplies or equipment as specified, or from date correct invoices are received in the office specified by the State if the latter date is later than the date of delivery. When provision is made for a testing period preceding acceptance by the State, date of delivery shall mean the date the supplies or equipment are accepted by the State during the specified testing period. Payment is deemed to be made, for the purpose of earning the discount, on the date of mailing the State warrant or check.

Cash discounts offered by bidders for the prompt payment of invoices will not be considered in evaluating offers for award purposes; however, all offered discounts will be taken if the payment is made within the discount period, even though not considered in the evaluation of offers.

11. Joint Bids

A joint bid (two or more bidders quoting jointly on one bid) may be submitted and each participating bidder must sign the joint bid. If the contract is awarded to joint bidders, it shall be one indivisible contract. Each joint contractor will be jointly and severally responsible for the performance of the entire contract, and the joint bidders must designate, in writing, one individual having authority to represent them in all matters relating to the contract. The State assumes no responsibility or obligation for the division of orders or purchases among joint contractors.

12. Air or Water Pollution Violations

Unless the contract is less than \$25,000 or with a non-competitively bid contractor, Government Code Section 4477 prohibits the State from contracting with a person, including a corporation or other business association, who has been determined to be in violation of any state or federal air or water pollution control law.

Prior to an award, the State shall ascertain if the intended awardee is a person included in notices from the Boards. In the event of any doubt of the intended awardee's identity or status as a person who is in violation of any state or federal air or water pollution law, the State will notify the appropriate Board of the proposed award and afford the Board the opportunity to advise the Department that the intended awardee is such a person.

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No award will be made to a person who is identified either by the published notices or by advice, as a person in violation of state or federal air or water pollution control laws.

13. Fair Employment and Housing Commission Regulations

The California Government Code Section 12990 requires all State contractors to have implemented a Nondiscrimination Program before entering into any contract with the State. The Department of Fair Employment and Housing (DFEH) randomly selects and reviews State contractors to ensure their compliance with the law. DFEH periodically disseminates a list of suppliers who have not complied. Any supplier so identified is ineligible to enter into any State contract.

14. Exclusion for Conflict of Interest

No consultant shall be paid out of State funds for developing recommendations on the acquisition of information technology (IT) products or services or assisting in the preparation of a feasibility study, if that consultant is to be a source of such acquisition or could otherwise directly and/or materially benefit from State adoption of such recommendations or the course of action recommended in the feasibility study. Further, no consultant shall be paid out of State funds for developing recommendations on the disposal of State surplus IT products, if that consultant would directly and/or materially benefit from State adoption of such recommendations.

15. Seller's Permit

This IFB/RFP is subject to all requirements set forth in Sections 6452, 6487, 7101 and 18510 of the Revenue and Taxation Code, and Section 10295 of the Public Contract Code, requiring suppliers to provide a copy of their retailer's seller's permit or certification of registration, and, if applicable, the permit or certification of all participating affiliates issued by the State of California's Board of Equalization. Unless otherwise specified in this IFB/RFP, a copy of the retailer's seller's permit or certification of registration, and, if applicable, the permit or certification of all participating affiliates, must be submitted within five (5) State business days of the State's request. Failure of the supplier to comply by supplying the required documentation will cause the supplier's bid to be considered nonresponsive and the bid rejected.

16. Disclosure of Financial Interests

Proposals in response to State procurements for assistance in preparation of feasibility studies or the development of recommendations for the acquisition of IT products and services must disclose any financial interests (i.e., service contract, Original Equipment Manufacturer (OEM) agreements, remarketing agreements, etc.) that may foreseeably allow the individual or organization submitting the proposal to materially benefit from the State's adoption of a course of action recommended in the feasibility study or the acquisition recommendations. If, in

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the State's judgment, the financial interest will jeopardize the objectivity of the recommendations, the State may reject the proposal.

17. Unfair Practices Act and Other Laws

Bidder warrants that its bid complies with the Unfair Practices Act (Business and Professions Code Section 17000 et seq.) and all applicable State and Federal laws and regulations.

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C. BIDDING STEPS

1. General

The procurement process to be used in this acquisition is composed of at least one phase of bid development. **REFER TO SECTION I TO DETERMINE WHICH PHASES AND STEPS ARE INCLUDED IN THIS IFB/RFP. REFERENCES IN THIS SECTION II TO STEPS NOT INCLUDED IN SECTION I ARE NOT APPLICABLE TO THIS IFB/RFP.** There is always a Final Phase, which may include a Draft Bid and revisions, and will always include a Final Bid. Prior to the Final Phase, there may be a Compliance Phase. The possible steps of the Compliance Phase are a Conceptual Proposal, Detailed Technical Proposal and revisions of either or both. A description of these phases and their steps follows.

The Final Bid is a mandatory step for all bidders; all other steps are optional. However, all bidders are strongly encouraged to follow the scheduled steps of this procurement to increase the chance of submitting a compliant Final Bid. **Cost submitted in any submission other than the Final Bid may preclude the bidder from continuing in the process.**

2. Compliance Phase

The Compliance Phase is an iterative, conversational mode of proposal and contract development. It requires the State, working together in confidence with each bidder, to assess and discuss the viability and effectiveness of the bidder's proposed methods of meeting the State's needs as reflected in the IFB/RFP. It is a departure from the rigid "either accept or reject" philosophy of traditional competitive bidding, yet it is highly competitive in nature. It provides the flexibility needed for the bidder to test a solution prior to formal submittal of the Final Bid, and it facilitates the correction of defects before they become fatal to the bid. The steps may include the submission of a Conceptual Proposal and/or a Detailed Technical Proposal by the bidder, Confidential Discussions of the bidder's proposal(s) and written Discussion Memorandum as to the correction of defects and the State's acceptance of such changes.

a. Conceptual Proposal

The Conceptual Proposal may be included for the purpose of allowing each bidder to provide a general concept of a proposal with just enough detail to enable the evaluators to determine if the bidder is on the right track toward meeting the functional requirements as stated in the IFB/RFP; and if not, where the bidder must change a concept. This step invites the bidder to be as innovative as the IFB/RFP requirements allow in eliminating unnecessary constraints.

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b. Detailed Technical Proposal

The Detailed Technical Proposal may be included for the purpose of allowing each bidder to provide a detailed technical description of its proposal to determine at an early stage whether the proposal is totally responsive to all the requirements of the IFB/RFP, and if not, which elements are not responsive and what changes would be necessary and acceptable.

c. Evaluation of Proposals and Discussion Agenda

Upon receipt of the Conceptual and Detailed Technical Proposals, the evaluation team will review each proposal in accordance with the evaluation methodology outlined in the IFB/RFP section on EVALUATION for the purpose of identifying areas in which the proposal is nonresponsive to a requirement, is otherwise defective, or in which additional clarification is required in order that the State may fully understand the ramifications of an action proposed by the bidder. As a result of this evaluation, the evaluation team will prepare an agenda of items to be discussed with the bidder, and will normally transmit the agenda to the bidder at least two working days before the scheduled meeting. The agenda may also include, in addition to the identification of discovered defects, a discussion of the bidder's proposed supplier support, implementation plans, validation plans, demonstration plans and proposed contracts, as appropriate.

d. Confidential Discussion with Each Bidder

In accordance with the discussion agenda, the evaluation team will meet with each bidder for the purpose of discussing the Conceptual Proposal or Detailed Technical Proposal (as the case may be) in detail. The bidder may bring to the discussion those persons who may be required to answer questions or commit to changes. As the first order of business, the bidder may be asked to give a short proposal overview presentation. To the maximum extent practical, the bidder will address the major concerns of the evaluation team, as expressed in the Discussion Agenda, and should be prepared to answer any questions that may arise as a result of the presentation. The participants will then proceed to discuss each of the agenda items.

The State will not make counter proposals to a bidder's proposed solution to the IFB/RFP requirements. The State will only identify its concerns, ask for clarification, and express its reservations if a particular requirement of the IFB/RFP is not, in the opinion of the State, appropriately satisfied. The primary purpose of this discussion is to ensure that the bidder's Final Bid will be responsive.

If any contractual items have a bearing on, or are affected by, the content of the proposal, such matters may be discussed in an effort to reach agreement. (As a concurrent activity when identified in KEY ACTION DATE steps in Section I, the bidder and the State may have been working together to negotiate the

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proposed contract(s) which will become operative if the bidder's Final Bid is accepted by the State. Further discussion of the contractual aspect of this procurement is contained in paragraph D., CONTRACTUAL INFORMATION.)

Note: In lieu of, or in addition to these Confidential Discussions, Confidential Discussions may be included in the Final Phase. Confidential Discussions will be identified in Section I, KEY ACTION DATES.

e. Discussion Memorandum

Throughout the Confidential Discussion a written record will be kept of all items discussed, their resolution, and any changes the bidder intends to make and the State's acceptance of such changes. If the bidder's proposal, with the agreed-to changes, is acceptable to the State, such acceptance shall be noted. If agreement has not been reached on all matters during the initial discussion, such will be noted with a specific plan for resolution before the next step. These resolutions and agreements will be prepared in final form as a Discussion Memorandum (which will be the official State documentation of the discussion), and will be mailed to the bidder normally within two work days of the discussion. If the discussion is not completed in one meeting and is continued in subsequent meetings, the Discussion Memoranda will follow the meeting at which the discussion is concluded. If a bidder discovers any discrepancy, omission, or other error in the memorandum, the bidder shall immediately notify the Department Official in Section I of such error in writing and request clarification or correction. **Oral statements made by either party shall not obligate either party.**

f. Rejection of Bidder's Proposal

If, after full discussion with a bidder, the State is of the opinion that the bidder's proposal (Conceptual Proposal or Detailed Technical Proposal, as the case may be) cannot be restructured or changed in a reasonable time to satisfy the needs of the State, and that further discussion would not likely result in an acceptable proposal in a reasonable time, the bidder will be given written notice that the proposal has been rejected and that a Final Bid submitted along such lines would be nonresponsive.

g. Submission of Amended Proposal

If, at the conclusion of the Confidential Discussion, the State determines that required and agreed-to changes can only be fully confirmed through the submission of an amended proposal (Conceptual Proposal or Detailed Technical Proposal, as the case may be), the State may require the submission of an addendum consisting only of those pages which were in doubt or a complete resubmittal. Similarly, if the bidder wishes confirmation that the changes the bidder intends to make, in accordance with the Discussion Memorandum, are acceptable to the State, the bidder may request and receive permission, if the time permits, to submit such addendum within a reasonable

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time after the conclusion of the Confidential Discussion. In either event, the State will advise the bidder as to the acceptability of the amended proposal, or may schedule another discussion period, if in the State's opinion, such a discussion is desirable.

3. Final Phase

The purpose of the Final Phase is to obtain bids that are responsive in every respect. This phase may include a Draft Bid and will always include a Final Bid, as described below:

a. Draft Bid

The purpose of the Draft Bid is to provide the State with an "almost final" bid in order to identify any faulty administrative aspect of the bid which, if not corrected, could cause the Final Bid to be rejected for ministerial reasons.

The Draft Bid should correspond to submittals and agreements of the Compliance Phase, if required, and must be complete in every respect as required by the IFB/RFP section on PROPOSAL AND BID FORMAT, except cost. **The inclusion of cost information in the Draft Bid may be a basis for rejecting the bid and notifying the bidder that further participation in the procurement is prohibited.**

REVIEW OF THE DRAFT BID BY THE STATE MAY INCLUDE CONFIDENTIAL DISCUSSIONS WITH INDIVIDUAL BIDDERS AND WILL PROVIDE FEEDBACK TO THE BIDDER PRIOR TO SUBMITTAL OF THE FINAL PROPOSAL. IF NO SUCH DISCUSSION STEP IS INCLUDED IN THE KEY ACTION DATES THEN THE REVIEW OF THE DRAFT BID DOES NOT INCLUDE ANY ASSESSMENT OF THE BID'S RESPONSIVENESS TO THE TECHNICAL REQUIREMENTS OF THE IFB/RFP. Regardless of the inclusion of a confidential discussion, the State will notify the bidder of any defects it has detected in the Draft Bid, or of the fact that it did not detect any such defects. Such notification is intended to minimize the risk that the Final Bid will be deemed defective; however, THE STATE WILL NOT PROVIDE ANY WARRANTY THAT ALL DEFECTS HAVE BEEN DETECTED AND THAT SUCH NOTIFICATION WILL NOT PRECLUDE REJECTION OF THE FINAL BID IF SUCH DEFECTS ARE LATER FOUND.

If the State finds it necessary, the State may call for revised Draft Bid submittals, or portions thereof. The bidder will be notified of defects discovered in these submittals as well. Again THE STATE WILL NOT PROVIDE ANY WARRANTY THAT ALL DEFECTS HAVE BEEN DETECTED AND THAT SUCH NOTIFICATION WILL NOT PRECLUDE REJECTION OF THE FINAL BID IF SUCH DEFECTS ARE LATER FOUND.

b. Final Bid

The Final Bid must be complete, including all cost information, required signatures, contract language changes agreed to in writing and corrections to

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those defects noted by the State in its review of the Draft Bid. If required in the IFB/RFP section PROPOSAL AND BID FORMAT, cost data (as identified in the above referenced section) must be submitted under separate, sealed cover. **CHANGES THAT APPEAR IN THE FINAL BID, OTHER THAN CORRECTION OF DEFECTS, INCREASE THE RISK THAT THE FINAL BID MAY BE FOUND DEFECTIVE.**

4. Confidentiality

FINAL BIDS ARE PUBLIC UPON OPENING; HOWEVER, THE CONTENTS OF ALL PROPOSALS, DRAFT BIDS, CORRESPONDENCE, AGENDA, MEMORANDA, WORKING PAPERS, OR ANY OTHER MEDIUM WHICH DISCLOSES ANY ASPECT OF A BIDDER'S PROPOSAL SHALL BE HELD IN THE STRICTEST CONFIDENCE UNTIL NOTICE OF INTENT TO AWARD. BIDDERS SHOULD BE AWARE THAT MARKING A DOCUMENT "CONFIDENTIAL" OR "PROPRIETARY" IN A FINAL BID MAY EXCLUDE IT FROM CONSIDERATION FOR AWARD AND WILL NOT KEEP THAT DOCUMENT FROM BEING RELEASED AFTER NOTICE OF INTENT TO AWARD AS PART OF THE PUBLIC RECORD, UNLESS A COURT HAS ORDERED THE STATE NOT TO RELEASE THE DOCUMENT. THE CONTENT OF ALL WORKING PAPERS AND DISCUSSIONS RELATING TO THE BIDDER'S PROPOSAL SHALL BE HELD IN CONFIDENCE INDEFINITELY UNLESS THE PUBLIC INTEREST IS BEST SERVED BY AN ITEM'S DISCLOSURE BECAUSE OF ITS DIRECT PERTINENCE TO A DECISION, AGREEMENT OR THE EVALUATION OF THE BID. ANY DISCLOSURE OF CONFIDENTIAL INFORMATION BY THE BIDDER IS A BASIS FOR REJECTING THE BIDDER'S PROPOSAL AND RULING THE BIDDER INELIGIBLE TO FURTHER PARTICIPATE. ANY DISCLOSURE OF CONFIDENTIAL INFORMATION BY A STATE EMPLOYEE IS A BASIS FOR DISCIPLINARY ACTION, INCLUDING DISMISSAL FROM STATE EMPLOYMENT, AS PROVIDED BY GOVERNMENT CODE SECTION 19570 ET SEQ. TOTAL CONFIDENTIALITY IS PARAMOUNT; IT CANNOT BE OVER EMPHASIZED.

5. Submission of Proposals and Bids

The instructions contained herein apply to the Final Bid. They also apply to the Conceptual Proposal, Detailed Technical Proposal, and Draft Bid, except as noted.

a. Preparation

Proposals and bids are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this IFB/RFP. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. **EMPHASIS SHOULD BE CONCENTRATED ON CONFORMANCE TO THE IFB/RFP INSTRUCTIONS, RESPONSIVENESS TO THE IFB/RFP REQUIREMENTS, AND ON COMPLETENESS AND CLARITY OF CONTENT.**

As stated above, the State's evaluation of Conceptual and Detailed Technical Proposals is preliminary, and the review of Draft Bids is cursory. Therefore, bidders are cautioned to not rely on the State, during these evaluations and reviews, to discover and report to the bidders all defects and errors in the submitted documents. Before submitting each document, the bidder should carefully proof it for errors and adherence to the IFB/RFP requirements.

b. Bidder's Cost

Costs for developing proposals and bids are the responsibility entirely of the bidder and shall not be chargeable to the State.

c. Completion of Proposals and Bids

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Proposals and bids must be complete in all respects as required by the IFB/RFP section on PROPOSAL AND BID FORMAT. A Final Bid may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. A Final Bid must be rejected if any such defect or irregularity constitutes a material deviation from the IFB/RFP requirements. The Final Bid must contain all costs required by the IFB/RFP sections on COST and PROPOSAL AND BID FORMAT, setting forth a unit price and total price for each unit price item, and a total price for each lump sum price item in the schedule, all in clearly legible figures. If required in the IFB/RFP section PROPOSAL AND BID FORMAT, cost data (as identified in the above referenced section) must be submitted under separate, sealed cover. Draft Bids must contain all information required in the Final Bid except cost. Exhibit II-A at the end of this Section II entitled COMPETITIVE BIDDING AND BID RESPONSIVENESS emphasizes the requirements of competitive bidding and contains examples of common causes for rejection of bids. Bidders are encouraged to review this exhibit.

d. False or Misleading Statements

Bids which contain false or misleading statements, or which provide references which do not support an attribute or condition claimed by the bidder, may be rejected. If, in the opinion of the State, such information was intended to mislead the State in its evaluation of the bid, and the attribute, condition, or capability is a requirement of this IFB/RFP, it will be the basis for rejection of the bid.

e. Signature of Bid

A cover letter (which shall be considered an integral part of the Final Bid) and Standard Agreement Form 213 (if directed in Appendix A, CONTRACTS TO BE SUBMITTED IN THE PROPOSAL), or a Bid Form shall be signed by an individual who is authorized to bind the bidding firm contractually. The signature block must indicate the title or position that the individual holds in the firm. An unsigned Final Bid shall be rejected.

The Draft Bid must also contain the cover letter and Form 213, or Bid Form, similarly prepared, including the title of the person who will sign, but need not contain the signature. The Conceptual Proposal and Detailed Technical Proposal need not contain the cover letter and Form 213, or Bid Form.

f. Delivery of Proposals and Bids

Mail or deliver proposals and bids to the Department Official listed in Section I. If mailed, it is suggested that you use certified or registered mail with return receipt requested as delivery of documents is at the bidder's own risk of untimely delivery, lost mail, etc.

Proposals and bids must be received in the number of copies stated in the IFB/RFP section on PROPOSAL AND BID FORMAT and not later than the

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dates and times specified in Section I and in the individual schedules provided the bidders. One copy must be clearly marked "Master Copy." All copies of proposals and bids must be under sealed cover which is to be plainly marked "CONCEPTUAL PROPOSAL," "DETAILED TECHNICAL PROPOSAL," "DRAFT BID," or "FINAL BID" for "IFB/RFP ____" (use IFB/RFP identification number from the IFB/RFP title page). Also, the sealed cover (envelope) of all submittals, except the Final Bid, should be clearly marked "CONFIDENTIAL," and shall state the scheduled date and time for submission. Bidders should be aware that marking the Final Bid "confidential" or "proprietary" may exclude it from consideration for award. Proposals and Draft Bids not submitted under sealed cover will be returned for sealing. Final Bids not received by the date and time specified in Section I, or not sealed, will be rejected. **If required in the IFB/RFP section PROPOSAL AND BID FORMAT, all cost data (as identified in the above referenced section) must be submitted under separate, sealed cover and clearly marked "COST DATA."** If cost data is required to be submitted separately sealed, and is not submitted in this manner, the bid will be rejected. Proposals and bids submitted under improperly marked covers may be rejected. If discrepancies are found between two or more copies of the proposal or bid, the proposal or bid may be rejected. However, if not so rejected, the Master Copy will provide the basis for resolving such discrepancies. If one copy of the Final Bid is not clearly marked "Master Copy," the State may reject the bid; however, the State may at its sole option select, immediately after bid opening, one copy to be used as the Master Copy.

g. Withdrawal and Resubmission/Modification of Proposals and Bids

A bidder may withdraw its Conceptual Proposal, Detailed Technical Proposal or Draft Bid at any time by written notification. A bidder may withdraw its Final Bid at any time prior to the bid submission date and time specified in Section I by submitting a written notification of withdrawal signed by the bidder authorized in accordance with Paragraph C-5-e, Signature of Bid. The bidder may thereafter submit a new or modified bid prior to such bid submission date and time. Modification offered in any other manner, oral or written, will not be considered. Other than as allowed by law, Final Bids cannot be changed or withdrawn after the date and time designated for receipt, except as provided in Paragraph 7.d. of this section.

6. Rejection of Bids

The State may reject any or all bids and may waive any immaterial deviation or defect in a bid. The State's waiver of any immaterial deviation or defect shall in no way modify the IFB/RFP documents or excuse the bidder from full compliance with the IFB/RFP specifications if awarded the contract.

7. Evaluation and Selection Process

a. General

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Proposals and bids will be evaluated according to the procedures contained in the IFB/RFP section on EVALUATION. Special instructions and procedures apply to Conceptual Proposals, Detailed Technical Proposals, and Draft Bids.

b. Evaluation Questions

During the evaluation and selection process, the State may desire the presence of a bidder's representative for answering specific questions, orally and/or in writing. During the evaluation of Final Bids, the State may ask the bidder to clarify their submitted information but will not allow the bidder to change their bid.

c. Demonstration

This procurement may require a demonstration of the bidder's response to specific requirements (including benchmark requirements) before final selection in order to verify the claims made in the bid, corroborate the evaluation of the bid, and confirm that the hardware and software are actually in operation; in which case prior notice will be given. The bidder must make all arrangements for demonstration facilities at no cost to the State. The location of the demonstration will be determined by the bidder; however, its performance within California is preferred and will be attended at the State's expense. Demonstration outside California will be attended only if approved by the State and the bidder agrees to reimburse the State for travel and per diem expenses. The State reserves the right to determine whether or not a demonstration has been successfully passed. See Section on DEMONSTRATIONS for additional information.

d. Errors in the Final Bid

An error in the Final Bid may cause the rejection of that bid; however, the State may at its sole option retain the bid and make certain corrections.

In determining if a correction will be made, the State will consider the conformance of the bid to the format and content required by the IFB/RFP, and any unusual complexity of the format and content required by the IFB/RFP.

- (1) If the bidder's intent is clearly established based on review of the complete Final Bid submittal, the State may at its sole option correct an error based on that established intent.
- (2) The State may at its sole option correct obvious clerical errors.
- (3) The State may at its sole option correct discrepancy and arithmetic errors on the basis that if intent is not clearly established by the complete bid submittal the Master Copy shall have priority over additional copies, the bid narrative shall have priority over the contract, the contract shall have priority over the cost sheets, and within each of these, the lowest level of detail will prevail. If necessary, the extensions and summary will be recomputed

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accordingly, even if the lowest level of detail is obviously misstated. The total price of unit-price items will be the product of the unit price and the quantity of the item. If the unit price is ambiguous, unintelligible, uncertain for any cause, or is omitted, it shall be the amount obtained by dividing the total price by the quantity of the item.

(4) The State may at its sole option correct errors of omission, and in the following four situations, the State will take the indicated actions if the bidder's intent is not clearly established by the complete bid submittal.

- (a) If an item is described in the narrative and omitted from the contract and cost data provided in the bid for evaluation purposes, it will be interpreted to mean that the item will be provided by the bidder at no cost.
- (b) If a minor item is not mentioned at all in the Final Bid and is essential to satisfactory performance, the bid will be interpreted to mean that the item will be provided at no cost.
- (c) If a major item is not mentioned at all in the Final Bid, the bid will be interpreted to mean that the bidder does not intend to supply that item.
- (d) If a major item is omitted, and the omission is not discovered until after contract award, the bidder shall be required to supply that item at no cost.

The determination of whether an item is minor or major is the responsibility of the State.

(5) If a bidder does not follow the instructions for computing costs not related to the contract (e.g., State personnel costs), the State may reject the bid, or at its sole option, recompute such costs based on instructions contained in the IFB/RFP.

If the recomputations or interpretations, as applied in accordance with this section, subparagraph d, result in significant changes in the amount of money to be paid to the bidder (if awarded the contract) or in a requirement of the bidder to supply a major item at no cost, the bidder will be given the opportunity to promptly establish the grounds legally justifying relief from its bid.

IT IS ABSOLUTELY ESSENTIAL THAT BIDDERS CAREFULLY REVIEW THE COST ELEMENTS IN THEIR FINAL BID, SINCE THEY WILL NOT HAVE THE OPTION TO CORRECT ERRORS AFTER THE TIME FOR SUBMITTAL.

(6) In the event an ambiguity or discrepancy between the general requirements described in Section IV (Proposed System) and the specific technical requirements set forth in Section VI (Technical Requirements) is detected

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after the opening of bids, Section VI, and the bidder's response thereto, shall have priority over Section IV, and the bidder's response thereto. Refer to Paragraph B-2 regarding immediate notification to State contact when ambiguities, discrepancies, omissions, etcetera are discovered.

(7) At the State's sole discretion it may declare the Final Bid to be a Draft Bid in the event that the State determines that Final Bids from all bidders contain material deviations. Bidders may not protest the State's determination that all bids have material deviations. If all bids are declared noncompliant, the State may issue an addendum to the IFB/RFP. Should this occur, confidential discussions will be held with bidders who are interested in continuing to be considered. Each bidder will be notified of the due date for the submission of a new Final Bid to the State. This submission must conform to the requirements of the original IFB/RFP as amended by any subsequent addenda. The new Final Bids will be evaluated as required by Section IX, Evaluation.

8. Award of Contract

Award of contract, if made, will be in accordance with the IFB/RFP section on EVALUATION to a responsible bidder whose Final Bid complies with all the requirements of the IFB/RFP documents and any addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within forty five (45) days after the scheduled date for Contract Award specified in Section I; however, a bidder may extend the offer beyond 45 days in the event of a delay of contract award.

The State reserves the right to determine the successful bidder(s) either on the basis of individual items or on the basis of all items included in its IFB/RFP, unless otherwise expressly provided in the State's IFB/RFP. Unless the bidder specifies otherwise in its bid, the State may accept any item or group of items of any bid. The State reserves the right to modify or cancel in whole or in part its IFB/RFP.

Written notification of the State's intent to award will be made to all bidders submitting a Final Bid. If a bidder, having submitted a Final Bid, can show that its bid, instead of the bid selected by the State, should be selected for contract award according to the rules of Paragraph C-7, the bidder will be allowed five (5) working days to submit a protest to the Intent to Award, according to the instructions contained in Paragraph E-1 of this section.

9. Debriefing

A debriefing may be held after contract award at the request of any bidder for the purpose of receiving specific information concerning the evaluation. The discussion will be based primarily on the technical and cost evaluations of the bidder's Final Bid. A debriefing is not the forum to challenge the IFB/RFP specifications or requirements.

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D. CONTRACTUAL INFORMATION

1. Contract Form

The State has model contract forms to be used by State agencies when contracting for information technology (IT) goods and services. The model contract(s) appropriate for the specific requirements of this IFB/RFP are included in the IFB/RFP.

2. Specific Terms and Conditions (See Appendix A for contract instructions that supersede this paragraph.)

In traditional competitive bidding, the contract to be awarded is included in the solicitation document in its final form, and any alteration by a bidder will result in rejection of its bid. The State recognizes, however, that the various suppliers of IT goods and services have developed pricing structures and procedures that differ from each other, and that, if the State were to specify the exact language of the contract to be executed, it could result in firms being unwilling to do business with the State of California because of contract statements which are incompatible with their business methods. In recognition of the above, the form of the contract(s) contained in the attached Appendices permit, where appropriate, the substitution and/or insertion of supplier-specified language by the bidder. All such substitutions and insertions must be approved by the Department of General Services. The Department of General Services may request the Department of Finance's concurrence on the approval of changes involving significant issues. Terms and conditions which do not comply in substance with all material requirements of the IFB/RFP, which are contrary to the best interests of the State, or which are in opposition to State policy will not be accepted.

The State will prenegotiate repetitively used terms and conditions with suppliers at their request. These prenegotiated terms and conditions will be kept on file and bidders may refer to them as their proposed contract language for individual solicitations.

3. Approval of Proposed Contract (See Appendix A for contract instructions that supersede this paragraph.)

To comply with the requirements of competitive bidding procedures, the contract must be fixed prior to the submission of the Final Bids; other than as allowed by law no negotiation is permissible after that time. It is required, therefore, that any supplier who intends to bid on this IFB/RFP submit its proposed contract to the State in accordance with the schedule contained in Section I. If a bidder has prenegotiated language with the State, the bidder may indicate that this is the language proposed and submit only changes to any language that has not been prenegotiated. (For a particular IFB/RFP it is possible that prenegotiated language will not be acceptable due to special circumstances. The State will notify the bidder if this is the case and will renegotiate that language for this procurement.) For language that has not been prenegotiated, the proposed contract, or portions

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thereof, must be submitted in the form of the prescribed model(s), and deviations from the exact language contained in the model(s) must conform to the guidance therein stated. The proposed contract must contain all proposed terms and conditions, and with all blanks filled in, but it must not contain (other than in sample form) any identification of proposed goods or cost data. (Note, however, that the Draft Bid must contain the approved contract with all the blanks filled in except for cost data, as specified in Paragraph C-3 above.) The proposed contract must be clearly labeled "Proposed Contract" with the IFB/RFP identification from the IFB/RFP title page. The State will notify the bidder as to which, if any, terms and conditions are not acceptable to the State and will arrange an appropriate meeting at a mutually satisfactory time to resolve any differences.

Each appendix contains a set of instructions to guide the bidder through a step-by-step procedure to develop proposed new language or changes to model contract language, negotiating contract language and securing State approval. Proposed contract language which is not prepared in accordance with these instructions may be returned to the bidder without review by the State.

IT IS ESSENTIAL THAT THE BIDDER'S PROPOSED CONTRACT BE ACCEPTABLE TO THE STATE PRIOR TO THE FINAL BID SUBMISSION DATE. SUCH ACCEPTANCE DOES NOT RELIEVE THE BIDDER OF PROVIDING OTHER NECESSARY INFORMATION REQUIRED IN THE CONTRACT. IF A BID CONTAINS UNAPPROVED CONTRACT LANGUAGE, THE POTENTIAL FOR BID REJECTION IS SUBSTANTIALLY INCREASED.

APPROVED CONTRACT LANGUAGE FOR THIS PARTICULAR IFB/RFP WHICH IS NOT PROPRIETARY TO THE BIDDER WILL BE AVAILABLE TO ALL BIDDERS SHORTLY AFTER THE LAST DAY TO NEGOTIATE CONTRACT LANGUAGE.

PRENEGOTIATED TERMS AND CONDITIONS ARE AVAILABLE AT ANY TIME.

4. Term of Contract

The State intends to retain the required goods and services for at least the period specified elsewhere in this IFB/RFP. Ideally, the term of the contract will be for the specified period. If the State requires the contract to be terminated during the contract period, such a requirement will be specified in the IFB/RFP section on ADMINISTRATIVE REQUIREMENTS. The State will accept a contract for a longer period than specified if, at the sole option of the State, the contract may be terminated at the end of the period specified with or without the payment of termination charges. Such termination charges, if any, must be included in the evaluated cost of the bid.

E. OTHER INFORMATION

1. Protests

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Before a protest is submitted regarding any issue other than selection of the "successful bidder," the bidder must make full and timely use of the procedures described in this Section II to resolve any outstanding issue(s) between the bidder and the State. The procurement procedure is designed to give the bidder and the State adequate opportunity to submit questions and discuss the requirements, proposals and counter proposals before the Final Bid is due. The protest procedure is made available in the event that a bidder cannot reach a fair agreement with the State after exhausting these procedures. There are two types of protests: requirements (initial) protests and award protests. A protest shall be submitted according to the procedure below. Protests regarding any issue other than selection of the "successful bidder" are requirements protests and will be heard and resolved by the Deputy Director of the Department of General Services, Procurement Division, whose decision will be final.

An award protest is where a bidder has submitted a bid which it believes to be totally responsive to the requirements of the IFB/RFP and to be the bid that should have been selected according to the evaluation procedure in the Section on EVALUATION and the bidder believes the State has incorrectly selected another bidder for award. For this situation, the bidder may submit a protest of the selection as described below. Protests regarding selection of the "successful bidder" will be heard and resolved by the Victims Compensation and Government Claims Board, whose decision will be final.

All protests must be made in writing, signed by an individual authorized under Paragraph C-5-e, Signature of Bid, and contain a statement of the reason(s) for protest; citing the law, rule, regulation or procedures on which the protest is based. The protester must provide facts and evidence to support the claim. Protests must be mailed or delivered to:

Street Address:	Mailing Address:
Deputy Director	Deputy Director
Procurement Division	Procurement Division
707 Third Street, 2 nd Floor	P.O. Box 989052
West Sacramento, CA	Sacramento, CA 95798-9052
95605	

All protests to the IFB/RFP requirements or procedures must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the respective time and date in the Key Action Dates in Section I for such protests. Protests concerning the evaluation, recommendation, or other aspects of the selection process must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the respective time and date specified in Section I for such protests or the respective date of the Notification of Intent to Award, whichever is later. Certified or registered mail should be used unless delivered in person, in which case the protester should obtain a receipt of delivery.

2. Disposition of Proposals and Bids

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All materials submitted in response to this IFB/RFP will become the property of the State of California and will be returned only at the State's option and at the bidder's expense. At a minimum, the Master Copy of the Final Bid shall be retained for official files and will become a public record after the Notification of Intent to Award as specified in Section I, KEY ACTION DATES. However, materials the State considers confidential information (such as confidential financial information submitted to show bidder responsibility) will be returned upon request of the bidder.

3. Contacts for Information

Bidders may contact the Department Contact listed in Section I for visits to the physical installation for purposes of familiarization and evaluation of the current processes. Visits shall be made by appointment only, during normal business hours, and will be limited to the Department Contact listed in Section I or the Contact's designee. Visits shall be permitted to the extent that they do not unduly interfere with the conduct of State business.

Oral communications of department officers and employees concerning this IFB/RFP shall not be binding on the State and shall in no way excuse the bidder of any obligations set forth in this IFB/RFP.

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Exhibit II-A

COMPETITIVE BIDDING AND BID RESPONSIVENESS

The purpose of competitive bidding is to secure public objectives in the most effective manner and avoid the possibilities of graft, fraud, collusion, etc. Competitive bidding is designed to benefit the public body (the State, in the present context), and is not for the benefit of the bidders. It is administered to accomplish its purposes with sole reference to the public interest. It is based upon full and free bidding to satisfy State specifications, and acceptance by the State of the most effective solution to the State's requirements, as determined by the evaluation criteria contained in the IFB/RFP.

Competitive bidding is not defined in any single statute but is more in the nature of a compendium of numerous court decisions. From such court decisions, the following rules have evolved, among others:

1. Request for Proposals must provide a basis for full and fair competitive bidding among bidders on a common standard, free of restrictions tending to stifle competition.
2. The State may modify the IFB/RFP, prior to the date fixed for Contract Award, by issuance of an addendum to all parties who are bidders.
3. To have a valid bid, the bid must respond and conform to the invitation, including all the documents which are incorporated therein. A bid which does not literally comply may be rejected.
4. For a variance between the request for bids and the bid to be such as to preclude acceptance (the bid must be rejected), the variance or deviation must be a material one.
5. State agencies usually have the express or implied right to reject any and all bids in the best interests of the State. Bids cannot, however, be selectively rejected without cause.
6. Bids cannot be changed after the time designated for receipt and opening thereof. Other than allowed by law, no negotiation as to the scope of the work, amount to be paid, or contractual terms is permitted. However, this does not preclude the State from clarifying the bidder's intent by asking questions and considering answers.
7. A competitive bid, once opened and declared, is in the nature of an irrevocable option and a contract right of which the public agency cannot be deprived without its consent, unless the requirements for rescission are present. All bids become public documents.
8. Bids cannot be accepted "in part," unless the invitation specifically permits such an award.

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9. Contracts entered into through the competitive bidding process cannot later be amended, unless the Invitation for Bids includes a provision, to be incorporated in the contract awarded, providing for such amendment.

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Exhibit II-A
(Continued)

Since competitive procurement became the required method for securing certain IT goods or services, the State has received a number of bids which were deemed to be nonresponsive to the Invitation for Bids or which could not be considered as valid bids within the competitive bidding procedures. Nonresponsive bids or bids which contain qualifications must be rejected. Many of the causes for rejection arise from either an incomplete understanding of the competitive bidding process or administrative oversight on the part of the bidders. The following examples are illustrative of more common causes for rejection of bids. These examples are listed to assist potential bidders in submission of responsive bids.

1. A bid stated, "The prices stated within are for your information only and are subject to change."
2. A bid stated, "This proposal shall expire thirty (30) days from this date unless extended in writing by the _____ Company." (In this instance award was scheduled to be approximately 45 days after bid submittal date.)
3. A bid for lease of IT equipment contained lease plans of a duration shorter than that which had been requested in the IFB/RFP.
4. A personal services contract stated, " , in its judgment, believes that the schedules set by the State are extremely optimistic and probably unobtainable. Nevertheless, _____ will exercise its best efforts..."
5. A bid stated, "This proposal is not intended to be of a contractual nature."
6. A bid contained the notation "prices are subject to change without notice."
7. A bid was received for the purchase of IT equipment with unacceptable modifications to the Purchase Contract.
8. A bid for lease of IT equipment contained lease plans of a duration longer than that which had been requested in the IFB/RFP with no provision for earlier termination of the contract.
9. A bid for lease of IT equipment stated, "...this proposal is preliminary only and the order, when issued, shall constitute the only legally binding commitment of the parties."
10. A bid was delivered to the wrong office.
11. A bid was delivered after the date and time specified in the IFB/RFP.
12. An IFB/RFP required the delivery of a performance bond covering 25 percent of the proposed contract amount. The bid offered a performance bond to cover "x" dollars which was less than the required 25 percent of the proposed contract amount.

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13. A bid did not meet contract goal for DVBE participation and did not follow the steps required by the bid to achieve a "good faith effort."
14. A bid appeared to meet contract goal for DVBE participation with the dollars submitted, but the supplier had miscalculated the bid costs. When these corrections were made by the State, the supplier's price had increased and the dollars committed for DVBE participation no longer met goal. The supplier had not followed the steps to achieve a "good faith effort."

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SECTION III

CURRENT SYSTEM OR PROBLEM

This section is used when the system being procured is to interface with the present system or is to replace a current automated or manual system. This section should describe the following elements for each impacted business process of the present system:

- 1) *its functional processes*
- 2) *the information flow*
- 3) *workload data*
- 4) *data base information*
- 5) *performance criteria as related to the workload*
- 6) *the hardware/software configuration that supports the above elements*

[If data comes from multiple sources, identify the existing business processes or technical systems that produce and maintain the source data. Also identify how the data is being used. This section may also contain more details of the organization and functional responsibilities of the entity issuing the IFB/RFP.]

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SECTION IV

PROPOSED SYSTEM

This section should provide an understanding of the framework and general requirements of the proposed system and the environment in which it must operate. When the following elements are relevant to the proposed system, describe the elements in a general fashion:

- 1) *the required functional processes and information flow*
- 2) *workload requirements and growth expectancies*
- 3) *data base information*
- 4) *performance criteria as related to the workload*
- 5) *security/privacy*
- 6) *reliability/backup*
- 7) *general hardware/software for support of the above elements*

This section is intended to present an overview of the proposed system and as such will not specify any detailed technical requirements. When this model is used for a request for proposal, bidders must propose a system or equipment/software that meets the general requirements and the functional system requirements of the RFP. The general functional/technical requirements supporting this overview are to be included in Section VI.

In the event an ambiguity or discrepancy between the general requirements described in Section IV (Proposed System) and the technical requirements set forth in Section VI (Technical Requirements) is detected after the opening of bids, Section VI and the supplier's response thereto, shall have priority over Section IV, and the supplier's response thereto. Refer to IFB/RFP Section II, Paragraph B.4., Questions Regarding the IFB/RFP, for directions on seeking clarification.]

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SECTION V

ADMINISTRATIVE REQUIREMENTS

This Section and Section I contain all the non-technical requirements and requirements covering the responsibility aspects of the bidder, to all of which the bidder must comply. Any material deviation in the bid will cause it to be rejected, and any nonmaterial deviation may cause it to be rejected.

Except as indicated in the notational information before a subsection, the format of the Model is required; however, appropriate additions and changes to the content may be made, if approved by the Department of General Services, Procurement Division. For example, it may be necessary to evaluate the bidders' capability (in terms of skills and level of effort) to perform certain tasks, such as program conversion. In such cases, this section should contain the requirements for submitting, as part of the bid, evidence of the required capability (e.g., complete documentation for a group of converted programs identified by the State).

A. INTRODUCTION

In addition to meeting the technical requirements of this IFB/RFP, bidders must adhere to all the administrative requirements of this IFB/RFP to be responsive. These include the rules in Section II, RULES GOVERNING COMPETITION, the schedule and other requirements specified in Section I, the format specified in the section on PROPOSAL and BID FORMAT, the completion of cost sheets specified in the section on COST, satisfactory performance of the demonstration, if required, specified in the section on DEMONSTRATION, and the administrative requirements of this section.

B. PRODUCTIVE USE REQUIREMENTS

[The successful operation of a particular program will depend on the reliable operation of the procured product and the recognition that the subsequent failure of the product could cause loss of revenues, extra expenditure of funds, and/or the idling of personnel. Clearly, it is desirable to minimize, at the time of procurement, the risk of failure of the product to be procured. The following requirements are to be used as indicated in all procurements for data processing, office automation, and telecommunication products.]

The objective of the Productive Use Requirements is to protect the State from being an experimentalist for new equipment and software that has no record of proven performance. In the event a bidder's proposed bid would not meet one or more of these requirements, subsection 4, provides for Remedies for Exceptions.

1. Customer In-Use

[This requirement applies to all procurements of information technology equipment and software. Large procurements may not be divided into smaller procurements in order to avoid or reduce the time requirement for Customer In-Use. Once the

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appropriate language is selected from the table below to fit the procurement at hand, it may be reformatted into proper sentences.]

The purpose of the Customer In-use requirement is to allow time for the bidder to correct defects that could prevent new equipment and software from performing correctly in support of State programs.

The State requires that each equipment and software component proposed as part of an automated system must have been installed and in productive use, in substantially the conformation bid, for a paying customer external to the bidder's organization, for at least the number of months shown in the table below prior to the required (date of installation or Final Bid submission **{must specify only one}**).

<u>Product/Project Cost</u>	<u>Installation</u>	<u>Final Bid Submission</u>
-----------------------------	---------------------	-----------------------------

Category 1 - Critical Software

Critical software, is software that is required to control the overall operation of a computer system or peripheral equipment. Included in this category are operating systems, data base management systems, language interpreters, assemblers and compilers, communications software, and other essential system software.

- | | | |
|------------------------------|----------|----------|
| (1) More than \$100,000 | 8 months | 6 months |
| (2) \$10,000 up to \$100,000 | 4 months | 3 months |
| (3) Less than \$10,000 | 1 month | 1 month |

Category 2 - All Information Technology Equipment and Non-critical Software

Information technology equipment is defined in SAM Section 4819.2.

- | | | |
|------------------------------|----------|----------|
| (1) More than \$100,000 | 6 months | 4 months |
| (2) \$10,000 up to \$100,000 | 4 months | 3 months |
| (3) Less than \$10,000 | 1 month | 1 month |

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Substantial design changes in required system control modules, or in components critical to the processing requirements of the State's workload are also subject to the In-use requirement. Increases or decreases in numbers of components or minor alteration in equipment or minor modifications or updates to software to provide improvements or features, to correct errors, or to accommodate hardware changes may be **exempt** from the In-use requirement by the Department of General Services, Procurement Division, if no substantial changes in logic, architecture or design are involved.

2. Reliability Data

[This subsection is used only if the procurement includes equipment and the procuring agency has a critical need to determine the reliability of the proposed equipment prior to it being considered for acceptance. The agency must realize that reliability data is not provided by some suppliers and is simply not collected by others, notably those that provide depot maintenance. If required, use the language below. Any rejection of a bidder's bid for unacceptability of received data must meet with the concurrence of the Department of General Services, Procurement Division. The figures to use for hours and percentage must be in consonance with the need. The Department of Information Technology (DOIT) may be consulted if there is any question regarding the suitability of the agency's requirements.]

The purpose of the Reliability Data requirement is to allow the State, in critical applications, to determine actual performance of proposed equipment prior to its being considered for installation.

Data must be submitted which indicates the performance of each type of equipment proposed by the bidder and attests that the equipment is currently on the premises of three (3) different paying customers, none of which is owned by the bidder or owns the bidder. The data must include, but is not limited to:

a. Equipment Availability

Equipment availability data must be based on at least _____ hours of use within a six-month period. To qualify, each of the availability figures must equal or exceed _____ percent. Availability is calculated as follows:

$$\text{Percent Availability} = \frac{\text{UT}}{\text{UT} + \text{DT}} \times 100$$

UT (Up Time) is defined as the time the machine is available to and staffed by the customer for productive work (i.e., the time the machine is processing customer programs or awaiting the processing of such programs, but excluding Preventive Maintenance and Down Time).

DT (Down Time) is defined as the time the machine could have been processing customer programs but is being repaired or is awaiting repairs, or is awaiting

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changes to its control program(s) (excluding any time the supplier must wait for the machine to be released by the customer for repair).

b. Mean Time Between Failure (MTBF):

These figures refer to the average time between the beginning of one failure to the beginning of the next failure for each machine installed at customer sites. To qualify, each figure must not be less than _____ hours for electronic equipment and _____ hours for mechanical or electromechanical equipment during the same period specified in (a.) above. MTBF is calculated by dividing UT by the total number of failures for that item of equipment.

c. Mean Time to Repair (MTTR):

Each figure must be for the same period specified in (a.) above and not exceed _____ hours. MTTR is calculated by dividing the total down time (DT) due to equipment failure by the total number of failures for each item of equipment. Note that equipment failure is any failure due to machine error or failure of the operating software. (See definitions in the contract.)

3. Customer References

[The number of references required should be adequate to verify the claims of the bidder in responding to the requirements.]

[The following model language is for the procurement of equipment and software.]

The purpose of the Customer Reference requirement is to provide the State the ability to verify the claims made in the bid by the bidder.

The bidder **{must/should}** provide a list of customers who presently have the bid equipment installed and operating. If subsection 1, Customer In-Use, is used, the list **{must/should}** include at least one (1) customer meeting that requirement. However, at least one customer reference **{must/should}** be included for each type of machine and feature bid that is subject to the requirements of that subsection (i.e., one customer having the specific CPU). If subsection 2, Reliability Data, is used, the list **{must/should}** include at least three (3) customers furnishing the required data (the percent of availability must equal or exceed the requirement of this solicitation for the equipment offered). In each case, the name and address of the installation and the name and telephone number of a contact person at that installation must be listed.

The State has the option to request from the bidder supporting evidence of compliance to the Customer In-Use requirements. Supporting evidence could include, but is not necessarily limited to, one or more of the following:

Customer Purchase Order or Contract showing installation dates for subject equipment or software;

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Acceptance Document containing verification of installation by a paying customer;
Customer Invoice for subject equipment or software;
Shipping Invoice or Bill of Lading;
Dated Maintenance Records;
Sworn Notarized Statement from an officer of the bidding firm and/or a paying customer;
State visit to the site of a paying customer.

4. Remedies for Exceptions

To meet the requirements of this IFB/RFP, bidders may find it necessary to propose one or more items of equipment or software that do not meet the above Productive Use Requirements. In such situations, a bidder may propose such items only if (1) the bidder also offers an interim remedy which accomplishes the stated purposes of the requirements until the requirements are met, and (2) the State approves the proposed remedy prior to the date for submission of the Final Proposal. If the bidder's proposed remedy includes additional equipment, software, or personnel to be supplied by the Supplier, such additions must be a part of the contractual commitment.

The State will not, however, consider an offer to pay penalties for failure to meet required standards of performance in lieu of these Productive Use Requirements.

[In cases where it is not in the State's best interest to consider exceptions to the Productive Use Requirements, replace subsection 4 with the following:

4. Exceptions

The State will not consider exceptions to Productive Use Requirements for this procurement.]

C. BIDDER RESPONSIBILITY

Prior to award of the contract, the State must be assured that the bidder selected has all of the resources to successfully perform under the contract. This includes, but is not limited to, personnel in the numbers and with the skills required, equipment of appropriate type and in sufficient quantity, financial resources sufficient to complete performance under the contract, and experience in similar endeavors. If, during the evaluation process, the State is unable to assure itself of the bidder's ability to perform under the contract, if awarded, the State has the option of requesting from the bidder any information that the State deems necessary to determine the bidder's responsibility. If such information is required, the bidder will be so notified and will be permitted approximately five working days to submit the information requested. Types of financial responsibility information include annual reports and currently audited balance sheets for the firm that is bidding.

[The following language may be used if worker's compensation insurance is required.]

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1. Insurance Requirements

The bidder must maintain in force (as required by State law) a valid Worker's Compensation Insurance Policy for all employees engaged in the performance of the contract and agree to furnish the State satisfactory evidence thereof at the time of Final Proposal submittal and at any time the State may so request.

2. Bonds and Other Security Documents

[There are different kinds of bonds for different purposes. A "bid bond" is a "written agreement or check by which a third party guarantees that a bidder will accept a contract as bid, if it is awarded" (National Institute of Government Purchasing, 1986, pg. 3); a "performance bond" is a contract of Guarantee, executed subsequent to award by a successful bidder to protect the buyer from loss due to the bidder's inability to complete the contract as agreed" (National Institute of Government Purchasing, 1986, pg. 22); a "payment bond" is "used almost exclusively for construction contracts and guarantees payments by the successful bidder to material suppliers and subcontractors" (The Council of State Governments and NASPO, 1988, pg. 56).

If a "faithful performance bond" is required, as specified in Public Contract Code 12112, then consult the Department of General Services Procurement Division for specific language.

The following language is required if the bidder is required to submit a bond/financial security document in response to the solicitation.]

NOTE: ALL BIDDERS MUST SUBMIT ONE OF THE FOLLOWING AS DESCRIBED BELOW WITH ITS FINAL PROPOSAL RESPONSE. FINAL PROPOSAL RESPONSES SUBMITTED WITHOUT ONE OF THE FOLLOWING SHALL BE CONSIDERED NON-RESPONSIVE AND THE BID SHALL BE REJECTED. FOR THIS REQUIREMENT, THE LENGTH OF TIME FOR SURETY CONSIDERATION SHALL BE {specify length of contract through ordering period and warranty/maintenance no. of years}.

- a. Letter of Bondability; or
- b. Letter of Certificate of Deposit; or
- c. Letter for Irrevocable Letter of Credit; or
- d. Bidders Bond; or
- e. Performance Bond; or
- f. Certificate of Deposit; or
- g. Irrevocable Letter of Credit

Definitions:

- a. Letter of Bondability

The Letter of Bondability shall be from an admitted Surety Insurer which states the surety unconditionally offers to guarantee to the extent of ***{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other***

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contracting as identified in the IFB/RFP, or specify \$\$\$ amount here} the bidder's performance in all respects of the terms and conditions and provisions of the agreement, and that within twenty-one (21) calendar days after the effective start date of the contract, the surety will execute the Performance Bond requirement.

b. Letter of Certificate of Deposit

The Letter, guaranteeing issuance of a Certificate of Deposit shall be from a bank doing business in this State, and shall be insured by the Federal Deposit Insurance Corporation and shall state that if the bidder is successful, a Certificate of Deposit in the amount of **{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$ amount here}** will be furnished to the State within twenty-one (21) calendar days after the effective start date of the contract.

c. Letter of Irrevocable Letter of Credit

The Letter, guaranteeing issuance of a Irrevocable Letter of Credit shall be from a bank doing business in this State, and shall be insured by the Federal Deposit Insurance Corporation and shall state that if the bidder is successful, a Irrevocable Letter of Credit, as appropriate, in the amount of **{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$ amount here}** will be furnished to the State within twenty-one (21) calendar days after the effective start date of the contract.

d. Bidders Bond

A Bidders Bond executed by an admitted surety insurer, made payable to the Department of General Services, (or specify delegated department name) State of California, guaranteeing the bidder's performance in all respects of the terms, conditions, and provisions of the contract commencing on the effective start date. The security shall be in an amount of **{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$ amount here}**.

e. Performance Bond

The bidder shall furnish to the Deputy Director of the Department of General Services Procurement Division, (or specify delegated department name) at no cost to the State, a Performance Bond in the amount of **{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$ amount here}**. The Bond shall be on a form from an admitted surety insurer and must guarantee contractor's compliance with the terms of this contract.

f. Certificate of Deposit

The bidder shall furnish to the Deputy Director of the Department of General Services Procurement Division, (or specify delegated department name) at no cost to the State, a Certificate of Deposit. The Certificate of Deposit shall be a Security Deposit

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Time Certificate of Deposit from a bank insured by the Federal Deposit Insurance Corporation, in the amount of **{fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$\$ amount here}**, made payable to the Department of General Services. The Certificate of Deposit shall be automatically renewable during the contract period and remain in effect until Contractor's satisfactory compliance with the terms of the contract have been completed.

g. Irrevocable Letter of Credit

The bidder shall furnish to the Deputy Director of the Department of General Services Procurement Division, (or specify delegated department name) at no cost to the State, an Irrevocable Letter of Credit in the amount of **{specify {fifty percent (50%) of the contract price for service contracts, or twenty-five percent (25%) for all other contracting as identified in the IFB/RFP, or specify \$\$\$\$ amount here}**.

The Letter of Credit must be insured by a bank doing business in this State and insured by the Federal Deposit Insurance Corporation. The Department of General Services, State of California, (or specify delegated department name) shall be identified as the beneficiary.

The Letter of Credit shall further provide for honor of a draft or demand for payment presented with the State's written statement (signed by the Deputy Director of the Department of General Services Procurement Division certifying that there has been loss, damage or liability resulting from the Contractor's performance or nonperformance of duties and obligations under the contract, or from the negligence or act of omission by the Contractor or its agents, servants, and employees, and that the amount of the demand or draft is, therefore, now due and payable.

Because the security represented by the Letter of Credit must remain in effect until the Contractor's satisfactory completion of the contract requirements, the Contractor, by offering the Letter of Credit, agrees to amend, if necessary, the Letter of Credit for the purpose of extending the expiration date.

Note: Within 21 days after notification of contract award (unless submitted with the proposal), the successful Bidder(s) MUST submit the instrument satisfying the bond requirement in the form of a Bidders Bond, Certificate of Deposit, Irrevocable Letter of Credit, or Performance Bond. Failure to submit the required document within 21 days may be cause for termination of the contract.

Because of the potential consequences which might result if the successful Bidder is unable to furnish any of the specified documents, Bidders should take the necessary steps, prior to submittal of their proposals, to ensure that if awarded the contract (purchase order), they will be able to comply with these requirements.

D. CONFIDENTIALITY

To preserve the integrity of the security and confidentiality measures integrated into the State's automated information systems, each bidder is required to sign the

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Confidentiality Statement attached as **Exhibit I-D** and submit it by the date specified in Section I.

Similarly, any contractor engaging in IT services to the State, requiring them to come into contact with confidential State information, will be required to exercise security precautions for such data that is made available, including the signing of an additional confidentiality statement. Appropriate language must be in the contract.

E. INSTALLATION

[This subsection is required only if equipment is being procured. Paragraph #3 may be added to or otherwise tailored by the department to fit the specific requirements.]

1. Certification of Facility Readiness

[If significant modifications are anticipated in order to install equipment, the State may request the bidders to provide estimates of such modifications for information or consideration as the cost to the State for evaluation purposes.]

If required, the State will modify its site facilities to meet the bidder's specifications. Upon completion, the bidder will be required to certify in writing that the modifications have been completed and satisfy the bidder's requirements.

2. Certification of Equipment Readiness

Any equipment bid must be installed and certified ready for acceptance testing by the specified Installation Date identified in Section I, KEY ACTION DATES. Such certification must be in writing and presented to the individual specified in the contract.

3. Interface to Existing Equipment

If any bid equipment must interface to existing installed equipment in order to meet the specifications contained in Section VI, the bidder must agree to be responsible for making any necessary arrangements with the bidder(s) of such installed equipment, for such interface. The contract must then provide for such responsibility.

F. CONDITIONS TO BE EXAMINED

[This subsection is recommended in order to ensure that the bidder is aware that they should observe, review, or investigate certain current operations or facilities before submitting their bid. It may be tailored by the department to fit the specific requirements.]

Visits to the physical installation site or to appropriate persons within the department may be made in accordance with Section II for the purpose of familiarization with the current system(s), environment, applications, etc. Conditions appropriate for examination include, but are not limited to any of the following:

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G. SPECIAL SPECIFIC MAINTENANCE REQUIREMENTS

[Refer to Contract in this IFB/RFP] This subsection may be necessary when the department wishes to specify special maintenance requirements for equipment and/or software; for example, special hours of coverage, special conditions concerning on-site coverage, additional charges, credits, etc.]

H. TRAINING

[This subsection, if used, will explain the training requirements and the needs that must be met by the bidders. It should separately describe the training requirements for the different phases of implementation such as start-up, transitional, and on-going. A proposed training plan should be required. The Plan should address the scope of training to be conducted, special and/or specific requirements for executing the training plan, and any limitations in meeting any requirement specified in this subsection. Basic training requirements should include at least the following:

Bidder responsibilities,

User requirements (type of training) and responsibilities,

Time period(s) when training may be conducted and time(s) when it must be completed,

Place(s) where training may be (or must be) conducted, and

Number and classifications of personnel to be trained.]

I. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENTS

1. California DVBE Program Requirement

The State has established goals for DVBE participation in State contracts. For this procurement the participation goal is (either include your department's DVBE requirement or state that the requirement is waived by approval of the Department Director.

PLEASE READ THIS REQUIREMENT CAREFULLY. FAILURE TO COMPLY WITH THE DVBE REQUIREMENT MAY CAUSE YOUR SOLICITATION RESPONSE TO BE DEEMED NONRESPONSIVE AND YOUR FIRM INELIGIBLE FOR AWARD OF THE PROPOSED CONTRACT(S).

Review the instructions and complete the forms in **EXHIBIT V-A**.

2. DVBE Incentive

In accordance with Section 999.5(a) of the Military and Veterans Code an incentive will be given to bidders who provide DVBE participation. (either identify the incentive requirement and points that will be awarded for DVBE participation or if it is not applicable for this solicitation, include that statement)

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3. DVBE Declarations

Bidders who have been certified by California as a DVBE (or bidders who are not certified but are bidding rental equipment and have obtained the participation of subcontractors certified by California as a DVBE) must complete the form Std. 843, Disabled Veteran Business Enterprise Declaration. An online version of the form is available at the Department of General Services, Procurement Division, Office of Small Business and DVBE Services (OSDS) website at: www.pd.dgs.ca.gov/smbus. All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). The completed form(s) should be submitted with your proposal. Failure to provide the form within the time frame specified by the State may cause your bid to be rejected.

J. DEVELOPMENT/CONVERSION

[This subsection, if used, will describe the general requirements of system development and/or program/data/system conversions. It should define, in explicit terms, the responsibilities of the Contractor (or subcontractor, if appropriate) and of the State. Any development or conversion constraints should be identified. Documentation standards or requirements should be stated, and the present level of documentation explained. This subsection should also clearly identify the development or conversions to be accomplished, and any specific procedures relating thereto, but

should not normally provide program-by-program detail. Such detail is more appropriately included as appendixes.]

K. CONTRACTOR'S LICENSE

Contractors and subcontractors performing cable and/or wiring installation work or structural modifications for the State are required to have the appropriate State Contractor's License. **THE COMPANY SUBMITTING THE BID MUST HAVE THE APPROPRIATE LICENSE AS WELL AS ANY SUBCONTRACTORS.** The License must be in the name of the company or the name of the "qualifying individual" of the company. Complete **EXHIBIT V-C**, Contractor's License Information.

The bidder certifies under penalty of perjury, the accuracy of the representations made with regard to the contractor's license number, class, and expiration date.

The Contractor shall pay the rate of wages for regular, overtime, and holiday work plus employer payments for benefits generally prevailing in the locality in which the work is performed, for all crafts, classifications or types of workmen used on State premises at the point of delivery by the Contractor for the assembly and installation of material purchased under this contract.

A bid that does not contain the above information, or if the information is later proven false, shall be considered non responsive and rejected by the State.

L. PUBLIC WORKS REQUIREMENTS (APPLICABLE TO INSTALLATION ONLY)

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[Bids which require Contractor to perform site modifications, wire or cable installation, alteration or improvement to building, modification to fire wall to complete wiring requirements, etc. must include the following Public Works Requirements (applicable to installation) language and corresponding exhibits in the solicitation document.]

1. In accordance with the provisions of Section 1773 of the California Labor Code, the Contractor shall conform and stipulates to the general prevailing rate of wages, including employer benefits as defined in Section 1773.1 of the California Labor Code, applicable to the classes of labor to be used for public works such as at the delivery site for the assembly and installation of the equipment of materials purchased under the contract.

Pursuant to Section 1770 of the California Labor Code, the Department of Industrial Relations has ascertained the general prevailing rate of wages in the county in which the work is to be done, to be as listed in the Department of Transportation booklet entitled General Prevailing Wage Rates. The booklet is required to be posted at the job site. Contact the Department of Industrial Relations, Prevailing Wage Unit at (415) 972-8628.

2. Prior to the commencement of performance, the Contractor must obtain and provide to the State, a payment bond, on STD 807 when the contract involves a public works expenditure (labor/installation costs) in excess of \$5,000.00. Such bond shall be in a sum not less than one-half the contract price for the public works portion of the labor/installation costs. Forms will be made available to the Contractor.
3. Each participating bidder shall submit with their bid a list of proposed subcontractors or indicate that none are to be used. See **EXHIBIT V-C**. The State reserves the right to approve or object to the use of proposed subcontractors on the list.
4. Each participating bidder must certify that it is aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and will comply with such provisions before commencing with the performance of work of this contract. A Workers' Compensation Certification must be completed and submitted with an original signature with the bidder's Final Bid. See **EXHIBIT V-D**.
5. Laws To Be Observed
 - a) Labor

Pursuant to Section 1775 of the California Labor Code, the Contractor shall, as a penalty to the State or political subdivision on whose behalf the contract is made or awarded, forfeit not more than fifty dollars (\$50) for each calendar day, or portion thereof, for each worker paid by the Contractor, or its subcontractor, less than the prevailing wage so stipulated; and in addition, the Contractor further agrees to pay to each worker the difference

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between the actual amount paid for each calendar day, or portion thereof, and the stipulated prevailing wage rate for the same. This provision shall not apply to properly registered apprentices.

Pursuant to Sections 1810-1815 of the California Labor Code, inclusive, it is further agreed that the maximum hours a worker is to be employed is limited to eight hours a day and forty hours a week and the Contractor shall forfeit, as a penalty to the State, twenty-five dollars (\$25) for each worker employed in the execution of the contract for each calendar day during which a worker is required or permitted to labor more than eight hours in any calendar day or more than forty hours in any calendar week, in violation of Sections 1810-1815 of the California Labor Code, inclusive.

b) Travel and Subsistence Payments

The Contractor shall pay the travel and subsistence of each worker needed to execute the work, as such travel and subsistence payments are defined in the applicable collective bargaining agreements filed in accordance with California Labor Code Section 1773.8

c) Apprentices

Special attention is directed to Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code and Title 8, California Code of Regulations Section 200 et seq. Each Contractor and/or subcontractor must, prior to commencement of the public works contract, contact the Division of Apprenticeship Standards, 525 Golden Gate Avenue, San Francisco, CA, or one of its branch offices to insure compliance and complete understanding of the law regarding apprentices and specifically the required rationale thereunder. Responsibility for compliance with this section lies with the prime Contractor.

d) Payroll

The Contractor shall keep an accurate payroll record showing the name, address, Social Security Account Number, work classification and straight time and overtime hours worked by each employee. A certified copy of the employee's payroll record shall be made available for inspection as specified in Section 1776 of the California Labor Code.

M. TARGET AREA CONTRACT PREFERENCE (TACPA)

Preference will be granted to California-based Contractors in accordance with Government Code Section 4530 whenever contract for goods and services are in excess of \$100,000 and the Contractor meets certain requirements as defined in the California Code (Title 2, Section 1896.30) regarding labor needed to produce the goods or provide the services being procured. Bidders desiring to claim Target Area Contract Preferences Act shall complete Std. Form 830 and submit it with the Final Proposal. Refer to the following website link to obtain the appropriate form:

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www.documents.dgs.ca.gov/osp/pdf/std830.pdf

Bidders desiring to claim this preference must submit a fully executed copy of **EXHIBIT V-E** with their Final Proposal.

N. ENTERPRISE ZONE ACT (EZA)

Government Code Section 7080, et. seq., provides that California based companies may be granted preferences when bidding on State contracts in excess of \$100,000 for goods and services (excluding construction contracts) if the business site is located within designated "Enterprise Zones" (see Std. Form 831). Bidders desiring to claim this preference must submit a fully executed copy of Std. Form 831 with their Final Proposal. Bidders proposing to perform the contract in a designated enterprise zone are required to identify such site(s) on the Std. Form 831. Failure to identify a site(s), which qualifies as an enterprise zone, will result in denial of the claimed preferences. Refer to the following website link to obtain the appropriate form:

www.documents.dgs.ca.gov/osp/pdf/std831.pdf

A bidder that has claimed an EZA preference and is awarded the contract based on such preference(s) will be obligated to perform the contract in accordance with the Act.

Bidders desiring to claim this preference must review the instructions and complete the appropriate form in **EXHIBIT V-F**.

O. LOCAL AGENCY MILITARY BASE RECOVERY AREA (LAMBRA) ACT

Local Agency Military Base Recovery (LAMBRA) Act, Government Code section 7118 et seq., promotes employment and economic development at designated military bases by offering preferences when bidding on State contracts in excess of \$100,000. The firm must be California based. Bidders desiring to claim this preference must submit a fully executed copy of Std. Form 832 with their Final Proposal. Bidders proposing to perform the contract at a designated LAMBRA worksite(s) are required to identify such site(s) on the Std. Form 832. Failure to identify a site(s), which qualifies for LAMBRA, will result in denial of the claimed preferences. Refer to the following website link to obtain the appropriate form:

www.documents.dgs.ca.gov/osp/pdf/std832.pdf

A bidder that has claimed a LAMBRA preference and is awarded the contract based on such preference(s) will be obligated to perform the contract in accordance with the Act.

Bidders desiring to claim this preference must review the instructions and complete the appropriate form in **EXHIBIT V-G**.

P. OTHER ADMINISTRATIVE REQUIREMENTS

[This subsection is used to indicate the remaining administrative requirements which must be met. They may include, but are not limited to, requirements concerning used equipment, Prime Contractor responsibilities, disclosure of financial interests when recommendations will be made (see Section II B.16), technical support, and

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subcontracting, etc., that are specific to the IFB/RFP. A paragraph that should be in all IFB/RFP's is shown below.

1. Each contract executed as a result of this IFB/RFP must be able to be amended by mutual consent of the State and the Contractor.
2. Any subcontractor that the bidder chooses to use in fulfilling the requirements of this IFB/RFP, and which is expected to receive more than ten (10) percent of the value of the contract, must also meet all Administrative and Technical Requirements of the IFB/RFP, as applicable. Complete EXHIBIT V-H (Bidder Declaration GSPD-05-105) and include it with the bid. All proposed subcontractors must be identified on the Exhibit.
3. Commercially Useful Function (CUF)

Suppliers, whether the bidder or a subcontractor, who have a California certification for one or more of the socio-economic programs (e.g., small business or DVBE), must perform a commercially useful function (CUF) in the resulting contract. CUF is defined in the Military and Veterans Code Section 999(b)(5)(B) for DVBEs and in the Government Code Section 14837(d)(4)(A) for small business. Describe CUF compliance and complete EXHIBIT V-H. At the State's option, bidders may be required to submit additional written clarifying information regarding CUF. Failure to submit the requested written information as specified may be grounds for bid rejection.

4. Small Business Preference

Section 14835 et seq. of the California Government Code requires that a 5% preference be given to bidders who qualify as a small business or bidders who qualify as a non-small business claiming at least 25% California certified small business subcontractor participation. The rules and regulations of this law, including the definition of a small business, or qualifying non-small business, are contained in Title 2, California Code of Regulations, Section 1896 et seq. The definition of nonprofit veteran service agencies qualifying as a small business is contained in Section 999.50 et seq. of the Military and Veterans Code. Bidders claiming the preference must complete EXHIBIT V-I.

[Additional paragraphs that may be included are:]

5. Additional Equipment Purchases

[The following paragraph is applicable if it is anticipated that additional hardware equipment/software purchases might be made and the agency wants to guarantee pricing for a specified period of time after the contract has been awarded. Estimated purchase amounts over the specified period must be specified and costs evaluated in determining contract award.]

The State reserves the right, at its sole option, of ordering additional hardware and software as a result of this contract for **{specify number of months/year(s) here}** with the same **{specify number of years here}** warranty and maintenance terms and conditions following contract award at

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the prices quoted or the manufacturer's then current list price, whichever is lower. The State is not obliged to procure any specific quantity of equipment. Applicable costs for the additional items must be shown on the appropriate cost sheet in Section VII, COST; these costs will be evaluated and considered as part of the total bid for evaluation purposes. Items delivered must be current releases of the specific hardware and software products offered by the bidder and must continue to meet the State's productive in-use requirement and all technical requirements included in this IFB/RFP.

6. All equipment offered must be new and the latest model in current production. USED, SHOPWORN, REFURBISHED, DEMONSTRATOR, PROTOTYPE OR DISCONTINUED MODELS ARE NOT ACCEPTABLE.
7. Payee Data Record, STD. 204

[The following language is to be included in all solicitations that include services:]

The successful bidder as a result of this IFB/RFP will be required to sign the Payee Data Record, STD. 204 (**EXHIBIT V-J**), before contract award.

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EXHIBIT V-A

CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM REQUIREMENTS

(Insert packet here)

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EXHIBIT V-B

CONTRACTOR'S LICENSE INFORMATION
(Installation Services Only)

Bidder shall complete the applicable contractor's license information below in accordance with the Contractor's State License Board, Department of Consumer Affairs. A Contractor's license of appropriate Class **{Agency conducting the bid must specify the Class of license required for the specific solicitation}** is required before any Bidder can contract business (e.g. submit a proposal) which includes the installation of cable and wiring, electrical modification. In addition, if structural modifications are required, a Class B license is required.

CONTRACTOR:

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Note: Bidder(Firm's Name or a Responsible Managing Employee) must be licensed in addition to all subcontractor(s) performing under this contract.

SUBCONTRACTOR 1

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Relationship of Licensee to Contractor: _____

SUBCONTRACTOR 2

Class _____ License No: _____

Licensee: _____ Expiration Date: _____

Relationship of Licensee to Contractor: _____

(Use additional sheets if necessary.)

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EXHIBIT V-C

LIST OF PROPOSED SUBCONTRACTORS (PUBLIC WORKS)

Listed hereinafter is the name and address of each subcontractor who will be employed and the kind of work which each will perform if the contract is awarded to the aforesigned. I understand that under Government Code Section 4100 through 4113* (See Note Below) I must here clearly set forth the name and address of each subcontractor who will perform work or labor or render service to me in or about the construction of the work in an amount in excess of one-half of one percent (1/2 of 1%) of my total proposal and that as to any work in which I fail to do so, I agree to perform that portion myself or be subject to penalty under the act.

(NOTE: IF MORE THAN ONE SUBCONTRACTOR IS LISTED FOR THE SAME TYPE OF WORK, STATE THE PORTION OF THAT TYPE OF WORK THAT THE INDIVIDUAL SUBCONTRACTOR WILL BE PERFORMING. LIST THE SUBCONTRACTORS' APPLICABLE CONTRACTORS LICENSE NUMBER(S), IF AVAILABLE. VENDORS OR SUPPLIERS OF MATERIALS ONLY, NEED NOT BE LISTED.)

If additional space is required for the listing of proposed subcontractors, reproduced additional sheets showing the required information, as indicated below, shall be attached hereto and made a part of the Final Bid proposal.

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NOTE: The above listing requirement will for purposes of this proposal be construed in accordance with the provisions of the Subletting and Subcontracting Fair Practices Act (“The Act”) as set forth in Government Code Sections 4100 through 4113. Also, for purposes of this proposal and interpretation of The Act, a vendor will be considered to be a prime contractor regardless of whether such vendor is or is not a licensed contractor.

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EXHIBIT V-D

WORKERS' COMPENSATION CERTIFICATION

The undersigned in submitting this document hereby certifies the following:

I am aware of the provisions of Section 3700 of the California Labor Code which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with such provisions before commencing the performance of the work of this contract.

Signature

Date

Name and Title (Print or Type)

Street Address

Firm Name

City, State ZIP

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EXHIBIT V-E

TARGET AREA PREFERENCE (TACPA)
(STD. 830G for Goods -or- STD. 830S for Services)

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ENTERPRISE ZONE ACT (EZA)

EXHIBIT V-F

**“Template”
Request For Proposal**

EXHIBIT V-G

LOCAL AGENCY MILITARY BASE RECOVERY AREA (LAMBRA) ACT

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STATE OF CALIFORNIA – DEPARTMENT OF GENERAL SERVICES PROCUREMENT DIVISION
GSPD-05-105 (REV 08/09)

Solicitation Number: _____

EXHIBIT V-H

BIDDER DECLARATION

1. Prime bidder information (Review attached Bidder Declaration instructions prior to completion of this form):

a. Identify current California certification(s) (**MB, SB, SB/NVSA, DVBE**): _____ or **None** _____ (If “None”, go to Item #2)

b. Will subcontractors be used for this contract? **Yes** _____ **No** _____ (If yes, indicate the distinct element of work your firm will perform in this contract e.g., list the proposed products produced by your firm, state if your firm owns the transportation vehicles that will deliver the products to the State, identify which solicited services your firm will perform, etc.). Use additional sheets, as necessary.

c. If you are a California certified DVBE: (1) Are you a broker or agent? **Yes** _____ **No** _____
(2) If the contract includes equipment rental, does your company own at least 51% of the equipment provided in this contract (quantity and value)? **Yes** _____ **No** _____ **N/A** _____

2. If no subcontractors will be used, skip to certification below. Otherwise, list all subcontractors for this contract (Attach additional pages if necessary):

Subcontractor Name, Contact Person, Phone Number & Fax Number	Subcontractor Address & Email Address	CA Certification (MB, SB, DVBE or None)	Work performed or goods provided for this contract	Corresponding % of bid price	Good Standing?	51% Rental?

Page _____ of _____

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STATE OF CALIFORNIA – DEPARTMENT OF GENERAL SERVICES PROCUREMENT DIVISION
GSPD-05-105 (REV 08/09)

Solicitation Number: _____

CERTIFICATION: BY SIGNING THE BID RESPONSE, I CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION PROVIDED IS TRUE AND CORRECT.

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STATE OF CALIFORNIA – DEPARTMENT OF GENERAL SERVICES PROCUREMENT DIVISION

Solicitation Number:

GSPD-05-105 (REV 08/09) Instructions

EXHIBIT V-H (Con't)

BIDDER DECLARATION Instructions
(Insert the instructions here)

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EXHIBIT V-I

SMALL BUSINESS PREFERENCE

Bidders desiring to claim the small business preference must complete this Exhibit and return it with the Final Proposal to be eligible for the small business preference. Businesses must be certified by California.

1. Are you claiming preference as a California certified small business?

Yes No

2. If yes, complete the following:

Non-manufacturer Manufacturer

3. Are you a non-small business claiming at least 25% small business subcontractor preference?

Yes No

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PAYEE DATA RECORD

EXHIBIT V-J

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SECTION VI

TECHNICAL REQUIREMENTS

GENERAL

This section prescribes all the specific technical requirements to which the bidders must comply. The development of this section may be at varying levels of specification; however, it is essential that the level of detail be sufficient for evaluation of the bids, and either 1) the level be functional enough to allow bidders the freedom to propose original solutions for purposes of discussion with the State, or 2) the level be such that the State would be willing to accept whatever is bid to meet that level of specification.

CAUTION: *The more detailed level of specification will generally require a more precise response; therefore, increasing the probability of material deviations. The important emphasis/consideration is for specifications to be reflections of true requirements regardless of the level of detail.*

The use of the Draft Bid is encouraged. The use of Preliminary Detailed (Technical or Conceptual) Proposals, however, is dependent upon the level of specification and the State's desire to discuss possible solutions with the bidders. The use of one may be desirable if:

The State can identify the resultant performance criteria but the method of delivery or achievement is optional;

The State recognizes there may be more than one means of meeting the requirements and wants to evaluate alternatives; and/or

Competition can only be ensured by the State's active analysis and participation in proposal refinement.

REQUIRED AND RECOMMENDED PARAGRAPHS

All IFB/RFP's are to contain the following paragraphs:

This section contains the detailed technical requirements pertaining to the proposed system as described in Section IV. See Section V, ADMINISTRATIVE REQUIREMENTS; Section VIII, PROPOSAL AND BID FORMAT; and Section II, RULES GOVERNING COMPETITION for other requirements that must be met in order to be considered responsive to this IFB/RFP.

The State has determined that it is best to define its own needs, desired operating objectives, and desired operating environment. The State will not tailor these needs to fit some solution a bidder may have available; rather, the bidder shall propose to meet the State's needs as defined in this IFB/RFP.

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However, it is desirable that the State determine, at an early stage, if it has specified requirements in such a way that precludes bidder products or features that would otherwise meet the intent of the requirements. Therefore, the above statement is to be taken to mean that the State will consider restating a requirement so those items or features may be bid and still meet the intent of the requirements. The two ways of entertaining such proposals are:

Use of the Detailed Technical Proposal step, and

The ability of any bidder to request changes to the IFB/RFP Requirements.

All IFB/RFP's for the acquisition of hardware or hardware/software should include the following paragraph:

Many of the requirements may be stated in terms of hardware or software alone; however, this does not preclude the bidder from proposing a satisfactory solution to these requirements with either hardware, software, or a combination of both. Some requirements may refer to current workloads that are defined in Section III and to projected workloads that are defined in Section IV.

Each requirement or set of requirements should be clearly stated and include enough explanatory information so that the bidders do not have to guess at the intended meaning. Illustrated below are some example formats for identifying each requirement:

Example A

A. 1. a. (1) (statement of the specific requirement)

MEETS REQUIREMENT? YES NO

REFERENCE: Document _____ Page(s) _____

DESCRIPTION:

(Leave enough space for bidder to insert description of how the response meets the requirement. Bidder may insert pages for additional information)

Example B

This example illustrates first listing each requirement, followed by a separate table summary document for bidders to complete and establish the responsiveness of their bid offering to the technical requirement.

A. 1. a. (1) (statement of the specific requirement)

A. 1. a. (2) (statement of the specific requirement)

B. 1. a. (1) (statement of the specific requirement)

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(continue listing requirements)

(Sample Table Summary)

(Solicitation Identification)
BIDDER _____

TABLE VI-{A, B, C...}

REQUIREMENTS SUMMARY

REQUIREMENT DESCRIPTION	MEETS REQUIREMENTS	REFERENCE DOCUMENT PAGE(S)
	YES	NO
A.1.a.(1)		
A.1.a.(2)		
B.1.a.(1)		

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SECTION VII

COST

This section contains the explanation of the method of cost presentation and evaluation. Forms should be prepared and included in this section for the bidders to complete and submit with their bids. Each cost element appropriate to the evaluation of this IFB/RFP must be explained in this section. Complete instructions should be given for completing the forms.

All reasonable one-time costs, and ongoing costs for the evaluation period, should be provided for; such as hardware, software, contractor personnel, State personnel, site facilities, training, program conversion, file conversion, data base building, freight, cables, purchase price, purchase option credits, etc.

The format of this Template is required; however, individual paragraphs are used only as appropriate. Additional requirements may also be added as appropriate; however, the guiding principle is that the cost evaluation methodology must be realistic and bear a rational relationship to what the State intends to do during the contract period.

A. INTRODUCTION

Cost is a primary evaluation criterion. Evaluation in this category will be based on the lowest total estimated net cost to the State as calculated according to the methodology in this section. It includes, but is not limited to, consideration of one-time costs, continuing costs, rate escalations, and adjustments as they specifically relate to the products and services to be obtained. The evaluation period is for _____ months beginning with the Installation Date specified in Section I.

B. COST DEFINITIONS

1. Continuing Costs

Continuing costs are those costs that are projected to be paid by the State to the Contractor(s) on a monthly basis. The State prefers that any discounts offered be reflected in the monthly rates. In addition, for evaluation purposes, continuing costs include any cost adjustments that are applied on a monthly basis (e.g., price escalations and equipment failure costs).

2. One-Time Costs

One-time costs are those costs paid by the State for material and services necessary for the acquisition and implementation of the proposed products and services, including:

Freight costs—the cost of transportation of equipment to and from the State's facilities.

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Installation costs—the cost of personnel and supplies necessary to effect an operational system.

Other one-time costs—any other one-time charges necessary to effect the implementation of an operational system.

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3. Cost Adjustments

The term "adjustment" means a correction of errors and omissions in a bid and adjustments for State costs or benefits which may be appropriate for the individual situation and/or each specific bid approach. The following are examples of common adjustments:

a. Price Escalation

If a bidder reserves the right to increase lease or maintenance rates at specified times during the term of the contract, the estimated cost to the State of those increases will be added to the bid cost. The costs will be calculated for each year of the term, after the first, as follows using the maximum percentage of increase allowed by the contract:

$$(1 + _\% \text{ of increase}) \times (\text{previous year rate}) \times (\text{no. of months})$$

The agency should include some language in the contract that requires the Contractor to request in writing to the State, annually, i.e., three months prior to the start of the next contract year term, the ability to increase the contract costs either (1) up to the agreed to percentage rate as allowed by the bid, (2) down to a lower percentage or (3) no change to the costs.

b. Termination Charges

If the IFB/RFP section on ADMINISTRATIVE REQUIREMENTS specifies that the State be allowed to terminate the contract prior to the end of the contract term, and the bidder requires the State to pay a termination charge for such termination, such charge shall be included as a one-time cost for evaluation purposes.

c. Other Benefits and Liabilities

If other cost or benefit items exist that can be reduced to dollar amounts, they should be included here with the specific dollar cost/value to be added or subtracted from the bid for evaluation purposes. Such items must be explained in full and meet with the approval of the Project Leader responsible for the procurement process, before inclusion in the IFB/RFP.

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SECTION VIII

PROPOSAL AND BID FORMAT

This section prescribes the format of the bid and any proposals that are to be submitted during the procurement process. The form of this Template is required, though there are blanks to be filled in, and the content of Volume I beyond Section 3 is dependent upon the specific situation. There is no intent to limit the content of the bid. Additional information deemed appropriate by the bidder should be included. However, cluttering the bid with irrelevant material only makes the evaluation more difficult.

A. INTRODUCTION

These instructions prescribe the mandatory proposal and bid format and the approach for the development and presentation of bid data. Format instructions must be adhered to, all requirements and questions in the IFB/RFP must be responded to, and all requested data must be supplied.

B. FINAL PROPOSAL FORMAT AND CONTENT

The complete bid must be submitted in the number of copies indicated and include the following items:

1. Volume I—Response to Requirements - 1 Master copy and copies

This volume must contain all responses to the **ADMINISTRATIVE REQUIREMENTS**, and **TECHNICAL REQUIREMENTS** of the IFB/RFP. All forms and questionnaires, EXCEPT for cost data, must be completed and included in this volume. The organization is to be as follows:

Section 1—General (Cover Letter and Executive Summary)

Section 2—Administrative Response

Section 3—Technical Response

Section 4—Maintenance plan (if applicable)

Section 5—Conversion/installation plan (if applicable)

Section 6—Demonstration plan, etc. (if applicable)

3. Volume II—Completed Contract — 1 Master copy and _ copies

This volume must contain the complete contract terms and conditions and all Attachments, complete in every detail. The Standard Form 213IT must be signed.

The Statement of Work must be submitted with the bid.

4. Volume III—Cost Data — 1 Master copy and copies

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This volume **must** be in a **separately sealed, marked envelope or container** containing all completed cost sheets and any other document with cost data identified as required in this IFB/RFP. The organization is to be:

Section 1—Summary Cost Sheet

Section 2—Detail Cost Sheets

Section 3—All Other Exhibits and Documents With Cost Data Identified

5. Volume IV—Literature — 1 Master copy and _ copies

This volume must contain all technical and other reference literature necessary to support the responses to the requirements of this IFB/RFP.

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C. DETAILED TECHNICAL PROPOSAL FORMAT AND CONTENT

The Detailed Technical Proposal is to contain all material specified above for Volumes I, II, and IV of the Final Bid **except for any cost** data. The number of copies of the Preliminary Detailed Technical Proposal to be submitted for evaluation are as follows:

Volume I—	<u>Master copy and</u> copies
Volume II—	<u>Master copy and</u> copies
Volume IV—	Master copy and ____ copies

D. DRAFT PROPOSAL FORMAT AND CONTENT

The Draft Proposal must contain all the material specified above for the Final Proposal **except cost figures**. The completed contract, including Attachments **must also be included with products and services identified, but no cost figures included**. The contract need **not** be signed at this point. It is **important that all sheets**, with **all entries except cost figures**, be included. The number of copies of the Draft Bid to be submitted for validation is as follows:

Volume I—	Master copy and ____ copies
Volume II—	Master copy and ____ copies
Volume III—	Master copy and ____ copies
Volume IV—	Master copy and ____ copies

E. FORMAT DETAIL (OPTIONAL)

This section should describe in more detail the desired content and format of the individual sections of each Volume of the Final Proposal. It should be specific where it will make the evaluation easier without undue burden on the bidders, and non-specific where it doesn't matter. In particular, it should explain how the bidder is to complete the bidder response forms for the TECHNICAL REQUIREMENTS, it should contain information to help the bidder to respond to the ADMINISTRATIVE REQUIREMENTS, and it should contain the instructions for completing the cost sheets unless those instructions are already with the cost sheets in the COST section. Some examples of typical paragraphs are shown below. An explanation and/or example can be provided for each paragraph/requirement in this subsection.

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1. Volume I—Response To Requirements

The bidder's response to the IFB/RFP for Volume I must be in the order and format indicated below. Except for the Technical Response Forms of Section VI, which are already numbered, each page must be numbered in a manner of the bidder's own choosing to make easy reference possible.

a. Section 1 - General (Cover Letter and Executive Summary)

This section should contain a signed cover letter and executive summary of the salient feature(s) of the Bidder's bid including conclusions and recommendations. It may include a general overview of the equipment and/or services offered, the type of contract(s) offered, etc.

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b. Section 2 - Administrative Response

This section should contain detailed narrative of Bidder's compliance and/or response for each item (all paragraphs and subparagraphs) identified in Section V, Administrative Requirements, of the IFB/RFP. Responses should be formatted in a similar manner as responses to Section VI, Technical Requirements, of the IFB/RFP.

EXAMPLES:

IFB/RFP Section V.D., Confidentiality: Bidder XYZ understands and will comply. Signed confidentiality statement attached.

IFB/RFP Section V.B., Productive Use Requirements:

(1) Customer In-Use

The bidder is to list each component offered and date of installation for a paying customer as required in Section V.B.1.

(2) Reliability Data

The bidder is to provide the statistical data on equipment availability, Mean Time Between Failure (MTBF), and Mean Time To Repair (MTTR) as required in Section V.B.2.

(3) Customer References

The bidder is to provide a listing of customer references, including address, telephone numbers, and contact person as required in Section V.B.3.

[CONTINUE WITH INSTRUCTIONS FOR ADDITIONAL ADMINISTRATIVE REQUIREMENTS AS NECESSARY]

c. Section 3 - Technical Response

In this location, refer to Section VI for instructions in completing the response to each of the Technical Requirements. Bidders must provide a response to every mandatory and mandatory-optional requirement. Failure to respond to a requirement may be cause for rejection of the Bidder's Bid.

d. Section 4 -Maintenance Plan (If Applicable)

Bidder shall provide a detailed plan that addresses the specified maintenance requirements in the IFB/RFP.

e. Section 5 -Conversion/Installation Plan (If Applicable)

Bidder shall provide a detailed Conversion/Installation Plan that addresses specified milestones, facility modifications/prerequisite tasks, and other requirements in the IFB/RFP.

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f. Section 6 -Benchmark/Demonstration Plan (If Applicable)

Bidder shall provide a detailed Benchmark/Demonstration Plan that identifies how, when, and where they intend to facilitate a demonstration of the product offering. Refer to Section X in the IFB/RFP for instructions on developing the Demonstration Plan.

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2. Volume II—Completed Contract

Bidder shall submit the required number of copies of the previously approved contract in this portion of their response (see Appendix A for additional information). Appendix B contains the State’s contract. Deviation from terms and conditions previously approved for this IFB/RFP may be cause for rejection of your bid. All copies of the contract must bear the signature of an individual authorized to bind the firm as specified in Section II, Paragraph C.5.e. The Final Proposal must contain an original signature. There should be an original signature on each copy of the contract.

3. Volume III—Cost Data

For submission with the Final Bid, this volume must be submitted in a **separate, sealed, and clearly identified** envelope or container/carton/box.

This volume must contain all completed cost sheets, schedules, contract attachments with identified costs, exhibits identifying cost, bonds and other security documents as required in the IFB/RFP.

4. Volume IV—Literature

This volume must contain all technical and other reference literature to support the response to all hardware/software and other functional requirements of this IFB/RFP. Substantive technical information should be highlighted on the literature page. Mark the applicable pages (i.e. circling, underlining, bracketing, using a highlight marker that will still show when reproduced, etc.) and list the corresponding Technical Requirement number in the margin. Volume IV should be organized in the same sequence as the Technical Requirements Forms in Section VI of this IFB/RFP, and labeled accordingly.

NOTE: (#) sets of Technical Literature must be available for evaluation of the Detailed Technical Proposal, the Draft Proposal, and the Final Proposal. It is the responsibility of the bidder to ensure that the State has (#) complete sets of literature that will provide adequate technical references. The (#) sets for the Draft and Final Proposals may be the same as submitted for the Detailed Technical Proposal, but supplemented with any updates as necessary. Changes and/or updated pages must be brought to the attention of the State with the submission of both the Draft and Final Proposals.

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SECTION IX

EVALUATION

This section explains to the bidders how the evaluation of bids will take place. The form of this Template is required. Additional evaluation criteria and methodology may be added as appropriate, subject to approval by the Project Leader responsible for the procurement process; however, the guiding principle is that the evaluation methodology must be realistic and bear a rational relationship to what the State intends to do during the contract period. It is very important to note that all evaluation criteria that can affect the responsiveness or ranking of the bids must be explained in this section to afford the bidder the ability to determine the advantages and risks of bidding a particular solution. The evaluation procedure must be reasonable, must be followed, and cannot be modified during the evaluation. Formal evaluation instructions and reporting forms should be developed for use by the Evaluation Team to facilitate the evaluation and to minimize any misunderstandings.

A. RECEIPT

Each bid will be date and time marked as it is received and verified that all responses are submitted under an appropriate cover, sealed and properly identified. Bids will remain sealed until the designated time for opening.

B. EVALUATION OF DETAILED TECHNICAL PROPOSALS

Detailed Technical Proposals received by the specified time and date will be opened and reviewed for detailed compliance with the requirements of the IFB/RFP. All customers on the required Customer Reference list (and any other customers the State may select) may be contacted at this time or, the State may wait until after the submission of Final Proposals. When contacted, the customers will be interviewed in at least four areas including installation, equipment performance, maintenance and effectiveness of bidder's personnel. A schedule will be prepared for each bidder showing the time that the State will meet with them and discuss items that need clarification and any defects found by the State. Prior to the scheduled discussion, the State will prepare a Discussion Agenda itemizing the points to be covered. At the conclusion of the discussion, the State will prepare a Discussion Memorandum documenting the clarified items and agreements as to how the bidder proposes to correct the noted defects.

C. EVALUATION OF DRAFT PROPOSALS

Draft Proposals will be submitted for review on the date designated in the IFB/RFP's Section I, Key Action Dates. Draft Proposals will be reviewed in an attempt to detect administrative or clerical errors and inconsistencies that, if contained in the Final Proposal, may cause the proposal to be rejected. If such errors are found that can be corrected without overhauling the proposal, the bidder will be notified and given an opportunity to correct the indicated errors before Final Proposal submittal. It is not the

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intent of the State to review the Draft Proposal at this time for total responsiveness to all the IFB/RFP requirements. If the solicitation does not contain provisions for a Detailed Technical Proposal, and the procurement process is limited to submitting a Draft and Final Proposal, the State may include confidential discussions with individual bidders. If the State decides to include this step, a schedule will be prepared for each bidder showing the time that the State will meet with representative(s) of the bidder's firm and discuss items that need clarification and any defects found by the State. Prior to the scheduled discussion, the State will prepare a Discussion Agenda itemizing the points to be covered. At the conclusion of the discussion, the State will prepare a Discussion Memorandum documenting the clarified items and agreements as to how the bidder proposes to correct the noted defects.

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Note that the Evaluation of Draft Proposals is not an opportunity to make major changes to the bid, but only to correct those errors that could cause the Final Proposal to be deemed non responsive on a technicality. The State will not be in a position during this review to determine if a defect could be material and cause the Final Proposal to be rejected. **THE STATE MAKES NO WARRANTY THAT ALL SUCH ERRORS WILL BE IDENTIFIED DURING THE REVIEW OF THE DRAFT PROPOSAL OR THAT SUCH ERRORS REMAINING IN THE FINAL PROPOSAL WILL NOT CAUSE THE PROPOSAL TO BE REJECTED.**

D. EVALUATION OF FINAL PROPOSALS

1. Bid Opening and Validation Check

All proposals received by the time and date specified in Section I, KEY ACTION DATES, may be publicly opened and acknowledged as having been received at that time. **(Volume III - Cost Data shall remain sealed until the evaluation of administrative and technical requirements is completed. All participating bidders and interested parties shall be notified as to the date and time when a public opening of proposal costs will be conducted.)** The proposals will be checked for the presence of proper identification and the required information in conformance with the bid submittal requirements of this IFB/RFP. Absence of required information may deem the proposal nonresponsive and may be cause for rejection. **Unsealed proposals will be rejected.**

Final proposals will not have their sealed cost envelopes opened until the State has evaluated and scored the technical and administrative submission. Cost proposals will only be opened for responsive proposals from responsible bidders. On the date of the cost opening, the State will post a summary of the points awarded to each bidder. This summary will be provided to all bidders and the public in attendance at the cost opening as well as persons who request the summary.

2. Validation Against Requirements

The State will check each proposal in detail to determine its compliance to the IFB/RFP requirements. If a proposal fails to meet an IFB/RFP requirement, the State will determine if the deviation is material as defined in Section II. A material deviation will be cause for rejection of the proposal. An immaterial deviation will be examined to determine if the deviation will be accepted. If accepted, the proposal will be processed as if no deviation had occurred.

Note: If the department requires a minimum level of performance with respect to desirable attributes or features specified in the IFB/RFP, the method of determining this level of performance must be explained.

3. Cost Analysis

The required cost forms and schedules will be checked for mathematical accuracy. Errors and inconsistencies will be dealt with according to procedures contained in

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Section II, paragraph C.7.d., Errors in the Bid. Adjustments will be made for the purpose of evaluation in accordance with procedures described in Section VII, COST. Only those cost adjustments will be made for which a procedure is described in this IFB/RFP.

4. Customer List Evaluation

If not already performed in the evaluation of the Detailed Technical Proposal, all customers on the required Customer Reference list (and any other customers the State may select) will be contacted. The customers will be interviewed in at least four areas including installation, equipment performance, maintenance and effectiveness of bidder's personnel. The majority of the customers must respond positively in order for the bidder to be successful in this portion of the evaluation. Negative responses from customers may be cause for rejection of the bid.

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5. Benchmark/Demonstration

The final Evaluation and Selection Package must have the concurrence of the Department of General Services, Procurement Division before an Intent to Award is issued. It is advisable, therefore, to have the Procurement Division review the evaluation and selection documents (up to that point in the process) before the benchmark/demonstration is conducted, in order to avoid the risk that the selection be reversed in the event that the Procurement Division does not concur.

If the proposal is responsive to the requirements and is selected for demonstration, those IFB/RFP requirements marked for validation by demonstration will be checked as described in Section X. Failure to satisfactorily pass the demonstration in accordance with the procedures in Section X and the demonstration plan submitted by the bidder (if required), may result in the rejection of the proposal.

6. Selection

Final selection will be on the basis of (**specify here the basis on which the award selection shall be made**) among the proposals that are responsive to the IFB/RFP requirements. Responsiveness is comprised of meeting the technical and administrative requirements, conforming to the Rules Governing Competition in Section II of the IFB/RFP, performing a satisfactory demonstration if required, and achieving a satisfactory technical rating on the desirable factors if any. The State reserves the right at any time to reject any or all proposals.

7. Evaluation Criteria

For evaluation purposes, certain requirements in Section (**specify as applicable such as V.H. or V.I.**) have been designated as scored requirements and will be scored in accordance with the criteria contained herein. The remainder of the requirements in Section V are mandatory and are not scored and therefore achieve no points. A material deviation on a mandatory requirement whether or not it is scored may result in disqualification of the bid.

Scoring:

Points will be awarded during evaluation for certain State Administrative Requirements to each bidder. They will be weighted at 25%. A Mandatory Scored (MS) requirement means that if the minimum requirement in Section V.H. is not met no points will be awarded, and the bidder's response may be deemed non-responsive. If the minimum requirement is met, then a minimum of one (1) point will be awarded.

A Desirable Scored (DS) requirement means that a bidder may or may not respond to the requirement. If the bidder responds, then the State may award a number of points up to the maximum shown below.

MS 1. Customer References - 1 to 20 points

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DS 2. Number of Field Engineers (FE) offered - 0 to 45 points

Total State Administrative Requirements points available: 65 points

Points will also be calculated for each bidder's cost proposal and will be weighted at 75%.

An example of how these points will be calculated is as follows:

Step 1:

An Evaluation Score Sheet will be completed for each bidder for the items designated as scored requirements in Section V.H. Where applicable, bidders' scores will be based on a competitive basis. For evaluation of this RFP, “competitive basis” means that the State will determine which of the bids reflects the best response and award it the most points, then all other bids will be awarded fractional points based upon a comparison with the best response. Bid responses of the same level of quality will receive identical points.

After all scores have been computed, the scores are totaled giving each bidder a Total Administrative Score.

Step 2:

The Total Administrative Score is identified as follows:

a.

Bidder 1	45 points
Bidder 2	65 points
Bidder 3	30 points

b. Use the highest total administrative score as the DENOMINATOR to form a fraction for each bidder. Use the bidder's total administrative score as the NUMERATOR. Then, express that fraction as a decimal value, e.g.,

Bidder 1	$\frac{45}{65}$	=	.6923
----------	-----------------	---	-------

Bidder 2	$\frac{65}{65}$	=	1.00
----------	-----------------	---	------

Bidder 3	$\frac{30}{65}$	=	.4615
----------	-----------------	---	-------

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Step 3:

The relative cost of the bidders' bids will be scored after validating the entries as follows:

- a. Identify the lowest total cost submitted of all the responsible bidders who meet all the mandatory requirements (are responsive), e.g.,

Bidder 1	\$1,500,000
Bidder 2	\$1,675,000
Bidder 3	\$1,800,000

- b. Use the lowest total cost as the NUMERATOR to form a fraction for each bidder. Use the bidder's total cost as the DENOMINATOR. Then, express that fraction as a decimal value, e.g.,

Bidder 1	<u>\$1,500,000</u>	=	1.00
	\$1,500,000		

Bidder 2	<u>\$1,500,000</u>	=	.8955
	\$1,675,000		

Bidder 3	<u>\$1,500,000</u>	=	.8333
	\$1,800,000		

Step 4:

Apply the two scores from Steps 2 and 3 to compute the Total Score for each bidder. Also, included in the formula below is a percentage indicating the relative weight given to Administrative and Cost scores.

Administrative = 25%

Cost = 75%

The Total Score calculation is as follows:

Bidder 1	$.6923 \times .25 + 1.0000 \times .75 =$.9230
Bidder 2	$1.000 \times .25 + .8955 \times .75 =$.9216
Bidder 3	$.4615 \times .25 + .8933 \times .75 =$.7852

Step 5:

Apply the small business preference for any eligible bidders. The highest final score will determine the winning bidder. (*In this scenario no bidders claimed the preference so Bidder #1 will receive the award*).

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SECTION X

BENCHMARK/DEMONSTRATION OF REQUIREMENTS

BENCHMARK

A benchmark is normally required only when the State must determine whether or not the bidder's proposed equipment, software and/or employees can perform the State's required work within given time constraints, produce the same outputs from given inputs, and perform the workload of the State over the expected life of the system. This subsection, if used, should provide a statement of the benchmark problem and an explanation of the procedure and rules for its accomplishment. The form of this Template is recommended, but additions or modifications may be made to fit the specific situation.

The benchmark problem shall be stated in terms of a set of specific requirements and pass/fail criteria including, but not necessarily limited to:

amount of work (transactions, records, sorting, calculations, etc.);

input data, format, and quantity;

output results, format, and quantity; and

time constraints for the given work (response time, production time, turn-around time, etc.).

Such specifications will enable the State to evaluate the specific performance characteristics of the proposed hardware/software solution or its components, and/or the capacity and fitness of the bidder to satisfactorily perform the required work.]

The requirement(s) for benchmarking must be included in this Section; however, the benchmark data and materials may be more appropriately included in a physically separate document (Benchmark Manual) and sent under separate cover to only those bidders evidencing an intent to bid.

Unless there is good reason for requiring all participating bidders to perform the benchmark and include the results in the Final Bid, such performance is normally required of only the apparent selected bidder and such performance becomes part of the demonstration of requirements. It may be necessary, however, to require the two or three bidders with the most value-effective bids to perform the benchmark, if time is critical or facility scheduling is a problem to the bidders. See Section X, DEMONSTRATIONS.

If a benchmark problem is included in the IFB/RFP, the following paragraphs are suggested as appropriate.

A. GENERAL

The benchmark is intended to afford the State the ability to determine whether or not the bidder's proposed equipment, software, and/or employees can perform the State's required work within given time constraints, produce specified outputs from given inputs, and perform the workload of the State over the expected life of the system.

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B. PREPARATION

The benchmark must be performed in substantial accordance with the requirements specified in Section X. A deviation from the specified approach must be approved in advance by the State. If advance approval is not secured, the bidder is subject to a risk that the deviation may be deemed nonresponsive.

DEMONSTRATION

A demonstration by the apparent selected bidder is normally required to afford the State the ability to verify the claims made by the bidder in response to the requirements (including any benchmark requirements), corroborate the evaluation of the bid, and confirm that the hardware and software proposed are actually in operation. This section, if used, provides the explanation of the procedure and rules for the demonstration. The form of the Model is recommended, but additions or modifications may be made to fit the situation. The requirements for demonstration must be included in this Section. The requirements should be specified in only enough detail to substantiate the responsiveness to the appropriate requirements of the IFB/RFP. Additional detail, specific to the apparent selected bidder, may be added as a result of the evaluation in order to verify the claims made in the bid and to corroborate the evaluation.

If the system requirements are specified in a manner that allows different solutions, it is usually desirable to require the apparent selected bidder to furnish a demonstration plan in its bid that delineates how they intend to perform the requirements of this section, as it pertains to their solution. The following paragraphs are suggested as being appropriate.

A. GENERAL

The demonstration is intended to afford the State the ability to verify the claims made by the bidder in response to the requirements, corroborate the evaluation of the bid, and confirm that the hardware and software proposed are actually in operation. The apparent selected bidder for award shall be notified to perform the demonstration upon concurrence in the evaluation and selection by the Department of General Services Procurement Division. A bidder performing such demonstration (including demonstration of the benchmark) without concurrence from the Procurement Division, assumes the risk that the selection may be reversed in the event that the Procurement Division does not concur.

B. PREPARATION

The bidder must prepare and include in its bid (or present to the State prior to the State's arrival at the demonstration location) a complete plan for the performance of all applicable segments of the demonstration. The plan must include a discussion of performance times, changes to any State programs, the actual

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hardware/software/communications configuration, an informative discussion on how the bid solution differs from the specified bid configuration, etc., and how the solution is responsive to the solicitation requirement(s).

The bidder must provide or make all necessary arrangements for the demonstration facilities at no cost to the State. The bidder will determine the location of the demonstration; however, demonstration within California is preferred and will be attended at the State's expense. Demonstrations outside California will be attended only if the bidder agrees to reimburse the State for all travel and per diem expenses. (Bidder will be billed by the appropriate State accounting office.) Approximately _____ State personnel will attend the demonstration.

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The demonstration must be performed in substantial accordance with the requirements specified below in Section C. Failure of the bidder to demonstrate that the claims made by the bid, in response to the IFB/RFP requirements, are in fact true, may be sufficient to cause the bid to be deemed non responsive. The State reserves the right to determine whether or not the demonstration has been successfully passed.

C. REQUIREMENTS

(State agency to complete)

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APPENDIX A

CONTRACTS TO BE SUBMITTED IN THE PROPOSAL

A. GENERAL INFORMATION

These instructions are provided to explain how State contracts are structured. Because no negotiations nor alterations (unless specified otherwise) of the contract are permitted, it is imperative that bidders follow these instructions carefully in order to be fully responsive, from a contractual aspect, to the IFB/RFP.

Volume II of your Final Proposal submittal must include a completed copy of the State contract in Appendix B. For instructions on what needs to be done to complete the contract for inclusion as Volume II of your Proposal, carefully read the following Paragraph B, Preparation of Contract.

B. PREPARATION OF CONTRACT

1. Either download the appropriate contract modules from the website:
<http://www.pd.dgs.ca.gov/modellang/default.htm> or detach the contract, located in Appendix B, from the IFB/RFP. This document will be returned to the State as the final contract language. Do not retype the contract.
2. Make an appropriate entry in any portion of the contract which has a blank ().
Do not include any dollar figures.
4. Make a copy of the contract and retain for your files. This copy will be used during subsequent communications with the State relative to the contract.
5. Submit the Letter of Intent to Bid and the contract language to the State by the date contained in Section I.F. An early submission of the proposed contract will facilitate the procurement process.

D. PREPARATION OF CONTRACT FOR FINAL PROPOSAL SUBMISSION

[This area is reserved for providing specific instructions to the bidders on which portions of the contract are to be completed and which are to be left alone.]