

**CALIFORNIA STATE LANDS
COMMISSION**

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**State of California
State Lands Commission**

Request for Proposal – Secondary

RFP 2022-26

Bonding/Surety Requirements

April 12, 2023

Bonding/Surety Requirements

State Lands Commission

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1) INTRODUCTION**a) Overview**

- i) The California State Lands Commission, hereafter referred to as the Commission, invites you to review and respond to this Request for Proposal (RFP) - Secondary. By submitting a proposal, your organization agrees to the terms and conditions stated in this RFP.
- ii) The purpose of this project is to secure a consultant to establish criteria for and develop a matrix with bonding ranges for various lease improvements to help staff calculate appropriate levels of bonding or security. The ideal deliverable is a matrix that provides a range of bonding/surety levels for each improvement type. This would be used going forward to help Commission staff justify and support recommendations for setting bond/surety with lessees.
- iii) If an Offer does not meet all the requirements, it may be considered non-responsive and eliminated from further consideration. To be responsive, the Offeror must comply with all minimum proposal requirements set forth in this document.

(1) Responsive Offer

- (a) An Offer response that is compliant without material deviation from the solicitation requirements and the terms and conditions of the proposed contract. A deviation is material if the Commission determines that the Offeror's bid is not in substantial accord with the solicitation requirements, or has a potentially significant effect on the delivery, quantity, or quality of deliverables, amount paid to the supplier, or on the cost to the State. Material deviations cannot be waived. The Commission may waive immaterial deviations and the bid may be evaluated when considered to be in the best interest of the State. Immaterial deviations are inconsequential variances, which carry little or no importance and do not provide an offeror with any material advantage over other offerors. Waiver of an immaterial deviation shall in no way modify the RFP requirements of excuse the selected offeror from full compliance with the terms and conditions of the proposed contract provisions.

(2) Non-responsive Offer

- (a) An offer may be deemed non-responsive and subsequently rejected if any of the following occurs:
 - (i) At any time, a submission is received after the exact time and date set forth in Key Action Dates for receipt of each submission.
 - (ii) The Offeror fails to meet any of the eligibility requirements as specified in Minimum Qualifications.
 - (iii) The Offeror fails to submit or fails to complete, and sign required Attachments as instructed in this RFP.

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- (iv) The submission contains false, inaccurate, or misleading statements or references.
- (v) The offeror is unwilling or unable to fully comply with the proposed contract provisions.
- (vi) The offeror supplies conditional cost information, incomplete cost information, or cost information containing unsigned/uninitiated alterations or irregularities.

(3) Responsible Offeror

- (a) An Offeror who submits a Responsive Proposal and who possesses the qualifications, experience, facilities, reputation, and financial resources necessary to perform the contract at the time of contract award.

- iv) Read this document carefully. You must comply with the instructions contained in this document.

b) Key Action Dates

- i) Bidders are advised of the key dates and times shown below and are expected to adhere to them. All times noted in this document are Pacific Time (PT).

| Key Date # | Description of Key Action Date | Key Date |
|-------------------|--|-----------------------------------|
| 1 | Request for Proposal Release Date: | April 12, 2023, Close of Business |
| 2 | Pre-bid Conference. Attendees must RSVP to CSLC.Solicitations@slc.ca.gov | April 25, 2023, 2-4pm PT |
| 3 | Bidder Questions Due Date and Time: | May 4, 2023, Close of Business |
| 4 | Responses to Question(s) posted by (Subject to change): | May 11, 2023, Close of Business |
| 5 | Proposal due date and time: | May 18, 2023, Close of Business |
| 6 | Virtual interviews (If applicable and subject to change): | The week of May 22, 2023 |
| 7 | Notice of Intent to Award (Subject to change): | The week of May 29, 2023 |
| 8 | Estimated Term Dates (Subject to change): | June 12, 2023 to June 11, 2025 |

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c) Contact

- i) Please contact us at CSLC.solicitations@slc.ca.gov if you have questions about this solicitation. For all communications, the subject line should include: RFP 2022-26. Phone calls will not be accepted.

Mailing address:

State Lands Commission

Attn: Contracts – RFP 2022-26

100 Howe Avenue, Suite 100 South

Sacramento, CA 95825

d) Pre-Bid Conference

- i) A pre-bid conference may be used, generally in a complex acquisition, as a means of briefing prospective bidders and explaining complicated specifications and requirements to them as early as possible after the invitation has been issued and before the bids are opened. The Pre-Bid Conference's aim is to provide an overview of the project and the contract package as well as to answer any queries and clarifications that prospective bidders may have on the bidding documents.
- ii) There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held virtually at the date, and time listed in the Key Action Dates section 1 b) above.
- iii) The Pre-Bid Conference will be held remotely, consistent with Executive Orders N-25-20 and N-29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19.
- iv) Prospective bidders may attend the conference via the Internet (ZOOM, see instructions below), or via conference call on the date and at the time listed below.
- v) Details of pre-bid conference here
 - (1) Remote Attendance
 - Topic: RFP 2022-26 Bonding/Surety Requirements Pre-bid Conference
 - (2) Time: April 25, 2023 2:00 PM Pacific Time (US and Canada)
 - (3) You are encouraged to [register](#) in advance for this meeting. After registering, you will receive a confirmation email containing information about joining the meeting.
 - (4) Link to [Join Zoom Meeting](#)
 - Meeting ID: 860 3679 4730
 - Passcode: 245624
 - One tap mobile

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+16692192599,,86036794730#,,,,*245624# US (San Jose)

+16699009128,,86036794730#,,,,*245624# US (San Jose)

e) Contract Amount

- i) Responses shall not exceed \$500,000 in total costs. Responses that exceed this amount will not be considered for selection.

- f) **Term** - The term of the contract shall not exceed 3 (three) years.

g) Bidders' Questions

- i) Bidders shall submit questions regarding solicitation by the due date and time specified in the Key Action Dates table. Bidders shall provide specific information to enable the Commission to identify and respond to their questions. When submitting questions, please reference the solicitation number of **RFP 2022-26 Bonding/Surety Requirements**. Answers to questions received during the Bidder Question time period shall be shared with all bidders. At its discretion, the Commission may contact a bidder to seek clarification of any question received.

h) Submission of Final Proposals

- i) **Bidders' Cost:** Costs for developing proposals or attending bidder conferences are entirely the responsibility of the bidder and are not chargeable to the Commission.
- ii) **Completion of Proposals:** Proposals must be complete in all respects as described in the requirements established within the RFP. A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. A proposal must be rejected if any such defect or irregularity constitutes a material deviation from the RFP requirements as determined by the Commission, in its sole discretion. The proposal must contain all items required in the RFP.
- iii) **False or Misleading Statements:** Proposals 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 Commission, such information was intended to mislead the Commission in its evaluation of the proposal, and the attribute, condition or capability is a requirement of this RFP, it will be the basis for rejection of the proposal.
- iv) **Importance of Meeting Deadlines:** Bidders are responsible for the delivery of submissions to the Commission prior to the submission deadline. This solicitation requires Bidders to submit a hard copy of their proposal via mail AND a digital copy via email by the submission deadline. The mailed proposal will be considered to be submitted on time if the Bidder provides the Commission with the tracking information that indicates that the package will arrive at the Commission by the submission deadline. Postal service

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postmarks, however, will not be accepted as proof of timely delivery. The emailed proposal will be considered to be submitted on time if the email shows a timestamp that is before the submission deadline. Faxed submissions will not be accepted. The RFP has stated deadlines for submitting materials to the Commission which will be strictly enforced. Submissions that are incomplete or received after the stated deadline will not be accepted or reviewed.

i) Format of Proposals

i) This RFP requires bidders to submit a final proposal that shall contain all required Administrative and Technical Attachments and Exhibits. The Bidder's proposal must be submitted by both physical delivery AND email.

(1) The one (1) physical paper copy shall be delivered as printed documents and must be submitted in a sealed envelope or container when delivered to the Commission. Flash drives or similar shall not be accepted. Bids not submitted under sealed cover may be rejected. The sealed package must be plainly marked with:

- (a) RFP number and title,
- (b) bidder's name and address, and
- (c) must be marked "DO NOT OPEN," and addressed as follows:

RFP 2022-26: Bonding/Surety Requirements

Attn: Sen Cathy Chan

State Lands Commission

100 Howe Avenue, Suite 100 South

Sacramento, CA 95825

DO NOT OPEN

(2) The emailed proposal must be submitted to

CSLC.solicitations@slc.ca.gov

- (a) The email submission must include the RFP Name and Number in the subject line: RFP 2022-26: Bonding/Surety Requirements
- (b) Emailed submission shall be a true and accurate copy of the printed submission. Should a conflict arise, the physical paper submission shall carry precedence.
- (c) All Word documents that are digitally returned, must be in original editable Word format, with tracked changes.
- (d) Multiple emails may be necessary to deliver the digital copy due to file size. Zipped files are acceptable but not preferred.

2) ADMINISTRATIVE REQUIREMENTS (PROPOSAL)

- a) Final proposals will be assessed on a pass/fail basis to verify compliance with all Administrative Requirements.
- b) All final proposals must be submitted within the timelines specified in this RFP, and shall include the following Administrative Requirements:

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- i) Attachment 1 - Proposal Cover Page completed and assigned by a representative authorized to legally bind your organization.
- ii) Attachment 2 – Checklist
- iii) Attachment 3 – If applicable, copy of bidder’s [State of California Small Business Certification](#)
- iv) Attachment 4 – A signed Bidder Declaration GSPD-05-105
- v) Attachment 5 - **Qualifications** Narrative – Bidder’s document
- vi) Attachment 6 - **Past Projects** – Bidder’s document
- vii) Attachments 7 – 12 – Updated Model Contract, Std 213, Exhibits A (**Understanding and Approach**), A-1 **Personnel Narrative and Resumes**, B, C and D – Bidder updates are to be printed in track changes. Cost Worksheet B-1 and B-2 (**Cost**) placeholder instructions and symbols can be removed. NO COMMENTS printed in track changes please. Submission of Exhibits without track changes will be deemed to be bidder’s acceptance of the Exhibits as drafted.
- viii) Attachment 14 – A signed Payee Data Record form STD 204
- ix) Attachment 15 – A signed DVBE Declaration(s) STD 843
- x) Attachment 16 – Form 700 Statement of Economic Interest - A completed certification letter showing, upon contract execution, the bidder agrees to provide a completed Title 10, California Code of Regulations, Chapter 12, Article 1, Statement of Economic Interests (Form 700) (included as Attachment 3 for reference) for each individual working under the contract. For more information, see the Fair Political Practices Commission site: <http://www.fppc.ca.gov/>
- xi) Attachment 17 - A signed Contractor Certification Clauses (CCC) cover page
- xii) Attachment 18 – A signed California Civil Rights Laws attachment
- xiii) Attachment 19 – If applicable, a signed Darfur Contracting Act Certification
- xiv) Attachment 20 – If applicable, a signed Target Area Contract Preference Act (TACPA) STD 830
- xv) Attachment 21 - If applicable, a signed Target Area Contract Preference Act (TACPA) Bidder’s Summary of Contract Activities
- xvi) Attachment 22 - If applicable, a signed Iran Contracting Act Certification

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- 3) MODEL CONTRACT PROCUREMENT** - For competitive solicitations, the Commission uses a model contract procurement method. The competitive solicitation process used by the Commission is as follows:
- a) Commission staff drafts a model contract with a detailed Exhibit A - Scope of Work (SOW).
 - b) Potential Contractors are asked to use the SOW template provided as a baseline for developing their approach and cost bid for the project. **Contractors must submit as part of their response any changes or exceptions to the Model Contract that they wish to negotiate.** If applicable, the Contractors must also update the Exhibit A – Scope of Work template in tracked changes with edits and additions to demonstrate their approach and describe services that address the needs of the Commission.
 - c) This is a dynamic competitive process through which the Commission can evaluate the strengths and weaknesses of the contractors and their proposals. The Commission can then make a final selection based on a combination of contractor experience; the quality and value of the contractor's approach as updated into the Model Contract if applicable; and the overall value the contractor can bring to the project, including the price.
 - d) The Model Contract procurement moves quickly to execution as the terms and methods are well developed as an agreement format at the conclusion of the solicitation, thereby increasing the effectiveness of the effort and the project's success.

4) MODEL CONTRACT

- a) All proposals must be based on the Model Contract provided with this solicitation as:
 1. **Understanding and Approach** - Exhibit A – Scope of Work- Using the Exhibit A – Scope of Work template, include in the Proposal a revised Exhibit A with updated Scope of Work, using track changes. Substitutions for proposal of project Tasks, methods, approach, and scope are not permitted. See detailed instruction in Section 7.
 2. (A1) - Resume(s) - Exhibit A, Attachment 1. Substitutions for Resumes is not permitted. Use the Exhibit A, A1 template (Personnel Narrative – 2 page limit, Each resume – 2 page limit) to provide a **Personnel Narrative** that includes:
 - (a) Insert into Model Contract template Exhibit A, A1-Resumes a resume for each proposed project team member
 - (b) Contractor shall specify and briefly describe the relevant experience of the proposed Project Manager or Principal, proposed Deputy Project Manager, and major team members.
 - (c) Each Resume must include:
 - 1) Name of each key person and title.

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- 2) Project assignment or role which that person will be expected to fulfill in connection with the scope of work.
 - 3) Name of the contractor or organization with whom that individual is presently associated.
 - 4) Years of relevant experience with present Contractors and other Contractors.
 - 5) Highest academic degree achieved, and the discipline covered (if more than one highest degree, such as two PhDs, list both), the year received, and the particular technical/professional discipline which that individual will bring to the project.
 - 6) Synopsis of experience, training, or other qualities.
3. Exhibit B – Budget and Payment Detail, includes **Cost** Worksheets B-1 and B-2
 4. Exhibit C – General Terms and Conditions
 5. Exhibit D – Special Terms and Conditions
- b) Document sections presented in a **Red** font are for the bidder to complete. Bidders should review the Model Contract in its entirety prior to submitting a proposal.
 - c) Bidder recommendations, changes or exceptions must be documented via track changes to the documents contained in the Model Contract. Submission of Exhibits without track changes will be deemed to be bidder's acceptance of the Exhibits as drafted.

5) SCOPE OF WORK

- a) See attachment Model Contract Exhibit A – Scope of Work, for a detailed description of the services and work to be performed as a result of this procurement.

6) REVIEW OF FINAL PROPOSALS FOR AWARD AND SELECTION CRITERIA

- a) The Commission will put each proposal through an evaluation process to determine its responsiveness to the RFP.
 - i) Responses to the RFP will be assessed based on determining the best value to the Commission and the selection, if made, will be to a single bidder.
- b) Written Responses to this RFP will be evaluated in phases.

Phase 1- Administrative Requirements. The Administrative Team will review responses to the Administrative Requirements including Cost and application of applicable incentives.

Phase 2 – Technical Requirements. The Evaluation Team will review the bidder's

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edits to Model Contract Exhibit A (Understanding and Approach), Qualifications Narrative describing bidder capacity and qualifications, project team qualifications, resumes and past projects completed.

c) Interviews

After the written proposal evaluation, interviews may be conducted. The number of bidders interviewed and the decision whether to conduct interviews at all shall be within the sole discretion of State Lands Commission. The specific staff to be interviewed will be agreed upon by State Lands Commission and the bidder at the time the interview is scheduled.

d) Scoring Criteria

i) The table below lists the evaluation categories and the weight each will carry in the overall evaluation of each proposal:

| Line# | Scoring Criteria | Weight | Points |
|--------------|---|------------------|------------------|
| <u>1</u> | <u>Administrative Requirements</u> | <u>Pass/Fail</u> | <u>Pass/Fail</u> |
| 2 | Understanding and Approach | 35% | 350 |
| 3 | Bidder Qualifications/Capacity | 10% | 100 |
| 4 | Project Team Qualifications – Resumes and Personnel Narrative | 15% | 150 |
| 5 | Past Projects Completed | 10% | 100 |
| 6 | Cost | 30% | 300 |
| 7 | Totals | 100% | 1000 |

ii) Evaluation Team Recommendation - After application of the weighted evaluation criteria described above, the highest-rated proposal from a responsible bidder shall be recommended for selection. The winning bidder shall be notified by email of the intent to award. If two or more of the highest-rated responses are evaluated as substantially equal following the application of the weighted evaluation criteria described above, the contract may be awarded to the bidder with the highest level of Small Business and Disabled Veteran Business Enterprise participation. See Preference Programs section of this RFP for an explanation of the application of Small Business and Disabled Veteran Business Enterprise preference points.

iii) The Commission Evaluation Team will evaluate bidder proposals in these areas:

1. Administrative Requirements
2. Understanding and Approach
3. Bidder Qualifications/Capacity
4. Project Team Qualifications

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5. Past Projects Completed

7) TECHNICAL REQUIREMENTS

In addition to the Administrative Requirements, all proposals must provide a multi document technical response described below.

See below in sections 7 i – v for detailed instructions:

i) Understanding and Approach (350 Points)

Include a description of the bidder's understanding of the project's goals, emphasizing the bidder's understanding of the objectives and the major activities that must be performed to complete the work. Discuss the bidder's strategy for providing the services outlined in the solicitation within the time period allocated for that task. Provide the assumptions used to develop the response.

Scoring of this factor shall be based on the Evaluation Team's assessment of the bidder's understanding of, and insight into, the challenges, issues and risks faced by the Commission as depicted in Model Contract Exhibit A – Scope of Work, and the feasibility, efficiency and expected effectiveness of the specific approaches offered by the bidder to provide assistance to the Commission. Evaluators will assign scores based on information contained in the bidder's updated Model Contract Exhibit A – Scope of Work. The Evaluation Team will consider:

- A. Quality of the bidder's approach in addressing scope of responsibilities and activities, including how the bidder will provide the flexibility to address issues as they arise, while maintaining a high level of quality in the approach;
- B. Quality of the bidder's approach to early identification of issues and risks, and how the approach will directly contribute to resolution and mitigation; and
- C. Demonstrated understanding of the key characteristics of the project in general.

(Updated Attachment 7 Model Contract Exhibit A – Scope of Work. Unlimited pages, 12 point font. Substitutions to an updated Exhibit A will not be accepted).

ii) Bidder Qualifications/Capacity (100 Points)

Bidder to provide a Qualifications Narrative response that focuses on providing information related to why the bidder believes that its qualifications

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fulfill the requirements of this RFP pursuant to Model Contract Exhibit A – Scope of Work

Describe and provide examples of the bidder's overall capability and resources as they relate to the general requirements set forth in this RFP's Model Contract Exhibit A – Scope of Work, including the following:

- A. Ability to manage the project and the complexities involved.
- B. Ability to complete projects on time and within budget.
- C. Ability to provide quality deliverables.
- D. Evidence of the bidder's experience performing the services outlined in this RFP, including the total number of years the bidder has been providing these services.

The Commission seeks a contractor with significant capacity to respond to the Commission needs for the duration of the contract, to support a high degree of qualified staff continuity, and to maintain a consistently high level of individual team member performance.

Bidder Description, Capacity and Background: Scoring of this factor will be based on the Evaluation Team's assessment of the bidder's resources, capacity and historical track record as they relate to the SOW. Evaluators will assign scores based on the Bidder's Qualifications narrative.

(No more than 3 pages, 12 point font).

iii) Project Team Qualifications (150 Points)

Describe the qualifications of each member of the proposed project team. Identify the role each member is expected to play and describe the experience, education, knowledge and skills each possesses as they relate to their proposed role.

Bidder must identify the key staff that will be the points of contact for the Commission and the percentage of time that staff will be dedicated to the work detailed in the Model Contract Exhibit A – Scope of Work.

The Commission seeks a Contractor who demonstrates expertise in real estate appraisal and the ability to produce a professional, well-documented written report as depicted in Model Contract Exhibit A – Scope of Work, combined with technical- or skill-based staff.

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(Updated Model Contract Exhibit A, A1 Personnel Narrative and Resumes - 2 page limit on Personnel Narrative and Resume (total limit 4 pages) Substitutions to an updated Exhibit A, A1 will not be accepted.)

(1) Resumes - Project Team Experience and Credentials

Provide as updated Model Contract Exhibit A, Attachment 1 - A resume of the relevant experience for each proposed project team member. For each experience cited on a resume, the resume must include:

- A. Total Duration: Indicate the start (month/year), end (month/year), and duration (total number of years and months) for each job experience submitted;
- B. Description of Specific Experience: A complete description of the relevant experience, including identification of the client, name of the project, roles and responsibilities of the individual, and types of services provided by the individual.

Scoring of this factor shall be based on the Evaluation Team's assessment of the breadth, depth and relevance of each proposed team member's experience and credentials. Evaluators will assign scores based on information contained in the Project Team Qualifications narrative and Resumes. The Evaluation Team will consider, in descending order of importance:

- A. Demonstrated capacity to successfully assume responsibility comparable to that proposed for the team members in the project engagement;
- B. Demonstrated capacity to perform at a high level in multiple areas of real estate;
- C. General breadth and extent of experience, as indicated by the number of projects and duration of individual involvement in each;
- D. Relevance of experience as indicated by the scope and subject matter of past project experience; and,
- E. Relevance of education, training, and certifications.

(Updated Model Contract Exhibit A, A1 Personnel Narrative and Resumes - 2-page limit on Personnel Narrative and 2-page limit per each Resume))

iv) Past Projects Completed (100 Points)

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Describe in a narrative no less than three (3) and up to five (5) projects the bidder has completed in the last three years that relate to the tasks listed in Model Contract Exhibit A – Scope of Work.

Scoring of this factor shall be based on the Evaluation Team's assessment of the breadth, depth and relevance of past projects to the requirements detailed in Model Contract Exhibit A – Scope of Work, as well as bidder resources and capacity as indicated by the characteristics of projects previously completed. Evaluators will assign scores based on information contained in the bidder's Past Projects Completed narrative. Scoring may also be based on bidder's performance in past contracts with the Commission.

(No more than 10 pages)

v) **Assumptions**

Document any assumptions the bidder is making about the Scope of Work, the responsibilities of the bidder and the Commission, and any other issues relevant to the bidder's offer and ability to do the work for the proposed cost.

(If applicable, optional. No more than 2 pages).

b) **Rating Criteria for Evaluators**

Evaluators will assign technical points to all categories using these scoring criteria:

| Rating | Relation to Requirements | Strengths | Deficiencies | Weaknesses | Likelihood of Success | Score |
|------------|--|---|--------------|--|-----------------------|-------|
| Excellent | Superior attainment of all requirements | Numerous and significant in key areas | None | Minor, if any | Very High | 10 |
| Good | Expected to meet all requirements | Some and significant in key areas | None | Minor, but are far outweighed by strengths | High | 7.5 |
| Acceptable | Capable of meeting all requirements | Some in non-key areas | Minor | Minor, but are outweighed by strengths | Fair | 5 |
| Marginal | May not be capable of meeting all requirements | None, or some that are outweighed by weaknesses or deficiencies | Significant | Significant | Poor | 2.5 |

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| Rating | Relation to Requirements | Strengths | Deficiencies | Weaknesses | Likelihood of Success | Score |
|--------------|-------------------------------------|---|----------------------|----------------------|-----------------------|-------|
| Unacceptable | Not likely to meet all requirements | None, or some that are far outweighed by weaknesses or deficiencies | Needs major revision | Needs major revision | None | 0 |

- a) The above rating criteria is different and distinct from the methodology for point calculation. The evaluation rating criteria details how the evaluation committee will score each technical element with 10 being the highest score and 1 being the lowest score.
- i) These 1-10 scores are then translated into points which are calculated based on the individual criterion's weight.
- (1) For example, if a bidder's response element is rated five (5) out of ten (10) by the evaluation committee in the Qualifications Narrative criterion, they will receive 50% of the one hundred (100) points available, or fifty (50) points in this evaluation criterion.

8) COST SCORE**a) Cost (300 points)**

Cost proposals are presented by updating the Cost Worksheet B-1 and B-2 sections noted in **Red** in the Model Contract Exhibit B – Budget Detail and Payment Provisions.

Each bidder's cost score will be calculated using the ratio of the lowest cost proposal to the bidder's cost, multiplied by the maximum number of cost points available (300 for this example), as shown in the calculation below:

$$\frac{\text{Lowest Total Cost Bid}}{\text{Bidder Total Cost}} \times \text{Total cost points available}$$

Example: Refer to the table below for an example of the cost score calculation process. **Cost figures in the example below explain the calculations and have no other significance.**

Cost Evaluation and Scoring Methodology (Example only)

| Bidder | Grand Total Cost | Calculation | Cost Points Awarded |
|--------|------------------|--|---------------------|
| A | \$400,000 | $\frac{\$300,000}{\$400,000} \times 300$ | 225 |
| B | \$350,000 | $\frac{\$300,000}{\$350,000} \times 300$ | 257 |

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| Bidder | Grand Total Cost | Calculation | Cost Points Awarded |
|--------|------------------|--|---------------------|
| C | \$300,000 | $\frac{\$300,000 \times 300}{\$300,000}$ | 300 |

9) PREFERENCE PROGRAMS**a) Small Business (SB) Preference**

- i) This RFP does not require bidders to meet a minimum SB participation percentage or goal. Participation in this program is optional. However, if bidders use subcontractors, bidders are encouraged to subcontract with SBs.
- ii) Section 14835, et seq. of the California Government Code (GC) requires a 5% preference be given to bidders who qualify as a SB. The rules and regulations of this law, including the definition of a small business for the delivery of goods and services, are contained in [California Code of Regulations \(CCR's\), Title 2, section 1896, et seq.](#) The SB preference is for California-based Certified SB's (CCSB) only.
- iii) A bidder claiming the 5% preference must be certified by the State of California as a small business or must commit to subcontract at least 25% of the net bid price with one or more CCSB. [Certification](#) must be obtained no later than 3:00 p.m. on the bid due date.
- iv) The incentive is applied in determining the lowest monetary bid or best value by reducing the qualified bidder's price by the amount of the incentive as computed on the lowest price submitted by a responsive bidder. This reduction is applied solely for evaluation purposes.
- v) The preference is used only for computation purposes to determine the winning bidder and does not alter the amounts of the resulting contract. A contract awarded on the basis of the preference is awarded to the small business, microbusiness or non-small business for the actual amount of the proposal.
- vi) If a bidder is currently certified as a small business by the Department of General Services, Office of Small Business and DVBE Services, or any city, county, federal, etc., certifying office, only a copy of that certification is required.
- vii) For more information on the requirements of, and how to obtain SB and DVBE certification, please visit the [DGS website](#).
- viii) During the contract term, the Contractor's SB compliance will be calculated on the completed work as verified by an audit of the Contractor's invoices and Contractor's payments to designated subcontractors.

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ix) If the bidder or proposed subcontractor possesses a Small Business Certification and wishes to take advantage of the preference program, the bidder must complete and submit the Bidder Declaration GSPD-05-105 – Attachment 4 of the proposal.

b) Disabled Veteran Business Enterprise (DVBE) – Declaration & Program Incentive

- i) The Contract will have a [mandatory participation goal](#) of at least One and a half percent (1.5%) of the total contract price for qualified DVBEs. This One and a half percent (1.5%) goal may be achieved by a combined effort of the Contractor and subcontractors. Any business used to meet the DVBE requirement must be certified by or have certification pending with the DGS OSBCR. The Contractor will clearly identify within its proposal those subcontractors that are certified DVBEs and list the contract price amounts allocated to each subcontractor.
- ii) Under Military and Veterans Code section 999.2, each state department has a participation goal of not less than three (3%) for disabled veteran business enterprises. These goals apply to the overall dollar amount expended each year by the awarding department.
- iii) The Commission recognizes disabled veterans for their service and has a DVBE Participation Program. The program is intended to further veterans' participation in the Commission contracting, promote competition, and encourage greater economic opportunity.
- iv) The Contractor will identify those subcontractors that are certified DVBEs and identify the contract price amounts allocated to those subcontractors on the [Bidder Declaration form \(Std. GSPD-05-105 | Attachment 4\)](#)
- v) For general regarding DVBE contracting assistance, email osdshelp@dgs.ca.gov or call (916) 375-4940.
- vi) A Contractor may achieve participation by qualifying as a DVBE or by contracting with DVBE subcontractors. DVBEs must perform a commercially useful function, related to the bid specifications, as required by Military and Veterans Code section 999, subdivision (b)(5)(B).
- vii) During the contract term, the Contractor's DVBE compliance will be calculated on the completed work as verified by an audit of the Contractor's invoices and Contractor's payments to designated subcontractors.
- viii) In order to encourage DVBE participation, the Commission will apply a DVBE incentive as follows:

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Confirmed DVBE Participation

5% or More
 4% to 4.99%
 3% to 3.99%
 2% to 2.99%
 1% to 1.99%

DVBE Incentive

5%
 4%
 3%
 2%
 1%

- ix) The incentive is applied in determining the lowest monetary bid or best value by reducing the qualified bidder's price by the amount of the incentive as computed on the lowest price submitted by a responsive bidder. This reduction is applied solely for evaluation purposes.
- x) If the bidder with the lowest monetary bid or best value, prior to application of the incentive, is a California-certified Small Business, only other certified small businesses will be eligible to receive the Small Business incentive bonus. If after application of incentives, two or more responsive bids tie for lowest monetary bid or best value, the contract may be awarded to the bidder with the highest level of DVBE participation, if it is determined that the bid provides the best value to the State.
- xi) During the contract term, the Contractor's DVBE compliance will be calculated on the completed work as verified by an audit of the Contractor's invoices and Contractor's payments to designated subcontractors.
- xii) If the bidder or proposed subcontractor possesses a Disabled Veteran Enterprise Certification and wishes to take advantage of the preference program, the bidder must complete and submit the Bidder Declaration GSPD-05-105 – Attachment 4, and Disabled Veteran Business Enterprise (DVBE) Declaration STD 843 – Attachment 15 with its proposal package.
- c) **Commercially Useful Function**
- i) Only State of California, Office of Small Business and DVBE Services (OSDS), certified SBs/Micro SBs and DVBEs who perform a Commercially Useful Function (CUF) relevant to this solicitation may be used to satisfy the SB/DVBE participation goals. The criteria and definition for performing a CUF are below. When responding to this RFP, bidders will need to verify each SB/DVBE subcontractor's certification with OSDS to ensure SB/DVBE eligibility. Please review the Commercially Useful Function Definition [here](#).
- ii) An SB/DVBE certified Contractor (prime contractor, subcontractor or supplier of goods/services) is performing a Commercially Useful Function (CUF) when the contractor is doing all the following:
- (1) Executing a distinct element of the contract work including supplying of goods/services.

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- (2) Performing, managing, or supervising the work including supplying of goods/services.
 - (3) Performing work that is normal for the Contractor's business services and functions.
 - (4) Is responsible, with respect to products, inventories, materials and supplies required for the subcontract, for negotiating price, determining quality and quantity, ordering, installing (if applicable), and paying for the material.
 - (5) Not subcontracting a portion of the work greater than expected by industry practices.
- iii) A SB/DVBE certified Contractor (prime contractor, subcontractor or supplier of goods/services) is NOT performing a Commercially Useful Function (CUF) if:
- (1) An extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of SB/DVBE participation.
 - (2) Not being used to perform the work as stipulated in the bid.
 - (3) No longer being used to provide good/services listed in initial bid response.
- d) **Target Area Contract Preference Act (TACPA)**
- i) This solicitation provides for the optional TACPA preference. Bidders are not required to apply for this preference. Denial of the TACPA preference request is not a basis for rejection of the bid/offer.
 - ii) The TACPA workplace and workforce preferences will be evaluated for this solicitation. California-based companies seeking TACPA preferences will need to complete and submit preference request forms with the bid/offer. The following webpage contains required preference request forms and an interactive map to determine if a business is located within a TACPA qualified zone: [Request a Target Area Contract Preference](#)
 - iii) By submitting TACPA forms, a bidder given a TACPA preference agrees to the TACPA contract provisions required by [GC Section 4535](#) and provided in section 1896.40 of Title 2 of the California Code of Regulations (2 CCR 1896.40) in addition to requirements specified on the TACPA form [STD 830](#).

10) COMMISSION RIGHTS**a) Verification of Bidder Information**

By submitting a proposal, bidders agree to authorize the Commission to:

- i) Verify any and all claims made by the bidder including, but not limited to, verification of prior experience and the possession of other required qualifications.

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- ii) Check any reference identified by a bidder or other resources known by the State to confirm the bidder's business integrity and history of providing effective, efficient, competent and timely services.
- iii) The Commission may modify the RFP prior to the bid submission deadline by the issuance of an addendum.
- iv) The Commission reserves the right to reject any bid that does not satisfy the requirements set forth in the RFP. Before submitting a response to this RFP, bidders should review, correct all errors, and confirm compliance with the RFP requirements.

b) Rejection of Proposals

- i) Deviations may cause a proposal to be non-responsive and not considered for award. The Commission may reject any or all proposals and may waive any immaterial deviation or defect in a proposal. The Commission's waiver of any immaterial deviation or defect shall in no way modify the RFP documents or excuse the bidder from full compliance with the RFP specifications if awarded a contract.
- ii) FINAL PROPOSALS NOT RECEIVED BY THE DATE AND TIME SPECIFIED PAGE 3 KEY ACTION DATES OR NOT SEALED will remain unopened and will be maintained by the Contact listed separately from proposals that have been timely received. Proposals received after expiration of the deadline may only be opened and considered upon written approval of the Executive Officer or designee specifying the reason(s) for acceptance and consideration of the untimely proposal.
- iii) Issuance of this RFP in no way constitutes a commitment by the Commission to award a contract. The Commission reserves the right to reject any or all proposals, or portions of proposals, received in response to this RFP, or to amend or cancel this RFP at any time. In the event of such cancellation, The Commission may reissue the RFP at a later date.
- iv) The Commission reserves the right to consider contractor's past performance with the Commission in its selection of a bidder pursuant to this RFP.

c) Non-responsive Proposals

A proposal may be deemed non-responsive and subsequently rejected if any of the following occurs:

- i) Bids exceeding five hundred thousand dollars (\$500,000.00) shall be deemed non-responsive.

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- ii) At any time, a submission is received after the exact time and date set forth in Key Action Dates for receipt of each submission.
- iii) The bidder fails to meet any of the eligibility requirements as specified in Minimum Qualifications.
- iv) The bidder fails to submit or fails to complete, and sign required Attachments as instructed in this RFP.
- v) The submission contains false, inaccurate or misleading statements or references.
- vi) The bidder is unwilling or unable to fully comply with the proposed contract provisions.
- vii) The bidder supplies conditional cost information, incomplete cost information, or cost information containing unsigned/uninitiated alterations or irregularities.

11) BUSINESS IN GOOD STANDING

Bidder acknowledges that when agreements are to be performed in the State by corporations or contractors, the State will verify, prior to awarding any Commission contract, the following information in order to ensure that all obligations due to the State are fulfilled:

a) Corporation in Good Standing

- i) The Commission will verify with the [Office of the Secretary of State](#) (SOS) that the bidder is a corporation currently qualified to do business in California. The bid will be considered non-responsive if the bidder declares as a corporation and is not listed with the SOS.
- ii) Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California.

b) State Tax Delinquency

- i) The Commission will verify with the [Franchise Tax Board](#) (FTB) and [California Department of Tax and Fee Administration](#) (CDTFA) that the bidder is not on a prohibited list due to tax delinquencies. The bid will be considered non-responsive if the bidder appears on any of these lists.

12) ERRORS IN FINAL PROPOSALS

- a) An error in the proposal may cause the rejection of that proposal; however, the Commission may, AT ITS SOLE OPTION, retain the proposal and make certain corrections. In determining if a correction will be made, the Commission will consider the conformance of the proposal to the format and content required by

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the RFP, and any unusual complexity of the format and content required by the RFP.

- b) If the bidder's intent, as determined by the Commission, is clearly established based on review of the complete proposal submittal, the Commission may at its sole option correct an error based on that established intent.
- c) The Commission may at its sole option correct obvious clerical errors.
- d) A bidder may modify a bid after submission by withdrawing its original bid and resubmitting a new bid prior to the bid submission deadline. Bidder modifications offered in any other manner, oral or written, will not be considered.
- e) A bidder may withdraw its bid by submitting a written withdrawal request to the Commission, signed by the bidder or an authorized agent. Bids may not be withdrawn subsequent to the bid submission deadline without cause.
- f) No oral understanding or contract shall be binding on either party.
- g) The Commission reserves the right to contact bidders at any stage of the proposal process to collect additional clarifying information, if deemed necessary.

13) PROTEST

- a) For formal competitive solicitations, a protest must be filed with the Commission and DGS after notice of intent to award, but before the actual award. (PCC § 10345.)
- b) Once a protest is filed, the contract may not be awarded until the protest is withdrawn or DGS has rendered a decision. (PCC § § 10345(a)(2), 10345(b)(1).)
- c) After filing a protest, the protestant has five (5) calendar days to file a detailed written statement of the protest grounds if the original protest did not contain the complete grounds for the protest. (PCC § § 10345(a)3, 10345(b)(2).)
- d) Any bidder wishing to file a protest must send notification via mail or email to both of the following addresses below:

Department of General Services
Office of Legal Services
Attention: Bid Protest Coordinator
707 Third Street, 7th Floor, Suite 7-330
West Sacramento, CA 95605
Bid Protest Coordinator Email address: OLSProtests@dgs.ca.gov

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and

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Attn: Sen Cathy Chan

100 Howe Avenue, Suite 100 South

Sacramento, CA 95825

Email: cathy.chan@slc.ca.gov

14) DISPOSITION OF BIDS

Upon bid opening, all documents submitted in response to this RFP will become the property of the State of California.

15) CONTRACT EXECUTION AND PERFORMANCE

Performance shall begin no later than the date set forth in the RFP by the Commission and after the contract is fully executed, unless a later date is mutually agreed on by the Commission and the Contractor. All performance under the contract shall be completed on or before the termination date of the contract.

16) SUBSEQUENT SOLICITATION

- a) At the Commission's sole discretion, after the contract award has been made and the contract has been executed, if the contract is terminated with or without cause after performance has begun, the Commission may engage the next-highest-rated bidder without performing a subsequent solicitation.
- b) Additionally, if at any time during negotiation of an agreement with the successful bidder, the Commission determines it is not able to reach an agreement with the successful bidder, the Commission may terminate the negotiations and engage the next-highest-rated bid without performing a subsequent solicitation.

17) ADDITION OR SUBTRACTION OF SERVICES

Notwithstanding that bids have been submitted, at the Commission's sole discretion, the Scope of Work may be modified prior to contract award to add or remove services through an addendum. If bids have been submitted at the time the Commission posts the addendum, the Commission may restrict responses so that only entities that have submitted bids in response to the initial RFP may respond to the addendum.

18) NEWS RELEASES AND SOCIAL MEDIA

Bidders and the selected Contractor may not issue news releases nor make statements to the news media or through social media channels pertaining to this RFP, its proposal, the contract, or work resulting therefrom, without first obtaining prior approval from the Commission.