

Bidder Declaration Use and Evaluation Procedure

Bidder Declaration

The Bidder Declaration provides buyers with a centralized location to evaluate the various factors required by law and policy as it relates to small business (SB), microbusiness (MB) and disabled veteran business enterprise (DVBE) programs. It also provides bidders and/or suppliers that submit responses to a competitive solicitation or a Request for Offers (RFO) a means to be compliant with subcontractor requirements and it makes them aware of a subcontractor's status.

There are two versions of the Bidder Declaration. The GSPD-05-105 and its respective instructions will be used for all written solicitations or Request for Offers. In doing so, buyers will write the solicitation number in the space provided in the header of the GSPD-05-105. When conducting a verbal solicitation, the GSPD-05-106 and its respective instructions must be provided to the suppliers for completion and must be signed by the prime supplier.

[Click](#) here to access the Bidder Declaration (GSPD-05-105 Written Version)
[Click](#) here to access the Bidder Declaration (GSPD-05-106 Verbal Version)

Usage

The Bidder Declaration (GSPD-05-105 or GSPD-05-106, as applicable) will be included in the following procurement approaches:

- Non-competitive
 - Competitive
 - SB/DVBE Option
 - LPA orders
 - Government agreements, including Interagency Agreements, when the possibility of using subcontractors exists.
 - Purchases exempt by statute and/or policy, when the possibility of using subcontractors exists.
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Exceptions

The Bidder Declaration is not required for:

- Amendments that do not involve new or substitute subcontractors.
- Emergency purchases as defined by PCC section 1102 if it is ascertained that the bidder has not been listed as ineligible to transact business with the State, is not a California (CA) certified DVBE and is not using subcontractors.
- Purchases activities using Community Rehabilitation Programs or Prison Industry Authority.
- Verbal solicitations under \$5,000 if it is ascertained that the bidder has not been listed as ineligible to transact business with the State, does not possess a CA DVBE certification and the bidder is not using subcontractors.

Bidder Declaration Use and Evaluation Procedure, continued

Solicitation language

Buyers must include language regarding the Bidder Declaration form in all written solicitations and Requests for Offers for all procurement approaches. This includes the SB/DVBE Option procurement approach as identified in the previous infoblock.

When including the Bidder Declaration form in a solicitation that is not written, the same concepts as required for a written solicitation must be applied and the appropriate documentation must be retained in the procurement file. Refer to PAM, Chapter 4, Section B, Topic 1, Infoblock 4.B1.1.

[Click](#) here to access the required language to be included in solicitations and/or request for offers when including the Bidder Declaration form.

Note: Click here to access additional DVBE solicitation language.

Evaluation purpose

Buyers must review information provided on the Bidder Declaration to determine:

- Contract dynamics and relationships
- Certification factors

The table below provides information on how to review for both factors.

When reviewing for	The buyer	And evaluates
Contract dynamics and relationships	Determines whether circumstances dictate eligibility to contract with a prime and/or transact business with subcontractors	<ul style="list-style-type: none"> • Who is involved in the contract as: <ul style="list-style-type: none"> ▪ The prime and subcontractors • Role and responsibility of each firm involved in the contract • Whether all businesses are eligible to contract with the State based upon: <ul style="list-style-type: none"> ▪ State imposed sanctions that resulted in suspension ▪ Possession of applicable licenses and permits ▪ Valid Secretary of State standing for corporations
Certification factors	Validates bidder claims for SB and non-SB subcontractor preferences; DVBE goal attainment and/or DVBE incentive; and if there is adherence to certain laws.	<ul style="list-style-type: none"> ▪ The validity of identified certifications ▪ If those with certifications are CUF compliant ▪ If claims for SB or non-SB subcontractor preferences qualify ▪ If proposals claiming to meet DVBE goals and/or DVBE incentive(s) qualify ▪ DVBEs are not a broker/agent ▪ Rental equipment requirements are met for DVBEs

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Documenting the defects

Buyers must document all defects found during the evaluation of the information contained in the Bidder Declaration. A determination can subsequently be made whether or not the deviation(s) is material.

File documentation

Buyers will document the procurement file to capture applicable information from the form and document the results of the form review. This information is recommended to be documented in the Procurement Summary or similar document based on department procedures or the selection and evaluation report as warranted by the procurement approach.

Purchase document

Whether or not subcontractors possess a California certification, buyers shall identify subcontractors in the resulting purchase document.

Example:

Contractor will use the following subcontractors in the performance of this purchase:

- XYZ Company (Microbusiness)
- Supplier Expertise (DVBE)
- Perform R Us

Note: The third subcontractor (Performa R Us) is not a certified SB/MB/DVBE business.

Evaluation approach

Evaluating the Bidder Declaration consists of the following actions:

- Reviewing the form for the proper completion and reviewing any attachments submitted.
 - Analyzing the information provided on the form and attachments. This may include review for and analyzing supplemental or additional information specific to the prime contractor and/or subcontractors that may also be provided elsewhere in the response.
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Form completion

The following table identifies which items on the Bidder Declaration should contain information when the form is properly completed. However, proper completion of the form does not equate to compliance. Buyers are still required to analyze the information to determine responsiveness.

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Part	Function
1a	Either one or more certification designations should be listed or "None" marked. If "None" is the appropriate designation, Items 1b and 1c should be blank.
1b	If yes is marked – a statement should be provided on the blank lines and information should be listed in the table in Item #2. If no is marked – the lines in this area and the table in Item #2 should be blank
1c(1)	If Item 1.a. identifies the prime as a DVBE, then either the "Yes" or "No" indicator should be marked. Otherwise, it should be blank.
1c(2)	If Item 1.a. identifies the prime as a DVBE, then either the "Yes", "No", or "N/A" indicator should be marked. Otherwise, it should be blank.
2	Each column should contain an entry for each proposed subcontractor.
3	This area must be completed when the GSPD-05-106 is used (verbal version).
Page #	The page indicator at the bottom of the form should be completed. It is possible that additional copies of the form are included or that information is provided on additional sheets.

Analyzing information

The following table describes the steps necessary for buyers to analyze the information on the form and attachments as applicable.

Step	Action
1	Check the OSDS database to validate that certifications for the prime and/or subcontractor(s) are still current and suppliers are eligible to transact business with the State.
2	Determine whether certified suppliers are performing a commercially useful function. Compare what is to be provided by the prime to what is to be provided by the subcontractors to ensure nothing is duplicated. Seek clarification and/or confirm information as applicable.
3	Confirm that the "Good Standing" indicator for sub contractors is "Yes". If "No" or blank then as applicable seek clarification and/or confirm information.
4	If applicable determine whether at least 25% certified subcontractor participation is listed.
5	If applicable determine whether the prime has met the DVBE goal and/or qualifies for a DVBE incentive.
6	If a supplier is a certified DVBE, identify the situation for a DVBE bidder and a DVBE subcontractor(s) as listed in the following table. Note: Prior to award to a DVBE (whether a prime or a subcontractor), a completed Disabled Veteran Business Enterprise Declaration (STD. 843) must be obtained and reviewed.

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Analyzing DVBE bidder information The following table describes the steps to analyze information on the bidder declaration regarding the DVBE bidder.

If item 1.c (1) is	And item 1.c.(2) is	Then
Yes	Yes	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent aspect. For reporting purposes, do not consider this supplier to be a DVBE.
Yes	N/A	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent aspect. For reporting purposes, do not consider this supplier to be a DVBE.
Yes	No	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them of the broker/agent and rental aspect. For reporting purposes, do not consider this supplier to be a DVBE.
No	Yes	Bidder DVBE status can be counted.
No	N/A	Bidder DVBE status can be counted.
No	No	<ul style="list-style-type: none"> Activity performed by the DVBE bidder cannot be counted toward the DVBE participation goal. If the bid is still compliant and eligible for award, it can be awarded. Contact OSDS to inform them on the rental aspect. For reporting purposes, do not consider this supplier to be a DVBE.
<p>Note: If items 1.c.(1) and 1.c.(2) on the bidder declaration are both left blank use the information as provided on the STD.843 to analyze the information. If the STD.843 has not been provided then the buyer must have the bidder complete one.</p>		

51% Rental column

The following table describes to buyers how to analyze the DVBE subcontractors information identified in #2 of the bidder declaration as it relates to the applicability of rental equipment.

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If the response to the 51% Rental question is	Then
Yes	<ul style="list-style-type: none"> • Subcontractor DVBE status can be counted
No	<ul style="list-style-type: none"> • Activity performed by the DVBE subcontractor cannot be counted toward the DVBE participation goal. • If the bid is still compliant and eligible for award it can be awarded • Contact OSDC to inform them of the rental aspect. • For reporting purposes do not consider this supplier to be a DVBE.
N/A	Can be counted
Blank	<ul style="list-style-type: none"> • Use the information provided on the STD.843. • If a STD.843 has not been provided require that the subcontractor complete one and adhering to the same guidelines analyze the information.