



State of California • State and Consumer Services Agency • Gray Davis, Governor

**DEPARTMENT OF GENERAL SERVICES**

**• PROCUREMENT DIVISION •**

The Ziggurat • 707 Third Street, Second Floor • PO Box 989052 • West Sacramento, CA 95798-9052 • (916) 375-4400



**REQUEST FOR PROPOSAL  
Notice to Prospective Bidders**

November 19, 2002

You are invited to review and respond to this Request for Proposal (RFP) entitled RFP DGS 02-04 Development of Uniform Contracting and Procurement Policies. In submitting your proposal, you must comply with the instructions found herein.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions and Contractor Certification Clauses that may be viewed and downloaded at Internet site [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts). If you do not have Internet access, a hard copy can be provided by contacting the person listed below.

In the opinion of the Procurement Division, this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

Sandi Russell, Senior Procurement Specialist  
707 Third Street, 2<sup>nd</sup> Floor  
West Sacramento, CA 95605  
Voice: 916/375-4455      Fax: 916/375-4534  
Email: [sandi.russell@dgs.ca.gov](mailto:sandi.russell@dgs.ca.gov)

Please note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum. Please submit your questions in writing (including fax) email and a written or email response will be provided to all bidders. The identity of the bidder asking the question(s) will not be revealed. If questions result in significant changes to the RFP, an addendum to the RFP will be issued.

*ORIGINAL SIGNATURE ON FILE*  
Sandi Russell  
Contract Administrator

# Development of Uniform Contracting and Procurement Policies

## **REQUEST FOR PROPOSAL** **RFP DGS 02-04**

November 19, 2002

Issued By:

**STATE OF CALIFORNIA**

Department of General Services

707 Third Street

West Sacramento, CA 95605

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## **Statement of Work Development of Uniform Contracting and Procurement Policies**

### **A. Introduction**

On May 20, 2002 the Governor of the State of California signed Executive Order D-55-02, directing a three-member task force to review the state's contracting and procurement procedures and recommend any statutory, regulatory or administrative changes to ensure that open and competitive bidding is utilized to the greatest extent possible by state agencies and to recommend any statutory or regulatory changes to insure adequate oversight of the procurement processes by state agencies and departments.

On August 30, 2002, the Governor's task force released its report. The report consisted of 20 recommendations, including # 7, directing that DGS develop a uniform set of policies, procedures, and processes for contracting and procurement activities. The effort should include initiatives to align the laws governing the contracting and procurement of goods, services and Information Technology including the award protest process. Recommendation # 7 also directed that DGS should consider whether the separation of policy and oversight from the operational procurement function should be pursued. Additionally, recommendation #15 directs DGS to insure the active participation of DGS legal counsel in all high-risk transactions. The entire task force report may be viewed at the DGS web site, [www.dgs.ca.gov](http://www.dgs.ca.gov).

Based on the report direction, DGS has adopted three primary goals.

1. Establish an organizational structure with assigned responsibilities that can best fulfill the state's need for development of procurement and contracting policy.
2. Develop uniform statewide contracting and procurement policies.
3. Develop consistent processes and procedures and well-defined roles and responsibilities for review and approval of procurement and contracting actions between the Procurement Division (PD) and the Office of Legal Services (OLS).

### **B. Background**

The responsibilities of the Department of General Services (DGS) include the central purchasing and materials management for the State of California. The DGS is responsible for developing policies, procedures and guidelines for the acquisition of over \$7 billion of goods and services annually. The Procurement Division (PD) of DGS is responsible for the oversight of commodities purchases, and Information Technology (IT) hardware, software, and service procurements. The DGS, Office of Legal Services (OLS) is responsible for the oversight of professional and other types of services. Additionally, the Department of Finance has acquisition policy and financial responsibility oversight for Information Technology Solutions.

The PD also manages the delegation of purchasing authority for procurements by other state departments through the Delegation Resources Program. The Quality Assurance Program performs quality assurance functions and conducts compliance reviews at state departments. The DGS and other state departments use a variety of procurement mechanisms to accomplish their procurement responsibilities. Examples include: competitive bids, Statewide Commodity Contracts (SCC), California Multiple Awards Schedules (CMAS), and Master Agreements. Descriptions of these mechanisms along with other useful information about the Procurement Division may be found at the DGS website, [www.dgs.ca.gov/pd](http://www.dgs.ca.gov/pd). Information regarding the OLS may be found at [www.dgs.ca.gov/ols](http://www.dgs.ca.gov/ols).

### **C. Business Problem and Needs**

The statutes, regulations, policies, selected procedures, and procurement mechanisms available to State agencies for the procurement of both IT and non-IT goods and services have evolved over a period of many years. Because of this, DGS recognizes that contradictions, inconsistencies, ambiguities, and lack of clarity may exist in the State's statutes, regulations, policies, selected procedures, and procurement mechanisms.

The recent California Court of Appeals ruling in NEC Business Communications (West) Inc., et al., v. Department of General Services affirmed the authority of DGS to develop and issue policies and procedures, such as the State Contracting Manual and the draft California Acquisition Manual, free of the requirements of the California Administrative Procedures Act. The same flexibility also applies to the State Administrative Manual (SAM). Therefore, there is an opportunity to move forward expeditiously to develop the clear, well defined polices covering the procurement and contracting of good and services in the state of California.

Part of the development of uniform procurement and contracting policies is an organizational structure with assigned responsibilities that fosters a uniform approach to policy development. Under the current organizational structure, DGS has a bi-furcated approach, with resposibilities for development of contracting and procurement policies split between OLS for non-IT services contracting and PD for IT and non-IT goods and IT services. Additionally, the organizational structure must be able to provide clear policy guidance that is not unduly influenced by operational considerations. This may be accomplished in a single organization with a differentiation of responsibilities or perhaps by two separate organizations.

Finally the functions, roles and responsibilities of the Procurement Division and Office of Legal Services may not be adequately defined. This can lead to inefficiencies, duplication of effort, and procedural and process inconsistencies. DGS intends to have one seamless system for review and approval of contracting and procurement actions.

In order to clarify the current method for conducting the acquisition of goods and services and improve our current methodologies, the DGS seeks qualified consulting services to provide a review of the current environment and, based on the results of the review,

identify problems and provide recommendations for improvement of both IT and non-IT goods and services procurements and contracting policies

The DGS has a need for the assistance of a consultant to analyze the current statutes, regulations, and policies and make recommendations to simplify and promote uniformity among all procurement and contracting approaches. The consultant will also examine the organizational structure for policy development and implementation and provide recommendations for improvements. Finally, the contractor will conduct an in depth review of the internal structure and responsibilities for review and approval of individual contracting and procurement actions and make recommendations to improve the processes.

This study may require the use of outside legal counsel. These services will be obtained in accordance with Government Code 11040 and in consultation with the winning contractor. The selected counsel will then become a member of the overall project team.

**D. Scope of This Study Effort**

<b>Contracting/Procurement Areas Included in this Review</b>	<b>Contracting/ Procurement Areas Excluded from this Review</b>
Goods	Architect and Engineering Services
Information Technology & Telecommunication Goods*	Construction and Public Works
Information Technology & Telecommunication Services	Energy
Professional and Other Services	

\* Recommendations regarding IT will address only “procurement policy” and will be coordinated with the DOF, who has overall acquisition policy responsibility for IT solutions.

**E. Detailed Statement of Work**

The State anticipates that the Contractor will perform a substantial review of the statutes, California Codes and Regulations relating to State acquisition, Federal requirements imposed on the state in the procurement process, the State Administrative Manual (SAM), the State Contracting Manual (SCM), the California Acquisition Manual (CAM), Executive and Administrative Memorandums as well as various other applicable documents. The State has collected some primary source documentation (i.e., statutes, policies, procedures, etc.) as well as secondary source documentation that have resulted from previous studies (i.e., the California Acquisition Reform Act, Little Hoover Report, Procurement 2000 Project, etc.). The State has also identified primary web sites containing information that will be useful to the contractor in performing this review. A

listing of documentation already collected by the State and identification of web sites is included in this RFP as Attachment 9.

## **1. Development of Uniform Policies**

- a. The contractor shall perform a review of statutes, regulations, policies, and procedures, to identify the statutory basis for the acquisition of goods and services within the State of California. As a result of this review, the Contractor will trace the linkages from the statutes, through the regulations, policies and procedures used to meet the State's procurement and contracting objectives. In addition, the contractor shall analyze the consistency and clarity of statutes, regulations, policies, and procedures, and document contradictions, ambiguity, lack of clarity and inconsistency, including inconsistencies in language, among various statutes, regulations, policies, and procedures.
- b. Identify the statutory regulatory, and administrative policies that form the foundation for procedures/regulations that support existing IT and non-IT procurement mechanisms for goods and services for bid protests and dispute processes including:
  - DGS for resolution of protests concerning services contracts
  - The Victim Compensation & Government Claims Board for the resolution of protests of the award of goods and IT solutions.
  - The Office of Administrative Hearings for the resolution of award protests lodged on goods and IT solutions that have been conducted under the Alternate Protest Pilot Project.
  - Different dispute resolution methodologies for IT and non-IT goods and services.

Research best practices and provide alternatives to streamline and promote uniformity.

- c. Identify the statutory regulatory, and administrative policies that form the foundation for procedures/regulations that support existing IT and non-IT evaluation methodologies. Compare and contrast the various approaches, identify similarities and differences, conduct best practice research and provide recommendations, where practical, for standardizing the approaches.

## **2. Organizational Responsibilities for Development of Policies and Procedures**

- a. Identify any statutory, and regulatory basis for the development of contracting and procurement policy in the state. Include the authority, roles and responsibilities of the organizations involved. The organizations must include DGS, DOF, and a "Client Entity Group" as a representation of the agencies and departments within the State (i.e., the general delegated authority to procure goods and services). This will involve a review of various types of purchasing delegation authorities that may differ among departments based on the Public Contract Code. Variations will also occur in policies and procedures depending on the size of the Department and scope and magnitude of

the procurement activity accomplished. The PD will designate two small, two medium, and two large organizations to be representative of the Client Entity Group.

Client departments will include only those that receive their procurement authority from DGS or whose procurement of services must be approved by the OLS. Specifically excluded include the State Lottery, CalPERS, and the State Colleges and Universities. In the case of IT procurements, Constitutional agencies that do not have to comply with DOF acquisition policies and procedures are excluded from this review.

- b. Identify the existing policies, supported or not supported in statute, for authority, roles and responsibilities with regard to the development of procurement and contracting policy for goods and services for DGS and the Client Groups. In addition, identify any unwritten or poorly documented policies discovered during the course of the review that have broad support or usage within the State.
- c. Review the current organizational structure, roles and responsibilities for the development of procurement and contracting policies, procedures and processes in DGS. Analyze the effectiveness of the current organizational relationships and assigned responsibilities.
- d. Provide an analysis of the strengths and weaknesses of separating the development of contracting and procurement policy, and the agency oversight and control responsibilities from the operational procurement responsibilities at DGS, including transfer of these responsibilities to a separate organization.
- e. Provide recommendations and alternatives to the current statewide and internal DGS structure, authorities, roles and responsibilities with regard to the development of procurement and contracting policies.

### **3. Analysis of Operational Roles and Responsibilities: PD and OLS**

- a. Conduct best practice research on operational roles and responsibilities of legal counsel and procurement personnel at other state and federal organizations.
- b. Provide an analysis of the current missions, roles and responsibilities of DGS OLS and PD and, based on best practice research, make recommendations for improvements.
- c. Examine the formal and informal policies and procedures in effect for the review and approval of contracting and procurement actions by the two organizations and the make recommendations to promote uniform and effective processes.

### **4. Implementation Planning**

- a. Evaluate various methodologies for development and implementation of statewide uniform procurement and contracting policies. Alternatives will be developed based on best practice research of other public and private sector organizations. Prepare a

proposed development and implementation plan to formulate and disseminate procurement and contracting policies and procedures to state departments.

## **5. Option- Implementation Assistance**

- a. At the option of DGS, the contractor will assist in the actual implementation efforts. Implementation assistance could include facilitation services, technical writing services for development of draft policies, procedures and administrative documents, preparation of requests for statutory changes, and implementation project management support.
- b. The option performance period will be one-year starting from the date the option is exercised.

## **F. Deliverables and Other Reporting Requirements**

- a. As a result of the review, the Contractor shall provide the State with a detailed, comprehensive report as a deliverable containing the information identified in paragraphs E. #1-4 above.
- b. The Contractor is responsible for providing a succinct, written bi-monthly status report that summarizes the activities performed by the Contractor for the previous reporting period, planned activities, tasks and responsibilities based on the project plan for the next reporting period, and project issues and resolution. Weekly oral progress briefings will be given to the assigned DGS Project Manager and/or the DGS Project Team.
- c. The Contractor will develop and maintain a detailed Project Work Plan in Microsoft Project 98 or 2000. A Baseline Project Plan will be provided to the DGS Project Manager at the commencement of the contract. The Contractor will provide updates to the project schedule with each bi-monthly report.
- d. The Contractor will develop and maintain a Staffing Summary Plan that reflects the hours expended for all staff throughout the term of the contract. It will be updated monthly and provided to the State Project Manager
- e. The contractor shall make a monthly progress presentation to the project steering committee and a presentation of the contents of the proposed final report.
- f. The deliverable and other reporting requirements identifies above will be provided on a fixed price basis.
- g. There could be several deliverables under item E-5. The scope of work and deliverables will be defined by the issuance of task orders. Hours and skill mix to be

provided to complete the task order will be negotiated on a fixed-price basis with the contractor at the time the order is placed. Rates used must be the same as those used for the basic contract deliverables E #1-4. The estimated number of hours and skill mix requirements are shown in Attachment 6c.

### **G. State Responsibilities**

The DGS will facilitate the work of the Contractor in the following manner:

- a. The State will provide reasonable general office facilities for up to four (4) staff members of the Contractor's team. The use of this number does not indicate in any way the number of staff that the State believes are necessary to provide the deliverables in the contract performance period. That decision is solely the responsibility of the bidder based on its analysis of the work effort. Facilities will include work cubicles, access to private discussion areas and use of equipment such as telephones, facsimiles, photocopiers, and reasonable office supplies. Contractor staff will provide their own laptops. The Contractor will have access to the Internet, DGS intranet, DGS printers and e-mail capability. Use of such facilities is limited to activities required to support this contract. The Contractor project team personnel will be located at 707 3<sup>rd</sup> Street, West Sacramento, CA 95605.
- b. The State will provide the consultants with reference material or guidance to internet resources for research into current law, regulations, policies and procedures and miscellaneous work instructions created previously to be used in the analytical efforts of this project.
- c. The State will provide a Project Manager, Project Team, and Project Steering Committee for the duration of the project.
- d. The State will provide the Contractor reasonable access to DGS business staff and assist with access to other control agencies and client departments.
- e. Prior to final submission, the State will review the Contractor's draft deliverables and provide comments, suggestions or address other issues, which may impact the final products.
- f. The state will reimburse the contractor for staffs hours incurred at prices identified in the contract with a 10% withhold payable to the contractor at the acceptance of the final deliverable.

### **H. Acceptance Criteria**

It shall be the State's sole determination as to whether a deliverable has been successfully completed and is acceptable to the State. There must be a signed acceptance document before invoices are processed for final payment.

Acceptance criteria shall consist of the following:

- a. Deliverables will be completed as specified in this RFP. The resulting contract will also include any methodology or approaches provided in the Contractor's Proposal.
- b. All deliverables must be in a format that can be used by the State.

## **I. Project Budget**

The State budget for accomplishment of the fixed price portion of this effort is \$375,000.00.

## **J. Contractor Personnel Classifications**

There are three approved classifications that will be used for this project. Each contractor will be responsible for supplying personnel to meet the requirements as described below in order to be compliant with the scope of this RFP. Experience must be within the last 3 years from the final bid due date.

Firms must be able to provide personnel for the following classifications:

### **a. Principal:**

The principal provides project administration, monitors contract execution, analyzes complex problems, and prepares or edits project deliverables. Principals need a minimum of ten (10) years of full time experience in the applicable discipline or field of study either as a public sector manager and/or consultant. Principal may also be listed as Owner, Director, Partner or Senior Manager.

### **b. Senior Level:**

The senior level position is responsible for the day-to-day management of the project activities and assist with the preparation of the project deliverables. The senior level position is responsible for supervision and assignment of all journey level staff, and ensures compliance with all engagement schedules and budgets. The senior level position needs a minimum of five- (5) years full time experience in the applicable discipline or field of study either in the public sector and/or as a consultant. Two of the five years should be in a supervisory position.

### **c. Journey Level:**

The journey level position conducts the day-to day activities necessary to complete the tasks of each project. The journey level position works under the direction of the senior level position in completing a substantial portion of the detailed work. Journey level consultants have at least one year of related work experience.



## 2) Submittal Requirements

### **Proposal Format Response:**

All Bidders must submit a signed Proposal/Bidders Certification Sheet (Attachment 2) and a Table of Contents with tabbed enclosures as follows.

- a) A general summary indicating how the Bidder will meet the objectives of this RFP
- b) An organization chart that indicates the Bidder's proposed team, and the members' duties and responsibilities.
- c) Complete Resume Summary Sheet(s), (Attachment 3), and individual resumes for the team members identifying the skills and experience they will bring to this project
- d) Information relative to the Bidder's experience with projects of this magnitude and scope including the Project/Client Reference Form (Attachment 4).
- e) A summary of engagements in which the Bidder has provided services similar to those requested in the RFP. Similar services would include the analysis of statutes, regulations and policies, organizational authority reviews, particularly as relates to acquisition and procurement of goods and services.
- f) A Project Plan that shows tasks and timelines to delivery of the final report.
- g) A Staff Resource Allocation Plan that maps from the Scope of Work through the tasks to the deliverable detailing the staff hours by classification
- h) A description of the proposed deliverable report including the Deliverable Specification Document (Attachment 5).

## 3) Cost Detail Format and Requirements

- a) Costs for the proposed work should be prepared and identified in accordance with Attachment 6 instructions.

## 4) Submission of Proposal

Proposals should provide straightforward and concise descriptions of the bidder's ability to satisfy the requirements of this RFP. The proposal must be complete and accurate.

- a) All proposals must be submitted under **sealed** cover and sent to DGS/Procurement Division by dates and times shown in paragraph K, Proposal Requirements and Information, Item 1) Time Schedule. Proposals received after this date and time will not be considered.
- b) A minimum of four (4) copies of the proposal should be submitted.
- c) The original proposal should be marked "ORIGINAL COPY". All documents contained in the original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing firm. All additional proposal sets may contain photocopies of the original package.

- d) The proposal envelopes should be plainly marked with the RFP number and title, your firm name and address, and must be marked with "DO NOT OPEN", as shown in the following example:

**DGS/Procurement Division  
RFP DGS 02-04  
Development of Uniform Contracting and Procurement Policies  
DO NOT OPEN**

If the proposal is made under a fictitious name or business title, the actual legal name of bidder must be provided.

**The bid price and all cost information must be submitted in a separate sealed envelope. The envelope should be affixed to the outside of the proposal package and marked "Sealed Cost Proposal-DO NOT OPEN".**

Proposals not submitted under sealed cover and marked as indicated may be rejected.

- e) Mail or deliver proposals to the following address:

DGS/Procurement Division  
The Ziggurat, 707 Third Street, Second Floor  
PO Box 989052, West Sacramento, CA 95798-9052

- f) 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. The State may reject any or all proposals and may waive any immaterial deviation in a proposal. The State's waiver of immaterial defect shall in no way modify the RFP document or excuse the bidder from full compliance with all requirements if awarded the agreement.
- g) Costs for developing proposals and in anticipation of award of the agreement are entirely the responsibility of the bidder and shall not be charged to the State of California.
- h) An individual who is authorized to bind the proposing firm contractually shall sign the Attachment 2 Proposal/Bidder Certification Sheet. The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal may be rejected.
- i) The State does not accept alternate contract language from a prospective contractor. A proposal with such language will be considered a counter

proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable. The GTC may be viewed at Internet site [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts).

- j) No oral understanding or agreement shall be binding on either party.
- k) A bidder may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline. Proposal modifications offered in any other manner, oral or written, will not be considered.
- l) A bidder may withdraw its proposal by submitting a written withdrawal request to the State, signed by the bidder or an agent authorized in accordance with h) above. A bidder may thereafter submit a new proposal prior to the proposal submission deadline. Proposals may not be withdrawn without cause subsequent to proposal submission deadline.
- m) The State agency may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who submitted an Intent to Bid, only as specified in the Time Schedule on page 12.
- n) The State agency reserves the right to reject all proposals.
- o) Bidders are cautioned to not rely on the State during the evaluation to discover and report to the bidder any defects and errors in the submitted documents. Bidders, before submitting their documents, should carefully proof them for errors and adherence to the RFP requirements.
- p) More than one proposal from an individual, firm, partnership, corporation or association under the same or different names, will not be considered. Reasonable grounds for believing that any bidder has submitted more than one proposal for the work contemplated herein will cause the rejection of all proposals submitted by that bidder. If there is reason for believing that collusion exists among the bidder, none of the participants in such collusion will be considered in this or future procurements.

**L. Evaluation Process**

- a) At the time of proposal opening, each proposal will be checked for the presence or absence of required information in conformance with the submission requirements of this RFP.

- b) The State will evaluate each proposal for responsiveness to the State’s requirements.
- c) Proposals that 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 proposal, and the attribute, condition, or capability is a requirement of this RFP, it will be the basis for rejection of the proposal.
- d) The State has established an Evaluation Team comprised of individuals selected from DGS-PD. The Evaluation Team will be responsible for the review and evaluation of Bidder Quotations in accordance with the process described in this RFP. The State may engage additional qualified individuals during the process to assist the Evaluation Team in gaining a better understanding of technical, financial, legal, contractual, or program issues. These individuals will not have voting privileges or responsibility for the evaluation process.
- e) The final selection will be made to a responsive proposal that has the highest combined score based on the following evaluation criteria.

The following table indicates the maximum points for each mandatory scorable requirement.

**RFP Maximum Points**

<b>RATING/SCORING CRITERIA</b>	<b>MAXIMUM POSSIBLE POINTS</b>
a—Project Team Organization, Experience, and Staffing	250
b—Project Plan and Deliverables	250
c—Bidder Experience	125
d—Presentations and Oral Interviews	75
<b><i>Subtotal of Points for SOW Requirements</i></b>	<b><i>700</i></b>
e—Total Cost	300
<b><i>Total Maximum Points Available</i></b>	<b><i>1000</i></b>

**The evaluation will be conducted in four steps**

**Step 1--Response to Scope of Work Requirements (700 points)**

Based upon the information provided in the response, the State will be evaluating:

**a--Project Team Organizational Structure and Relevant Analytical Experience (maximum 250 points)**

- The soundness of the organizational structure and responsibilities assigned (75 points)
- The experience and qualifications of the Project Manager (75 points)
- The experience and qualifications of the assigned staff (100 points)

**b--Bidder Experience (maximum 125 points)**

- Experience with projects of this magnitude and scope (50 points)
- Experience with the technical aspects of the type of work described in the SOW (50 points)
- Validation of experience and performance as reflected in client reference checks (25 points)

**c--Project Plan and Deliverable (maximum 250 points)**

- The completeness and thoroughness of the Project Plan (75 points)
- The soundness of the Staff Resources Allocation Plan, including reasonableness of hours proposed and skills mix. (75 points)
- The description of deliverable indicates that the bidder understands the problems and needs of the DGS, shows acceptable ingenuity, and meets or exceeds all requirements. (100 points)

**d--Presentations and Oral Interviews (maximum 75 points)**

As part of the evaluation of Proposals, the Bidder shall provide a presentation and the State Evaluation Team will conduct an oral interview with the Bidder's proposed key personnel to confirm the information provided by the Bidder in the Proposal. The presentation and interviews will be conducted in West Sacramento, California. Bidders will be notified of the date, time and specific location at least five (5) days prior to the Presentation and Oral Interview. The Bidder's proposed key project staff (as identified in the organization chart for the project team) should be present. It is DGS's strong preference that proposed key project staff be at the presentation in order to obtain a true perspective of the bidder's understanding of the requirements. If this is not possible arrangements may be made for select key personnel to sit in by telephone. Bidder's will have the sole responsibility of ensuring team members are available to take the call.

The meeting will last approximately one to two hours and will consist of a presentation by the Bidder and interviews/questions from the State Evaluation Team. The Bidder should plan on 30 to 45 minutes for the presentation followed by questions from the State Evaluation Team. The Bidder should bring any equipment and materials needed for the presentation. The Bidder should bring at least four (4) paper copies of the intended presentation for distribution to the State representatives. The purpose of the session is to verify the capabilities identified by the Bidder in response to the SOW requirements.

NOTE: Only proposals that meet minimum qualifications in Step 1 will have cost proposals opened. A minimum of 490 points must be achieved in Step 1 to be responsive. A responsive proposal is one which meets or exceeds the requirements stated in this RFP.

**Step 2—Cost Submittal (maximum 300 points)**

This phase consists of opening and evaluating the sealed cost proposals. All proposals that enter Phase II will have been considered responsive to the SOW requirements and are considered fully capable of performing the required services.

- a) The sealed envelopes containing the fixed bid price and cost information for the proposals that meet the format requirements and standards shall then be publicly opened and read.
- b) If no proposals are received containing bids offering a price, which in the opinion of the awarding agency is a reasonable price, the awarding agency is not required to award an agreement (Public Contract Code 10344 (d)).

**Step 3 Determination of Point Totals**

All sections in the Response to Scope of Work Requirements will be rated as described below. These percentage ratings will then be translated into the Bidder’s point score for the particular component of the Proposal being evaluated.

PERCENTAGE	DESCRIPTION
<b>Non-Compliant</b> 0	FAILS TO ADDRESS THE COMPONENT OR THE BIDDER DOES NOT DESCRIBE ANY EXPERIENCE RELATED TO THE COMPONENT.
<b>Poor</b> 30%	MINIMALLY ADDRESSES THE SECTION, BUT ONE OR MORE MAJOR CONSIDERATIONS OF THE COMPONENT ARE NOT ADDRESSED, OR SO LIMITED THAT IT RESULTS IN A LOW DEGREE OF CONFIDENCE IN THE BIDDER’S RESPONSE OR PROPOSED SOLUTION.
<b>Fair</b> 70%	THE RESPONSE ADDRESSES THE SECTION ADEQUATELY, BUT MINOR CONSIDERATIONS MAY NOT BE ADDRESSED. ACCEPTABLE DEGREE OF CONFIDENCE IN THE BIDDER’S RESPONSE OR PROPOSED SOLUTION.
<b>Good</b> 80%	THE RESPONSE FULLY ADDRESSES THE SECTION AND PROVIDES A GOOD QUALITY SOLUTION. GOOD DEGREE OF CONFIDENCE IN THE BIDDER’S RESPONSE OR PROPOSED SOLUTION.
<b>Excellent</b> 90%	ALL CONSIDERATIONS OF THE SECTION ARE ADDRESSED WITH A HIGH DEGREE OF CONFIDENCE IN THE BIDDER’S RESPONSE OR PROPOSED SOLUTION.
<b>Outstanding</b> 100%	ALL CONSIDERATIONS OF THE SECTION ARE ADDRESSED WITH THE HIGHEST DEGREE OF CONFIDENCE IN THE BIDDER’S RESPONSE OR PROPOSED SOLUTION. THE RESPONSE EXCEEDS THE REQUIREMENTS IN PROVIDING A SUPERIOR EXPERIENCE, A CREATIVE APPROACH OR AN EXCEPTIONAL SOLUTION.

Evaluators will score the submittals based on percentages for levels of quality. The percentages will then be translated to points based upon the weight for the particular factor. For example, if a Bidder under the “Bidder Experience”, sub factor “Experience with Projects of this Magnitude and Scope” (maximum 50 points) is determined to be “Excellent” it will get 45 points (0.9 x 50). If another Bidder in the same category is “Fair” it will get only 35 points (0.7 x 50). A similar approach will be used for all categories and the total points summed to reach the final Requirements score.

Each Bidder’s cost score will be based on the ratio of its Adjusted Total Cost to the Adjusted Total Cost associated with the lowest responsive proposal multiplied by the maximum number of cost points (300), as shown below.

$$\frac{\text{Lowest Adjusted Total Cost} \times 300}{\text{Bidder's Adjusted Total Cost}} = \text{Bidder's Cost Score}^*$$

\*The Bidder’s Cost Score will be rounded to the nearest whole integer—see sample below.

**Cost Score Sample**

BIDDER	ADJUSTED TOTAL COST	CALCULATION	BIDDER SCORE
A	\$375,000	<u>\$300,000 (Bidder B) X 300</u> \$375,000 (Bidder A)	240
B	\$300,000	<u>\$300,000 (Bidder B) X 300</u> \$300,000 (Bidder B)	300
C	\$350,000	<u>\$300,000 (Bidder B) X 300</u> \$350,000 (Bidder C)	257

**Step 4—Final Evaluation**

This award will be made to the highest scored bidder based on evaluation factors and cost. The preference to small businesses shall be 5% of the highest responsible bidder’s score total including cost and SOW Requirement factors. The preference may not be awarded to a non-compliant bidder and may not be used to achieve any applicable minimum requirements and may not exceed fifty thousand dollars (\$50,000) for any bid.

**M. Award and Protest**

- a) Notice of the proposed award shall be posted in a public place in the office of DGS/Procurement Division, 707 3<sup>rd</sup> Street, West Sacramento, California for five (5) working days prior to awarding the agreement.
- b) If any bidder, prior to the award of agreement, files a protest with the DGS/Procurement Division and the Department of General Services, Office of Legal Services, 707 Third Street, 7<sup>th</sup> Floor, West Sacramento, CA 95605, on the grounds that the (protesting) bidder would have been awarded the contract had the agency correctly applied the evaluation standard in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.
- c) Within five (5) days after filing the initial protest, the protesting bidder shall file with the Department of General Services, Office of Legal Services and the DGS/Procurement Division a full and complete written statement specifying the grounds for the protest. It is suggested that you submit this complete written statement by certified or registered mail.

- d) Upon award of the agreement, Contractor must sign and submit to the awarding agency, *page one (1)* of the Contractor Certification Clauses (CCC) which can be found on the Internet at [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts). This document is only required if the bidder has not submitted this form to the awarding agency within the last three (3) years.

#### **N. Disposition of Proposals**

- a. Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public. The State cannot prevent the disclosure of public documents.
- b. Proposal packages may be returned only at the bidder's expense, unless such expense is waived by the awarding agency.

#### **O. Standard Conditions of Service**

- a. Service shall be available not later than five days, or on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's Proposal price and the actual cost of performing work by the second lowest bidder or by another contractor.
- b. All performance under the agreement shall be completed on or before the termination date of the agreement.

#### **P. Preference Programs**

The standard contract language for the preference programs can be found at the Internet web sites listed below:

- a. Small Business (SB) [www.osmb.dgs.ca.gov/program.htm](http://www.osmb.dgs.ca.gov/program.htm) or

**Phone Number**

Receptionist: (800) 559-5529 or (916) 375-4940

Fax: (916) 375-4950

24-Hour Recording & Mail Request call (916) 322-5060

b. The Disabled Veteran Enterprise Program (DVBE) package is found in Attachment 7. Bidders must complete and return appropriate documents from this attachment to be responsive to this requirement.

ATTACHMENT 1

REQUIRED ATTACHMENT CHECK LIST

A complete proposal or proposal package will consist of the items identified under Proposal Format Response in the RFP including the items identified below numbered as Attachments 1-8 in the appropriate tabbed section. Complete this checklist to confirm the items in your proposal. Place a check mark or “X” next to each item that you are submitting to the State. For your proposal to be responsive, all required attachments must be returned. This checklist should be returned with your proposal package also.

<u>Attachment</u>	<u>Attachment Name/Description</u>
_____ Attachment 1	Required Attachment Check List
_____ Attachment 2	Proposal/Bidder Certification Sheet
_____ Attachment 3	Resume Summary Sheet—include in tab marked “c”
_____ Attachment 4	Project/Client Reference Form—include in tab marked “d”
_____ Attachment 5	Deliverable Specification Document—include in tab marked “h”
_____ Attachment 6	Cost Worksheets for Scope of Work— <b>separately sealed envelope</b>
_____ Attachment 7	Disabled Veteran Business Enterprise Participation Package NOTE: DVBE forms with cost should be included in separately sealed envelope with Cost Worksheet (Attachment 6) A duplicate copy <b>without cost</b> information should be included immediately following Attachment 2.
_____ Attachment 8	Std. 213—signed by authorized person.

=====  
The following attachments do not need to be returned with the proposal.

Attachment 9	Reference Library of Documents Collected by DGS-PD & Pertinent Web Sites to be provided to selected Contractor
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## ATTACHMENT 2

### PROPOSAL/BIDDER CERTIFICATION SHEET

This Proposal/Bidder Certification Sheet must be signed and returned along with all the "required attachments" as an entire package in duplicate with original signatures. The proposal must be transmitted in a sealed envelope in accordance with RFP instructions.

**Do not return Section C, Proposal Requirements and Information (pages 3 through 11) nor the "Sample Agreement" at the end of this RFP.**

- A. Our all-inclusive cost proposal is submitted in a sealed envelope marked **"Cost Proposal - Do Not Open"**.
- B. Place all required attachments behind this certification sheet.
- C. I have read and understand the DVBE Participation requirements and have included documentation demonstrating that I have met the participation goals or have made a good faith effort.
- D. The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification.

### An Unsigned Proposal/Bidder Certification Sheet May Be Cause For Rejection

1. Company Name	2. Telephone Number (   )	2a. Fax Number (   )
3. Address		
Indicate your organization type:		
4. <input type="checkbox"/> Sole Proprietorship	5. <input type="checkbox"/> Partnership	6. <input type="checkbox"/> Corporation
Indicate the applicable employee and/or corporation number:		
7. Federal Employee ID No. (FEIN)	8. California Corporation No.	
Indicate applicable license and/or certification information:		
9. Contractor's State Licensing Board Number	10. PUC License Number CAL-T-	11. Required
12. Bidder's Name (Print)	13. Title	
14. <b>Signature</b>	15. Date	
16. Are you certified with the Department of General Services, Office of Small Business Certification and Resources (OSBCR) as:		
a. Small Business      Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter certification number: _____		
b. Disabled Veteran Business Enterprise      Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, enter your service code below: _____		
<p><b>NOTE:</b> A copy of your Certification is required to be included if either of the above items is checked "Yes". Date application was submitted to OSBCR, if an application is pending:</p>		

**ATTACHMENT 2 – cont'd**  
**Completion Instructions for Proposal/Bidder Certification Sheet**

Complete the numbered items on the  
Proposal/Bidder Certification Sheet by following the instructions below.

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.
5	Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.
6	Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.
7	Enter your federal employee tax identification number.
8	Enter your corporation number assigned by the California Secretary of State's Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.
9	Complete if your firm holds a California contractor's license. This information will be used to verify possession of a contractor's license for public works agreements.
10	Complete if your firm holds a PUC license. This information will be used to verify possession of a PUC license for public works agreements.
11	Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being procured.
12, 13, 14, 15	Must be completed. These items are self-explanatory.
16	If certified as a Small Business, place a check in the "yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSBCR.

**ATTACHMENT 3**  
**Resume Summary Sheet**

<b>Proposed Resource Name:</b>			
Proposed Job Classification:			
Organization associated with (check one):	Prime Bidder	Subcontractor	DVBE
Number of years of education achieved		Degrees Held:	
<p>List skills and experiences that qualify the team member for the duties and responsibilities on this project for the proposed job classification.</p>			
<p>List client references for all projects that are similar to this project's scope of work that the proposed resource has worked on during the past three (3) years.</p>			
<u>Client Name</u>	<u>Project Title</u>	<u>Contact Name/Telephone #</u>	

## ATTACHMENT 4

### PROJECT/CLIENT REFERENCE FORM

Attached as part of the response to this Exhibit a description of a minimum of **THREE (3)** recent projects your firm has completed that are similar to the project specified in this RFP. Recent projects are defined as in process projects or projects that have been completed within the past five years. For each project referenced, complete one of the attached Project/Client Reference Forms. The State may, at its discretion, contact the listed clients to confirm the information provided by the Bidder and determine client satisfaction with the outcome of the project. This information **must** be provided for each reference in order to satisfy this requirement.

If an item does not apply to the specific project, indicate that with “n/a”.

FIELD NAME	DESCRIPTION
Contractor Name / Contact Name	Enter the name(s) of the organization that provided the services described on the form.  Enter the name of the project contact person from the Contractor's organization.
Date / Phone	Enter the date the reference form was completed by the Bidder.  Enter the phone number of the Contractor's contact person.
Project Name	Enter the name of the project.
Client Name / Contact Name	Enter the name(s) of the project's client.  Enter the name of the project contact person from the Client's organization.
Address / Phone # / Fax #	Enter the address, telephone number, and fax number of the Client's organization.
Dollar Value for Length of Project	Enter the total dollar value of the project and the contract term.
Project Objectives	Enter the high-level objectives of the project.
Contractor's Involvement	Enter a description of the project roles and responsibilities of the Contractor's organization for the project.
Project Benefits	Enter a high-level description of the benefits that were to be achieved by the project.

**ATTACHMENT 4—cont'd**  
**PROJECT/CLIENT REFERENCE FORM – PAGE 1**

**Contractor Name:** \_\_\_\_\_ **Contact Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Client Name:** \_\_\_\_\_ **Contact Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **Phone #:** \_\_\_\_\_

\_\_\_\_\_ **Fax #:** \_\_\_\_\_

**Dollar Value:** \_\_\_\_\_ **Length of Project:** \_\_\_\_\_

**Project Objectives:** \_\_\_\_\_

\_\_\_\_\_

**Contractor's Involvement:** \_\_\_\_\_

\_\_\_\_\_

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**Project Benefits:** \_\_\_\_\_

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**ATTACHMENT 6**  
**COST WORKSHEET FOR SCOPE OF WORK--INSTRUCTIONS**

Pricing provided by the Bidders will be evaluated in total for both the fixed price and option efforts. The information will be provided on the four (4) Attachment 6 worksheets.

**Attachment 6A-Fixed Price Effort-Classification, Hours, and Rates.**

Include the following information in Attachment 6A:

- The names of the consultant staff to be used on this contract and their respective classifications
- The number of hours to be worked on the contract will be indicated for each consultant
- The hourly rate for each consultant must be identified
- The total cost for each consultant must be summed
- The contract total cost must be provided

**Attachment 6B-Fixed Price Effort-Cost Per Report Task**

This is another array of the costs identified in Attachment 6A:

- Enter the total for each identified report task.
- Provide the total cost. The total cost for Attachments 6A and 6B will be identical.

**Attachment 6C-Option Implementation Assistance**

Using the estimated hours provided, insert in the table:

- The hourly rate for each classification identified and total across the page
- Provide the total cost for the option period

**Attachment 6D-Total Evaluated Cost**

- Insert the total cost for the fixed price effort from either sheet 6A or 6B
- Enter the total cost for the option effort from sheet 6C
- Sum the two totals. This total will be used in the evaluation formula with a relative weighting of 300 points



ATTACHMENT 6B

FIXED PRICE EFFORT  
COST PER REPORT TASK

Task		Total Cost
1	Development of Uniform Policies	\$
2	Organizational Responsibilities for Development of Policies and Procedures	\$
3	Analysis of Operational Roles and Responsibilities: PD and OLS	\$
4	Implementation Planning	\$
	TOTAL	*\$

\* The total cost on Attachments 6A and 6B should be the same.

ATTACHMENT 6C

OPTION- IMPLEMENTATION ASSISTANCE

FOR EVALUATION PURPOSES ONLY

<b>Classification</b>	<b>Hourly Base Rate</b>	<b>Estimated Number of Hours</b>	<b>Cost</b>
1. Principle		500	\$
2. Senior Lead		1300	\$
3. Journey Level		3200	\$
		Total Cost =	\$

ATTACHMENT 6D

TOTAL EVALUATED COST

		Total Cost
Fixed Price Effort		\$
Option Effort		\$
TOTAL		\$

Attachment 7  
**Disabled Veteran Enterprise Program Requirement Document**

**DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION  
PROGRAM REQUIREMENTS**

Public Contract Code Section 10115 et seq. establishes a contract participation goal of at least three percent (3%) for disabled veteran business enterprise (DVBE). This goal applies to a state agency's overall contracting program. State agencies have the discretion to apply the DVBE participation goal to individual contracts. DVBE participation requirements are included for this contract. This solicitation attachment provides program information and bidder responsibilities for the DVBE Participation Program. Bidders must meet DVBE Participation Program requirements to be viewed as a responsive bidder and considered for contract award.

**(1) PLEASE READ THESE INSTRUCTIONS CAREFULLY**

Bidders must fully comply with DVBE Participation Program requirements. Failure to submit a complete response may result in a non-responsive determination, in which case the bid will be rejected.

For bid response assistance, please contact the contracting official for this contract: See other contact section of this solicitation for name, address, and phone number.

The Office of Small Business Certification and Resources offers program information and may be reached at:

Department of General Services, Procurement Division  
Office of Small Business Certification and Resources (OSBCR)  
707 Third Street, First Floor  
West Sacramento, CA 95605  
Homepage: <http://www.dgs.ca.gov/osbcr>  
24-hour information and documentation request system: (916) 322-5060  
Receptionist: (916) 375-4940

**DVBE PARTICIPATION PROGRAM COMPLIANCE OPTIONS**

Before you begin to prepare your bid response, you will need to determine which option you will use and document to meet DVBE Participation Program requirements:

- A. **Commitment to Contract Participation** - Meet or exceed the goal of at least 3% DVBE participation for this solicitation and document that commitment. Should efforts result in partial or no participation, you may meet DVBE Participation Program requirements by documenting your "good faith efforts" to attain DVBE participation for this solicitation (see instructions below)

B. **Business Utilization Plan** – Submit with your bid a copy of your firm’s “Notice of Approved DVBE Business Utilization Plan” (see page 4 for instructions).

NOTE: Business Utilization Plans must address DVBE participation and apply only to procurements for materials, supplies and equipment, including electronic data processing and telecommunication goods and services.

Forms and instruction for Option A are included below. If you are considering using Option B, please call the Department of General Services, Procurement Division, DVBE Services Unit at (916) 375-4549 for instructions on how to complete and submit a Business Utilization Plan.

OPTION A - Commitment to Contract Participation

Meet or exceed DVBE participation goal of at least 3% for the proposed contract by one of the following two (2) ways:

1. **If you are a non-DVBE bidder:** Commit to use DVBE(s) for at least 3% of the contract bid amount.
2. **If you are a DVBE bidder:** Commit to perform at least 3% of the contract bid amount with your firm or in combination with other DVBE(s).

**To Document DVBE Participation:** Use the "Disabled Veteran Business Enterprise Participation Summary", form STD 840, revised.

**For Certification of DVBEs:** OSBCR-DVBE certification is the only acceptable certification.

**NOTE:** All bidders should include the respective certification verification for each participating DVBE subcontractor/supplier, including the bidder when applicable.

Should full goal attainment not be achieved, your "good faith efforts" must be documented to meet DVBE Participation Program requirements prior to the solicitation due date, by completing Exhibit A in its entirety. **Bidders are encouraged to seek at least partial DVBE participation.**

**Good Faith Efforts**

**NOTE:** All efforts intend to identify and attain DVBE participation.

**Step 1, Outreach, Awarding Department** - Contact the contracting official identified for this solicitation to identify potential DVBE subcontractors/suppliers. Document contact(s) and results on Exhibit A.

**Step 2, Outreach, Other State, Federal and Local Organizations -**

- **State** - Contact the OSBCR to identify certified DVBEs at <http://www.dgs.ca.gov/osbcr> or (916) 322-5060. Document contact and results.
- **Federal** - No contact necessary as no viable federal contacts are currently known. NOTE: Awarding departments will require this contact should viable federal contacts become known.
- **Local** - The Procurement Division publishes a list of local agencies to assist bidders to meet this requirement. To obtain this list, please contact the DVBE Services Unit and request the "DVBE Resource Packet". The "DVBE Resource Packet" is available on the Internet at <http://www.pd.dgs.ca.gov/> (select "DVBE Services" from the Quick List; then select "DVBE Resource Packet") or may be requested by calling (916) 375-4549. Document request and results. Contact listed local organizations to identify potential DVBE subcontractors/suppliers. Document contact(s) and results on Exhibit A.

**Step 3, Advertisements** - Advertise in at least one trade and one focus publication (minimum two ads). List publication name and advertisement dates on Exhibit A. Include copies of ads with bid.

NOTE: Advertising is mandatory unless the solicitation document specifically waives the requirement due to time constraints. Advertising, when required, must be published more than 7 days prior to the bid opening date.

Sample ad content:

(YOUR COMPANY NAME)  
IS SEEKING QUALIFIED  
DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)  
SUBCONTRACTORS &/OR SUPPLIERS  
TO PROVIDE (WHAT) FOR (PROJECT) (LOCATION)  
CONTACT: (NAME, ADDRESS, TELEPHONE, FAX, E-MAIL)  
BIDS DUE: (DATE/TIME)

In accordance with PCC Section 10115.2(b)(3), bidders must advertise in one trade and one focus publication unless the DVBE goal is satisfied. The Procurement Division publishes a list of trade and focus publications to assist bidders in meeting these contract requirements. To obtain a list, please contact the DVBE Services Unit and request the "DVBE Resource Packet" at:

Department of General Services, Procurement Division  
DVBE Services Unit  
707 Third Street, 2<sup>nd</sup> Floor  
West Sacramento, CA 95605  
Homepage: <http://www.pd.dgs.ca.gov/>  
telephone: (916) 375 -4549

**Step 4, Invitations to Bid** - Invite identified DVBE subcontractors/suppliers to bid. Steps 1-3 should have produced a list of potential DVBEs.

- **Solicitation Sample** – On a separate piece of paper, include a sample of the solicitation sent (letter, fax, e-mail) or discussed (by phone) with DVBE firms. If contact was by phone, document the conversation, date, time, contact person, and business opportunities discussed.
- **Bidders List** – On a separate piece of paper, include the list of DVBEs invited to bid.

**Step 5, Consider Responses** - Bidders must consider responding DVBEs for contract participation. Consideration should be based upon business reasons and the same criteria applied to all potential subcontractors/suppliers. List on the form provided within this Exhibit those firms from your bidders' list that responded to your solicitation. Indicate using the word "selected" if a firm was selected for participation or provide the business reason for non-selection. **NOTE: Firms shown as selected are to be listed on form STD 840, revised.** If you have exhausted all avenues to attain DVBE bid responses, and no responses were received, indicate "none" on Form STD 840, revised.

#### **OPTION B – Business Utilization Plan**

PCC Section 10115.15 permits bidders to submit DVBE Business Utilization Plans to satisfy DVBE Participation Program requirements. The Business Utilization Plan must:

- Be annually approved by the DGS, Procurement Division and address DVBE participation. The annual approval process includes a prior year compliance evaluation.
- Apply only to procurements for materials, supplies and equipment, including electronic data processing and telecommunications goods and services.
- Address statutory information requirements.
- Be submitted prior to the bid due date and subsequently approved to satisfy DVBE Participation Program requirements.

**NOTE:** DVBE Business Utilization Plans do not satisfy DVBE participation requirements for construction or non-EDP service contracts or contracts having DVBE goals which exceed those contained in the bidder's approved Business Utilization Plan.

Even with approved Business Utilization Plans, bidders are encouraged to seek full DVBE participation or at least partial DVBE participation and document the efforts on Exhibit A.

Instructions for the preparation and submission of DVBE Business Utilization Plans may be obtained online at <http://www.pd.dgs.ca.gov> (select "DVBE Program" from the Quick List; then select Business Utilization Plan) or by contacting the DGS, Procurement Division, DVBE Services Unit at (916) 375-4549.

## CONTRACT AUDITS

Contractor agrees that the State or its delegate will have the right to review, obtain, and copy all records pertaining to performance of the contract, including but not limited to reports of payments made to subcontractors during the term of the contract. Contractor agrees to provide the State or its delegate access to its premise, upon reasonable notice, during normal business hours for the purpose of interviewing employees and inspecting and copying such books, records, accounts, and other material that may be relevant to a matter under investigation for the purpose of determining compliance with this requirement. Contractor further agrees to maintain such records for a period of three (3) years after final payment under the contract.

ANSWERS TO FREQUENTLY ASKED QUESTIONS:

The following questions are among the most frequently asked regarding DVBE requirements:

**Q: *If I am awarded the contract, either with partial or full goal attainment documented, am I required to use the subcontractor/supplier proposed in my bid?***

A: Yes, unless you have requested and received substitution approval from the State. Written requests should include the person's or firm's name to be substituted, the substitution reason, the reason a non-DVBE subcontractor is proposed, if applicable, describe the business to be substituted including its business status as a sole proprietorship, partnership, corporation or other entity, and the certification status of the firm, if any. See California Code of Regulations Section 1896.64 (c) & (d) for substitution criteria.

The request and the State's approval or disapproval is not construed as an excuse for noncompliance with any other provision of the law, including but not limited to the Subletting and Subcontracting Fair Practices Act or any other contract requirements relating to substitution of subcontractors. Failure to adhere to at least the DVBE participation proposed by the successful contractor may be cause for contract termination and recovery of damages under the rights and remedies due the State for default section of the contract(s) and any other penalties provided for by statute.

**Q: *Who notifies the subcontractor when an award is made?***

A: Upon award to a prime contractor, the awarding department notifies listed subcontractors of their contract participation. Primes are encouraged to notify their listed subcontractors immediately after an award is made to formalize their business agreements.

**Q: *What happens to bids considered non-responsive to the DVBE Participation Program requirements?***

A: Non-responsive bids are rejected. Many are rejected because of:

- incomplete documentation,
- documentation not received by bid due date,
- mathematical error related to the percentages,
- basing goal attainment on workforce composition.

**Q: *If I am a disabled veteran business enterprise, can I meet the 3% contract goal as a single company?***

A: Yes.

**Q: *If my submitted bid meets the contract goal and the State decides to make multiple awards to the bid/contract, could my bid be considered non-responsive?***

A: No, the State's decision to make multiple awards will not jeopardize bid compliance.

STATE OF CALIFORNIA

**DISABLED VETERAN BUSINESS  
ENTERPRISE PARTICIPATION SUMMARY**

STD. 840 REVISED

**See completion instructions on reverse.**

COMPANY NAME	NATURE OF WORK	CONTRACTING WITH	TIER	CLAIMED DVBE VALUE	CERTIFICA- TION

STATE OF CALIFORNIA

**DISABLED VETERAN BUSINESS  
ENTERPRISE PARTICIPATION SUMMARY**

STD. 840 REVISED

**COMPLETION INSTRUCTIONS**

THIS FORM MUST BE COMPLETED WHETHER THE CONTRACT GOALS ARE ACHIEVED OR A “GOOD FAITH EFFORT” IS MADE AND DOCUMENTED. IF NO PARTICIPATION IS OBTAINED, STATE “N/A” OR “NONE.” FULL AND PARTIAL GOAL ACHIEVEMENT SHOULD BE REPORTED.

**COMPANY NAME** – list the name of the company proposed for DVBE participation. If the prime contractor is a DVBE, the name **MUST** be listed for participation.

**NATURE OF WORK** – identify the proposed work to be performed by the prime contractor or subcontractors.

**CONTRACTING WITH** – list the name of the department or company with which the company listed is contracting.

**TIER** – the contracting tier should be indicated with the following level designations:

- 0=Prime or Joint Contractor
- 1=Primary Subcontractor/Supplier
- 2= Subcontractor/Supplier of Level 1 Subcontractor/Supplier
- 3=Subcontractor/Supplier of Level 2 Subcontractor/Supplier, etc.

**CLAIMED DVBE VALUE** – the total participation dollar amount claimed by a disabled veteran business enterprise (DVBE) for this bid.

**CERTIFICATION** – to obtain DVBE participation credit, the firm must be formally certified by the Office of Small Business Certification and Resources. Write “yes” if the certification verification has been included for each firm listed for participation.

**SOLICITATION NO. RFP DGS 02-04 CONTRACTOR/BIDDER: \_\_\_\_\_**

**GOOD FAITH EFFORT DOCUMENTATION**

This form is provided to document outreach, solicitations and consideration given to DVBEs.

**Step 1 - Contact awarding department to identify potential DVBE subcontractors/suppliers.**

**Step 2 - Contact other state, federal and local organizations to identify potential DVBE subcontractors/suppliers.**

<u>Date/Time</u>	<u>Agency/Organization Name</u>	<u>Contact Person/Method</u>	<u>Telephone Number/ Internet Address</u>	<u>Contact Results</u>
_____	<u>Procurement Division</u>	_____	_____	_____
_____	<u>Other State Department (OSBCR)</u>	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	<u>Federal Organizations (Not Required)</u>	_____	_____	_____
_____	_____	_____	_____	_____
_____	<u>Local Organizations</u>	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SOLICITATION NO.RFP DGS 02-04 CONTRACTOR/BIDDER'S NAME: \_\_\_\_\_

***GOOD FAITH EFFORT DOCUMENTATION***

**Step 3 - Advertisements** - List publications in which you advertised to identify potential DVBE subcontractors/suppliers (include a copy of each advertisement with bid). List publication dates for each advertisement.

<u>Publication Name</u>	<u>Publication Date(s)</u>
_____	_____
_____	_____
_____	_____
_____	_____

**Step 4 - Invitations to Bid -**

- a. **Solicitation Copy:** Attach a solicitation copy sent to potential DVBE subcontractors/suppliers. If multiple solicitations methods were used attach a solicitation copy for each method. If phone contacts were made, document the conversations: date, time, contact person, and business opportunities discussed.
- b. **Bidders List:** Attach a list of all DVBEs solicited. If multiple solicitation methods were used indicate method used for each.

SOLICITATION NO.RFP DGS 02-04 CONTRACTOR/BIDDER’S NAME:\_\_\_\_\_

***GOOD FAITH EFFORT DOCUMENTATION***

**Step 5 - Consider DVBE responses** - List below the DVBEs responding to your solicitation. If selected for participation, write in "selected" or the business reason for non-selection. Use additional pages as needed. If you have exhausted all resources and received no responses, please indicate “none”.

<u>DVBE Name</u>	<u>Selected/Business Reason for Non-Selection</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## DOCUMENTATION CHECKLIST AND COMPLIANCE RECOMMENDATIONS

This review provides a checklist of the documents which must be completed and enclosed with the bid submission to be compliant with the DVBE requirement. This checklist is for use solely as an aid in completing DVBE requirements. No representation on this sheet will suffice in lieu of the required documentation of the DVBE requirement.

### I. DOCUMENTATION FOR GOAL ATTAINMENT

- a. Have you completed Page 7 documenting participation by a DVBE?
- b. Have you verified DVBE participation total to ensure they equal or exceed 3% of your total bid amount
- c. Have you enclosed a copy of the DVBE's certification issued by the OSBCR and is the effective date current as of the bid due date?

### II. DOCUMENTATION FOR GOOD FAITH EFFORT

- a. Have you listed the name, date, and phone number of contact with the Procurement Division? (Page 1, Step 1)
- b. Have you listed the names, dates and phone numbers of contacts with state, federal and local referral agencies? (Page 1, Step 2)
- c. Have you listed the trade and focus newspapers and the dates you advertised? (Page 2)
- d. Have you included copies of the advertisements?
- e. Is your advertisement specific about subcontracting opportunities? (Page 2, Step 3)
- f. Have you prepared and enclosed a list of firms to whom you sent solicitations?
- g. Does the list include representatives from the DVBE group for which goals were not met? (Page 3, Step 5)
- h. If phone calls were used, have you documented the conversation(s)?
- i. Have you included a sample of the solicitations that were sent to DVBE's?
- j. Have you listed all responding firms and the reasons for their selection of rejection? (Page 3, Step 5)

### III. DOCUMENTATION FOR APPROVED UTILIZATION PLAN

- a. A copy of your "Notice of Approved Utilization Plan" must be enclosed with your final bid submission.
- b. The expiration date of your "Notice of Approved Utilization Plan" must be after the final bid submission due date.

**Attachment 8**

## **Attachment 9**

Reference Library of Documents Collected by DGS-PD & Pertinent Web Sites to be provided to selected Contractor

### **GENERAL:**

Administrative Order 01-04  
Procurement Division Mission Statement  
Strategic Goals, Objectives, and Supporting Activities  
Senate Commission on Cost Control Report on State Procurement Practices, 1996  
IT Procurement Process  
    Flow Chart  
    State Model – General Terms and Conditions, 3/27/00  
Excerpts – California Codes Relating to State Acquisitions, 2001  
Procurement Division Business Solutions – Marketing Packet  
Law, Policy and Procedure Documentation Structure  
Delegation Guidelines for Information Technology, May 2001  
Delegation Guidelines for Goods, May 2001  
Procurement Decision Tree: Goods, and IT Goods and Services, 1999  
Federal and California State Government Law, Policy and Procedure Structure, 1999  
General Terms and Conditions (Contracts)  
Buyers' Procedure Manual  
EDP Blanket Delegation Approval  
Standards & Quality Control Section (SQCP) Procedures  
Desk Manual – Secretary, Research & Analysis Unit  
EDP Acquisitions Unit Procedures Manual  
Office of Procurement Policy Manual  
Federal and California State Government Law, Policy and Procedure Structure (chart)  
Introduction to the California Acquisition Process (training class material)  
State Administrative Manual Rewrite Support Material, 1998  
Summary of Statutory & Policy Requirements for State Contracts, May 2001  
California Multiple Awards Schedule (CMAS) Legislation Fact Sheet  
SAM Publications and Contacts  
DGS Information Technology Guide

### **PROCUREMENT 2000:**

Achieving Acquisition Excellence, 1995  
Single Statutory and Regulatory Framework Initiative Summary, 1995  
Organizational Leadership and Ownership Initiative Summary, 1995  
Streamlined Protest and Dispute Process Initiative Summary, 1995  
Streamlined Processes Initiative Summary, 1995  
Technology Enablement Initiative Summary, 1995  
Life Under the New California Pilot Bid Protest Program, 1998  
High Level Process Models and Current Initiative Summaries  
Profile of Other State Award Protest Processes  
Improvement Portfolio and Legislative Reform Package  
Summary of Potential Alternative Catalogue Purchasing Process Model  
Bid Protest Process Overview Chart, 1997

**Attachment 9 – cont'd**

Reference Library of Documents Collected by DGS-PD &  
Pertinent Web Sites to be provided to selected Contractor

IT Proposals Chart, 1998  
CMAS Contract Processing, 2001  
California Codes Relating to State Acquisitions: Statutes of 2000 Excerpts  
Procurement Related Regulations  
Current Public Contract Code Sections, 2001  
Strengthening California's Procurement Powers Can Save Taxpayers Billions of Dollars  
DGS Executive Office Memorandum (Executive Order W-103-94); Mgmt Memo 94-16)  
Policies and Procedures for Small Contracts  
Policy Regarding Responsive and Responsible Suppliers, 1997  
Getting Results: The Governor's Council on Information Technology, 1995  
Getting Results: The Governor's Council on Information Technology (Executive Summary)  
State Contracting: Reforms Are Needed to Protect the Public Interest, 1995  
Task Force on Government Technology Policy and Procurement, 1995  
P2000 Review Committee  
Reengineering Government – Advice from the Experts (*Governing*, May 1995)  
Reinventing the Business of Government (*Harvard Business Review*)  
Board of Control: Biennial Report 1990-92  
Summary of Organizational Enablers  
Integrated Leveraged Procurement Improvement Portfolio  
RFCP's  
Procurement Division Management Study Proposal  
Procurement Division Management Study  
EDD: Critical Review of Little Hoover Commission Report Recommendations, 1993  
Opportunities to Improve the Procurement Process Memorandum , 1994  
City of San Diego Purchasing Study Report, 1994  
Harvard University: Reengineering Work: Don't Automate, Obliterate, 1990  
IT & Gov't Procurement: Strategic Issue for the Information Age, 1992  
Leading Change: Why Transformation Efforts Fail, 1995  
IT & Government Procurement: Priorities for Reform, 1995  
Strategic Direction for Information Technology 1993-1999  
Task Force on Government Technology Policy & Procurement  
Task Force Memos  
Assembly Select Committee on State Public Procurement Practices  
Hearing on government Procurement Models  
Hearing on Information Technology, Boon or Boondoggle  
Legislative Analyst's Office Reports on Information Technology  
Joint Legislative Committee on IT in State Government – Agenda and Memo  
California Public Contract Project, Volume I and II  
Senate Commission on Cost Control in State Government Report on State Procurement  
Practices, 1996

### **Attachment 9 – cont'd**

Reference Library of Documents Collected by DGS-PD & Pertinent Web Sites to be provided to selected Contractor

#### **Selected Audits/Reviews**

Evaluation of California's Plans, Policies and Procedures for Developing and Managing Its Information and Telecommunications System, Oct. 1996  
Strategic Plan for DGS Telecommunications, July 1990  
Management Study of the Administration of Office of Procurement, 1987  
Management Study of the Administration of Office of Procurement Follow-up  
Little Hoover Commission – State Procurement Policies & Procedures, 1992  
Little Hoover Commission – California's \$4 Billion Bottom Line: Getting Best Value Out of the Procurement Process, 1993  
Task Force on Government Technology Policy and Procurement, 1994  
Strategic Directions for Telecommunications in the State of California, 1996  
Telecommunications Strategies of Other States, 1996  
Telecommunications in the Private Sector, 1996  
State Contracting: Reforms Are Needed to Protect the Public Interest, 1996  
Institute of Legislative Practice Conference on California Bidding Process and Protest Procedures, 1998  
Procurement 2000 Summary of Stakeholder Needs Assessment  
DGS – CMAS Program Does Not Ensure State Gets Best Value, 1999  
State Contracting: State Can Do More to Save Money, 1998  
DGS/OP Purchasing and Materials Management Practices  
The State Needs to Reengineer Its Management of IT

#### **CARA (California Acquisition Reform Act)**

Procurement Forum – Acquisition Reform Workshop Material, 1996  
Assembly Bill 3307 – California Acquisition Reform Act of 1996 & Related Material  
Senate Bill 1132 – California Acquisition Reform Act of 1997 & Related Material  
Bid Protest Resolution Program, 1996  
Reciprocity – Other States' Reciprocal Law  
Best Value Course Manual (Federal), 1993  
Clinton-Gore Procurement Reform Update Course Manual (Federal), 1994  
DGS Review and Critique of the Model Procurement Code, 1976  
Alternative Conceptual CARA Models and Initial CARA  
Structural Framework, 1995  
Structural Framework and Working Draft, 1995  
Volume II Public Contract Code, New Division 3, 1996  
P2000 Trend, Benchmark and Leading Practice Summary, Stage II, 1994  
American Bar Association Open Forum on California State Bid Protests, 1996  
Requests to be included in CARA  
Volume III Repealers, Amenders & Other Additions to Current Statutes, 1996  
IT Customer Council Procurement Committee's Recommendations

**Attachment 9 – cont'd**

Reference Library of Documents Collected by DGS-PD &  
Pertinent Web Sites to be provided to selected Contractor

SB 1132: Commonly Asked Questions  
The Return of Common Sense  
A New Architecture for IT Acquisitions  
Making the State a Better Business Partner  
Best Value for the State's Taxpayers  
Enabling Increased Small Business Participation  
Amended Senate Bill 1132 – CARA of 1997 & Related Correspondence  
CARA SCS-96-12 – Volume IV Customer Agency Analyses & Responses, 1996  
AB 3307 Overview Materials Catalog, 1996  
Overview of Proposed California Acquisition Reform Act of 1996, 1995  
Achieving Acquisition Excellence, Project and Portfolio Overview, 1995  
Volume 1: Project Overview  
Volume 2: Strategic Portfolio  
Volume 3: Strategic Portfolio  
Improvement Portfolio and Legislative Reform Package, 1995  
Recommendations to Improve the Federal IT Acquisition Process, 1994  
California Codes related to CARA  
CARA SCS-96-12 Volume I – Executive Summary, 1996  
Volume II – Public Contract Code, New Division 3, 1996  
Overview of Proposed California Acquisition Reform Act of 1996  
California State University Productivity Improvements  
A.B. 3307 Project Schedule Update, 1996  
Implementation Strategy & Management Sponsorship for IT Investment Portfolio, 1997  
CARA SCS-96-12 Revised Volume II and Volume II Addendum, 1996  
CARA SCS-96-12 Volume III Addendum & Volume III Supplemental Addendum, 1996  
Acquisition Reform Workshop, 1996  
Performance-based Solicitations  
IT Supplier Meeting, 1997  
IT Hearing Notes, 1997  
Summary Comparison of Current and Proposed Code Provisions  
Incentive Ideas  
Financing Language  
California Bid Register  
Other States' Publications  
Acquisition Reform "A Collaborative Approach" Workshop  
CMAS  
Procurement Reform Reference Catalogue – Stage V Summary and Closing, 1995  
Federal Acquisition Regulation, 1990  
Senate Committees  
Repealed Exemptions  
Governmental Organization Hearing, 1997  
A.B. 3307 As Amended 7/15/96  
First Amendment Drafts

**Attachment 9 – cont'd**

Reference Library of Documents Collected by DGS-PD &  
Pertinent Web Sites to be provided to selected Contractor

Policy & Amendment Meetings  
Amendment Working Papers  
Protests  
Contract Payments  
Task Force Recommendations  
Amendment Suggestions  
Senate Committee on Governmental Organization  
American Bar Association Outline of CARA  
Proposed Amendments  
Assembly Committee on Appropriations  
Senate Advisory Commission – Questions Regarding State's Procurement Operations  
Proposed Legislation 1995 & 1996  
Miscellaneous Legislation  
Hearing – Information Technology, Boon or Boondoggle, 1994  
CARA Slides  
SB Issue Papers

**Display Materials:**

CARA – The Current State Overview of Affected Public Contracting Statutes  
California Acquisition Reform Act of 1997  
Benefits of CARA

**Attachment 9 – cont'd**

Reference Library of Documents Collected by DGS-PD &  
Pertinent Web Sites to be provided to selected Contractor

**Website References:**

Department of General Services	<a href="http://www.dgs.ca.gov">www.dgs.ca.gov</a>
Procurement Division	<a href="http://www.pd.dgs.ca.gov">www.pd.dgs.ca.gov</a>
State Administrative Manual	<a href="http://www.sam.dgs.ca.gov/00000.htm">www.sam.dgs.ca.gov/00000.htm</a>
SAM Management Memos	<a href="http://www.osp.dgs.ca.gov/Publications/sam/sam_memos.asp">www.osp.dgs.ca.gov/Publications/sam/sam_memos.asp</a>
State Contract Manual	<a href="http://www.ols.dgs.ca.gov/CONTRACT_MANUAL/main.asp">www.ols.dgs.ca.gov/CONTRACT_MANUAL/main.asp</a>
California Code of Regulations	<a href="http://www.calregs.com/ccrmain.htm">www.calregs.com/ccrmain.htm</a>
Legislation/Law Information	<a href="http://www.leginfo.ca.gov">www.leginfo.ca.gov</a>
Information Technology Budgeting Guidelines	<a href="http://www.dof.ca.gov:8080/html/tiru/budletters.htm">www.dof.ca.gov:8080/html/tiru/budletters.htm</a>
California Multiple Awards Schedule (CMAS)	<a href="http://www.pd.dgs.ca.gov/acqui/cmas.asp">www.pd.dgs.ca.gov/acqui/cmas.asp</a>
General Provisions	<a href="http://www.pd.dgs.ca.gov/acqui/genprov.asp">www.pd.dgs.ca.gov/acqui/genprov.asp</a>
Master Agreements on Statewide Commodity Contracts	<a href="http://www.pd.dgs.ca.gov/acqui/mau.asp">www.pd.dgs.ca.gov/acqui/mau.asp</a>
Model/Bid Contract Language	<a href="http://www.pd.dgs.ca.gov/acqui/itcm.asp">www.pd.dgs.ca.gov/acqui/itcm.asp</a>
Model Solicitation Documents	<a href="http://www.pd.dgs.ca.gov/acqui/modelsd.asp">www.pd.dgs.ca.gov/acqui/modelsd.asp</a>
Information Technology Contract Language	<a href="http://www.pd.dgs.ca.gov/acqui/itcm2.asp">www.pd.dgs.ca.gov/acqui/itcm2.asp</a>
Bureau of State Audits	<a href="http://www.bsa.ca.gov">www.bsa.ca.gov</a>
Little Hoover Commission	<a href="http://www.bsa.ca.gov">www.bsa.ca.gov</a>
California Victims Compensation and Government Claims Board	<a href="http://www.boc.cahwnet.gov">www.boc.cahwnet.gov</a>
Department of Finance	<a href="http://www.dof.ca.gov">www.dof.ca.gov</a>
Office of Administrative Law	<a href="http://www.oal.ca.gov">www.oal.ca.gov</a>