



Regular Invitation for Bid Model

[For procurements to obtain business, personal or simple consultant services valued at \$5,000 or more.]

California Department of Public Health

Contract Management Unit Publication

December 2007 Version

How to learn about the Regular IFB process

Read the bid model User Guide that accompanies this bid document to learn more about the Abbreviated IFB process.

Carefully read this bid model as it contains important information about the procurement process.

Use of this bid model is optional for programs that have a statutory exemption from the competitive bidding requirements of the Public Contract Code (PCC). It is desirable for a PCC exempt bid document to contain a similar content as this AIFB but alterations are allowable. CMU's review of a PCC exempt bid is optional.

Updates to the IFB model and User Guide

As CMU updates its bid models, bid forms, or User Guides, CMU will post replacement documents in the Bid Models Folder. Check the Bid Models Folder for the latest version of all bid related documents and instructions. To the extent possible, instruction changes will be noted. It is not possible to show actual changes made to bid text.

About this model

1. This model contains:
 - Easy to understand Bidder instructions.
 - Detailed completion instructions in non-bold [\[bracketed type\]](#).
 2. Using this bid model will:
 - Shorten bid preparation time
 - Establish a consistent bid format
 - Reduce the likelihood of protests
 - Allow program staff to concentrate on developing the scope of work.
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How to use this model [Rev. 7-23-07]

Follow the instructions below and those in this model.

1. Fill-in all text areas containing [\[bracketed type\]](#).
 2. Do not change fillable text color areas until after CMU approves the final draft.
 3. Do not alter any IFB section title or "Heading style".
 4. Do not change the order of any bidder instructions/information.
 5. Do not delete any portion of the bidder instructions unless the instructions allow for deletions or provide alternate text options.
 6. After reading and following the instructions, delete the program instructions that appear in [\[colored type\]](#).
 7. Proof all data inserted into the IFB by program staff. Make sure the data is accurate, properly formatted, grammatically correct, and free of typographical errors.
 8. Update the Table of Contents pagination by following the instructions in the next section.
 9. Have someone proof each IFB draft for errors. Correct all errors before transmitting the draft to CMU for review.
 10. Email the [finalized](#) IFB with all attachments for approval and Internet posting to:
CDPH staff members are to email their final drafts to their assigned [CMU analyst](#).
-

How to revise Table of Contents (TOC) pagination

After completing all fill-in sections and removing the [colored program instructions](#), update the page numbers in the Table of Contents (TOC). Do the following to update the page numbers:

1. Highlight or select all or a portion of the shaded Table of Contents.
 2. Press "**F9**" and select "**Update Page Numbers Only**".
-

How to revise entries in the Table of Contents

If the TOC is updated as instructed and the pagination is still incorrect, do the following.

1. Re-highlight and/or select all or a portion of the Table of Contents.
2. Press “**F9**” key.
3. Select “**Update entire Table**” or “**Update all field codes**”.

Do not paginate IFB Attachments, Sample Contract Form/Exhibits or Appendices.

About the TOC [Rev. 7-23-07]

The IFB TOC was created using Heading styles. What this means is that the text that appears in the TOC was assigned a heading style of “Heading 1, 2, 3, or 4” instead of being assigned as “Normal” text. The text style assigned to a portion of text in a document appears in the formatting toolbar near the top of a word document in an area before the Font type and size. Generally, the word “Normal” will appear on the formatting toolbar unless a unique text style was assigned to specific text.

If a paragraph heading style is accidentally removed, the text of that heading will not appear in the TOC when it is updated. To add or reinstate a paragraph heading so that it appears in the TOC, place the cursor at the appropriate insertion point, use the drop down arrow to the right of the word “Normal” to select a heading style (i.e., 1-4), then enter the desired text. The heading styles used in this IFB are shown in the next section. Use Heading styles 1, 2, 3, and/or 4 depending on the physical alignment of the paragraph heading that is added. After inserting the heading text, press “enter” to go to the next line, and change the text style back to “Normal” for subsequent text entries. When all heading text has been added, update the TOC as instructed above. **CDPH** staff members are to contact their assigned [CMU analyst](#) if difficulty is encountered in following these instructions.

IFB “Paragraph” labeling structure

CMU used the labeling structure shown below throughout this IFB. CMU did not use the automatic “Outline Number” feature available in Word. Therefore, when text is added to an IFB section (i.e., Scope of Work) follow the format shown below.

| Alphabetic or Numeric label | Indentation | Hanging Indent |
|------------------------------------|--------------------|-----------------------|
| A. [Heading 1] | 0 | .25” |
| 1. [Heading 2] | .25” | .50” |
| a. [Heading 3] | .50” | .75” |
| 1) [Heading 4] | .75” | 1.0” |
| a) | 1.0” | 1.25” |
| i. (roman numeral) | 1.25” | 1.50” |
| A. | 1.50” | 1.75” |
| 1. | 1.75” | 2.0” |

Who to contact for help in using the model [Rev. 7-23-07]

If assistance is needed to use this bid model:

CDPH staff members are to contact their assigned [CMU analyst](#).

[Content last revised 7-23-07]

Use current Department Letterhead

[Insert date]

[Insert Prospective Bidder's Name]

[Insert Prospective Bidder's Street Address]

[Insert City, State and Zip Code]

[Except where specified, do not modify the letter below.]

Notice to Prospective Bidders

Prospective Bidders are invited to review and respond to the attached Invitation for Bid (IFB) Number XX-XXXXX entitled, "[Insert the project name or title]". When preparing and submitting a bid, compliance with the instructions found herein is imperative.

All agreements entered into with the State of California will include, by reference, General Terms and Conditions (GTC) and Contractor Certification Clauses (CCC) that may be viewed and downloaded at this Internet site: <http://www.ols.dgs.ca.gov/Standard+Language/default.htm>. If any prospective bidder lacks Internet access, a hard copy of these items can be obtained by contacting the person signing this letter.

If a discrepancy occurs between the information in the advertisement appearing in the California State Contracts Register and the information herein, the information in this notice and in the attached IFB shall take precedence. [Delete this statement if a waiver from CSCR advertising was obtained from DGS or if the program developing the bid document is PCC exempt and no ad was placed in the CSCR.]

I. Bid Due Date

Regardless of postmark or method of delivery, the California Department of Public Health's Contract Management Unit must receive bid packages no later than **4:00 p.m.** on [Insert Bid Due Date]. Refer to the attached IFB for detailed submission requirements.

II. Disabled Veteran Business Enterprise (DVBE) participation requirements

Option 1

[Use Option 1 if CMU grants a DVBE waiver prior to RFP finalization. Review [CMU Bulletin 03-16](#) and/or contact the applicable Departmental DVBE Advocate to request a waiver from DVBE participation requirements. CDPH's DVBE advocate can be reached at (916) 650-0228.]

The California Department of Public Health has exempted this procurement from Disabled Veteran Business Enterprise (DVBE) participation requirements.

Option 2

[Use Option 2 if CMU did not grant a DVBE waiver for this procurement prior to IFB finalization.]

California Law requires Disabled Veteran Business Enterprise (DVBE) participation and/or performance of a good faith effort (GFE) to meet these requirements. CDPH policies require DVBE participation on all contracts exceeding \$10,000. Prospective bidders may need four weeks or more to complete this process; therefore it is advisable to begin this process promptly. Out-of-state firms must comply with California's DVBE participation requirements.

III. Funding Limit

[It is optional to specify a maximum funding limit when going out to bid. Failure to indicate a dollar limit may result in bids that far exceed the amount of available funds. Bidders, as a general rule, want to offer their best services, and in doing so, may offer a Cadillac service when the funding Program can only afford a Volkswagen. If a funding Program chooses not specify a dollar limit and all bids exceed the amount of available funds, the funding Program will be required to cancel the procurement and go back out to bid.]

Option 1 - [Use this option for single year agreements (i.e., 7/1/07 through 6/30/08).]

A maximum of \$XX,XXX is anticipated to be made available to obtain the services described in the IFB.

Option 2 - [Use this option for multi-year agreements (i.e., 7/1/07 through 6/30/10).]

Funding for these services may be limited to the following amounts:

- A. \$XX,XXX for the budget period of XX/XX/XX through XX/XX/XX
- B. \$XX,XXX for the budget period of XX/XX/XX through XX/XX/XX.
- C. \$XX,XXX for the budget period of XX/XX/XX through XX/XX/XX.
- D. \$XX,XXX for the entire contract term.

Funding for each state fiscal year is subject to an annual appropriation by the State Legislature or Congress. If full funding does not become available, CDPH will either cancel the resulting agreement or amend it to reflect reduced funding and reduced activities. Continuation of services beyond the first state fiscal year is also subject to the contractor's successful performance. Without prior CDPH authorization, contractors may not expend funds set aside for one budget period in a subsequent budget period.

IV. Bidder Questions

In the opinion of the CDPH, this Invitation for Bid is complete and without need of explanation. However, if questions arise or there is a need to obtain clarifying information, put all inquiries in writing and mail or fax them to CDPH according to the instructions in the IFB section entitled, "Bidder Questions".

Thank you for your interest in our Department's service needs.

Sincerely,

[Enter Program Manager's name and title]

Attachment

[Insert the CDPH logo below onto this page. Additional graphic variations appear on the Department's Intranet Form site. Each logo may be re-sized as needed.]



Invitation for Bid **XX-XXXXX**

[Insert IFB Project Name or Title]

California Department of Public Health
[Insert Program name]
MS Code XXXX [Insert MS code, required if applicable]
[Insert Program street address and room/suite number, if not at East End]
P. O. Box XXXXXX [Insert Program P.O. Box number, if applicable, i.e., 997413 or 997377]
[Insert City, CA and Zip Code, i.e., 95899-7413 or 95899-7377]

[Do not submit proposals to the above address.]

[Programs authorized to receive proposals at their office must remove the above statement.]

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[Follow these rules when preparing an IFB:

- Do not alter the assigned attachment numbers. CMU did not assign numbers to some optional IFB forms and attachments; therefore, program staff must assign sequential numbers to each IFB attachment listed in this section.
- Do not paginate IFB attachments.
- Unless, otherwise instructed within this model, do not add more attachments.
- Do not alter the order of the attachments listed below.]

| Attachment # | Attachment Name |
|------------------------|--|
| Attachment 1 | Bid Form [Use the form included with the bid forms and modify it to meet program needs.] |
| Attachments 1A, 1B, 1C | Budget Detail Work Sheets [If soliciting for consultant or professional personal services include these forms. Samples are with the bid forms. Delete this row if the program is not contracting out for professional personal services or consultant services.] |
| Attachment 2 | Required Attachment / Certification Checklist [Use the form included with the bid forms and modify it as instructed.] |
| Attachment 3 | Business Information Sheet [Use the form included with the bid forms.] |
| Attachment 4 | Client References [Use the form included with the bid forms.] |
| Attachment 5 | CCC 307 - Certification [Use the form included with the bid forms.] |
| Attachment 6 | Payee Data Record Record [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site.] |
| Attachment 7 | Follow-on Consultant Contract Disclosure [Use the form included with the bid forms.] |
| Attachment 8 | DVBE Instructions / Forms with Attachment 8a, Actual Participation and Attachment 8b, Good Faith Effort [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site. Delete this form only if CMU grants a DVBE waiver before the IFB is finalized.] |
| Attachment 9 | Non-Small Business Subcontractor Preference Instructions with Non-Small Business Subcontractor Preference Request (Attachment 9a) and Small Business Subcontractor/Supplier Acknowledgment (Attachment 9b). [Use the form included with the bid forms.] |
| Attachment 10 | DVBE Subcontractor Incentive Instructions with DVBE Subcontractor Incentive Request (Attachment 10a) and DVBE Subcontractor/Supplier Acknowledgment (Attachment 10b). [Note: DVBE Bid Incentive is required even if a DVBE waiver is obtained from CMU. Use the forms included with the Bid forms.] |

| Attachment # | Attachment Name |
|---------------------|---|
| Attachment 11 | Target Area Contract Preference Act (TACPA) Request [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site. Delete this form if any part of the work location is pre-set by the funding Program and stated in the SOW or if the lowest cost offered cannot possibly equal or exceed \$100,000.] |
| Attachment 12 | Enterprise Zone Act (EZA) Preference Request [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site. Delete this form if any part of the work location is pre-set by the funding Program and stated in the SOW or if the lowest cost offered cannot possibly equal or exceed \$100,000.] |

- P. Sample Contract Forms / Exhibits
[Retain the order and alphabetic labels assigned to each listed exhibit. Do not paginate the items in this section. Delete any optional exhibits that do not apply to the resulting contract. If necessary, add program exhibits to the bottom of the list shown.]

| Exhibit # | Exhibit Name |
|---------------------------|---|
| Exhibit A1 | Standard Agreement [Insert a blank STD 213 that is labeled Exhibit A1. [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site and remove all default text from Provision 4.] |
| Exhibit A | Scope of Work [Develop this exhibit by following the instructions in the applicable contract model. See the sample appearing with the bid forms and view Exhibit A instructions in the applicable contract model (i.e., Business, Personal or Consultant service) for possible contract language.] |
| Exhibit B | Budget Detail and Payment Provisions [Develop this exhibit by following the Exhibit B sample and instructions in the applicable contract model (i.e., Business, Personal or Consultant service).] |
| Exhibit C – View on-line. | General Terms and Conditions (GTC 307). View or download at this Internet site: http://www.ols.dgs.ca.gov/Standard+Language/default.htm . [Rev. 4-6-06.] |
| Exhibit D(X) | Special Terms and Conditions [Insert – “D(B)” (for state or federally funded business services), or “D(C)” (for state funded personal or consultant services) or “D(F)” (for personal or consultant services funded in part or whole with federal funds). Include a paper copy of the applicable exhibit with the Bid document.] |

| Exhibit # | Exhibit Name |
|-----------|---|
| Exhibit E | Additional Provisions [Develop this exhibit by following the Exhibit E sample and instructions in the applicable contract model (i.e., Business, Personal or Consultant service). At a minimum, this exhibit must contain an amendment and cancellation clause.] |
| Exhibit X | Contractor's Release [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site.] |
| Exhibit X | Travel Reimbursement Information [Conditionally applicable – Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site. Include this exhibit if the program expects to reimburse travel costs. Do not include this exhibit in bids seeking equipment maintenance services where travel costs are billed on an hourly labor rate basis.] |
| Exhibit X | HIPAA Business Associate Addendum (BAA) [Conditionally applicable – Include only when needed. Review CMU Bulletin 07-01 for further instructions. Download the appropriate HIPAA Addendum version from the HIPAA Exhibit link appearing in the applicable Public Folder contract model.] |
| Exhibit X | Information Confidentiality & Security Requirements [Conditionally applicable – Include only when needed. Review CMU Bulletin 07-02 for further instructions. Download the appropriate HIPAA Addendum version from the HIPAA Exhibit link appearing in the applicable Public Folder contract model.] |
| Exhibit X | SR1 CDPH-ISO Project Requirement Required if using the HIPAA BAA and/or ICSR Exhibit – Review the HIPAA BAA and ICSR Exhibit Guidelines for more information. Download the SR1 CDPH-ISO Project Requirement form using the HIPAA Exhibit link appearing in the applicable Public Folder contract model. |

Q. Program Appendices

[Optional – If there are specific program appendices to attach to the IFB, list each item below. Assign a number to each item.

Delete this entire section there are no program appendices to attach to the IFB.

Only include items that will assist bidders to understand the program and SOW. Appendix items can include equipment lists, copies of program legislation, program regulations, etc.

| Appendix # | Appendix Name |
|------------|---|
| Appendix 1 | [Enter name/title of appendix item. Delete this section if there are no appendices to attach to the IFB.] |

A. Purpose and Description of Services

The California Department of Public Health, [Insert program name], is soliciting bids from firms that are able to [Insert a brief description of the type of service needed]. Bids must address all of the services described in the IFB section entitled, "Scope of Work".

The [Insert program name] intends to make a single contract award to the most responsive and responsible firm offering the lowest bid. This procurement is open to all eligible firms and/or individuals that meet the qualification requirements.

B. Time Schedule

Below is the tentative time schedule for this procurement:

| Event | Date | Time (If applicable) |
|---|--|--|
| IFB Released | [Set this date for the 1 st day of advertising or immediately thereafter. Ads run for 10 working days.] | |
| Questions Due [Note this is the preliminary question due date if a pre-bid conference is held. More questions can be presented at the conference and by the close of business on conference due date.] | XX/XX/XX | X:00 p.m. [Set at 7 calendar days or more after the last day of advertising or 7 calendar days or more after the IFB release date, whichever is later if no pre-bid conference is held or 2 working days prior to the Pre-Bid Conference, if one is held.] |
| Voluntary or Mandatory Pre-Bid Conference [Make a choice or delete this entire row if no conference will be held.] | XX/XX/XX | X:00 x.m. [If held, set no earlier than 2 weeks or more after the last day of advertising or 2 weeks after the IFB release date, whichever is later.] |
| Bid Due Date | XX/XX/XX | 4:00 p.m. [Set date as follows:] <ul style="list-style-type: none"> • 14 calendar days after last day of advertising or IFB release date, whichever is later, if no Pre-Bid Conference is held and DVBE participation is waived or not required, or • 14 calendar days after the Pre-Bid Conference date, if DVBE participation is waived or service costs are under \$10,000, or • 5-6 weeks after the last day of advertising or IFB release date, whichever is later, if DVBE participation is required. The 5-6 week term mentioned here applies only to the simplest of bids and more time should be allowed for services that are highly complex and costly. |
| | | |

| Event | Date | Time (If applicable) |
|----------------------------------|--|--|
| Bid Opening | XX/XX/XX | X:00 x.m. [Set at 1-3 working days after the Bid Due Date. Allow time to retrieve bids from CMU.] |
| Notice of Intent to Award Posted | [Set at 1-3 working days after the Bid Opening date.] | |
| Protest Deadline | XX/XX/XX | 5:00 p.m. [Set at the 5th working day after the date the Notice of Intent to Award is faxed to CMU. <u>Do not count the day of posting.</u> Delete for equipment maintenance IFBs.] |
| Contract Award Date | [Set at the 1st working day after the Protest Deadline. Verbally contact the winning bidder to confirm the contract award <u>if no protest is filed.</u> For equipment maintenance IFBs where protests are not allowed, set this date at the 1st working day after the Notice of Intent to Award is posted.] | |
| Proposed Start Date of Agreement | [Set at the 1st working day or more after the contract award date or use the actual contract start date, <u>whichever is later</u> , assuming you have allowed sufficient time for both CMU and DGS review and approval. CMU requires no less than 15 working days for review and approval. DGS must receive the agreement at least 10 working days prior to the desired start date per DGS Administrative Order 06-05.1. If there is a possibility of late submission to DGS, see the applicable contract model for additional text to insert below the term start/end date on the STD 213.] | |

C. Contract Term

The term of the resulting agreement is expected to be [X] months and is anticipated to be effective from [Insert start date] through [Insert end date]. The agreement term may change if CDPH makes an award earlier than expected or if CDPH cannot execute the agreement in a timely manner due to unforeseen delays. CDPH reserves the right to extend the term of the resulting agreement as necessary to complete or continue the services. Contract extensions are subject to satisfactory performance, funding availability, and possibly approval by the Department of General Services.

The resulting contract will be of no force or effect until it is signed by both parties and approved by the Department of General Services, if required. The Contractor is hereby advised not to commence performance until all approvals have been obtained. If performance commences before all approvals are obtained, said services may be considered to have been volunteered if all approvals cannot be obtained.

D. Bidder Questions

Immediately notify CDPH if clarification is needed regarding the services sought or questions arise about the IFB and/or its accompanying materials, instructions or requirements. Put the inquiry in writing and transmit it to CDPH as instructed below. At its discretion, CDPH reserves the right to contact an inquirer to seek clarification of any inquiry received.

Bidders that fail to report a known or suspected problem with this IFB and/or its accompanying materials or fail to seek clarification and/or correction of this IFB and/or its accompanying materials shall submit a bid at their own risk. In addition, if awarded the contract, the successful Bidder shall not be entitled to additional compensation for any additional work caused by such problem, including any ambiguity, conflict, discrepancy, omission, or error.

If an inquiry appears to be unique to a single firm or is marked "Confidential", CDPH will mail, email, or fax a response only to the inquirer if CDPH concurs with the Bidder's claim that the inquiry is sensitive or proprietary in nature. If CDPH does not concur, the inquiry will be answered in the manner described herein and the Bidder will be so notified. Inquiries and/or responses that CDPH agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted. At its discretion, CDPH may contact an inquirer to seek clarification of any question or inquiry received.

1. What to include in an inquiry

- a. Inquirer's name, name of firm submitting the inquiry, mailing address, email address, area code and telephone number, and fax number.
- b. A description of the subject or issue in question or discrepancy found.
- c. IFB section, page number or other information useful in identifying the specific problem or issue in question.
- d. Remedy sought, if any.

A bidder that desires clarification about specific IFB requirements and/or whose inquiry relates to sensitive issues or proprietary aspects of a bid may submit individual questions that are marked "Confidential". The Bidder must include with its inquiry an explanation as to why it believes questions marked "Confidential" are sensitive or surround a proprietary issue.

2. Question deadline

[Enter one of the Options below depending on whether or not a Pre-Bid Conference will be held.]

Option 1– No Pre-Bid Conference

[Use this option if a Pre-Bid Conference WILL NOT be held.]

Submit written questions and inquiries no later than the date and time stated in the section entitled, "Time Schedule."

Option 1A - [Include with Option 1 when DVBE participation has not been waived by CMU.]

CDPH will accept questions or inquiries about the following issues up to the bid due date:

- a. DVBE participation requirements,
- b. How to complete DVBE attachments,
- c. The reporting of IFB errors or irregularities.

Option 1B - [Include with Option 1 only if DVBE participation has been waived by CMU.]

Notwithstanding the question submission deadline, CDPH will accept questions or inquiries about IFB errors or irregularities up to the bid due date.

Option 2 – Pre-Bid Conference will be held

[Use this option if a Pre-Bid Conference WILL be held.]

Bidders are encouraged to submit written questions and inquiries about this IFB to CDPH no later than two (2) working days before the Pre-Bid Conference date so answers can be prepared in advance. Notwithstanding the initial question submission deadline, CDPH will accept written or faxed questions received by the date and time stated in the section entitled, “Time Schedule.”

Option 2A - [Include with Option 2 when DVBE participation has not been waived by CMU and a Pre-Bid Conference will be held.]

Notwithstanding the question submission deadline, CDPH will accept questions or inquiries about the following issues up to the bid due date:

- a. DVBE participation requirements,
- b. How to complete DVBE attachments,
- c. The reporting of IFB errors or irregularities.

Option 2B - [Include with Option 2 only if DVBE participation has been waived by CMU and a Pre-Bid Conference will be held.]

Notwithstanding the question submission deadline, CDPH will accept questions or inquiries about IFB errors or irregularities up to the bid due date.

3. How to submit questions

Submit questions or inquiries using one of the following methods.

| | |
|---|---|
| U.S. Mail, Hand Delivery or | Fax: |
| Questions IFB XX-XXXXX California Department of Public Health [Insert program name] [Insert name of contact person] [Insert Mail Station code (if applicable)] [Insert Street address & room/suite number] [Insert P.O. Box] [Insert City, CA, and P.O. Box Zip Code] | Questions IFB XX-XXXXX California Department of Public Health [Insert program name] [Insert name of contact person] Fax: (XXX) XXX-XXXX |

Bidders submitting inquiries by fax are responsible for confirming the receipt of all faxed materials by the question deadline.

Call [Insert name of program contact] at (XXX) XXX-XXXX to confirm fax transmissions.

Bidder warning

- a. CDPH's internal processing of U.S. mail may add 48 hours or more to the delivery time. If questions are mailed, consider using certified or registered mail and request a receipt upon delivery.
- b. For hand deliveries, allow sufficient time to locate on street metered parking and to sign-in at the security desk. If detained at the security desk, ask security personnel to call [Insert program person name] at [Enter telephone number] to arrange for question pickup and receipt issuance by program staff.
- c. Courier service personnel must sign-in at the security station and must obtain an access key card. Couriers will then be able to access pre-determined areas. If detained at the security desk, ask security personnel to call [Insert program person name] at [Enter telephone number] to collect the question envelope and to issue a receipt.

[If applicable, add additional instructions about parking or security requirements. It is optional to refer the reader to an Appendix item with driving and parking instructions. If the program's facility has no security desk or check-in requirements, modify the above paragraph accordingly.]

4. Verbal questions

CDPH purposely omitted a telephone number because verbal inquiries are discouraged. CDPH reserves the right not to accept or respond to verbal questions and inquiries.

Spontaneous verbal remarks provided in response to verbal inquiries are unofficial and are not binding on CDPH unless later confirmed in writing.

Direct all verbal requests for DVBE assistance to [Enter: CDPH's DVBE Advocate at (916) 650-0228] up to the bid due date. [Delete the above sentence if DVBE participation is waived by CMU. To obtain a DVBE waiver review the instructions in CMU Bulletin 03-16 or contact CDPH's DVBE Coordinator at (916) 650-0228.]

E. Pre-Bid Conference

Option 1 – No Pre-Bid Conference will be held

CDPH will not hold a Pre-Bid Conference for this procurement.

[If Option 1 was chosen, delete the remaining text in this section.]

Option 2A – Voluntary Pre-Bid Conference will be held

CDPH will conduct a voluntary Pre-Bid Conference in [Insert City name] on the date and time stated in the section entitled, "Time Schedule, " at following location:

[Insert the exact street address, room number or room name]

Prospective bidders that intend to submit a bid are encouraged to attend this voluntary Pre-Bid Conference. It shall be each prospective bidder's responsibility to attend the Pre-Bid Conference promptly at the time stated in the section entitled, "Time Schedule." CDPH reserves the right not to repeat information for participants that join the conference after it has begun.

If a potential prime contractor is unable to attend the voluntary Pre-Bid Conference, an authorized representative of its choice may attend on its behalf. The representative may only sign-in for one potential prime contractor. Subcontractors may represent a potential prime contractor at the voluntary Pre-Bid Conference.

The voluntary Pre-Bid Conference is a public event or meeting and anyone can attend.

The purpose of the conference is to:

1. Allow prospective bidders to ask questions about the services or IFB requirements and/or instructions.
2. Share the answers to general questions and inquiries received prior to and during the conference.

Spontaneous verbal remarks provided in response to questions/inquiries are unofficial and are not binding on CDPH unless later confirmed in writing.

Carefully review this IFB before the conference date to become familiar with the qualification requirements, scope of work and bid content requirements. Prospective bidders are encouraged to have their copy of this IFB available for viewing during the conference.

Refer to the IFB section entitled, "Bidder Questions" for instructions on how to submit written questions and inquiries before the conference date.

If CDPH is unable to respond to all questions and inquiries received before and during the conference, CDPH will provide written answers shortly thereafter. CDPH reserves the right to determine which questions will be answered during the conference and which will be answered later in writing.

After the conference, CDPH will summarize all questions and issues raised and mail, email, or fax the summary to all persons who received this IFB and to those who attended/participated in the conference. If an inquiry appears to be unique to a single firm or is marked "Confidential", CDPH will mail, email, or fax a response only to the inquirer if CDPH concurs with the Bidder's claim that the inquiry is sensitive or proprietary in nature. If CDPH does not concur, the inquiry will be answered in the manner described herein and the Bidder will be so notified. Inquiries and/or responses that CDPH agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

Bidders are responsible for their costs to attend/participate in the conference. Those costs cannot be charged to CDPH or included in any cost element of the Bidder's price offering.

[If there is a need to include driving and/or parking instructions, please include them as Appendix item and refer to them here.]

Option 2B – Voluntary Pre-Bid Teleconference will be held

CDPH will conduct a voluntary Pre-Bid Teleconference on the date and time stated in the section entitled, "Time Schedule." To participate in the teleconference, use a touch tone telephone and dial (XXX) (XXX-XXXX), then enter the following access code XXXXX.

Prospective bidders that intend to submit a bid are encouraged to participate in this voluntary Pre-Bid Teleconference. CDPH reserves the right not to repeat information for participants that join the teleconference after it has begun.

If a potential prime contractor is unable to attend the voluntary Pre-Bid Teleconference, an authorized representative of its choice may attend on its behalf. The representative may only call-in for one potential prime contractor. Subcontractors may represent a potential prime contractor at the voluntary Pre-Bid Teleconference.

The voluntary Pre-Bid Teleconference is a public event or meeting and anyone can join.

The purpose of the teleconference is to:

1. Allow prospective bidders to ask questions about the services or IFB requirements and/or instructions.
2. Share the answers to general questions and inquiries received prior to and during the teleconference.

Spontaneous verbal remarks provided in response to questions/inquiries are unofficial and are not binding on CDPH unless later confirmed in writing.

Carefully review this IFB before the teleconference date to become familiar with the qualification requirements, scope of work and bid content requirements. Prospective bidders are encouraged to have their copy of this IFB available for viewing during the teleconference.

Refer to the IFB section entitled, "Bidder Questions" for instructions on how to submit written questions and inquiries before the teleconference date.

If CDPH is unable to respond to all questions and inquiries received before and during the teleconference, CDPH will provide written answers shortly thereafter. CDPH reserves the right to determine which questions will be answered during the teleconference and which will be answered later in writing.

After the teleconference, CDPH will summarize all questions and issues raised and mail, email, or fax the summary to all persons who received this IFB and to those who attended/participated in the teleconference. If an inquiry appears to be unique to a single firm or is marked "Confidential", CDPH will mail, email, or fax a response only to the inquirer if CDPH concurs with the Bidder's claim that the inquiry is sensitive or proprietary in nature. If CDPH does not concur, the inquiry will be answered in the manner described herein and the Bidder will be so notified. Inquiries and/or responses that CDPH agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

Bidders are responsible for their costs to attend/participate in the teleconference. Those costs cannot be charged to CDPH or included in any cost element of the Bidder's price offering.

[If there is a need to include driving and/or parking instructions, please include them as Appendix item and refer to them here.]

Option 3A – Mandatory Pre-Bid Conference will be held

CDPH will conduct a mandatory Pre-Bid Conference in [Insert City name] on the date and time stated in the section entitled, “Time Schedule,” at following location:

[Insert the exact street address, room number or room name]

Prospective bidders that intend to submit a bid **must** attend this mandatory Pre-Bid Conference. Failure to attend the Pre-Bid Conference will result in bid rejection. It shall be each prospective bidder’s responsibility to attend the mandatory Pre-Bid Conference promptly at the time stated in the section entitled, “Time Schedule.” CDPH reserves the right not to repeat information for participants that join the conference after it has begun.

If a potential prime contractor is unable to attend the mandatory Pre-Bid Conference, an authorized representative may attend on its behalf. The representative may only sign-in for one potential prime contractor. Subcontractors may not represent a potential prime contractor at the mandatory Pre-Bid Conference.

The mandatory Pre-Bid Conference is a public event or meeting and anyone can attend.

The purpose of the Pre-Bid Conference is to:

1. Allow prospective bidders to ask questions about the services or IFB requirements and/or instructions.
2. Share the answers to general questions and inquiries received prior to and during the conference.

Spontaneous verbal remarks provided in response to questions/inquiries are unofficial and are not binding on CDPH unless later confirmed in writing.

Carefully review this IFB before the conference date to become familiar with the qualification requirements, scope of work and bid content requirements. Prospective bidders are encouraged to have their copy of this IFB available for viewing during the conference.

Refer to the IFB section entitled, “Bidder Questions” for instructions on how to submit written questions and inquiries before the conference date.

If CDPH is unable to respond to all questions and inquiries received before and during the conference, CDPH will provide written answers shortly thereafter. CDPH reserves the right to determine which questions will be answered during the conference and which will be answered later in writing.

After the conference, CDPH will summarize all questions and issues raised and mail, email, or fax the summary to all persons who received this IFB and to those who attended/participated in the conference. If an inquiry appears to be unique to a single firm or is marked “Confidential”, CDPH will mail, email, or fax a response only to the inquirer if CDPH concurs with the Bidder’s claim that the inquiry is sensitive or proprietary in nature. If CDPH does not concur, the inquiry will be answered in the manner described herein and the Bidder will be so notified. Inquiries and/or responses that CDPH agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

Bidders are responsible for their costs to attend/participate in the conference. Those costs cannot be charged to CDPH or included in any cost element of the Bidder’s price offering.

[If there is a need to include driving and/or parking instructions, please include them as Appendix item and refer to them here.]

Option 3B – Mandatory Pre-Bid Teleconference will be held

CDPH will conduct a mandatory Pre-Bid Teleconference on the date and time stated in the section entitled, “Time Schedule.” To participate in the teleconference, use a touch-tone telephone and dial (XXX) (XXX-XXXX), and then enter the following access code XXXX.

Prospective bidders that intend to submit a bid **must** participate in this mandatory Pre-Bid Teleconference. Failure to participate in this mandatory Pre-Bid Teleconference will result in bid rejection. CDPH reserves the right not to repeat information for participants that join the teleconference after it has begun.

If a potential prime contractor is unable to attend the mandatory Pre-Bid Teleconference, an authorized representative may attend on its behalf. The representative may only call-in for one potential prime contractor. Subcontractors may not represent a potential prime contractor at the mandatory Pre-Bid Teleconference.

The mandatory Pre-Bid Teleconference is a public event or meeting and anyone can join.

The purpose of the teleconference is to:

1. Allow prospective bidders to ask questions about the services or IFB requirements and/or instructions.
2. Share the answers to general questions and inquiries received prior to and during the teleconference.

Spontaneous verbal remarks provided in response to questions/inquiries are unofficial and are not binding on CDPH unless later confirmed in writing.

Carefully review this IFB before the conference date to become familiar with the qualification requirements, scope of work and bid content requirements. Prospective bidders are encouraged to have their copy of this IFB available for viewing during the teleconference.

Refer to the IFB section entitled, “Bidder Questions” for instructions on how to submit written questions and inquiries before the teleconference date.

If CDPH is unable to respond to all questions and inquiries received before and during the teleconference, CDPH will provide written answers shortly thereafter. CDPH reserves the right to determine which questions will be answered during the teleconference and which will be answered later in writing.

After the teleconference, CDPH will summarize all questions and issues raised and mail, email, or fax the summary to all persons who received this IFB and to those who attended/participated in the teleconference. If an inquiry appears to be unique to a single firm or is marked “Confidential”, CDPH will mail, email, or fax a response only to the inquirer if CDPH concurs with the Bidder’s claim that the inquiry is sensitive or proprietary in nature. If CDPH does not concur, the inquiry will be answered in the manner described herein and the Bidder will be so notified. Inquiries and/or responses that CDPH agrees should be held in confidence shall be held in confidence only until the Notice of Intent to Award is posted.

Bidders are responsible for their costs to attend/participate in the teleconference. Those costs cannot be charged to CDPH or included in any cost element of the Bidder's price offering.

[If there is a need to include driving and/or parking instructions, please include them as Appendix item and refer to them here.]

F. Reasonable Accommodations

[If any program receives a request for reasonable accommodation, immediately notify CDPH's Office of Civil Rights who will assist the program in meeting the request.]

Option 1 – [Pre-Bid Conference WILL be conducted]

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of Pre-Bid Conference handouts, Invitation for Bid, questions/answers, IFB Addenda, or other Administrative Notices into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call the number below no later than [insert date no later than 10 working days prior to the Conference Date] to arrange for reasonable accommodations.

Name of Program Contact Person

Name of Program

Program telephone number

(XXX) XXX-XXXX

(TTY) - California Relay telephone number

711-1-800-735-2929

NOTE: The range of assistive services available may be limited if requests are received less than ten State working days prior to the conference date or requestors cannot allow ten or more State working days prior to date the alternate format material is needed.

Option 2 – [NO Conference will be held]

For individuals with disabilities, the Department will provide assistive services such as reading or writing assistance, and conversion of the Invitation for Bid, questions/answers, IFB Addenda, or other Administrative Notices into Braille, large print, audiocassette, or computer disk. To request copies of written materials in an alternate format, please call the number below to arrange for reasonable accommodations.

Name of Program Contact Person

Name of Program

Program telephone number

(XXX) XXX-XXXX

(TTY) - California Relay telephone number

711-1-800-735-2929

NOTE: The range of assistive services available may be limited if requestors cannot allow ten or more State working days prior to date the alternate format material is needed.

G. Scope of Work

See Exhibit A entitled, "Scope of Work" that is included in the Sample Contract Forms and Exhibits Section of this IFB. Exhibit A contains a detailed description of the services and work to be performed as a result of this procurement.

H. Qualification Requirements

Failure to meet the following requirements by the bid due date will be grounds for CDPH to deem a bidder nonresponsive. In submitting a bid, each bidder must certify that it possesses the following qualification requirements.

[Insert a brief and concise numbered list of each type of experience that is required to ensure adequate SOW performance. Be specific. Do not list knowledge or ability requirements as these cannot be proven, instead, convert knowledge or ability requirements into an experience requirement that, when possessed, will prove the Bidder has the applicable knowledge and abilities. For example, instead of requiring knowledge of current government processes require possession of experience having performed a certain type of work for a government entity. If necessary, it is optional to change the number of years of required experience.]

1. At least **three** consecutive years of experience of the type(s) listed below. All experience must have occurred within the past five years. It is possible to attain the experience types listed below during the same time period. Bidders must have experience in:
 - a. [Example - Collecting, sorting and cataloging, throughout the State, frozen biological tissue and blood samples.]
 - b. [Example - Picking-up and delivering parcels bundles and mail using licensed and insured drivers.]
2. Bidders must certify their willingness to comply with all terms and conditions addressed in IFB section entitled, "Contract Terms and Conditions", including those terms in the referenced exhibits.
3. **(Corporations)** Corporations must certify they are in good standing and qualified to conduct business in California.
4. **(Nonprofit Organizations)** Non-profit organizations must certify they are eligible to claim nonprofit status.
5. Bidders must have a past record of sound business integrity and history of being responsive to past contractual obligations.
6. Bidders must certify their bid response is not in violation of Public Contract Code (PCC) Section 10365.5 and, if applicable, must identify previous consultant services contracts that are related in any manner to the services, goods, or supplies being acquired in this solicitation. Detailed requirements are outlined in **Attachment 7**.

PCC Section 10365.5 generally prohibits a person, firm, or subsidiary thereof that has been awarded a consulting services contract from submitting a bid for and/or being awarded an agreement for, the provision of services, procurement of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate in the end product of a consulting services contract.

PCC Section 10365.5 does not apply to any person, firm, or subsidiary thereof that is awarded a subcontract of a consulting services agreement that totals no more than 10 percent of the total monetary value of the consulting services agreement. Consultants and employees of a firm that provides consulting advice under an original consulting contract are not prohibited from providing services as employees of another firm on a

follow-on contract, unless the persons are named contracting parties or named parties in a subcontract of the original contract.

PCC Section 10365.5 does not distinguish between intentional, negligent, and/or inadvertent violations. A violation could result in disqualification from bidding, a void contract, and/or imposition of criminal penalties.

7. Bidders must meet Disabled Veteran Business Enterprise (DVBE) participation goals **or** make an adequate Good Faith Effort (GFE) to meet those goals. Detailed requirements are outlined in **Attachment 8** (DVBE Instructions/Forms). This requirement applies to each bidder offering a total cost or price that is \$10,000 or more.

[Delete this item if CMU has issued a written waiver exempting this procurement from DVBE participation before the IFB release date. Review [CMU Bulletin 03-16](#) and/or contact the CDPH DVBE Advocate to request a waiver from DVBE participation requirements. **CDPH's DVBE advocate** can be reached at (916) 650-0228.]

8. [Optional – If the service involves handling, testing, storing or moving toxic or hazardous materials; if automobiles are used in performance (i.e., transporting persons or state property), if pesticides will be used, if movers will be secured, or other service can result in a risk of harm or injury to persons or property, include the statement shown below. Delete this item if the service will not involve the handling of hazardous materials or automobile use. Delete this item if it does not apply to the SOW.]

If proof of insurance is needed, CMU recommends that it be collected via a copy of an insurance certificate from the winning bidder after the Notice of Intent to Award is posted.

The winning Bidder must supply, before contract execution, proof of liability insurance that meets the requirements of Provision X of Exhibit D(X) entitled, Special Terms and Conditions. [Cite the Insurance provision #8 in D(B) or #17 in D(C).]

9. [Optional -- Include this item only if there is need to collect resumes for the technical and professional staff (including Project Director, consultants and/or service subcontractors that will be used to perform the SOW). This item must be included if the SOW involves consultant services. It is not advisable to collect resumes unless the program is seeking consultant services since copies must be supplied to any protestant after an award is made. CDPH has experienced a situation where one bidder filed a protest claiming the winning bidder was nonresponsive to the bid requirement based information contained in an employee's resume and historical information about the company.]

The winning Bidder must agree to submit a 1-2 page resume for each major technical and professional staff person hired or assigned to perform work under the resulting contract. Resumes are required for the project director, each independent consultant and each service subcontractor. Resumes are not required for clerical staff, sub-professional staff or subcontractors that provide equipment, supplies and/or commodities.

[If necessary, add other mandatory qualification requirements that bidders must possess such as a required license, certification, specific equipment, or unique facilities. If items are added here, repeat those requirements on the Required Attachment / Certification Checklist.]

I. Bid Format and Content Requirements

1. General instructions

- a. Each individual or firm may submit only one bid. For the purposes of this paragraph, “firm” includes a parent corporation of a firm and any other subsidiary of that parent corporation. If a firm or individual submits more than one bid, CDPH will reject all bids submitted by that firm or individual.
- b. Develop bids by following all IFB instructions and instructions or clarifications in question/answer notices, clarification notices, or IFB addenda.
- c. Before preparing a bid, seek timely written clarification of any requirements or instructions that are believed to be vague, unclear or that are not fully understood.
- d. Arrange for timely delivery of the bid package to the specified address. Do not wait until shortly before the bid submission deadline to submit the bid.

2. Bid format requirements

[If necessary, increase the number of bid copies to be submitted. If the number of copies indicated below is altered, also change the number stated in the Bid Submission section and on the Required Attachment / Certification Checklist.]

- a. Submit **one (1)** original bid package plus **two (2)** copies or sets.
 - 1) Write “Original” on the original bid package. Place the originally signed attachments/forms in the set marked “Original”.
 - 2) Each bid set must be complete with a copy of all required attachments and documentation.
- b. Bind each IFB set with a single staple in the upper left-hand corner.
- c. Sign applicable IFB attachments/forms in ink, preferably in a color other than black.
 - 1) Have a person who is authorized to bind the bidding firm sign each form that requires a signature. Signature stamps are not acceptable.
 - 2) The forms appearing in the extra bid sets may reflect photocopied signatures.

3. Bid content requirements

This section specifies the order and content of each bid and where applicable, indicates form/attachment completion instructions.

When completing the attachments, follow the instructions in this section and any instructions appearing on the attachment. Unless, otherwise indicated, do not submit supplemental information or other materials that CDPH has not requested.

Complete and assemble the following items. After completing and signing the applicable attachments, assemble all items in the order shown below and place them in a **sealed** envelope. Remember to assemble **one (1)** original bid package plus **two (2)** copies or sets. [Alter the number of copies to be submitted if CDPH requires more copies in Item I.2.a. (Bid Format) of this section.]

4. Required attachments / documentation

| Attachment/Documentation | Instructions |
|---|--|
| 1 - Bid Form | Complete this form entirely. Do not submit supplemental cost or rate sheets. Please initial, in ink, any corrections or changes to the dollar amounts entered on the Bid Form. |
| 1A, 1B, 1C - Budget Detail Work Sheets [Optional - Include this option only when seeking professional personal services or consultant services. Delete this entire row if it does not apply to the procurement.] | Complete each form to show how the annual costs appearing on the Bid Form were determined. A separate Work Sheet is needed for each identified budget period. Identify costs for each cost category shown on the form. Enter \$0 if no costs are anticipated in a particular cost category. Please initial, in ink, any corrections or changes to the dollar amounts entered on any of these forms. Bidders may create like images or computerized reproductions of the forms included in this IFB. Use as many pages as are necessary to display the detailed budgeted costs. |
| 2 - Required Attachment / Certification Checklist | <ol style="list-style-type: none"> 1) Check each item with "Yes" or "N/A", as applicable, and sign the form. If necessary, explain the choices. 2) If a bidder marks "Yes" or "N/A" and makes any notation on the checklist and/or attaches an explanation to the checklist to clarify their choice, CDPH considers this a "qualified response". Any "qualified response", determined by CDPH to be unsatisfactory or insufficient to meet a requirement, may cause a bid to be deemed nonresponsive. |
| 3 - Business Information Sheet | Completion of the form is self-explanatory. |
| 4 - Client References | Identify three (3) clients serviced within the past five years that can confirm their satisfaction with the Bidder's services. If possible, identify clients whose needs were similar in scope and nature to the services sought in this IFB. List the most recent first. |
| 5 - CCC 307 Certification | Complete and sign this form indicating a willingness and ability to comply with the Contractor Certification Clauses (CCC) appearing in this exhibit. The attachment supplied in this bid represents only a portion of the contractor information in this document. Visit this web site to view the entire document: http://www.ols.dgs.ca.gov/Standard+Language/default.htm . [Revised 4-107. Cite the CCC 307 if services will begin on or after 3-28-07.] |

| Attachment/Documentation | Instructions |
|---|---|
| 6 - Payee Data Record | Complete and return this form <u>only</u> if the bidding firm has not previously entered into a contract with CDPH. If uncertain, complete and return the form. |
| 7 - Follow-on Consultant Contract Disclosure | Complete and sign this form. If applicable, attach to this form the appropriate disclosure information. |
| 8a - Actual DVBE Participation and applicable DVBE certification(s) and/or 8b - Good Faith Effort with required documentation | Read and carefully follow the completion instructions in Attachment 8. Attach the documentation that is required for the form(s) that is submitted. One and/or both of these two forms are required. Submission of one or both of these forms applies to every contract award that totals \$10,000 or more. [Delete this row only if CMU waives DVBE participation for this procurement.] |
| 9a - Non-Small Business Subcontractor Preference Request and 9b - Small Business Subcontractor/Supplier Acknowledgement | Submission of these forms is optional. Read and carefully follow the completion instructions in Attachments 9, 9a, and 9b. Complete and return Attachments 9a and 9b <u>only</u> if the bidding firm is not a certified small business but is requesting a subcontractor bidding preference by committing to use one or more certified small business subcontractors for an amount equal to at least 25% of the total bid price. |
| 10a-DVBE Subcontractor Incentive Request 10b- DVBE Subcontractor / Supplier Acknowledgment | Submission of these forms is optional. Read and carefully follow the completion instructions in Attachments 10a, and 10b. Complete and return Attachments 10a and 10b <u>only</u> if the bidding firm is requesting a subcontractor bidding incentive by committing to use one or more certified DVBE subcontractors for the percentage indicated in the bid document for the total bid price. |
| 11 - Target Area Contract Preference Act Request | Submission of this form is optional. Complete and return this form <u>only</u> if the bidding firm is based in California, and its total bid is \$100,000 or more, and CDPH has not pre-set any part of the work location, and the bidding firm desires to apply for TACPA preference. [Delete this entire row <u>only</u> if the contract cannot possibly equal or exceed \$100,000 <u>or</u> if CDPH pre-set any part of the work location in the scope of work.] |

| Attachment/Documentation | Instructions |
|---|---|
| 12 - Enterprise Zone Act (EZA) Preference Request | Submission of this form is optional. Complete and return this form <u>only</u> if the bidding firm is based in California, and its total bid is \$100,000 or more, and CDPH has not pre-set any part of the work location, and the bidding firm desires to apply for EZA preference. [Delete this entire row only if the contract cannot possibly equal or exceed \$100,000 or if CDPH pre-set any part of the work location in the scope of work.] |
| Business License (California Businesses Only) | California businesses must submit a copy of a current business license issued by the governmental jurisdiction, in which the business is located, unless no such license is required. Submit an explanation if this documentation cannot be supplied or there is reason to believe no license is required. |
| Proof of Corporation status (Corporations Only) | If the Bidder is a corporation, either submit a copy of the bidding firm's most current Certificate of Status issued by the State of California, Office of the Secretary of State or submit a downloaded copy of the bidding firm's on-line status information from the California Business Portal website of California's Office of the Secretary of State. Submit an explanation if this documentation cannot be supplied. |
| Proof of Non-profit status (Non-profit Organizations Only) | Non-profit organizations must submit a copy of a current IRS determination letter indicating nonprofit or 501(3)(c) tax exempt status. Submit an explanation if this documentation cannot be supplied. |
| Proof of financial stability [Optional – Include this row only when seeking consultant services or professional personal services and wish to collect financial statements.] | Include the following financial statements for the last year or latest twelve-month period. a) Annual income statement, and b) Quarterly or annual balance sheets The Bidder may submit copies of financial statements prepared by its internal Accounting Officer/Accounting Department or an auditing firm. |

| Attachment/Documentation | Instructions |
|---|--|
| <p>Resumes of project staff [Optional – Include this row only when seeking consultant services.]</p> | <p>Submit a 1-2 page resume for each professional and technical staff person that will perform major work activities under the resulting contract. Include resumes for the Project Director, contract manager [Change titles, if necessary]), independent consultant, and each service subcontractor. It is not advisable to collect resumes unless the program is seeking consultant services since copies must be supplied to any protestant after an award is made. CDPH has experienced a situation where a losing bidder filed a protest against an award on the basis of resume contents and historical company information.</p> |
| <p>Business history [Optional - Include only if seeking consultant services.]</p> | <p>Briefly describe your business, date of establishment, and the type(s) of services that can be provided. It is not advisable to collect business history information unless the program is seeking consultant services since copies must be supplied to any protestant after an award is made. One or more funding Programs have experienced a situation where a losing bidder filed a protest against an award on the basis of the contents of a company’s historical information under the belief the winner could not provide the full range of services.</p> |
| <p>Business capacity, and qualifications [Optional - Include only if seeking consultant services.]</p> | <p>Describe the type(s) and amounts of experience possessed by the bidding firm. Focus on experience types that demonstrate the bidder meets the experience requirements in the qualification requirements section of the IFB. It is not advisable to collect qualification information unless the program is seeking consultant services since copies must be supplied to any protestant after an award is made. One or more funding Programs have experienced a situation where a losing bidder filed a protest against an award on the basis of the contents of a company’s listed qualifications under the belief the winner did not possess appropriate experience to perform the full range of services.</p> |

[Optional -- Add to the above list any items that the program believes bidders must submit to prove any requirement that the program added to the “Qualification Requirements” section (i.e., copy of a certification or license, etc.).]

J. Submission of Bids

1. Submission instructions

[Alter the number of copies to be submitted if the program required more than one original and two copies to be submitted in Item I.2.a. (Bid Format) of this section.]

- a. Assemble an original and two (2) copies of the bid package together. Place the “original” bid package on top, followed by the two (2) extra copies.
- b. Place all of the copies in a single envelope or package. Seal the envelope.
- c. Mail or arrange for hand delivery of the bid package to the California Department of Public Health’s Contract Management Unit (CMU). Bids may not be transmitted electronically by fax or email.
- d. The Contract Management Unit must receive the bid package, regardless of postmark or method of delivery, by the date and time stated in the section entitled, “Time Schedule.” CDPH will not publicly open or read late bids.
- e. Label and submit the bid package using one of the following methods.

[Do not modify the format of the address information displayed herein.]

| | |
|---|---|
| <p>IFB XX-XXXXX (Do Not Open) California Department of Public Health Contract Management Unit Mail Station 1802 1501 Capitol Avenue, Suite 71.5178 Sacramento, CA 95814</p> | <p>IFB XX-XXXXX (Do Not Open) California Department of Public Health Contract Management Unit Mail Station 1802 P.O. Box 997377 Sacramento, CA 95899-7377</p> |
|---|---|

f. Bidder warning

- 1) CDPH’s internal processing of U.S. mail may add 48 hours or more to the delivery time. If the bid package is mailed, consider using certified or registered mail and request a receipt upon delivery.
- 2) For hand deliveries, allow sufficient time to locate on street metered parking and to sign-in at the security desk. If detained at the security desk, ask security personnel to call the CDPH Contract Management Unit at 650-0100 to arrange for bid package pickup and receipt issuance by CMU staff. Bidders are warned not to surrender their bids in the care of a person other than CDPH Contract Management Unit staff.
- 3) Couriers must sign-in at the security station and must obtain an access key card. Couriers will then be able to access pre-determined areas. If detained at the security desk, ask security personnel to call 650 CDPH’s Contract Management Unit at 650-0100 to obtain a Contract Management Unit staff member to collect the bids and to issue a bid receipt. Couriers are warned not to surrender bids in the care of a person other than CDPH Contract Management Unit staff.

[If applicable, add additional instructions about parking or security requirements.]

2. Proof of timely receipt

- a. CDPH staff will log and attach a date/time stamped slip or bid receipt to each bid package/envelope received. If a bid package is hand delivered, CDPH staff will give a bid receipt to the hand carrier upon request.
- b. To be timely, CDPH's Contract Management Unit must receive bid packages at the stated place of delivery no later than 4:00 p.m. on the bid due date. Neither delivery to the department's mailroom, to the program that issued this IFB, or the presence of a U.S. postmark will serve as proof of timely delivery.
- c. CDPH will deem late bid packages nonresponsive.

3. Bidder costs

Bidders are responsible for all costs of developing and submitting a bid package. Such costs cannot be charged to CDPH or included in any cost element of a Bidder's price offering.

K. Bid Opening

All bid packages properly received according to the IFB instructions on or before the bid due date will be publicly opened and read at the date and time stated in the section entitled, "Time Schedule," at the following address:

California Department of Public Health

[Insert program name]

[Insert program street address, room name/number, and mail station code if applicable]

[Insert City, State and Zip Code]

[If applicable, refer to an Appendix item containing driving, parking and/or add security desk check-in instructions.]

L. Bid Requirements and Information

1. Nonresponsive bids

In addition to any condition previously indicated in this IFB, the following occurrences **may** cause CDPH to deem a bid nonresponsive.

- a. Failure of a bidder to:
 - 1) Meet DVBE participation goals or to show proof that a substantial Good Faith Effort (GFE) was made to meet those goals. [Delete this item if CMU waived the DVBE requirements.]
 - 2) Meet bid format/content or submission requirements including, but not limited to, the sealing, labeling, and/or timely and proper delivery of bid packages.
 - 3) Pass the Required Attachment / Certification Checklist review by not marking "Yes" for each item listed or by not appropriately justifying, to CDPH's satisfaction, all "N/A" designations.

- 4) Attend a **mandatory** Pre-Bid Conference, if applicable. [Delete this item if the program will not hold a pre-bid conference or if conference attendance is voluntary.]
- b. If a bidder submits:
 - 1) A bid that is conditional, materially incomplete or contains material alterations or irregularities of any kind.
 - 2) Price information that contradicts the price/cost figures on the Bid Form or submits cost information in a format contrary to the IFB instructions.
 - 3) False, inaccurate or misleading information or falsely certifies compliance on any bid attachment.
- c. If CDPH discovers, at any stage of the bid process or upon contract award, that a bidder is unwilling or unable to comply with the contract terms, conditions and exhibits cited in this IFB and/or the resulting contract.
- d. If other irregularities occur in a bid response that are not specifically addressed herein (i.e., the Bidder places any conditions on performance of the scope of work, submits a counter offer/proposal, etc.).

2. Bid modifications after submission

- a. All bid packages are to be complete when submitted. However, an entire bid package may be withdrawn and the Bidder may resubmit a new bid package.
- b. To withdraw and/or resubmit a new bid package, follow the instructions appearing in the IFB section entitled, "Withdrawal and/or resubmission of bids".

3. Bid mistakes

If prior to contract award, award confirmation, or contract signing, a bidder discovers a mistake in their bid that renders the bidder unable or unwilling to perform all scope of work services for the price/costs offered, the bidder must immediately notify CDPH and submit a written request to withdraw its bid following the procedures set forth in Section L, Paragraph 4b.

4. Withdrawal and/or resubmission of bids

a. Withdrawal deadline

A Bidder may withdraw his/her bid any time prior to the bid due date.

b. Submitting a withdrawal request

- 1) Submit a written withdrawal request, signed by an authorized representative of the Bidder.
- 2) Label and submit the withdrawal request using one of the following methods.

[Programs authorized to receive bids at their office, must change the program name, address, and fax number information shown below.]

[Do not modify the format of the address information displayed herein.]

| | |
|--|--|
| <p>Withdrawal IFB XX XXXXX California Department of Public Health Contract Management Unit Mail Station 1802 1501 Capitol Avenue, Suite 71.5178 P.O. Box 997377 Sacramento, CA 95899-7377</p> | <p>Withdrawal IFB XX-XXXXX California Department of Public Health Contract Management Unit</p> <p>Fax (916) 650-0110</p> |
|--|--|

- 3) **[For faxed requests]** Bidders must call CDPH’s Contract Management Unit at (916) 650-0100 to confirm receipt of a faxed withdrawal request. Follow-up the faxed request by mailing or delivering the signed original withdrawal request within 24 hours after submitting a faxed request.

An originally signed withdrawal request is generally required before CDPH will return/release a bid package to a bidder. CDPH may grant an exception if the Bidder informs CDPH that the Bidder will submit a new or replacement bid package immediately following the withdrawal.

c. Resubmitting a bid package

After withdrawing a bid package, Bidders may resubmit a new bid package according to the submission instructions. Replacement bid packages must be received at the stated place of delivery by the due date and time.

5. Evaluation and selection

This section describes, in general, the process that CDPH will use to evaluate timely bid packages.

a. Bid opening/reading

All bid packages properly received according to the IFB instructions on or before the bid due date will be publicly opened and read.

b. Bid package review

- 1) Shortly after the bid opening and reading, one or more evaluators will convene to review each timely bid package to confirm its responsiveness to the IFB requirements. This is a pass/fail evaluation.
- 2) If deemed necessary by CDPH, additional bidder documentation may be collected to confirm the claims made by each bidder and to ensure that each bidder is responsive to all bid requirements.
- 3) If the materials submitted by a bidder do not prove, support or substantiate the claims made on the Required Attachment / Certification Checklist, the bid will be deemed nonresponsive and rejected from further consideration.

- c. If applicable, CDPH will adjust bid amounts for any claimed preference following confirmation of eligibility with the Department of General Services.

d. CDPH will post a Notice of Intent to Award.

6. Contract award and protests

a. Contract award

- 1) Award of the contract, if awarded, will be to the responsive and responsible Bidder that offers the lowest cost. The lowest cost will be determined after CDPH adjusts Bidder costs for applicable preferences.
- 2) CDPH shall award the contract only after CDPH posts a Notice of Intent to Award for five (5) working days ~~[For IFBs soliciting equipment maintenance services insert a period after the word Award and delete the remainder of the above sentence e.g. "for five (5) working days"]~~. CDPH expects to post the Notice of Intent to Award before the close of business on the date stated in the section entitled, "Time Schedule" in a Contract Award Notices Binder which will be available for viewing by the public during normal working hours, at the following location:

[Programs MAY show their address IN ADDITION to CMU's.]

California Department of Public Health
1501 Capitol Avenue, First Floor Guard Station
Sacramento, CA 95814

- 3) CDPH will mail, email, or fax a written notification and/or a copy of the Notice of Intent to Award to all firms that submitted a bid.
- 4) CDPH will confirm the contract award to the winning bidder after the protest deadline, if no protests are filed or following the Department of General Service's resolution of all protests. CDPH staff may confirm an award verbally, via email, or in writing. ~~[Delete this paragraph for equipment maintenance bids since there is no protest period.]~~

[Refer to the IFB User Guide for instructions on what information to include in the Notice of Intent to Award.]

b. Settlement of tie bids

- 1) In the event of a precise tie between the lowest responsive bid submitted by a certified small business or microbusiness and the lowest responsive bid submitted by a certified DVBE that is also a certified small business, the contract will be awarded to the DVBE bidder per Government Code Section 14838(f) et seq.
- 2) In the event of a precise tie between the lowest responsive bid submitted by a non-small business that was granted small business subcontractor preference and the lowest responsive bid submitted by a certified small business or microbusiness, the contract will be awarded to the certified small business or microbusiness.
- 3) In the event of a precise tie between the lowest responsive bid submitted by a nonprofit veteran service agency (NVSA) that is a certified small business and the lowest responsive bid submitted by a certified DVBE that is also a certified

small business, the contract will be awarded to the certified DVBE.

- 4) In the event of a precise tie between the lowest responsive bid submitted by a non-small business that was granted the DVBE subcontractor incentive and the lowest responsive bid submitted by a certified small business or microbusiness, the contract will be awarded to the certified small business or microbusiness.
- 5) In the absence of a California law or regulation governing a specific tie, CDPH will settle all other tie bids in a manner CDPH determines to be fair and equitable (e.g., coin toss, lot drawing, etc.). In no event will CDPH settle a tie by dividing the work among the tied Bidders.

c. Protests

[If seeking equipment maintenance services insert the following statement in place of all instructions in the Protests section and remove all numbered items in the Protests section. Remove the italics emphasis if the following statement is retained.]

“California law does not provide or authorize a protest procedure in connection with the award of contracts for equipment repair/maintenance”.

1) Who can protest

[Remove this numbered item if seeking equipment maintenance services.]

Any bidder who submits a bid may file a protest if the bidder believes its bid package is responsive to all IFB requirements and its bid is the lowest dollar bid.

2) Grounds for protests

[Remove this numbered item if seeking equipment maintenance services.]

Protests are limited to the grounds described in Public Contract Code (PCC) Section 10345. CDPH will not make an award until all protests are withdrawn by the protestant, denied, or resolved to the satisfaction of the Department of General Services (DGS).

3) Protest time lines **[Revised 4-2-07 at OLS' request.]**

[Remove this numbered item if seeking equipment maintenance services.]

- a) If an eligible Bidder wishes to protest the intended contract award, the Bidder must file a “Notice of Intent to Protest” with both CDPH and the Department of General Services within five working days after CDPH posts the Notice of Intent to Award. The Notice of Intent to Protest may be quite brief. Any Notice of Intent to Protest filed more than five working days after CDPH posts the Notice of Intent to Award shall be untimely.
- b) Within five calendar days after filing a “Notice of Intent to Protest”, the protestant must file with both CDPH and the Department of General Services a full and complete written protest statement identifying the specific grounds for the protest. The statement must contain, in detail, the reasons, law, rule, regulation, or practice that the protestant believes CDPH has improperly applied in awarding the contract.

4) Submitting a protest

[Remove this numbered item if seeking equipment maintenance services.]

A protest may be hand delivered, mailed, or faxed to the appropriate agencies. Label, address, and submit an initial protest notice and/or a detailed protest statement using one of the following methods.

[Remove the following instructions for submitting a protest if seeking equipment maintenance services.]

| | |
|---|--|
| | |
| <p>Protest to CDPH IFB XX-XXXXX California Department of Public Health Contract Management Unit Mail Station 1802 1501 Capitol Avenue, Suite 71.5178 P.O. Box 997377 Sacramento, CA 95899-7377</p> | <p>Protest to CDPH IFB XX-XXXXX California Department of Public Health Contract Management Unit Fax (916) 650-0110</p> |
| <p>Protest to CDPH IFB XX-XXXXX Dept. of General Services Office of Legal Services Attention: Protest Coordinator 707 Third Street, 7th Floor, Suite 7-330 P.O. Box 989052 West Sacramento, CA 95798-9052</p> | <p>Protest to CDPH IFB XX-XXXXX Dept. of General Services Office of Legal Services Fax: (916) 376-5088</p> |

[Programs may NOT substitute their address in place of CMU's.]

For faxed protests

[Remove these fax submission instructions if seeking equipment maintenance services.]

Faxed protests must be followed-up by sending an original signed protest, with all supporting material, within seven (7) calendar days of submitting the faxed protest.

Call the telephone numbers below to confirm receipt of a fax transmission:

| | |
|--|----------------|
| Department of General Services | (916) 376-5080 |
| California Department of Public Health | (916) 650-0100 |

7. Disposition of bids

- a. All materials submitted in response to this IFB will become the property of the California Department of Public Health and, as such, are subject to the Public Records Act (GC Section 6250, et seq.). CDPH will disregard any language purporting to render all or portions of any bid package confidential.
- b. Upon posting of a Notice of Intent to Award, all documents submitted in response to this IFB and all documents used in the selection process (e.g., review checklists, letters of intent, etc.) will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and shall be subject to review by the public. However, bid contents, bidder correspondence, selection working

papers, or any other medium shall be held in the strictest confidence until the Notice of Intent to award is posted.

- c. CDPH may return a bid package to a bidder at their request and expense after CDPH concludes the bid process.

8. Inspecting or obtaining copies of Bids

a. Who can inspect or copy bid materials

Any person or member of the public can inspect or obtain copies of bid materials.

b. What can be inspected / copied and when

[Revised 4-2-07. Paragraph 8.b.1) was modified to indicate that information on firms/persons that download a bid from DGS' website is considered public information and is to be released alone or in addition to any existing Bidders List as noted.]

[Choose the numbered items to include or exclude based on the instructions below.]

- 1) After CDPH releases the IFB, any existing Bidders List (i.e., list of firms or persons to whom this IFB is sent or released by the funding program) or information obtained from DGS on the firms or persons that downloaded this IFB from a DGS website is considered a public record and will be available for inspection or copying. Conditionally optional. Delete this item if there is reason to believe that the identity of the viable bidders (i.e., via a Bidders List or DGS' download list) is likely to be exposed due to the limited number of identified firms/persons.

It is safe to share a Bidders List and/or DGS download list only **if** the number of firms/persons on one or both lists is voluminous and is not a likely indicator of which firms/persons may submit a bid.

For example, if the Bidders List and/or IFB download list have a total of 20 names and only a 2 or 3 of those names are truly viable competitors and there is reason to believe that this is a known fact, then it is advisable not to release either list until after the Notice of Intent to Award is posted.

On the other hand, if the Bidders List and/or IFB download list together are comprised of many names (i.e., more than 40) and a fair percentage of the names include potentially viable competitors, neither list, alone or together, is likely to reveal the identify of the bidding firms, therefore it would be safe to share either or both lists.

It is wise to delay releasing the Bidders List and/or IFB download list until after the length or volume both lists and the number of potential bidders is known, then determine the feasibility of releasing the lists based on the instructions herein.

How to Address Requests by Potential DVBE/Small Business Subcontractors when a Bidders List or IFB download list is not released

Program Staff that elect not to share a Bidders List and/or IFB download list may be confronted with requests from potential subcontractors and/or suppliers including DVBEs and small businesses that wish to have their business

information shared with potential prime contractors/bidders. When or if this occurs, it will be the Program's responsibility to address this circumstance by following the guidelines outlined in the next paragraph.

In the interest of stimulating and encouraging the use of DVBE and small businesses by potential prime contractors, Program Staff are to collect from each potential subcontractor/supplier basic business information including but not limited to business name, physical mailing address, email address, telephone or cell phone number, fax number, and basic service/supplier information or brochure. The business information collected is to be passed on in a timely manner to all firms/persons on the Bidders List and IFB download list. Since subcontractor/supplier interest is not likely to occur at a single time, the effort described herein may need to be repeated on multiple occasions.]

- 2) After a Pre-Bid Conference, the sign-in or attendance sheet is a public record and will be available for inspection or copying. [Conditionally applicable. Delete this item if no conference/teleconference will be held; if the Pre-Bid Conference is mandatory; or there is a suspicion that the identity of the viable bidders is likely to be exposed due to the limited number of potential competing firms. See the issues explained in 1) above.]
- 3) On or after CDPH posts the Notice of Intent to Award, all bids, Bidders list, conference sign-in/attendance sheet, checklists and/or evaluation sheets become public records. These records shall be available for review, inspection and copying during normal business hours.

c. Inspecting or obtaining copies of bid materials

Persons wishing to view or inspect any bid related materials must identify the items they wish to inspect and must make an inspection appointment by contacting [Insert program person's name] at (XXX) XXX-XXXX.

Persons wishing to obtain copies of bid materials may visit or mail a written request to the CDPH office identified below. The requestor must identify the items they wish to have copied. Materials will not be released from State premises for the purposes of making copies.

Unless waived by CDPH, a check covering copying and/or mailing costs must accompany the request. Copying costs, when applicable, are charged at a rate of **ten cents** per page. CDPH will fulfill all copy requests as promptly as possible. Submit copy requests as follows:

Request for Copies - IFB XX-XXXX

[Insert name of contact person]

California Department of Public Health

[Insert program name]

[Mail Station Code XXXX]

[Insert street address, room/suite number, and/or P.O. Box number]

[Insert City, CA and Zip Code]

9. Verification of Bidder information

By submitting a bid, Bidders agree to authorize CDPH to:

- a. Verify any and all claims made by the Bidder including, but not limited to verification of prior experience and the possession of other qualification requirements, and
- b. Check any reference identified by a bidder or other resources known by the State to confirm the Bidder's business integrity and history of providing effective, efficient and timely services.

10. CDPH rights

In addition to the rights discussed elsewhere in this IFB, CDPH reserves the following rights.

a. IFB corrections

- 1) CDPH reserves the right to do any of the following up to the bid submission deadline:
 - a) Modify any date or deadline appearing in this IFB or the IFB Time Schedule.
 - b) Issue clarification notices, addenda, alternate IFB instructions, forms, etc.
 - c) Waive any IFB requirement or instruction for all bidders if CDPH deems said requirement or instruction unnecessary, erroneous or unreasonable. If deemed necessary by CDPH, CDPH may also waive any IFB requirement or instruction after the bid submission deadline.
 - d) Allow Bidders to submit questions about any IFB change, correction or addenda. If CDPH allows such questions, specific instructions will appear in the cover letter accompanying the document.
- 2) If deemed necessary by CDPH to remedy an IFB error or defect that is not detected in a timely manner, CDPH may also issue correction notices or waive any unnecessary, erroneous, or unreasonable IFB requirement or instruction after the bid submission deadline.
- 3) If applicable, CDPH will mail, email, or fax written clarification notices or addenda to all persons/firms receiving this IFB.

Exceptions may occur, when CDPH decides, just before or on the bid due date, to extend the submission deadline. If this occurs, CDPH may notify potential bidders of the extension by fax, email, or by telephone. CDPH will follow-up any verbal notice in writing by fax or mail.

b. Collecting information from Bidders

- 1) If deemed necessary by CDPH, CDPH may request a bidder to submit additional documentation following the bid opening and/or evaluation. CDPH will advise the Bidders orally, via email, or in writing of the documentation that is required and the time line for submitting the documentation. CDPH will follow-up oral instructions in writing by fax, email, or mail. Failure to submit the required documentation by the date and time indicated may cause CDPH to deem a bid nonresponsive.
- 2) CDPH, at its sole discretion, reserves the right to collect, by mail, email, fax or other method, the following omitted and/or additional information.

- a) Signed copies of any form submitted without a signature.
 - b) Data or documentation omitted from any submitted IFB attachment/form.
 - c) Information/material needed to clarify or confirm certifications or claims made by a bidder.
 - d) Information/material or form needed to correct or remedy an immaterial defect in a bid package.
- 3) The collection of bidder documentation may cause CDPH to extend the date for posting the Notice of Intent to Award. If CDPH changes the posting date, CDPH will advise the Bidders, orally, via e-mail, or in writing, of the alternate posting date.

c. Immaterial bid defects

- 1) CDPH may waive any immaterial defect in any bid package and allow the Bidder to remedy those defects. CDPH reserves the right to use its best judgment to determine what constitutes an immaterial deviation or defect.
- 2) CDPH's waiver of an immaterial defect in a bid package shall in no way modify this IFB or excuse a bidder from full compliance with all bid requirements.

d. Correction of clerical or mathematical errors

- 1) CDPH reserves the right, at its sole discretion, to overlook, correct or require a bidder to remedy any obvious clerical or mathematical errors on a bid form.
- 2) If the correction of an error results in an increase or decrease in the total price, CDPH shall give the Bidder the option to accept the corrected price or withdraw their bid.
- 3) Bidders may be required to initial corrections to costs and figures on the Bid Form if the correction results in an alteration of the cost(s) offered.
- 4) If a mathematical error occurs in a total or extended price and a unit price is present, CDPH will use the unit price to settle the discrepancy.

e. Right to remedy errors

CDPH reserves the right to remedy errors caused by:

- 1) CDPH office equipment malfunctions or negligence by agency staff
- 2) Natural disasters (i.e., floods, fires, earthquakes, etc.).

f. No contract award or IFB cancellation

The issuance of this IFB does not constitute a commitment by CDPH to award a contract. CDPH reserves the right to reject all bids and to cancel this IFB if it is in the best interests of CDPH to do so.

g. Contract amendments after award

As provided in the Public Contract Code governing contracts awarded by competitive bid, CDPH reserves the right to amend the contract after CDPH makes a contract award.

M. Preference Programs

To confirm the identity of the lowest responsive Bidder, CDPH will adjust the total bid cost for applicable claimed preference(s). CDPH will apply preference adjustments to eligible Bidders according to State regulations following verification of eligibility with the appropriate office of the Department of General Services (DGS).

1. Small/Micro Business Preference

- a. A responsive California small/micro business or bidder, certified in a relevant business category or type, will be granted a preference up to five percent (5%) of the lowest responsive bid, if that bid is submitted by a non-small/micro business. Non-small business means a responsive/responsible bidder that is not certified by the California Department of General Services as a small business or microbusiness. The "service" category or business type will most likely apply to this procurement. Nonprofit Veteran Service Agencies (NVSA) are to view the instructions in provision 3 of this section (Preference Programs).
- b. In granting small/micro business preference, no bid price will be reduced by more than \$50,000. The cost adjustment is for computation purposes only and does not alter the actual cost offered by the Bidder.
- c. To be certified as a California small/micro business and eligible for a bidding preference the business concern must meet the State's eligibility requirements and must have submitted an application for small/micro business status no later than 5:00 p.m. on the bid submission deadline.
- d. Firms desiring small/micro business certification must obtain the Small Business Certification Application (i.e., STD 812 or other form) from the appropriate office of the Department of General Services, fully complete the application, and submit it to the Department of General Services as instructed in the application. Prospective bidding firms desiring small business certification assistance, may contact the Department of General Services by the following means:
 - 1) (916) 322-5060 (24 hour recording and mail requests), or
 - 2) (916) 375-4940 (Small business assistance) or (800) 559-5529 (live operator-Central receptionist), or
 - 3) Internet address: <http://www.pd.dgs.ca.gov/smbus/default.htm> or
 - 4) Fax: (916) 375-4950, or
 - 5) Email: osdchelp@dgs.ca.gov

2. Non-Small Business Subcontractor Preference

- a. Non-small business means a responsive/responsible bidder that is not certified by the California Department of General Services as a small business or microbusiness.
- b. If the tentative low bidder is not a certified DVBE or small/micro business, a bid preference up to five percent (5%) is available to a responsive non-small business claiming twenty-five percent (25%) small business subcontractor participation with one or more small businesses. This preference is authorized pursuant to Title 2, California Code of Regulations Section 1896.2 and Government Code Section 14835.

Participation form, and confirmed by CDPH. The incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation. Unless a table that replaces the one below has been expressly established elsewhere with this solicitation, the following percentages will apply for awards based on low price.

| CONFIRMED DVBE PARTICIPATION OF: | DVBE INCENTIVE: |
|----------------------------------|-----------------|
| 3% and above | 5% |
| 2% to 2.99% | 3% |
| 1% to 1.99% | 1% |

- a. Awards **based on low price** - the net bid price of responsible bids will be reduced (for evaluation purposes only) by the amount of DVBE incentive as applied to the lowest responsible net bid price. If the number 1 ranked responsive, responsible bidder is a California-certified small business, the only bidders eligible for the incentive will be California-certified small businesses. The incentive adjustment for awards based on low price cannot exceed 5% or \$100,000, whichever is less, of the number 1 ranked net bid price. When used in combination with a preference adjustment, the cumulative adjustment amount cannot exceed 5% or \$100,000, whichever is less.

5. Target Area Contract Preference Act (TACPA) and Enterprise Zone Act (EZA) preferences

[Conditionally optional - delete this entire numbered item if lowest bid cannot possibly equal \$100,000 or more or if CDPH pre-set any part of the work location in the scope of work.]

- a. Government Code (GC) section 4530 (TACPA) and GC section 7070 (EZA) provide that California based companies shall be granted a 5% preference, not to exceed a maximum of \$50,000, whenever a state agency prepares a solicitation for **services** in excess of \$100,000. The preference(s) shall apply if the worksite is not fixed by the government agency and the company can demonstrate and certify, under the penalty of perjury, that at least 90 percent of the total labor hours required to perform the services contract shall be performed at an identified worksite located in a distressed area (TACPA) or enterprise zone (EZA). TACPA/EZA preferences will only be applied if this procurement results in more than one responsive bid.
- b. Additional work force preferences ranging from 1% to 4% can be earned by eligible bidders that agree to hire 5% to 20% of persons with a high risk of unemployment or those living in a targeted employment area or that are enterprise zone eligible to perform a specified percentage of the contract work.
- c. The granting of TACPA or EZA preference cannot displace an award to a certified small business.
- d. Bidders seeking to obtain a TACPA and/or EZA preference must submit a completed STD 830 - **Target Area Contract Preference Act Request (Attachment 10)** or a completed STD 831 - **Enterprise Zone Act (EZA) Preference Request (Attachment 11)** with their bid. The preference request form must include the following:
 - 1) All appropriate certifications. (TACPA and EZA)

- c. If a bidder claims the non-small business subcontractor preference, the bid response must identify each proposed small business subcontractor, the participation percentage amount committed to each identified subcontractor, and substantial proof to enable verification of each subcontractor's small business status. The total small business subcontractor participation must equal no less than twenty-five percent (25%) of the total bid price or cost offered.
- d. To be granted preference, each proposed small business subcontractor must possess an active small business or micro business certification issued by the California Department of General services, must perform a "commercially useful function" under the contract and the basic functions to be performed must be identified at the time of bidding.
- e. In granting the non-small business subcontractor preference, no bid price will be reduced by more than \$50,000. The cost adjustment is for computation purposes only and does not alter the actual cost offered by the Bidder.
- f. Complete **Attachment 9a (Non-Small Business Subcontractor Preference Request) and Attachment 9b (Small Business Subcontractor/Supplier Acknowledgement)** to request the non-small business subcontractor preference.
- g. Refer to the IFB section entitled, "Settlement of tie bids" to learn how tie bids will be resolved.

3. Nonprofit Veteran Service Agency (NVSA) Small business Preference

- a. Pursuant to Military and Veteran Code Section 999.50 et seq., responsive/responsible nonprofit veteran service agencies (NVSAs) claiming small business/microbusiness preference and verified as such in the relevant category or business type prior to the bid submission due date will be granted a preference up to five percent (5%) of the lowest responsive bid, if the lowest responsive bid is submitted by a bidder not certified as a small business/microbusiness. The "service" category is the business type that will most likely apply to this procurement.
- b. In granting small business preference to NVSAs, no bid will be reduced by more than \$50,000. The preference cost adjustment is for computation purposes only and does not alter the actual cost offered by the Bidder.
- c. To be eligible for the NVSA small business preference, the business concern must:
 - 1) Request preference at the time of bid submission, and
 - 2) Become certified as a small business or micro business by the appropriate office of the California Department of General Services (DGS) prior to the bid submission due date.
- d. Refer to the IFB section entitled, "Settlement of tie bids" to learn how tie bids will be resolved.

4. DVBE Bid Incentive

In accordance with Section 999.5(a) of the Military and Veterans code an incentive will be given to bidders who provide DVBE participation. For evaluation purposes only, CDPH shall apply an incentive to bids that propose California-Certified DVBE participation as identified on page 5 of Attachment XX a, CDPH 2349, Actual DVBE

- 2) The bidding firm's name and the name of all suppliers and subcontractors that will work with the bidder to fulfill the terms of the contract along with the addresses of each of the worksite(s) and estimated labor hours. (TACPA and EZA)
 - 3) County census tract number and block group number. (TACPA)
 - 4) Enterprise zone name(s). (EZA)
 - 5) Bidder's original signature. (TACPA and EZA)
 - 6) The bidder must indicate if seeking the additional 1 to 4 percent preference available for hiring persons with a high risk of unemployment, by checking the appropriate box on the preference request form. (TACPA and EZA)
- e. TACPA and/or EZA preference cannot be claimed or granted if:
- 1) The lowest responsive bid does not equal or exceed \$100,000 for the entire term,
or
 - 2) The work site or any part thereof is fixed or preset by the State, **or**
 - 3) The services involve construction or a public works project.
- f. A bidder who has claimed a TACPA and/or EZA preference and is awarded the contract will be obligated to perform in accordance with the preference(s) requested, provided the preference was granted in obtaining the contract. Firms receiving preference must:
- 1) Report their labor hours to the State and
 - 2) Reference the state contract on which the award is based for the specific reporting requirements.
- g. Bidders wishing to learn more about TACPA and/or EZA requirements, designated work site(s) or enterprise zones in California should contact the appropriate office of the Department of General Services at (916) 375-4940. DGS will attempt to determine TACPA and/or EZA eligibility within two working days.

6. Combined preferences

[Conditionally optional - delete this entire numbered item if TACPA and/or EZA preference will not apply to the procurement. These preferences will not apply if the lowest bid does not equal or exceed \$100,000 or if the funding Program pre-set any part of the work location in the scope of work.]

The maximum preference or cost reduction any bidder may be granted for small business, non-small business subcontracting, DVBE Incentive, TACPA and EZA preference combined is \$100,000.

Any firm that is granted any combination of non-small business subcontracting preference, DVBE Incentive, EZA and/or TACPA preference cannot displace an award to a certified small business.

N. Contract Terms and Conditions

[To the greatest extent possible, all proposed contract provisions are to be included in the IFB. At a minimum, include an Exhibit A1 (blank STD 213), Exhibit A (Scope of Work), Exhibit B (Budget and Payment Provisions), Special Terms and Conditions Exhibit D(B), D(C), or D(F), and Additional Provisions Exhibit E. Note Exhibit C is reserved for DGS' on-line General Terms and Conditions and a place-holder page will appear in the bid but will not be included in the resulting contract.]

All provisions and exhibits (Exhibit A, B, D, or E) included in the IFB should appear in the final contract with the exception of items that are conditional or later determined not to apply. If there is doubt as to the precise wording of contract provisions that will appear in the final contract, Program Staff are to contact their program's assigned OLS attorney for advice on the best way to address this issue.

Despite the presence of a disclaimer statement in the IFB indicating that the provisions within each Exhibit are only proposed, Programs may encounter difficulties if they fail to include provisions in their bid that are later added to a resulting contract, or if the contract provisions appearing in the bid are later altered and have the affect of imposing a more stringent standard than was stated in the bid. In general, Programs may not tighten or impose additional requirements beyond those appearing in the IFB.

Generally, the scope of work, performance requirements, and amount to be paid are not negotiated in contracts awarded through a formal competitive bidding process (i.e., IFB or RFP). Funding Programs are expected to accept the winning bidder's price offering and the scope of work may not be altered to add tasks that are not identified in the IFB. On occasion, proposed activities or functions may be removed and the cost reduced accordingly but the reverse is not possible. Bidders will not be compensated for errors in their bid price. Alterations to the scope of work or budget are accomplished through the formal contract amendment process after an agreement is fully executed.]

The winning Bidder must enter an agreement that may contain the Bidder's bid form or budget, a Scope of Work, standard contract provisions, and one or more of the contract forms and/or exhibits identified below. Other exhibits, not identified herein, may also appear in the resulting agreement.

The exhibits identified in this section contain contract terms that require strict adherence to various laws and contracting policies. A Bidder's unwillingness or inability to agree to the terms and conditions shown below or contained in any exhibit identified in this IFB may cause CDPH to deem a Bidder non-responsible and ineligible for an award. CDPH reserves the right to use the latest version of any form or exhibit listed below in the resulting agreement if a newer version is available.

In general, CDPH will not accept alterations to the General Terms and Conditions (GTC), CDPH's Special Terms and Conditions, the Scope of Work or alternate contract/exhibit language submitted by a prospective contractor. CDPH will consider a bid containing such provisions "a counter proposal" and CDPH may reject such a bid.

1. Sample contract forms / exhibits

| Exhibit Label | Exhibit Name |
|---------------|---|
| a. Exhibit A1 | Standard Agreement Exhibit A1 is intended to be a BLANK copy of a STD 213. [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site and remove all default text from Provision 4.] |

| Exhibit Label | Exhibit Name |
|------------------------------|--|
| b. Exhibit A | Scope of Work [Place the SOW in this exhibit. The Program must develop this exhibit following the Exhibit A instructions appearing in an applicable contract model (i.e., business, consultant, or personal service).] |
| c. Exhibit B | Budget Detail and Payment Provisions [The program must develop this exhibit following the Exhibit B instructions appearing in an applicable contract model (i.e., business, consultant, or personal service).] |
| d. Exhibit C – view on-line. | General Terms and Conditions (GTC 307). View or download at this Internet site: http://www.ols.dgs.ca.gov/Standard+Language/default.htm . |
| e. Exhibit D(X) | Special Terms and Conditions [Insert – “D(B)” (for state or federally funded business services), or “D(C)” (for state funded personal or consultant services) or “D(F)” (for personal or consultant services funded in part or whole with federal funds). |
| f. Exhibit E | Additional Provisions [The program must develop this exhibit following the Exhibit E instructions appearing in an applicable contract model (i.e., business, consultant, or personal service). Exhibit E must at a minimum contain an amendment and cancellation/termination provision.] |
| g. Exhibit X | Contractor’s Release [Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site.] |
| h. Exhibit X | Travel Reimbursement Information [Conditionally applicable – Download this form at: http://cdphintranet/FormsPubs/Pages/FormsIndex.aspx or an alternate departmental Intranet Form Site. Include this exhibit if the program expects to reimburse travel costs. Delete this row if no travel costs will be reimbursed with contract funds or if travel is reimbursed based on the contractor’s hourly wage rate.] |
| i. Exhibit X | HIPAA Business Associate Addendum (BAA) [Conditionally applicable – Include only when needed. Review CMU Bulletin 07-01 for further instructions. Download the appropriate HIPAA Addendum version from the HIPAA Exhibit link appearing in the applicable Public Folder contract model.] |
| j. Exhibit X | Information Confidentiality & Security Requirements (ICSR) [Conditionally applicable – Include only when needed. Review CMU Bulletin 07-02 for further instructions. Download the appropriate HIPAA Addendum version from the HIPAA Exhibit link appearing in the applicable Public Folder contract model.] |
| k. Exhibit X | SR1 CDPH-ISO Project Requirement Required if using the HIPAA BAA and/or ICSR Exhibit – Review the HIPAA BAA and ICSR Exhibit Guidelines for more information. Download the SR1 CDPH-ISO Project Requirement form using the HIPAA Exhibit link appearing in the applicable Public Folder contract model. |

[If necessary, add other program exhibits to the above list that other exhibits that the program intends to include in the resulting agreement.]

2. Unanticipated tasks

In the event unanticipated or additional work must be performed that is not identified in this IFB, but in CDPH's opinion is necessary to successfully accomplish the scope of work, CDPH will initiate a contract amendment to add that work. Unless otherwise indicated, all terms and conditions appearing in the resulting contract and the salary, wage, unit rates and/or other expenses appearing on the Bidder's Bid Form [add "and Budget Detail Work Sheets" if these forms (i.e., 1A, 1B and 1C) were included in the IFB.] will apply to any additional work.

3. Resolution of differences between IFB and contract language

If an inconsistency or conflict arises between the terms and conditions appearing in the final agreement and the proposed terms and conditions appearing in this IFB, any inconsistency or conflict will be resolved by giving precedence to the agreement.

[About the forms included with this model.]

When submitting an IFB draft to CMU for review, include a copy of each cited IFB Attachment and Exhibit with the draft IFB.

Unless otherwise indicated in the instructions that follow, use the pre-designed IFB forms included with the model.

All IFB forms are generic and may not meet every bidding need. As necessary, discuss needed modifications with CMU before altering the pre-designed bid forms including the Bid Form or Budget Detail Work Sheets.

Because the page margins differ on the IFB forms and contract exhibits, these documents have been saved as a separate word document. Please do not merge the forms and exhibits with the IFB into this document.

Before printing the forms, use Word's "print preview" feature to make sure each page of each form remains on a single page.

[About customizing or modifying this IFB model.]

This IFB model meets all competitive bidding laws of the State of California. Do not modify the text in this model except where the instructions allow modifications. If Program staff believe changes to the standard text are necessary, contact CDPH's CMU Unit Chief – Margie Sunahara at 650-0109.

On occasion, it may be desirable to insert a very specific list of items that bidders must return with their bid form to prove the Bidder is qualified to perform the services. When this occurs, program staff may modify this model to meet their needs. CMU must review all IFB modifications before an IFB is released.

Remember that when the IFB selection method is used, program staff cannot evaluate or critique any narrative documentation collected from bidders. Narrative information may only be used to verify the claims made by each bidder to substantiate that they meet all IFB requirements. If there is a desire or need to collect narrative information that can be critiques, evaluated or scored, use the Primary RFP model.

Required Attachments

[Attach behind this page all of the IFB attachments listed in the IFB Table of Contents and in the IFB Format and Content section.

Due to differing pagination and margins, do not merge the bid forms into this document and do not paginate the IFB attachments.]

Delete all colored program instructions before finalizing the IFB.