

**MULTIPLE AWARD CONTRACT RFQ - 0006  
E-COMMERCE / E-GOVERNMENT SERVICES**

**ADMINISTRATIVE REQUIREMENTS**

**A. INTRODUCTION**

In addition to meeting the requirements as identified in Section VI, Scope of Service Requirements, the contractor must adhere to all administrative requirements. These include the rules in Section II, RULES GOVERNING COMPETITION, the KEY ACTION DATES, specified in Section I, INTRODUCTION AND OVERVIEW OF REQUIREMENTS, SECTION I, and the format specified in Section VIII, PROPOSAL FORMAT.

Proposers intending to participate in this RFQ are asked to state their intention by the date specified in Section I.F, KEY ACTION DATES, using the form included as Exhibit V-A.

Section V contains Administrative Requirements that the bidder must agree to, if so indicated, in their bid response. Section VI requires bidders to provide information regarding their firm, which will be evaluated and scored. Those bidders whose proposal receives a rating above the baseline, or within 15% of it will be included in the Multiple Award Contract. The State has a predetermined rating structure that bids will be evaluated against. See Section IX for more information on how bids will be evaluated, and how bids will be ranked.

Throughout this section, as well as Section VI, bidders are to show their agreement to the requirements by checking or initialing the "Yes" box where asked for, as well as providing the asked for information, if applicable.

**B. AGREEMENT TO RESPOND TO FUTURE SPECIFIC PROPOSALS**

The state will be issuing specific projects that the prequalified contractors who are listed on the Multiple Award Contract will be asked to respond to. From these specific proposals, actual contract awards will be made. The Procurement Division will be coordinating this process. Contractors who make the Multiple Award Contract will be expected to respond by providing a specific price to do the project to these specific proposals. Contractors who are not able to provide a quote because the project has requirements that they simply cannot provide are *still* expected to respond to the request, providing an explanation as to why they are unable to provide a quote. Should a contractor fail to respond to more than three requests per calendar year, the state has the right to remove the contractor from the Multiple Award pool. When specific projects are being put out to bid, the Procurement Division may not have every contractor in the specific project budget category compete for that award.

**Contractor agrees to the above requirement? YES \_\_\_\_\_ NO \_\_\_\_\_**

**C. AGREEMENT TO INCORPORATE SPECIFIC FUTURE SCOPE OF SERVICES AGREEMENTS INTO THE ATTACHED MODEL CONTRACTS**

When specific future projects are bid and eventually awarded, there will be a specific scope of work that the project will require the selected contractor to agree to and provide. This will be incorporated into the attached model contracts, and will become part of the eventual contract. The proposer must agree to the terms of the specific scope of services, (which will be issued with the actual project) and that it will become part of the project contract. If the contractor cannot agree to the terms and conditions, they will not be eligible for contract award on the specific future projects.

**Contractor agrees to the above requirement? YES \_\_\_\_\_ NO \_\_\_\_\_**

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**D. PAYMENT TO CONTRACTOR**

The E-Commerce / E-Government Contractor will invoice the agency on the basis as identified in the specific agreement that is ultimately created for specific projects. At the request of the Procurement Division, the contractor may be required to send a copy of the invoice to the Procurement Division for monitoring purposes.

**Contractor agrees to the above requirement? YES \_\_\_\_\_ NO \_\_\_\_\_**

**E. PROCUREMENT DIVISION'S CONTROL OF THIS MULTIPLE AWARD CONTRACT**

The use of this E-Commerce / E-Government Multiple Award Contract will be controlled by the Department of General Services, Procurement Division. State agencies may not contract with the eventual contractors who make the "pool" without the involvement and approval or delegation of the Procurement Division. Contractors may let potential clients know that they are in the Multiple Award pool, but they are not allowed to provide quotes to potential agencies without the Procurement Division's involvement. Contractors who are approached by agencies for quotes are to report such to the Procurement Division. Contractors who do not comply may be removed from the "pool".

**Contractor agrees to the above requirement? YES \_\_\_\_\_ NO \_\_\_\_\_**

**F. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENT**

Because the State is not making any specific work guarantees to any contractor who is included in the pool of prequalified E-Commerce Proposers, the DVBE subcontracting goals are waived for this RFQ. However, bidders are encouraged to voluntarily seek out and utilize DVBE firms.

There *may* be DVBE goals on the future specific projects. These goals will be identified in the details of the project. Bidders must meet the goals or make a full and documented "good faith effort" to be eligible for the award.

**Contractor agrees to the above requirement? YES \_\_\_\_\_ NO \_\_\_\_\_**

**G. ADDITIONAL STATE ADMINISTRATIVE REQUIREMENTS**

1. Each contract for E-COMMERCE services executed with a qualifying contractor must be amendable by mutual consent of the governmental agency and the contractor. At the time of actual contract award, contractor will submit a letter certifying all previously submitted information is correct or Schedule all changes.
2. Any subcontractor who the contractor chooses to use in fulfilling an E-COMMERCE contract, and who is expected to receive 10% or more of the compensation paid for the services under the contract, must also meet all Administrative and Scope of Service Requirements of this Multiple Award Contract, applicable to the subcontracted work.

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The contractor must have express written permission of the State to use any subcontractor for any percentage of the work. If providing more than 10% of the compensation paid for the services, the subcontractors must meet the requirements of that portion of the work they will be providing. In addition, if they are providing more than ten percent of the work, they should submit a letter agreeing to the terms and conditions for the work they are providing. State and local agencies using this Multiple Award contract may chose to consider the qualifications of subcontractors when making their selection of a prime contractor. Therefore, all work provided by subcontractors should be well documented in the RFQ response. Proposers must explain how they will manage and control the work of the subcontractors. This information must be included, if subcontractors are being utilized, in the narrative.

If the use of a subcontractor is no longer possible, the bidder must provide such notice to the state when a specific future project comes about. If the proposer was relying on that subcontractor's qualifications to meet the original requirements of that type of project, a subcontractor of equal or greater qualifications must be proposed. The state will make a determination if the proposer is still qualified to be considered for the project.

3. Proposers must complete the Standard 19, Non-discrimination Compliance Statement, Exhibit V-B, and submit it with their Final Proposal.
4. Proposers must complete STD.21, Drug Free Workplace Certification, Exhibit V-C, and submit it with their Final Proposal.
5. Proposers must complete STD 204, Payee Data Record, Exhibit V-D, and submit it with their Final Proposal. The contractor shall provide the company's Federal Employer Identification Number (Business IRS Number) with their final bid submission on this form.
7. Domestic and Foreign Business Entities: All domestic and foreign business entities (those established outside of California) must be registered with the Office of Secretary of State and be in good standing and be qualified to do business as required under California law.
8. Subcontractor Information: Subcontractors, if being used, must be listed below. A prime contractor using a subcontractor to fulfill a requirement for this RFQ must use that subcontractor in all future contracts where that subcontractor's experience was used to fulfill a requirement. Upon award to a prime contractor, notice shall be given to the contractors listed below of their participation in the contract. Notification to the subcontractor by the prime contractor is encouraged immediately after award of an RFQ for e-commerce services. Subcontractors must be listed below: (Use additional pages if more space is needed).

Firm Name	Contact Name
Address	Phone Number
City, State	Fax Phone Number

**Contractor agrees to the above requirements? YES \_\_\_\_\_ NO \_\_\_\_\_**

H. NOTICE OF NON-GUARANTEED WORK

10/27/00

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Administrative Requirements

0006-SEC5- Reopening Version 1

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Bidders must be aware that the State makes no guarantee of any amount of work through this RFQ. There is no minimum amount of work that bidders can expect. In addition, bidders must understand that some contractors on the eventual Schedule may get more work than others, and some may not get any work at all.

**Contractor agrees to the above requirement?      YES\_\_\_\_\_ NO\_\_\_\_\_**

**I.      ADDITIONAL STATE MULTIPLE AWARD CONTRACT REPORTING REQUIREMENTS**

Proposers who are successful in being included in the pool of proposers for E-COMMERCE services are required to complete and submit various activity and tracking forms in order for the State to monitor and keep track of utilization of this service. These forms must be submitted in a timely fashion, to the designated Department of General Services, Procurement Division person as identified.

Proposers who are successful in being included in the pool, when talking to prospective clients must not, in their marketing efforts, imply that they have any more DGS recommendation over any other successful contractor. In addition, since the use of this Multiple Award Contract is at the discretion of the using state or local agency, contractors who make the pool must not imply that an agency must use one of the firms in the pool, only. It is always the option of a state or local agency to seek alternative ways to procure E-commerce services, as they do not have to use this Multiple Award Contract. The Multiple Award Contract is only one tool that they may choose to use.

**Contractor agrees to the above requirement?    YES\_\_\_\_\_ NO\_\_\_\_\_**

**J.      AMERICANS WITH DISABILITIES ACT NOTICE**

To meet and carry out compliance with the non-discrimination requirements of Title II of the Americans with Disabilities Act (ADA), it is the policy of the Procurement Division (within the State Department of General Services) to make every effort to ensure that its programs, activities, employment opportunities, and services are available to all persons, including persons with disabilities.

For persons with a disability needing reasonable accommodation to participate in the Procurement process, or for persons having questions regarding reasonable accommodation for the Procurement process, please contact the Procurement Division at (916) 445-2500 (main office); the Procurement Division TTY/TDD (telephone device for the deaf) and the California Relay Service numbers are Listed below. You may also contact directly the Procurement Division contact person that is handling this procurement.

**IMPORTANT: TO ENSURE THAT WE CAN MEET YOUR ACCOMMODATION, IT IS BEST THAT WE RECEIVE YOUR REQUEST AT**

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**LEAST 10 WORKING DAYS BEFORE THE SCHEDULED EVENT (i.e., MEETING, CONFERENCE, WORKSHOP, ETC.) OR DEADLINE DUE DATE FOR PROCUREMENT DOCUMENTS.**

The Procurement Division TTY telephone numbers are:

Sacramento Office: (916) 322-7535  
Fullerton Office: (714) 773-2093

The California Relay Service Telephone Numbers are:

Voice: 1-800-735-2922  
TTY: 1-800-735-2929

**K. FORCED, CONVICT, AND INDENTURED LABOR**

A. By signing this solicitation the contractor or grantee hereby certifies that no foreign-made equipment, materials, for supplies furnished to the State pursuant to the Solicitation will be produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction. By signing this Solicitation the contractor or grantee agrees to comply with the requirements of Public Contract Code (PCC), Section 6108.

B. Any contractor contracting with the State who knew or should have known that the foreign made equipment, materials or supplies furnished to the State were produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction, when entering into a contract pursuant to the above (a), may, subject to PCC, Section 6108, subdivision (c) have any or all of the following sanctions imposed:

(1) The contract under which the prohibited equipment, materials or supplies were provided may be voided at the option of the state agency to which the equipment, materials or supplies were provided.

(2) The contractor may be assessed a penalty which shall be the greater of one thousand (\$1,000) or an amount equaling 20 percent of the value of the equipment, materials, or supplies that the state agency demonstrates were produced in whole or in part by forced labor, convict labor, or indentured labor under penal sanction.

(3) The contractor may be removed from the bidder's Schedule for a period not to exceed 360 days.

**Contractor agrees to the above requirement? YES\_\_\_\_\_ NO\_\_\_\_\_**

**L. REQUEST FOR ADDITIONAL INFORMATION NOTICE**

If during the evaluation process, the State is unable to assure itself of the contractor's ability to perform under the contract, if awarded, the State has the option of requesting from the contractor any financial or past performance information, which the State deems necessary to determine the contractor's responsibility. If such information is required, the contractor will be so notified and will be permitted five working days to submit the information.

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If the information submitted by the contractor, or available from other sources, is insufficient to satisfy the State as to the contractor's contractual responsibility, the State may ask for additional information or reject the proposal. The State's determination of the contractor's responsibility, for the purpose of this RFQ, shall be final.

**Contractor agrees to the above requirement? YES\_\_\_\_\_ NO\_\_\_\_\_**

**M. EVALUATION**

The ultimate client agency will be asked to provide evaluations of the E-commerce firm's performance after the project is complete.

The E-commerce firm will be given an opportunity to respond to any negative evaluations. These evaluations and any responses will be made available to all participants utilizing the State's Multiple Award Contract.

**Contractor agrees to the above requirement? YES\_\_\_\_\_ NO\_\_\_\_\_**

**N. GROUND FOR DISQUALIFICATION FROM MULTIPLE AWARD CONTRACT**

**1. Grounds for Disqualification:**

Under certain circumstances, E-commerce firms may be eliminated from the Multiple Award Contract. These circumstances include, but are not limited to:

- Misrepresenting fee structure during interview
- Making misrepresentations in describing the matrix of completed projects
- Making misrepresentations in describing any legal issue.
- Material misrepresentation on any aspect of project development and implementation
- Failure to provide the quarterly Status Report.

**Contractor agrees to the above requirement? YES\_\_\_\_\_ NO\_\_\_\_\_**

**2. Due Process Procedure**

If it is determined there are grounds for elimination from the Multiple Award Contract, the following process will be initiated:

The E-Commerce / E-Government firm will be sent a Notice of Proposed Disqualification.

The E-Commerce / E-Government firm will have 10 working days to respond.

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The Procurement Division's Deputy Director in consultation with the DGS Office of Legal Services will render the final decision.

**Contractor agrees to the above requirement?                    YES \_\_\_\_\_ NO \_\_\_\_\_**

**O.     PERFORMANCE BOND/IRREVOCABLE LETTER OF CREDIT, ETC.**

The State reserves the right to require either a performance bond, irrevocable letter of credit, etc. for each specific project awarded after the establishment of the Multiple Award Contract. The amount that will need to be provided (if required) will be identified in the future specific e-commerce project. Proposers to the future bids may be required to obtain and present such items. If asked for and not provided, their bid on the future projects may be disqualified.

If a bond is required in a future project the contractor who is allowed to proceed on to a specific project, shall supply a bond to ensure contract performance and guarantee deliverables by deadlines. This shall be delivered to the state within 10 days of signing the contract and returned to the contractor upon receipt of all notification that the project is completed. The bond will not be returned upon contract cancellation due to non-performance. Other terms may be identified for letters of credit, etc.

**Bidder agrees to the above requirements? YES \_\_\_\_\_ NO \_\_\_\_\_**

**P.     SMALL BUSINESS PARTICIPATION ENCOURAGEMENT**

Public Contract code 14845. (c) states, " Whenever the director consolidates the needs of multiple state agencies and establishes a contract for repetitively purchased or commonly needed goods or services, the director shall both encourage bidders to utilize small business suppliers and subcontractors, and utilize multiple award methods whenever practicable to further ensure that a fair proportion of needed goods and services are obtained from small businesses."

Proposers responding to this RFQ are encouraged to utilize small businesses whenever possible.

**Contractor agrees to the above requirement?                    YES \_\_\_\_\_ NO \_\_\_\_\_**

**NOTICE REGARDING BIDDING PREFERENCES;**

**Following in Sections Q-T are provisions dealing with various bidding preferences. They will not factor in the determination of which proposers make the Multiple Award Contract, since there is no specific pricing to be supplied with the response to this RFQ. However, preferences will apply to the eventual awards made on specific projects.**

**Q.     SMALL BUSINESS PREFERENCE**

1. Section 14835, et. Seq. Of the California Government Code requires a 5% preference be given to bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of goods and services are contained in Title 2, California Code of Regulations, Section 1896, et. Seq. A copy of the regulations is available upon

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request from the Office of Small Business Certification and Resources. Small businesses are desired and encouraged to participate in this RFQ. The state has intentionally created the small budget categories to encourage small business participation.

2. To claim the small business preference, which may not exceed \$50,000 for any bid, the firm must have its principal place of business located in California, have a complete application (including proof of annual receipts) on file with the State Office of Small Business Certification and Resources by 5:00 p.m. on the date the bid response is due, and be verified by such office. Questions regarding the preference approval process should be directed to the Office of Small Business Certification and Resources at (916) 322-5060.
  
3. The cost proposal will be weighted after consideration of the small business preference, if applicable. If the highest scoring proposal is a certified small business, there is no need to adjust the scores. If the highest scoring bidder is not a certified small business, then the score of all the certified small businesses shall be adjusted as follows: a preference equal to 5% of the cost component of the highest scored proposal shall be computed and shall constitute the small business preference amount. Next, the preference amount shall be subtracted from the cost component of the proposal submitted by certified small business bidders and the price scoring of the proposals shall be adjusted accordingly.

ALL BIDDERS, PLEASE CHECK THE APPROPRIATE LINE:

\_\_\_\_\_ I am a certified small business and the Small Business Preference is applicable to this bid. A copy of my certified form from the Office of Small Business Certification and Resources is attached.

\_\_\_\_\_ I have recently filed for small business preference but have not yet received certification.

\_\_\_\_\_ I am not a certified small business and am not claiming the preference.

Name of Bidder \_\_\_\_\_, Signature \_\_\_\_\_

**R. TARGET AREA CONTRACT PREFERENCE**

Target Area Contract Preference will be granted to California based firms in accordance with Government Code Section 4530 whenever contracts for goods or services are in excess of \$100,000 and the Proposers meet certain requirements as defined in the California Administrative Code (Title 2, Section 1806.30 et. seq.) regarding labor needed to provide the goods being procured.

Contractor's questions regarding this preference are to be directed to the Office of Small Business Certification and Resources, 1531 I Street, Second Floor, Sacramento, California, 93814-2016. Proposers desiring to claim this preference for services must submit a fully executed copy of Exhibit V-E.

**Proposers do not need to do anything regarding the above section, unless they are applying for the preference. If the preference is being sought, please check here.** \_\_\_\_\_

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**S. ENTERPRISE ZONE ACT**

Government Code Section 7070, et. seq., provides that California based companies may be granted preferences when bidding on State contracts in excess of \$100,000 for goods and services (excluding construction contracts) if the business site is located within designated "Enterprise Zones". Bidders desiring to claim this preference must submit a fully executed copy of the *Standard Form 831S*, Exhibit V-F with their Final Proposal.

**Proposers do not need to do anything regarding the above section, unless they are applying for the preference. If the preference is being sought, please check here.** \_\_\_\_\_

**T. LOCAL AGENCY MILITARY BASE RECOVERY ACT (LAMBRA)**

California Government Code Section 7117, et. seq. And California Code of Regulations, Title 2, Section 1896. 1000 et. Seq. Provides that California based companies may be granted preferences when bidding on State contracts in excess of \$100,000 if they qualify and apply for the LAMBRA preference.

Bidders desiring to claim this preference must submit a fully executed copy of the *Standard Form 832*, Exhibit V-G with their Final Proposal. Please review Exhibit V-G for more detail regarding this preference.

**Proposers do not need to do anything regarding the above section, unless they are applying for the preference. If the preference is being sought, please check here.** \_\_\_\_\_

**U.1. DESIRED PROJECT BUDGET CATEGORY SELECTION**

The state is offering proposers an opportunity to select which budget category(ies) of future e-commerce projects they wish to be considered for. As future projects come up, based upon the estimated budget amount for the project, the state will select prequalified contractors within the appropriate budget category to compete on the specific scope of services for that project.

The following four budget categories have been established. Proposers must select the categories they wish to be considered for when projects come up. Proposers are automatically included in the lower dollar categories if they are competing for the higher categories and if they so indicate below. Proposers therefore, must specifically indicate which category or categories they desire. Proposers are expected to provide references so the state can verify their performance on the highest budget category selected. Please indicate by checking the line after the budget category:

**PLEASE NOTE THAT PROPOSERS WHO ARE SELECTING CATEGORY FOUR ARE BEING REQUIRED TO PROVIDE ADDITIONAL FINANCIAL STABILITY INFORMATION AS DESCRIBED BELOW.**

Category One:                 \$25,000 or less: \_\_\_\_\_

Category Two:                \$25,001 to \$250,000: \_\_\_\_\_

Category Three:              \$250,001 to \$750,000: \_\_\_\_\_

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Category Four: \$751,001 and up:\_\_\_\_\_ \* See Requirement U.2. below for additional information related to required financial stability information).

**Please confirm that the required financial information is included by initialing here:\_\_\_\_\_**

**U.2. REQUIRED FINANCIAL STABILITY INFORMATION FOR CATEGORY FOUR**

In order to minimize the potential risk of default due to financial issues, proposers competing for Category Four projects must assure the state that they have the financial resources to sustain their operations during long projects and they time required for the state to pay them after project completion.

Proposers therefore, are required to submit financial statements in order to allow the state to make a determination of the stability of the proposer. The determination will be based upon the published "Bankruptcy Prediction" Use of the Z score formula". Proposers *in the determination of the state*, who have a high probability of bankruptcy may be eliminated from inclusion on the Multiple Award List.

The state will be utilizing Professor Allman's "Z-score" predictability formula in making this determination. In order to complete this evaluation, proposers must be sure that their financial statements include the following: Please complete the information after each of the following for the last fiscal year (and include financial statements to back up the information provided):

- Working Capital:\_\_\_\_\_
- Total Assets:\_\_\_\_\_
- Retained Earnings: \_\_\_\_\_
- Earnings before income taxes: \_\_\_\_\_
- Equity (Value of common and preferred stock, or owner's equity):\_\_\_\_\_
- Debt (Current Debt and Long Term Debt):\_\_\_\_\_
- Total Sales: \_\_\_\_\_

If a proposer recognizes that they may not be rated as financially stable by the state, please describe below how they might cover their expenses during the project (such as getting a line of credit from a bank, etc.) Please provide documentation, such as letters of credit to confirm that the proposer will be able to obtain the line of credit, etc.)

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EXHIBIT V-A  
LETTER OF INTENT TO RESPOND**

Date: \_\_\_\_\_

Mark Mitchell  
Department of General Services  
Procurement Division  
Technology Acquisitions Section  
1823 14th Street  
Sacramento, CA 95814

Reference: MULTIPLE AWARD CONTRACT RFQ - 0006- E-Commerce Services

Dear Mr. Mitchell:

This is to notify you that (business' name)\_\_\_\_\_ intends to submit an application to be Scheduled on the State's Multiple Award Contract for E-COMMERCE services. Please check one of the following.

1. We are already on the Prequalified List and are seeking a higher budget category approval.\_\_\_\_\_
2. We are not on the Prequalified List.\_\_\_\_\_

The individual to whom all information regarding this application should be transmitted is:

\_\_\_\_\_

Sincerely,

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Company(\_\_\_\_\_) \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Phone Fax

E- Mail Address:\_\_\_\_\_

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**EXHIBIT V-B**

**NON-DISCRIMINATION COMPLIANCE**

This form can be found at the following address. Print one and submit it with your bid response:

[http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series\\_700-999.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series_700-999.asp)

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**EXHIBIT V-C**

**DRUG-FREE WORKPLACE CERTIFICATION**

This form can be found at the following address. Print one and submit it with your bid response:

[http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series\\_700-999.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series_700-999.asp)

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**EXHIBIT V-D**

**PAYEE DATA RECORD**

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**EXHIBIT V-E**

**TARGET AREA CONTRACT PREFERENCE**

This form can be found at the following address. Print one and submit it with your bid response if claiming preference:

[http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series\\_700-999.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series_700-999.asp)

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**EXHIBIT V-F**

**ENTERPRISE ZONE ACT**

This form can be found at the following address. Print one and submit it with your bid response if claiming preference:

[http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series\\_700-999.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series_700-999.asp)

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**EXHIBIT V-G**

**LOCAL AGENCY MILITARY BASE RECOVERY ACT**

This form can be found at the following address. Print one and submit it with your bid response if claiming preference:

[http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series\\_700-999.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Services/FormsMgmt/series_700-999.asp)