

INVITATION FOR BIDS

APPLIANCE MARKET SURVEY



IFB-13-402

www.energy.state.ca.gov/contracts

State of California

California Energy Commission

October 7, 2013

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Attachments

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| 2 | Bidder Certification |
| 3 | Contractor Status Form |
| 4 | Darfur Contracting Act Form |
| 5 | Disabled Veteran Business Enterprise Declarations (DVBE) Std. Form 843 |
| 6 | Bidder Declaration Form GSPD-05-105
(List of subcontractors, including DVBE/Small Business/Microbusiness/
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| 7 | Contractor Certification Clauses |
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I. Introduction

BACKGROUND

The California Energy Commission's (Energy Commission) Appliance Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the Energy Commission is directed to develop, implement, and enforce standards that require either appropriate minimum energy or water efficiencies or maximum energy or water consumption allowances for each category of regulated appliances.

PURPOSE OF IFB

The purpose of this Invitation for Bid (IFB) is to obtain a qualified company to perform catalog, internet, retail and wholesale surveys of selected Title 20-regulated appliances in order to assess the extent of compliance with the regulations.

KEY ACTIVITIES AND DATES

Key activities including dates and times for this IFB are presented below. An addendum will be released if the dates change for the asterisked (*) activities.

ACTIVITY	ACTION DATE
IFB Release	October 7, 2013
Written Question Submittal Deadline*	October 14, 2013
Distribute Questions/Answers and Addenda (if any)	October 21, 2013
Deadline to Submit Bid by 3:00 p.m.*	October 22, 2013
Public Bid Opening	October 24, 2013
Notice of Proposed Award	October 28, 2013
Commission Business Meeting	December 11, 2013
Contract Start Date	January 2, 2014
Contract Termination Date	June 30, 2015

AVAILABLE FUNDING

There is up to \$300,000 available for the contract resulting from this IFB. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder providing the lowest cost, after any applicable preference or incentive.

QUESTIONS

During the IFB process, questions of clarification about this IFB must be directed to the Contracts Officer listed in the following section.

Potential Bidders shall carefully examine the qualifications and specifications of this IFB and may submit written questions via mail, electronic mail, and by FAX. All technical questions must be submitted by the date indicated in the Key Activities and Dates section.

Any verbal communication with a Commission employee concerning this IFB is not binding on the State and shall in no way alter a specification, term, or condition of the IFB.

CONTACT INFORMATION

Sandra Cushman, Contracts Officer
California Energy Commission
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Sacramento, California 95814
Telephone: (916) 654-4584
FAX: (916) 654-4423
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RESPONSES TO THIS IFB

Responses to this solicitation shall be in the form of an Administrative Response and a sealed and formal Cost Bid using Attachment 8, Budget Forms, according to the format described in this IFB. The Cost Bid shall detail the Bidder's budget to perform the tasks outlined in the Scope of Work.

REFERENCE DOCUMENTS

Bidders responding to this IFB may want to familiarize themselves with the following documents:

- California's Appliance Efficiency Program website:
<http://www.energy.ca.gov/appliances>
- 2010 Appliance Efficiency Regulations (California Code of Regulations, Title 20, Sections 1601 through 1608):
<http://www.energy.ca.gov/2010publications/CEC-400-2010-012/CEC-400-2010-012.PDF>
- California Energy Commission Appliance Database:
<http://www.energy.ca.gov/appliances/database/index.html>
- Information on Formatting Reports & Writing Style for Consultants to the California Energy Commission (with link to STYLE MANUAL: Second Edition - For Preparing Contract and Consultant Reports for the California Energy Commission, Publication # CEC180-2010-002).
http://www.energy.ca.gov/contracts/consultant_reports/index.html

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the Commission Agreement Manager (CAM).

BACKGROUND/PROBLEM STATEMENT

The Appliance Energy Efficiency Program was developed to increase the energy efficiency of appliances sold or offered for sale to California consumers and businesses. Under the Warren-Alquist Act [Public Resources Code § 25402(c)(1)], the California Energy Commission (Energy Commission) is directed to develop, implement, and enforce standards that require either appropriate minimum efficiencies or maximum energy consumption allowances for each category of affected appliance.

The Energy Commission's Appliance Efficiency Regulations (Regulations) found in the California Code of Regulations, Title 20, Division 2, Chapter 4, Article 4, Sections 1601-1608, was adopted on November 3, 1976. The efficiency standards within the Regulations became effective one year later. Since then, these Regulations have been updated with the most recent amendments adopted in 2010.

The Regulations apply to new appliances "if they are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles or other mobile equipment".

GENERAL REQUIREMENTS/GOALS AND OBJECTIVES OF THE AGREEMENT

The Contractor will conduct surveys of new appliances sold or offered for sale in California in retail and wholesale outlets, through catalogs, and via the internet. The purpose of this survey will be to assess the extent of compliance with the Regulations. The results of the market surveys will enable the Energy Commission to focus its enforcement efforts on; (1) those regulated appliance types for which the most non-compliance occurs; and (2) those market participants who are most non-compliant.

The Contractor shall perform wholesale, retail, internet and catalog market surveys for each of the appliances shown in the list of Appliances to be Surveyed below. For the Energy Commission to make the best use of limited resources, the list of Appliances to be Surveyed may be prioritized according to appliance category by the CAM. The contractor shall permit the CAM or appropriate Energy Commission staff to accompany the surveyors during the performance of their duties; and in addition, demonstrate to Energy Commission staff the steps taken to select the survey sites, and record and report the data collected.

Appliances to be Surveyed

Ceiling Fan Light Kits
Ceiling Fans (Excluding Low-Profile Ceiling Fans)
Clothes Dryers
Clothes Washers
Commercial Convection Ovens
Commercial Hot Food Holding Cabinets
Commercial Ice Makers (Automatic Commercial Ice Makers)
Commercial Pre-Rinse Spray Valves
Commercial Range Tops
Compact Audio Products
Compact Fluorescent Lamps
Computer Room Air-Cooled Air Conditioners
Computer Room Water-Cooled Air Conditioners
Consumer Battery Charger Systems
Faucets (Kitchen & Bath)
Florescent Lamp Ballasts
General Service Incandescent Lamps
Infrared Gas Space Heaters (Patio Heaters & Non-Patio Heaters)
Metal Halide Luminaires
Portable (Spot) Air Conditioners
Portable Luminaires
Refrigerated Canned/Bottled Beverage Vending Machines
Refrigerators w/o Doors (Reach-in Cabinets)
Residential Pool Pumps
Residential Wine Chillers
Showerheads
Tub Spout Diverters
To Be Determined *

* The CAM may request additional appliance types be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission, or to collect compliance data on a given appliance type (see Task 4).

TASK 1: AGREEMENT MANAGEMENT

Task 1.1 Kick-off Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a “kick-off” meeting with the CAM, the Commission Agreement Officer (CAO), and a representative of the Accounting Office. If the contractor is located in Northern California, the kick-off meeting shall be held at the California Energy Commission offices at 1516 9th Street, Sacramento, CA. If the contractor is located in Central or Southern California, the kick-off meeting will be held via WebEx or telephone conference call. The date, time and location of the kick-off meeting shall be scheduled by the Contract Manager. The purpose of the meeting will be to discuss the tasks in the Scope of Work and the administrative requirements of the Agreement. The Contractor shall include their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the CCM in this meeting. The administrative and technical aspects of this Agreement will be discussed at the meeting.
- If necessary, prepare an updated Schedule of Deliverables based on the decisions made in the kick-off meeting.

The CAM shall:

- Arrange the meeting including scheduling the date and time.
- Prior to the kick-off meeting, provide an agenda to all potential meeting participants.

Deliverables:

- An Updated Schedule of Deliverables (if applicable)

TASK 1.2 Invoices

The Contractor shall:

- Prepare invoices for all reimbursable expenses incurred performing work under this Agreement in compliance with the Terms and Conditions of the Agreement. Invoices shall be submitted consistent with the frequency of progress reports. Invoices must be submitted to the Energy Commission’s Accounting Office.

Deliverables:

- Invoices

TASK 1.3 Manage Subcontractors

The goal of this task is to ensure quality products, to enforce subcontractor Agreement provisions, and in the event of failure of the subcontractor to satisfactorily perform services, recommend solution to resolve the problem.

The Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the terms and conditions of the contract, and 2) notify the CAM who will follow the Energy Commission’s process for adding or replacing subcontractors.

Task 1.4 Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of this Agreement.

The Contractor shall:

- Prepare progress reports which summarize all Agreement activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the Agreement within the current budget and any anticipated cost overruns. Each progress report is due to the CAM within 15 calendar days after the end of the reporting period. The CAM will provide the format for the progress reports.

Deliverables:

- Monthly Progress Reports and a descriptive labor report documenting the time and task each person performed that month.

Task 1.5 Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work completed under this Agreement. The Final Report shall be prepared in language easily understood by the public or layperson with a limited technical background.

The Final Report must be completed before the termination date of the Agreement in accordance with the Schedule of Deliverables.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission and will be preparing both a public and a confidential version of the Final Report, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

Task 1.5.1 Final Report Outline

The Contractor shall:

- Prepare and submit a draft outline of the Final Report for review and approval. The CAM will provide written comments to the Contractor on the draft outline. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.
- Prepare and submit the final outline of the Final Report, incorporating CAM comments.

Deliverables:

- Draft Outline of the Final Report
- Final Outline of the Final Report

Task 1.5.2 Final Report

The Contractor shall:

- Prepare the draft Final Report for this Agreement in accordance with the approved outline.
- Submit the draft Final Report for review and comment. The CAM will provide written comments to the Contractor. The Contractor shall review the comments and discuss any issues with the recommended changes with the CAM.
- Prepare and submit the Final Report, incorporating CAM comments.

Deliverables:

- Draft Final Report
- Final Report

Task 1.6 Final Meeting

The goal of this task is to discuss closeout of this Agreement and review the project.

The Contractor shall:

- Meet with Energy Commission staff prior to the term end date of this Agreement. The meeting will be held in Sacramento, CA and the CAM will designate the specific location. This meeting will be attended by the Contractor Project Manager and the CAM. The CAM will determine any additional appropriate meeting participants. The administrative and technical aspects of Agreement closeout will be discussed at the meeting.
- Present findings, conclusions, and recommended next steps (if any) for the Agreement, based on the information included in the Final Report.
- Prepare a written document of meeting agreements and unresolved activities.
- Prepare a schedule for completing the closeout activities for this Agreement, based on determinations made within the meeting.

Deliverables:

- Written documentation of meeting agreements
- Schedule for completing closeout activities

TASK 2: CATALOG AND INTERNET SURVEYS**The Contractor shall:**

- Search catalogs and websites verifying that models of each category in the list of Appliances to be Surveyed is found in a minimum of eight (8) catalogs and/or websites, when possible. In instances where a catalog cannot be obtained for any particular appliance type, then a website or web catalog may be substituted. Other website types may be surveyed if deemed appropriate by the Contractor or CAM, including manufacturer or distributor websites, to ensure that all appliance types are surveyed. Included in the websites searched shall be at least one auction-type website (for example, eBay and craigslist) to determine if regulated new appliances are being made available to California purchasers through these types of websites.
- Survey the twenty seven (27) regulated appliance categories shown in the list of Appliances to be Surveyed which are offered for sale in California through the internet or through manufacturer's catalogs.
- In addition, the Contractor may also be asked by the CAM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed. See Task 4.
- If possible and when allowed by the website, make note of the number of units available for sale.
- Compile a list of appliance models of each of the twenty-seven (27) categories of appliances specified in the list of Appliances to be Surveyed that are being sold or offered for sale in California as determined through catalogs and internet site surveys.

- When compiling this list, compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database and identify the surveyed models that are not in the Database. For those models not found in the Database, indicate whether the statement "not for sale in California" was present.
- Compile interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted to the CAM in an electronic format suitable for sorting, filtering and further analysis; such as, Microsoft Excel. Interim data sets may be requested more frequently by the CAM.
- Upon completion of the surveys, compile final data sets of all survey data gathered during the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the CAM. The CAM understands that a comprehensive list of appliance models sold through the internet or through websites on the internet may not be feasible.

The following data shall be displayed in the interim and completed survey data sets:

- Where a catalog search is performed (name of the catalog)
- Internet address (hyperlink) of each site searched
- Store or business name, address, contact information, and internet address(s)
- Dates of internet/catalog queries
- Physical location of the manufacturer (address, including country)
- Complete list of appliance models that were surveyed. For each appliance model, list:
 - Appliance category
 - Manufacturer's name
 - Brand name
 - Model number
 - Where multiple numbers are present that could be considered a model number, the contractor shall make note of all numbers (including but not limited to model#, SKU# and stock#, but not UPC#) and compare all numbers with the appliance database to avoid erroneous non-compliance determinations.
 - Date model was manufactured (if available)
 - Whether the model complies with the marking requirements of the Regulations (if able to determine)
 - Whether the model appears in the Energy Commission's Active Appliance Database
 - For non-complying or non-certified models, include a notation stating whether the website or catalog states that those models cannot be sold or offered for sale in California.
 - If the model is a ceiling fan with lights, a ceiling fan light kit, or a portable luminaire, indicate if it came with a compliant light bulb.
 - An indication of any information itemized in this list that was not available at the time of the survey.
 - Periodically review the data collected for accuracy by 1) re-verifying the appliance is or is not in the Energy Commission's Appliance Database, and 2) confirming the accuracy of the model number utilizing the internet.

Deliverables:

- List of survey locations
- Interim Catalog/Internet Survey Data Sets
- Final (completed) Catalog/Internet Survey Data Sets

TASK 3: RETAIL / WHOLESALE STORE SURVEYS

The Contractor shall:

- Develop, for the review and approval of the CAM, a list of the physical locations of retail/wholesale store survey sites prior to beginning the survey work. The list of sites shall include the name of the store or business, address, and appliance(s) to be surveyed at the specified locations. This list shall include a minimum of ten (10) physical locations each within Northern, Central, and Southern California (for a total of 30 sites), and shall be comprised of a representative amount of small and large sized businesses as appropriate. Whenever possible, multiple appliance categories shall be surveyed at each location. The contractor shall be allowed to self-select up to two (2) additional sites per approved site visit while in the field, as long as the site is likely to carry at least three (3) appliance types. This will allow for sites to be captured that may have been overlooked during the initial site search.
- Survey the twenty-seven (27) appliance categories listed in the list of Appliances to Survey which are sold or offered for sale in California through retail/wholesale/distributor sites.
- In addition, also be asked by the CAM to survey additional regulated appliance types not listed in the list of Appliances to be Surveyed. See Task 4.
- Compile a list of all appliance models of each of the twenty-six groups of appliances specified above that the surveys find are being sold or offered for sale through retail/wholesale stores in California.
- When compiling this list, compare the models surveyed to those active models which are listed in the Energy Commission's Appliance Database and identify the surveyed models that are not in the Database.
- Prepare interim data sets containing survey data gathered during the first half of the contract period. The data shall be submitted in an electronic format suitable for sorting, filtering and further analysis by the CAM. The CAM may request interim reports whenever deemed necessary to facilitate enforcement efforts.
- Periodically review the data collected for accuracy by 1) re-verifying the appliance is or is not in the Energy Commission's Appliance Database, and 2) confirming the accuracy of the model number utilizing the internet.
- Upon completion of the surveys, compile data sets of all survey data gathered during the contract period.

The following data shall be displayed in the interim and final (completed) data sets:

- Store or Business name, address and phone number
- Date of visit
- Name and title of contact person(s)
- Complete list of appliance models that were surveyed. For each appliance model, list:
 - Appliance category
 - Manufacturer's name
 - Brand name
 - Model number
 - Where multiple numbers are present that could be considered a model number, the contractor shall make note of all numbers (including but not limited to model#, SKU# and stock#, but not UPC#) and compare all numbers with the appliance database to avoid erroneous non-compliance determinations.
 - Date model was manufactured (if available).
 - If the model is a ceiling fan with lights, a ceiling fan light kit, or a portable luminaire, indicate if it came with a compliant light bulb.

- Whether the model complies with the marking requirements of the Regulations (if able to determine).
- Whether the model appears in the Energy Commission's Active Appliance Database.
- An indication of any information itemized in this list that was not available at the time of the survey.

Deliverables:

- List of Sites (physical locations) to be surveyed
- Interim wholesale/retail store survey data sets
- Final (completed) wholesale/retail store survey data sets

TASK 4: ADDITIONAL SURVEYS AS NEEDED

The CAM may request additional appliances or other specific sales venues to be surveyed. It is anticipated that such requests would be made for purposes of gathering information to respond to or address specific enforcement matters received by the Energy Commission, to collect data for a newly regulated appliance type, or for general data collection. In response to specific enforcement matters, photographs from the survey site may be requested. This additional work will be similar to that in Task 3 but may be abbreviated at the direction of the CAM.

TASK 5: FINAL SUMMARY REPORT OF ALL SURVEYS

The Contractor shall:

- Prepare a Draft Summary Report summarizing the results of all the retail/wholesale, catalog and internet surveys performed, and shall submit the draft report to the CAM for review and approval. The draft report shall include a summary table of each appliance surveyed and the Contractor's analysis of any non-compliance found. The draft report shall also include recommendations for further surveys or methods of surveying in the future. The draft report shall be submitted in a Microsoft Word for Windows format.
- Review the Draft Summary Report with the CAM and incorporate any agreed-upon changes into the final version of the report both in printed form, and electronically on CD Rom or DVD.
- Submit a CD Rom or DVD containing the raw survey data.

Deliverables:

- Draft Summary Report
- Final Summary Report
- CD Rom or DVD Containing Raw Survey Data

DELIVERABLES AND DUE DATES

Task	Deliverable	Due Date
1	Kick-off Meeting	January 7, 2014
1	Monthly Progress Reports	Monthly
1	Draft Outline of Final Report	April 15, 2015
1	Final Outline of Final Report	April 22, 2015
1	Draft Final Report	May 1, 2015
1	Final Report	June 1, 2015
1	Final Meeting	June 30, 2015
2	List of survey locations	February 10, 2014 and ongoing
2	Interim catalog/internet survey data sets	August 1, 2014
2	Final catalog/internet survey data sets	April 30, 2015
3	Interim retail/wholesale survey data sets	August 1, 2014
3	Final retail/wholesale survey data sets	April 30, 2015
5	Draft Summary Report	May 1, 2015
5	Final Summary Report	June 1, 2015
5	CD Rom or DVD	June 1, 2015

III. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the Bids will be evaluated. It describes the evaluation stages, preference points, and opening of all Bids.

BID EVALUATION

The Contract will be awarded to the Bidder who meets the minimum qualifications and has the lowest responsible Cost Bid after any applicable preference or incentive.

The Bids will be analyzed in two stages:

Stage One: Administrative and Completeness Screening

Each Bid will be checked for the presence or absence of required information in conformance with Bid Format and Required Documents (see section V) and grounds for rejection (see section VI). The Energy Commission will evaluate each Bid to determine its responsiveness to these requirements.

Stage Two: Cost Bid

Those Bids that are responsive to the criteria in Stage One will have their Cost Bid opened. All preferences/incentives will be applied.

The contract will be awarded to the responsible Bidder with a responsive offer that is timely received, meeting the requirements outlined in Stage One, who provides the lowest cost, after any applicable preference or incentive.

NOTICE OF PROPOSED AWARD

Subsequent to the Bid evaluations, the Energy Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a Bid.

IV. Business Participation Programs (Preferences/Incentives)

A Bidder may qualify for preferences/incentives as described below. Each Bidder passing Stage One screening will receive the applicable preference/incentive.

This section describes the following business participation programs:

- Disabled Veteran Business Enterprise (DVBE) participation requirements
- Disabled Veteran Business Enterprise incentive
- Small Business / Microbusiness preference
- Non-Small Business preference
- Target Area Contract Act preference
- Enterprise Zone Act preference
- Local Agency Military Base Recovery Act preference

DVBE PARTICIPATION COMPLIANCE REQUIREMENTS

DVBE Participation Required

This IFB is subject to mandatory participation of at least three percent (3%) certified DVBEs.

Two Methods to Meet DVBE Participation Requirement

- If Bidder is a DVBE, then Bidder has satisfied the participation requirements if it commits to performing at least 3% of the contract with Bidder's firm, or in combination with other DVBE(s).
- If Bidder is not a DVBE, Bidder can satisfy the requirement, by including at least 3% DVBE subcontractors on the contract team.

Required Forms

Bidders must complete Attachments 3, 5 and 6 to document DVBE participation. If Bidder does not include these forms, the Bid is considered non-responsive and shall be rejected.

- Contractor Status Form (Attachment 3).
Under the paragraph entitled: "Disabled Veteran Business Participation Acknowledgement", make sure to check the "yes" "DVBE Participation" box.
- DVBE Declarations Std. Form 843 (Attachment 5)
- Bidder Declaration Form GSPD-05-105 (Attachment 6)

DVBE Definition

For DVBE certification purposes, a "disabled veteran" is:

- A veteran of the U.S. military, naval, or air service;
- The veteran must have a service-connected disability of at least 10% or more; and
- The veteran must be domiciled in California.

DVBE Certification and Eligibility

To be certified as a DVBE, your firm must meet the following requirements:

- Your business must be at least 51% owned by one or more disabled veterans;
- Your daily business operations must be managed and controlled by one or more disabled veterans;
- The disabled veterans who exercise management and control are not required to be the same disabled veterans as the owners of the business; and
- Your home office must be located in the U.S. (the home office cannot be a branch or subsidiary of a foreign corporation, foreign firm, or other foreign based business).
- DVBE limited liability companies must be wholly owned by one or more disabled veterans.

Each DVBE firm listed on the DVBE Declarations Std. Form 843 (Attachment 5) and on the Bidder Declaration form (Attachment 6) must be formally certified as a DVBE by the Office of Small Business and DVBE Services (OSDS). The DVBE program is not a self-certification program. Bidder must have submitted application to OSDS for DVBE certification by the bid due date to be counted in meeting participation requirements.

To Find Certified DVBEs

Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at <http://www.bidsync.com/DPXBisCASB>. Search by “Keywords” or “United Nations Standard Products and Services Codes” (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at: http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818. For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.

Commercially Useful Function

DVBEs must perform a commercially useful function relevant to this solicitation, in order to satisfy the DVBE program requirements. California Code of Regulations, Title 2, Section 1896.62(l) provides:

“Commercially Useful Function (CUF) means a DVBE contractor or subcontractor that contributes to the fulfillment of contract requirements as determined by awarding departments in § 1896.71, and does all of, but is not limited to, the following:

- (1) Is responsible for the execution of a distinct element of work for the contract;
- (2) Carries out contractual obligations by actually performing, managing, or supervising the work involved;
- (3) Performs work that is normal for its business services and functions;
- (4) Is not further subcontracting a portion of the work that is greater than expected to be subcontracted by normal industry practices;
- (5) Is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and,
- (6) Its role is not an extra participant in the transaction, contract or project through which funds are passed in order to obtain the appearance of DVBE participation.”

Information Verified

Information submitted by the Bidder to comply with this solicitation’s DVBE requirements will be verified. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of PCC Section 10115, et seq., and Military & Veterans Code Section 999 et seq., and follow the investigatory procedures required by California Code of Regulations Title 2, Section 1896.90 et. seq. Contractors found to be in violation of certain provisions may be subject to loss of certification, sanctions and/or contract termination.

DVBE Report

Upon completion of the contract for which a commitment to achieve DVBE participation was made, the contractor that entered into a subcontract with a DVBE must certify in a report to the Energy Commission: 1) the total amount the prime contractor received under the contract; 2) the name and address of the DVBE(s) that participated in the performance of the contract; 3) the amount each DVBE received from the prime contractor; 4) that all payments under the contract have been made to the DVBE(s); and 5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. Military & Veterans Code Section 999.5(d).

The Office of Small Business and DVBE Services (OSDS)

OSDS offers program information and may be reached at:

Department of General Services

Office of Small Business and DVBE Services

707 3rd Street, 1st Floor, Room 400

West Sacramento, CA 95605

<http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>

Phone: (916) 375-4940

Fax: (916) 375-4950

E-mail: OSDSHelp@dgs.ca.gov

DVBE Law

- Public Contract Code Section 10115 et seq.
- Military & Veterans Code Section 999 et. seq.
- California Code of Regulations Title 2, Section 1896.60 et. seq.

DVBE Incentive

The information below explains how the incentive is applied and how much of an incentive will be given.

Incentive Application

Award Based on Low Price: The Incentive is applied by reducing the Bid price for Bidders that include more than the minimum required 3.00% DVBE participation. In other words, if a Bidder includes 3.01% DVBE participation or greater, it will receive the DVBE incentive. If you include 3% DVBE participation, you will not receive the incentive. You will only receive the incentive, if you include 3.01% or greater DVBE participation. The Bid price is reduced by the percentage of incentive as computed from the lowest responsive and responsible Bid price. The computation is for evaluation purposes only and does not change your Bid amount. Application of the incentive cannot displace an award to a small business with a non-small business. Also, application of the incentive cannot change the amount of the Bid for the contract budget.

Incentive amount

For awards based on low price, the incentive will vary in conjunction with the percentage of DVBE participation. The DVBE Incentive Program may be used in conjunction with the Small Business preference which gives a 5% preference to small business Bidders or 5% to non-small business Bidders committed to subcontracting 25% of the overall Bid with small businesses.

Proposed DVBE Participation Level	DVBE Incentive % Price Preference
3.01% - 3.99%	1%
4.00% - 4.99%	2%
5.00% - 5.99%	3%
6.00% - 6.99%	4%
7.00% - 7.99%	5%

Required Forms

- Contractor Status Form (Attachment 3).
- Under the paragraph entitled: “Disabled Veteran Business Participation Acknowledgement”, make sure to check the “yes” “DVBE Incentive Participation” box.
- DVBE Declarations Std. Form 843 (Attachment 5)
- Bidder Declaration Form GSPD-05-105 (Attachment 6)

DVBE Incentive Law

- Military & Veterans Code Section 999.5(a)
- California Code of Regulations Title 2, Section 1896.99.100 et.seq.

SMALL BUSINESS / MICROBUSINESS / NON-SMALL BUSINESS

Small Business / Microbusiness

Preference

Bidders who qualify as a State of California certified small/microbusiness will receive a cost preference of five percent (5%) of the lowest cost or price offered by the lowest responsible Bidder who is not a certified small/microbusiness, by deducting this five percent from the small/microbusiness Bidder’s cost, for the purpose of comparing costs for all Bidders.

Required Forms

- Submit a copy of your Small Business Certification
- Contractor Status Form (Attachment 3)
Complete the “Small Business Preference Claim” section
- Bidder Declaration Form GSPD-05-105 (Attachment 6)

Certification

A business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the small/microbusiness preference.

Non Profit Veteran Service Agency

Bidders that qualify as a Non Profit Veteran Service Agency can be certified as a small business and are entitled to the same benefits as a small business.

Definitions

- *Small business* means a business certified by the Office of Small Business Disabled Veteran Services (OSDS) in which:

- (1) It is independently owned and operated; and
- (2) The principal office is located in California; and
- (3) The officers of the business in the case of a corporation; officers and/or managers, or in the absence of officers and/or managers, all members in the case of a limited liability company; or the owner(s) in all other cases, are domiciled in California; and
- (4) It is not dominant in its field of operation(s), and
- (5) It is either:
 - (A) A business that, together with all affiliates, has 100 or fewer employees, and annual gross receipts of fourteen million dollars (\$14,000,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code § 14837(d)(3); or
 - (B) A manufacturer as defined herein that, together with all affiliates, has 100 or fewer employees.

- *Microbusiness* means a small business certified by OSD, which meets all of the qualifying criteria as a small business, and is:

- (1) A business that, together with all affiliates, has annual gross receipts of three million, five hundred thousand dollars (\$3,500,000) or less as averaged for the previous three tax years, as adjusted by the Department pursuant to Government Code §14837(d)(3); or
- (2) A manufacturer as defined herein that, together with all affiliates, has 25 or fewer employees.

- *Non Profit Veteran Service Agency* means an entity that:
 - (1) Is a community-based organization,
 - (2) Is a nonprofit corporation (under Section 501(c)(3) of the Internal Revenue Code), and
 - (3) Provides housing, substance abuse, case management, and employment training services (as its principal purpose) for:
 - low income veterans,
 - disabled veterans, or
 - homeless veterans
 - and their families

Commercially Useful Function

A certified small business or microbusiness shall provide goods or services that contribute to the fulfillment of the contract requirements by performing a “commercially useful function” defined as follows:

- (1) The contractor or subcontractor is responsible for the execution of a distinct element of the work of the contract; carrying out its obligation by actually performing, managing or supervising the work involved; and performing work that is normal for its business services and functions;
- (2) The contractor or subcontractor is not further subcontracting a greater portion of the work than would be expected by normal industry practices;
- (3) The contractor or subcontractor is responsible, with respect to materials and supplies provided on the subcontract, for negotiating price, determining quality and quantity, ordering the material, installing (when applicable), and paying for the material itself;
- (4) A contractor or subcontractor will not be considered as performing a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to achieve the appearance of small business participation.

Late Payment of Invoices

Certified small/microbusinesses are entitled to greater interest penalties paid by the state for late payment of invoices than for non-certified small business/microbusiness.

Small Business / Microbusiness Law

- Government Code section 14835 et. seq.
- California Code of Regulations, Title 2 Section 1896 et. seq.

Non-Small Business

Preference

The preference to a non-small business bidder that commits to small business or microbusiness subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the lowest, responsive, responsible Bidder's price. A non-small business which qualifies for this preference may not take an award away from a certified small business.

Required Forms

- Submit a copy of the subcontractor's Small Business Certification
- Contractor Status Form (Attachment 3)
Complete the "Small Business/Non-Small Business Preference Claim" section
- Bidder Declaration Form GSPD-05-105 (Attachment 6)

Certification

A subcontractor business must be formally certified by the Department of General Services, Office of Small Business and DVBE Services (OSDS), in order to receive the Non-Small Business Preference.

Non-Small Business Law

- Government Code section 14838 (b)
- California Code of Regulations, Title 2 Section 1896 et. seq.

TARGET AREA CONTRACT PREFERENCE ACT/ ENTERPRISE ZONE ACT/LOCAL AGENCY MILITARY BASE RECOVERY ACT

The following preferences will be granted for this solicitation. Bidders wishing to take advantage of these preferences will need to review the websites stated below and submit the appropriate response with their Bid.

Target Area Contract Preference Act (TACPA)

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/tacpage.pdf> to determine if they qualify for this preference.

Enterprise Zone Act (EZA)

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/ezapage.pdf> to determine if they qualify for this incentive.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review the information located at <http://www.documents.dgs.ca.gov/pd/poliproc/lambrapage.pdf> to determine if they qualify for this preference.

The TACPA, EZA, and LAMBRA preferences only apply to California based firms that demonstrate and certify under penalty of perjury that at least 50% of the total labor hours for manufactured goods or 90% of the total labor hours for services will be performed in distressed areas. The maximum preference that can be given for any Bid may not exceed 9% up to \$50,000.00.

Bidders wishing to take advantage of these preferences are required to submit the following applications/forms available on the above websites with their Bid:

- TACPA (Std. 830) and/or EZA (Std. 831) and or LAMBRA (Std. 832)
- Bidder's Summary of Contract Activities and Labor Hours (DGS/PD 526)

If you have further questions or need additional information on this matter, please contact TACPA/EZA/LAMBRA Preference Program Group at (916) 375-4609.

V. Bid Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a Bid in response to this IFB. The format is prescribed to assist the Bidder in meeting State Bidding requirements. Bidders must follow all Bid format instructions, answer all questions, and supply all requested data.

MINIMUM QUALIFICATIONS

By signing the Bidder Certification, Attachment 2, Bidder will certify all of the qualifications below.

1. The Bidder must be familiar with the appliance efficiency regulations found in §1601 – 1608 of Title 20 of the California Code of Regulations.
2. The Bidder must have an office in the State of California and the project manager must be based in the State of California.
3. The Bidder's organization must have adequate staffing and administrative support to perform all contract tasks.
4. The Bidder must have prior experience in collecting, analyzing and providing energy consumption data and trends.
5. The Bidder must have a minimum of two years experience in performing appliance market surveys for government regulatory agencies and /or utility organizations.
6. The Bidder must have performed an appliance market survey on at least one contract within the last five years with government regulatory agencies, utilities, or private sector organizations.
7. The Bidder's staff must have familiarity with appliance issues, including potential market niches, and be familiar with the appliance industry.

REQUIRED FORMAT FOR A BID

The documents in the Administrative Response (Volume 1, see below) and the Cost Bid (Volume 2, see below) constitute your Bid. The Cost Bid must be submitted in a separately sealed and labeled envelope.

NUMBER OF COPIES

Bidders must submit the original and two copies of Volume 1 and Volume 2.

Bidders must also submit electronic files of all volumes of the Bid on [CD-ROM or USB memory stick](#) along with the paper submittal. Only one CD-ROM or USB memory stick is needed. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 8, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of each volume must be labeled "Invitation for Bids IFB-13-402 and include the title of the Bid and the appropriate volume number:

Volume 1 – Administrative Response

Volume 2 – Cost Bid Forms (Budget Forms, Attachment 8)

Include the following label information and deliver your Bid, in a sealed package:

Person's Name, Phone #	
Bidder's Name	
Street Address	
City, State, Zip Code	
FAX #	
	IFB-13-402
	Contracts Office, MS-18
	California Energy Commission
	1516 Ninth Street, 1st Floor
	Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a Bid by:

- U. S. Mail
- Personally
- Courier service

Bids must be delivered no later than 3:00 p.m., to the Energy Commission Contracts Office during normal business hours and prior to the deadline specified in this IFB (Section I). In accordance with Public Contract Code 10341, Bids received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR BID AS FOLLOWS:

VOLUME 1, Administrative Response

Bidder Checklist	Attachment 1
Bidder Certification	Attachment 2
Contractor Status Form	Attachment 3
Darfur Contracting Act Form	Attachment 4
Small Business Certification	If applicable
DVBE Declarations Form Std 843	Attachment 5
Bidder Declaration form GSPD-05-105	Attachment 6
Contractor Certification Clauses	Attachment 7
TACPA/EZA/LAMBRA Forms	If Applicable

VOLUME 2, Cost Bid (Sealed Separately from Volume 1)

Budget Forms

Task Summary	Attachment 8, Attachment B-1
Category Summary	Attachment 8, Attachment B-2
Prime Labor Rates	Attachment 8, Attachment B-3
Subcontractor(s) Labor Rates	Attachment 8, Attachment B-3a-z
Prime Non-Labor Rates	Attachment 8, Attachment B-4
Indirect Rates for each Subcontractor	Attachment 8, Attachment B-4a-z
Direct Operating Expenses	Attachment 8, Attachment B-5

The Contractor must submit information on **all** of the attached budget forms, B-1 through B-5, and this will be deemed the equivalent of a formal Bid submission.

Detailed instructions for completing these forms are included at the beginning of Attachment 8.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the contractor for this IFB. The salaries, rates, and other costs entered on these forms become a part of the final Agreement. The entire term of the Agreement and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the Agreement. The Contractor shall only be reimbursed for their **actual** rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

The award(s) shall be made to the Bidder with the lowest Grand Total amount on Attachment 8, B-1 Task Summary. When preparing the Bid, the Bidder will take into account the following allocation of time and costs:

- Task 1, Agreement Management - 6%
- Task 2, Catalog/Internet Surveys - 40%
- Task 3, Wholesale/Retail Surveys - 50%
- Task 4, Additional Surveys - Fixed \$10,000

(On Attachment 8, B-1 Task Summary, Bidders will find a locked cell for Task 4, with the amount of \$10,000. The Energy Commission has allocated this amount for additional work that may be needed in the future. All Bids automatically include this extra \$10,000 amount.)

- Task 5, Final Summary report - 4%

Low Bid is determined by comparing the Grand Total amounts for each Bidder.

NOTE: The information provided in these forms will **not** be kept confidential. All other budget forms are required because they will be used for the contract prepared with the winning Bidder.

VI. Administration

IFB DEFINED

The competitive method used for this procurement of services is an Invitation for Bids (IFB). A Bid submitted in response to this IFB will be opened and read publicly. The Energy Commission will contract with the Bidder who provides the lowest responsible Bid, after any applicable preference or incentive, and satisfies the minimum requirements.

DEFINITION OF KEY WORDS

Important definitions for this IFB are presented below:

Word/Term	Definition
Bid	The Administrative Response and Cost Bid together
Bidder	Respondent to this IFB
CAM	Commission Agreement Manager
DGS	Department of General Services
DVBE	Disabled Veteran Business Enterprises
Energy Commission	California Energy Commission
IFB	Invitation for Bid, this entire document
State	State of California

COST OF DEVELOPING BID

The Bidder is responsible for the cost of developing a Bid, and this cost cannot be charged to the State.

SOFTWARE APPLICATION DEVELOPMENT

If this scope of work includes any software application development, including but not limited to databases, websites, models, or modeling tools, contractor shall utilize the following standard Application Architecture components in compatible versions:

- Microsoft ASP.NET framework (version 3.5 and up) Recommend 4.0
- Microsoft Internet Information Services (IIS), (version 6 and up) Recommend 7.5
- Visual Studio.NET (version 2008 and up) Recommend 2010
- C# Programming Language with Presentation (UI), Business Object and Data Layers
- SQL (Structured Query Language)
- Microsoft SQL Server 2008, Stored Procedures Recommend 2008 R2
- Microsoft SQL Reporting Services Recommend 2008 R2
- XML (external interfaces)

Any exceptions to the Electronic File Format requirements above must be approved in writing by the Energy Commission Information Technology Services Branch.

PRINTING SERVICES

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Bidders shall not include printing services in their Bids.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any Bids that have any portion marked confidential.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272) The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, Bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a Bid or proposal to a State agency. (See # 1 on Attachment 4)

A scrutinized company may still, however, submit a Bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 4)

IFB CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this IFB;
- Amend this IFB as needed; or
- Reject any or all Bids received in response to this IFB

If the IFB is amended, the Energy Commission will send an addendum to all parties who requested the IFB and will also post it on the Energy Commission’s Web Site www.energy.ca.gov/contracts and Department of General Services’ Web Site http://www.Bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the IFB, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the IFB, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF BID

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Bid before the deadline to submit Bids. Bids cannot be changed after that date and time. A Bid cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the IFB: “This cost estimate is valid for 60 days.”

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bid. The Energy Commission’s waiver shall in no way modify the Bid or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER’S DOCUMENTS

On the Notice of Proposed Award posting date all Bids and related material submitted in response to this IFB become a part of the property of the State and public record.

BIDDERS’ ADMONISHMENT

This IFB contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire IFB, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the IFB are followed and appropriately addressed, and carefully reread the entire IFB before submitting a Bid.

GROUND TO REJECT A BID

A Bid shall be rejected if:

- It is received after the exact time and date set for receipt of Bids pursuant to Public Contract Code, Section 10341.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act Form.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Bid is intended to erroneously and fallaciously mislead the State in its evaluation of the Bid and the attribute, condition, or capability is a requirement of this IFB.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10411 or 10365.5.
- It contains confidential information or it contains any portion marked confidential.
- The Bidder does not agree to the terms and conditions as attached to the solicitation either by not signing the Contractor Status Form or by stating anywhere in the bid that acceptance is based on modifications to those terms and conditions or separate terms and conditions.

A Bid may be rejected if:

- It is not prepared in the mandatory format described.
- The charges are computed incorrectly
- It is unsigned.
- The firm or individual has submitted multiple Bids.
- It does not literally comply or contains caveats that conflict with the IFB and the variation or deviation is not material, or it is otherwise non-responsive.
- The budget forms are not filled out completely.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the IFB, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five **working** days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five **calendar** days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this IFB shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this IFB.

No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

Contract Amendment

The contract executed as a result of this IFB will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.