

STATE OF CALIFORNIA
Department of Motor Vehicles

**REQUEST FOR QUOTATION
ISD19-0175**

QUOTE DUE DATE:
May 4, 2020

Supplier name and address:

Contact:

Phone:

Fax:

Name (Print):

Title:

Signature:

Date: _____

Federal Employer Identification Number:

**Sealed Bid Responses
must be delivered before
10:00AM on the due date
to:**

Kris Williams
ASD IT Acquisitions
Department of Motor Vehicles
2415 First Ave, Mail Stop E184
Sacramento, CA 95818
Phone# (916) 657-8404
Kris.Williams@dmv.ca.gov

SOLICITATION #: ISD19-0175
REV. #: 0
DATE: 4/9/2019

**Ship To (only for products if awarded
contract):**

Department of Motor Vehicles
2415 First Ave, Dock,
Mail Stop K150
Sacramento, CA 95818

Delivery Date

Days ARO

REQUISITION OR CONTROL #

N/A

**IS BIDDER CLAIMING PREFERENCE
AS A SMALL BUSINESS:**
YES _____ NO _____

IF YES, MANUFACTURER?
YES _____ NO _____

**IS BIDDER A NON-SMALL BUSINESS
CLAIMING AT LEAST 25% SMALL
BUSINESS SUBCONTRACTOR
PREFERENCE?**
YES _____ NO _____

\$ _____

SECTION 14838 ET SEQ. OF THE
CALIFORNIA GOVERNMENT CODE
REQUIRES THAT A 5% PREFERENCE BE
GIVEN TO BIDDERS WHO QUALIFY AS A
SMALL BUSINESS AS A NON-SMALL
BUSINESS CLAIMING AT LEAST 25%
CALIFORNIA CERTIFIED SMALL BUSINESS
PARTICIPATION FOR REQUIREMENTS SEE
TITLE 2, CALIFORNIA CODE OF
REGULATIONS SECTION 1896 ET SEQ. THE
REQUIREMENTS FOR NONPROFIT VETERAN
SERVICE AGENCIES QUALIFYING AS A
SMALL BUSINESS ARE CONTAINED IN
SECTION 999.50 ET SEQ. OF THE MILITARY
AND VETERANS CODE.

Bidder offers and agrees if this response is accepted within 45 calendar days following the date the response is due to furnish all the items upon which prices are quoted, at the prices set opposite each item, delivered at the designated point(s) by the method of delivery and within the times specified and subject to the attached General Provisions. DECLARATIONS UNDER PENALTY OF PERJURY; By signing above, with inclusion of the date of signature, the above signed bidder DECLARES UNDER PENALTY OF PERJURY under the laws of the State of California as follows: (1) (STATEMENT OF COMPLIANCE). The above signed as complied with the non-discrimination program requirements of Government Code 12990 and Title 2, California Administrative Code Section 8103, and such declaration is true and correct. (2) The National Labor Relations Board declaration set forth in Paragraph 48 of the General Provisions is true and correct. (3) If a claim is made for the Small Business or Disabled Veterans Business preference, the information set forth within is true and correct.

DESCRIPTION

The purpose of this Request for Quotation (ISD19-0175) is to request purchase of Oracle software maintenance and support. In submitting a quote, bidders must comply with the instructions found herein. Please read the enclosed document carefully.

The following Sections are incorporated as part of this Request for Quotation:

Section I: General Information
Section II: Evaluation Information
Section III: Attachments

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●	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.....	20
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SECTION I GENERAL INFORMATION

A) Purpose of this Request for Quotation (RFQ)

The purpose of this contract is to purchase Oracle software maintenance and support for the Department of Motor Vehicles. The services are to be provided by the manufacturer and not a third party service provider.

B) Period of Performance

The term of this Agreement will be June 1, 2020 – May 31, 2021.

C) Key Action Dates

Listed below are the key action dates and times by which the actions must be taken or completed. If the State finds it necessary to change any of these dates, it will be accomplished via an addendum to this RFQ*.

Key Action Dates	Date/Time
Submission of written questions	April 17, 2020 @ 1:00 PM PDT
Departments response to written questions	April 21, 2020 @ 1:00 PM PDT
Submission of Quotes	May 4, 2020 @ 10:00 AM PDT
Contract Award	May 6, 2020 @ 1:00 PM PDT

***Note: ALL DATES AFTER THE SUBMISSION OF QUOTES DEADLINE (#3 IN THE KEY ACTION DATES TABLE) ARE APPROXIMATE AND MAY BE ADJUSTED AS CONDITIONS INDICATE, WITHOUT ADDENDUM TO THIS RFQ.**

D) Written Questions

All questions regarding the content of this RFQ must be submitted electronically to Kris Williams, DMV Procurement Official, at Kris.Williams@dmv.ca.gov. All questions must be received by the Key Action Date identified above. Questions not submitted electronically by the Key Action Date for submission of written questions (#1 in the Key Action Date matrix above) shall be answered at the State's option.

When the State has completed its review of the questions, all questions and answers will be posted to the Department of General Services' eProcurement System at the following website:
<https://caleprocure.ca.gov/pages/index.aspx>.

E) Bidder's Instructions and Provisions

The following information is incorporated into this RFQ. Please read the documents carefully. By signing Attachment 1 – Cover Sheet, bidders agree to the terms and conditions listed below:

Bidder's Instructions:

<http://www.documents.dgs.ca.gov/pd/modellang/GSPD451-110911.pdf>

General Provisions – Information Technology

http://www.documents.dgs.ca.gov/pd/poliproc/gspd401IT14_0905.pdf

F) Award of Contract

Award of contract, if made, will be in accordance with the RFQ information on Evaluation to a responsible bidder whose bid complies with all the requirements of the RFQ documents and an addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within forty-five (45) days after the scheduled date for Contract Award as specified in the RFQ; however, a bidder may extend the offer beyond 45 days in the event of a delay of contract award.

The State reserves the right to determine the successful bidder(s) either on the basis of individual items or on the basis of all items included in its RFQ, unless otherwise expressly provided in the State's RFQ. Unless the bidder specifies otherwise in its bid, the State may accept any item or group of items of any bid. The State reserves the right to modify or cancel in whole or in part its RFQ.

Written notification of the State's intent to award will be made to all bidders. If a bidder, having submitted a bid, can show that its bid, instead of the bid selected by the State, should be selected for contract award, the bidder will be allowed five (5) working days to submit a protest to the Intent to Award, according to the instructions contained in the paragraph titled "Protests" of this RFQ.

Note 1: If the winning vendor cannot fulfill the terms of the contract then the contract may be awarded to the next responsive lowest bid response.

Note 2: If a single response is received, the department will not post an Intent to Award notification.

G) Protests

Any bidder's issues regarding solicitation requirements must be resolved (or attempts to resolve them must have been made) before a protest may be submitted according to the procedure below. These issues will first be resolved by the contact for the solicitation or if they result in a protest, the protest will be submitted to DGS Procurement Division Deputy Director to hear and resolve issues and whose decision will be final.

If a bidder has submitted a bid which it believes to be totally responsive to the requirements of the RFQ and to be the bid that should have been selected according to the evaluation procedure in the solicitation section on Evaluation and the bidder believes the State has incorrectly selected another bidder for award, the bidder may submit a protest of the selection as described below. Protests regarding selection of the "successful vendor" will be heard and resolved by the Victim Compensation and Government Claims Board whose decision will be final.

All protests of award must be made in writing, signed by an individual authorized to bind the bidder contractually and financially, and contain a statement of the reason(s) for protest; citing the law, rule, regulation or procedure on which the protest is based. The protester must provide facts and evidence

to support the claim. Protests must be mailed or delivered to:

Street and Mailing Address:
Department of General Services
Deputy Director/Procurement Division
707 Third Street, Second Floor South
West Sacramento, CA 95605
Facsimile No.: (916) 376-6226
Phone No.: (916) 375-4587

All protests to the RFQ or protests concerning the evaluation, recommendation, or other aspects of the selection process must be received by the DGS Procurement Division Deputy Director as promptly as possible, but not later than the date indicated in the Notification of Intent to Award. Certified or registered mail must be used unless delivered in person, in which case the protester should obtain a receipt of delivery.

H) RFQ Response Guidelines

This RFQ and the Contractor's quote in response to this document will be made a part of the contract. Responses to this RFQ must contain all data/information requested and must conform to the format described in this RFQ. It is the Contractor's responsibility to provide all required data and any other information deemed necessary for the State's evaluation team to determine and verify the Contractor's ability to provide the requested items.

At the State's option prior to award, bidders may be required to submit additional written clarifying information. Failure to submit the required written information as specified may be grounds for bid rejection.

It is the vendor's responsibility to ensure responses are received by the due date and time. Postmark dates are not acceptable.

FACSIMILE MACHINE BIDS WILL NOT BE ACCEPTED. BIDS MUST BE SEALED.

I) RFQ Response Content

Acceptable responses to this RFQ must contain one (1) original of all data/information requested. **Refer to Section III – Attachments – for more information on the documents required for the RFQ Response Content.** To be deemed responsive, the following items must be submitted with your RFQ response:

1) ATTACHMENT 1 – COVER LETTER

Complete and attach the cover letter included in this RFQ as Attachment 1

2) ATTACHMENT 2 – COST SHEET

Bidder must complete the cost sheet using the format in Attachment 2 – Cost Sheet.

3) ATTACHMENT 3 – PAYEE DATA RECORD

Bidder must submit a Payee Data Record, Std. 204, listing their Taxpayer Identification Number as Attachment 3.

4) ATTACHMENT 4 – CALIFORNIA SELLER’S PERMIT

A copy of each bidder’s (and any affiliate that makes sales for delivery into California as applicable) current seller’s permit or certification of registration issued by the California State Board of Equalization must be included in the bidder’s response as Attachment 4. This solicitation and any resulting contract shall be subject to all requirements as set forth in Sections 6487, 7101 and Sections 6452.1, 6487.3, 18510 of the Revenue and Taxation Code, and Section 10295.1 of the Public Contract Code.

5) ATTACHMENT 5 – BIDDER DECLARATION FORM

All bidders must complete the Bidder Declaration GSPD-05-105 and include it with the bid response as Attachment 5, **even if no subcontractors are being submitted**. When completing the declaration, bidders must identify all subcontractors proposed for participation in the contract **and** a description of the product and/or services the subcontractor will provide in the solicitation. Bidders awarded a contract are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution and it is incorporated by amendment to the contract.

7) ATTACHMENT 6 – SECRETARY OF STATE (SOS)/FICTITIOUS BUSINESS NAME

A copy of each bidder’s current Secretary of State’s listing or Fictitious Business Name listing, if applicable, must be included in the bidder’s response as Attachment 6 at the time bid is due.

If your company is a Corporation, a Limited Liability Company (LLC), a Limited Liability Partnership (LLP), or a Limited Partnership (LP), you must be registered with the California Secretary of State (SOS) to be awarded a contract. For Corps, LLCs, and LPs, a screen print from the SOS website showing your status as active will meet this requirement. For LLPs, a copy of your Certificate of Status from the SOS dated within the last 6 months is required. The contact information for the SOS is <http://kepler.ss.ca.gov> or call (916) 657-5251. If your company is a Sole Proprietor or a Partnership, registration with the SOS is not required.

Fictitious business name Companies “doing business as” (dba) a different name than as registered with the California Secretary of State, must include a valid Fictitious Business Name Statement with their submission. This statement is filed with the California County in which your firm conducts business, and is valid for five years from the date it was filed in the office of the County Clerk. When a company has no place of business in California, they shall file with the County Clerk of Sacramento County at www.finance.saccounty.net/Tax/BusLicForms.asp.

8) ATTACHMENT 7 – SMALL BUSINESS AND NON-SMALL BUSINESS PREFERENCE (SUBMIT ONLY IF BIDDER IS CLAIMING PREFERENCE)

(a) REGULATIONS

The Small Business regulations, located in the California Code of Regulations (Title 2, Division 2, Chapter 3, Subchapter 8, Section 1896 et. seq.), concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals are revised, effective 09/09/04. The new regulations can be viewed at (<http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>). Access the regulations by Clicking on “Small Business Regulations” in the right sidebar. For those

without Internet access, a copy of the regulations can be obtained by calling the Office of Small Business and DVBE Services at (916) 375-4940.

(b) SMALL BUSINESS CERTIFICATION

Bidders claiming the 5% small business preference must be certified by California as a small business or must commit to subcontract at least 25% of the net bid price with one or more California certified small businesses. Completed certification applications and required support documents must be submitted to the Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the bid due date, and the OSDS must be able to approve the application as submitted.

Small business nonprofit veteran service agencies (SB/NVSA) claiming the small business preference must possess certification by California prior to the day and time bids are due.

Questions regarding certification should be directed to the OSDS at (916) 375-4940.

(c) NON-SMALL BUSINESS SUBCONTACTOR PREFERENCE

A 5% bid preference is now available to a non-small business claiming 25% California certified small business subcontractor participation. If applicable, claim the preference in the box on the right hand side of the first page of this solicitation. If claiming the non-small business subcontractor preference, the form must list all of the California certified small businesses with which the bidder commits to subcontract in an amount of at least twenty-five percent (25%) of the net bid price. All certified small businesses must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4).

(d) SMALL BUSINESS NONPROFIT VETERAN SERVICE AGENCIES (SB/NVSA)

SB/NVSA prime bidders meeting requirements specified in the Military and Veterans Code Section 999.50 et seq. and obtaining a California certification as a small business are eligible for the 5% small business preference. If applicable, claim the preference in the box on the right hand side of the first page of this solicitation. All certified small businesses must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4).

9) ATTACHMENT 8 – CA DVBE REQUIREMENT AND INCENTIVE

DVBE REQUIREMENT:

THE DVBE requirement has been waived for this solicitation.

DVBE INCENTIVE:

In order to meet the California Disabled Veteran Business Enterprise Incentive, bidders must be, or partner with, a California Certified DVBE. All certified DVBE's must perform a "commercially useful function" in the performance of the contract. For more information regarding the DVBE incentive, please review the Department of General's website at <http://www.documents.dgs.ca.gov/pd/smallbus/CUF/DVBEIncentiveRequireGoodIT.pdf>.

Note: DVBE Incentive is applied during the evaluation process and is only applied for responsive bids from responsible bidders proposing the percentage(s) of DVBE participation for the incentive(s) specified below:

Confirmed DVBE Participation of:

DVBE Incentive:

5% and Over
4% - 4.99% inclusive
3% - 3.99% inclusive

5%
4%
3%

ADDITIONAL INFORMATION:

Certified small businesses and disabled veteran businesses listed as subcontractors must perform a "commercially useful function" in the performance of the contract. The term "commercially useful function" is defined in Government Code Section 14837(d) (4) and in Military and Veterans Code Section 999(b) (5) (B).

The Disabled Veteran Business Enterprise Declarations (STD. 843) form is completed by a California certified DVBE owner and DVBE managers of the DVBE who will be participating in the awarded purchase document. The Std 843 must be submitted with the bid response if the bidder is either a certified CA DVBE or subcontracting with a certified CA DVBE.

The STD 843 may be found on the following website:

<http://www.documents.dgs.ca.gov/pd/poliproc/STD-843FillPrintFields.pdf>

Note: Per Senate Bill 548...If for this agreement contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then contractor must within 60 days of receiving final payment under this agreement (or within such other time period as may be specified elsewhere in this agreement) certify in a report to the awarding department: (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 (M&VC) § 999.5(d)).

Contractor understands and agrees that should award of this contract be based in part on their commitment to use the Disabled Veteran Business Enterprise (DVBE) subcontractor(s) identified in their bid or offer, per Military and Veterans Code 999.5 (e), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by the Department of General Services (DGS). Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment. Failure of Contractor to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination, recovery of damages under rights and remedies due to the State, and penalties as outlined in M&VC § 999.9; Public Contract Code (PCC) § 10115.10.

For assistance in preparing a responsive DVBE participation document, please contact DMV's DVBE Advocate at (916) 657-8773 regarding this solicitation. To locate certified DVBEs and obtain additional information regarding the DVBE program, please refer to the DGS/OSDS website at <http://www.dgs.ca.gov> or contact the DGS/OSDS by telephone at (916) 375-4940.

10) ATTACHMENT 9 – COMMERCIALLY USEFUL FUNCTION FOR SMALL BUSINESS AND/OR DVBE SUBCONTRACTORS

Bidder must provide a written explanation delineating what Commercially Useful Function each certified small business or certified disabled veteran business will provide for this IFB. In addition, please answer the questions on Attachment 9 for each small business and/or DVBE subcontractor listed on the bid response.

11) ATTACHMENT 10 –TACPA (SUBMIT ONLY IF BIDDER IS CLAIMING PREFERENCE)

If bidders qualify for more than one bidding preference (TACPA, Small Business), the maximum preference allowed by law is 15% or \$100,000.

If any of these “acts” apply complete the appropriate form and attach it to the response.

(a) TARGET AREA CONTRACT PREFERENCE ACT (TACPA)

Preference will be granted to California-based Contractors in accordance with Government Code Section 4530 whenever contract for goods and services are in excess of \$85,000 and the Contractor meets certain requirements as defined in the California Code (Title 2, Section 1896.30) regarding labor needed to produce the goods or provide the services being procured. Bidders desiring to claim Target Area Contract Preferences Act shall complete Std. Form 830 and submit it with the bid response.

12) ATTACHMENT 11 – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENT

Signature on Attachment 1 and submission of bid acknowledges acceptance and compliance with the Department of Transportation Federal Motor Carrier Safety Administration Non-Discrimination Assurances located at:

https://www.dmv.ca.gov/portal/wcm/connect/e6479293-85a8-4799-8cb4-686c0a454561/FMCSA_TitleVI_AppendixAandE.pdf?MOD=AJPERES

The CA DMV, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, all contractors will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of the owner's race, color, national origin, sex, age, disability, income-level, or LEP in consideration for an award.

SECTION II EVALUATION INFORMATION/RESPONSE CHECKLIST

A) Evaluation

Each ISD19-0175 response will be checked for the presence of required information in conformance with the submission requirements of this RFQ. The department will evaluate each ISD19-0175 bid response to determine its responsiveness to the requirements. Only bids quoted on the State's own quotation forms will be considered. Bids **MUST** be submitted in a **SEALED** envelope/package with the solicitation number and the bid due date and time clearly marked on the outside of the envelope/package.

Administrative Requirements Evaluation Criteria (Pass/Fail)

Administrative Requirements	Attachment has been submitted & is complete	Attachment has not been submitted or is not complete	Is Bidder claiming Preference*? (yes or no)
Attachment 1 – Cover Letter (Required)	_____	_____	_____
Attachment 2 – Cost Sheet (Required)	_____	_____	_____
Attachment 3 – Payee Data Record (Std 204) (Required)	_____	_____	_____
Attachment 4 – California Seller's Permit (Required)	_____	_____	_____
Attachment 5 – Bidder Declaration Form	_____	_____	_____
<ul style="list-style-type: none"> (GSPD-05-105) Bidder Declaration (Required from <u>all</u> bidders) 			
Attachment 6 – Secretary of State / Fictitious Business Name _____	_____	_____	_____
Attachment 7 – Small Business and Non-Small Business Preference* (submit only if bidder is claiming preference)	_____	_____	_____
Attachment 8 – DVBE incentive	_____	_____	_____
<ul style="list-style-type: none"> Std 843 			
Attachment 9 – Commercially Useful Function	_____	_____	_____
(submit only if Bidder is including a certified small business and/or DVBE as part of bid response)			
Attachment 10 – TACPA	_____	_____	_____
submit only if bidder is claiming preference			
<ul style="list-style-type: none"> Std. 830 TACPA DGS/PD 526 Bidder's Summary DGS/PD 525 Manufacturer's Summary 			

B) Award

The award will be based on the lowest cost of responsive bids. Refer to Section I.F regarding Award of Contract Language.

SECTION III ATTACHMENTS

ATTACHMENT 1 – COVER SHEET

The submission of this quote does not obligate the Department of Motor Vehicles to fund the proposed contract. If the quote is approved for funding, a contract will be executed between the State of California and the bidder. When funding is authorized, the bidder will be expected to adhere to the terms of the executed contract.

By signing Attachment 1 - Cover Sheet, bidders agree to the terms and conditions listed in Section I.E Bidders Instructions and Provisions.

The undersigned bidder hereby proposes to furnish all labor, materials, tools and equipment, to provide services in accordance with the specifications and provisions received with the RFQ.

1. Full Legal Name of Bidder's Organization:

2. Mailing Address:

Street	City	State	Zip
--------	------	-------	-----

Telephone	FAX	Email
-----------	-----	-------

3. Federal Taxpayer Identification Number:

4. Principal who is authorized to bind the bidder:

Typed Name	Title
------------	-------

Original Signature	Date
--------------------	------

5. Bidder's contact person shall be:

(Name and Phone Number)

Signature on Attachment 1 and submission of bid acknowledges acceptance and compliance with the Department of Transportation Federal Motor Carrier Safety Administration Non-Discrimination Assurances located at:
https://www.dmv.ca.gov/portal/wcm/connect/e6479293-85a8-4799-8cb4-686c0a454561/FMCSA_TitleVI_AppendixAandE.pdf?MOD=AJPERES

Signature on Attachment 1 and submission of bid also acknowledges acceptance and compliance of the CA State's IT General Provisions located at: http://www.documents.dgs.ca.gov/pd/poliproc/gspd401it14_0905.pdf

ATTACHMENT 2 – COST SHEET

Please see additional MS Excel attachment, Attachment 2 Cost Sheet for line item details.

Grand Total \$_____

Note: It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

The services are to be provided by the manufacturer and not a third party service provider.

This will be an electronic download – no sales tax applied.

ATTACHMENT 3 – PAYEE DATA RECORD, STD. 204

All bidders must provide a signed copy of the Payee Data Record with their response as Attachment 3. The form is available at this website link:

<http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>

ATTACHMENT 4 – CALIFORNIA SELLER'S PERMIT

A copy of each bidder's (and any affiliate that makes sales for delivery into California as applicable) current seller's permit or certification of registration issued by the California State Board of Equalization must be included in the bidder's response as Attachment 4. This solicitation and any resulting contract shall be subject to all requirements as set forth in Sections 6487, 7101 and Sections 6452.1, 6487.3, 18510 of the Revenue and Taxation Code, and Section 10295.1 of the Public Contract Code.

ATTACHMENT 5 – BIDDER DECLARATION FORM

All Bidders must complete the Bidder Declaration GSPD-05-105 and include it with the bid response as Attachment 5.

<http://www.documents.dgs.ca.gov/pd/poliproc/master-biddeclar08-09.pdf>

ATTACHMENT 6 – SECRETARY OF STATE (SOS)/FICTITIOUS BUSINESS NAME

A copy of each bidder's current Secretary of State's listing or Fictitious Business Name listing, if applicable, must be included in the bidder's response as Attachment 6 at the time bid is due.

If your company is a Corporation, a Limited Liability Company (LLC), a Limited Liability Partnership (LLP), or a Limited Partnership (LP), you must be registered with the California Secretary of State (SOS) to be awarded a contract. For Corps, LLCs, and LPs, a screen print from the SOS website showing your status as active will meet this requirement. For LLPs, a copy of your Certificate of Status from the SOS dated within the last 6 months is required. The contact information for the SOS is <http://kepler.ss.ca.gov> or call (916) 657-5251. If your company is a Sole Proprietor or a Partnership, registration with the SOS is not required.

Fictitious business name Companies "doing business as" (dba) a different name than as registered with the California Secretary of State, must include a valid Fictitious Business Name Statement with their submission. This statement is filed with the California County in which your firm conducts business, and is valid for five years from the date it was filed in the office of the County Clerk. When a company has no place of business in California, they shall file with the County Clerk of Sacramento County at www.finance.saccounty.net/Tax/BusLicForms.asp.

ATTACHMENT 7 – SMALL BUSINESS / NON-SMALL BUSINESS PREFERENCES

If claiming the small business or non-small business preference, bidders must fill out the following information (II and V) and provide the requested documents/explanation (refer to III and IV below).

- I. NOTICE TO ALL BIDDERS: Per California Government Code Section 14835, et. seq. requires that a five percent (5%) preference be given to contractors who qualify as a certified small business or to non-small business bidders that submits a **written commitment** to subcontract at least twenty-five percent (25%) of its total bid price with one or more small business (es). Questions regarding Small Business Preference approval and requests for a copy of the regulations should be directed to the Office of Small Business and Disabled Veteran Business Certification (OSDC) under the Department of General Services at (916) 375-4940.
- II. Bidders desiring to claim preference as a certified small business or non-small business subcontractor must complete the following and return with the bid response to be eligible for the preference.
1. Are you (Prime Contractor) claiming preference as a small business?
- ☐ Yes ☐ No
- If yes, indicate your OSDC Reference Number: _____
2. If applicable, is the subcontractor a certified small business?
- ☐ Yes ☐ No
- If yes, submit a written commitment to subcontract at least twenty-five percent (25%) of its total bid price with one or more small businesses. The required list of California certified small business subcontractors must be attached to the bid response and must include the following: 1) subcontractor name, 2) address, 3) phone number, 4) a description of the work to be performed and/or products supplied, 5) and the dollar amount or percentage of the net bid price (as specified in the solicitation) per subcontractor. Also, indicate the OSDC Reference Number for each subcontractor: _____
- III. Submit a copy of the small business certification approval letter for either the prime contractor or subcontractor issued by the Office of Small Business and Disabled Veteran Business Certification with your bid response.
- IV. Certified small businesses and disabled veteran businesses listed as subcontractors must perform a "commercially useful function" in the performance of the contract. The term "commercially useful function" is defined in Government Code Section 14837(d) (4) and in Military and Veterans Code Section 999(b) (5) (B).
- Bidder must provide a written explanation delineating what Commercially Useful Function each certified small business or certified disabled veteran business will provide for this RFQ.

IV. DECLARATION:

By signing below with inclusion of the date of signature, the undersigned bidder **DECLARES UNDER PENALTY OF PERJURY** under the laws of the State of California that the information set forth above is true and correct.

Name and Title (Type or Print)

Signature Date

Firm Name

Street Address

City State Zip Code

Telephone Number (including Area Code)

**ATTACHMENT 8 - CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM
INCENTIVE**

**BIDDER MUST BE A CA CERTIFIED DVBE, OR PARTNER WITH A CA
CERTIFIED DVBE, THAT PROVIDES A COMMERCIAL USEFUL
FUNCTION, OR THEIR BID WILL BE DEEMED NON-RESPONSIVE.**

DVBE INCENTIVE:

In order to meet the California Disabled Veteran Business Enterprise Incentive, bidders must be, or partner with, a California Certified DVBE. All certified DVBE's must perform a "commercially useful function" in the performance of the contract. For more information regarding the DVBE incentive, please review the Department of General's website at <http://www.documents.dgs.ca.gov/pd/smallbus/CUF/DVBEIncentiveRequireGoodIT.pdf>.

Note: DVBE Incentive is applied during the evaluation process and is only applied for responsive bids from responsible bidders proposing the percentage(s) of DVBE participation for the incentive(s) specified below:

Confirmed DVBE Participation of:

**5% and Over
4% - 4.99% inclusive
3% - 3.99% inclusive**

DVBE Incentive:

**5%
4%
3%**

**ATTACHMENT 9 – COMMERCIALLY USEFUL FUNCTION FOR
SMALL BUSINESS AND/OR DVBE SUBCONTRACTORS**

If bidder is utilizing a certified Small Business and/or DVBE subcontractor, the bidder must answer the following questions for subcontractor that is proposed in their response to this solicitation.

1. Provide detailed description and percentage of work to be completed by prime contractor:

2. Provide detailed description and percentage of work to be completed by small business and/or DVBE subcontractor:

3. Explain how subcontractor meets the Commercially Useful Function criteria:
 - Is responsible for a distinct element of the work of the contract

 - Carries out its obligation by actually performing, managing or supervising the work involved

 - Performs work that is normal for its business, services and functions

 - Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices

 - 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.

ATTACHMENT 10 – TACPA PREFERENCE

If claiming this preference, bidders must submit the following forms:

A. TARGET AREA CONTRACT PREFERENCE ACT (TACPA)

Preference will be granted to California-based Contractors in accordance with Government Code Section 4530 whenever contract for goods and services are in excess of \$85,000 and the Contractor meets certain requirements as defined in the California Code (Title 2, Section 1896.30) regarding labor needed to produce the goods or provide the services being procured. Bidders desiring to claim Target Area Contract Preferences Act shall complete Std. Form 830 and submit it with the bid response. Refer to the following website link to obtain the appropriate form:

<http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std830.pdf>

B. BIDDER'S SUMMARY OF CONTRACT ACTIVITIES AND LABOR HOURS

If the bidder requests TACPA contract preference; the Bidder's Summary form must be completed and signed by the bidder for each requested preference. Refer to the following website link to obtain the appropriate form:

<http://www.documents.dgs.ca.gov/pd/edip/bidsum526.pdf>

C. MANUFACTURER'S SUMMARY OF CONTRACT ACTIVITIES AND LABOR HOURS

If the bidder requests TACPA contract preference; the completed Manufacturer's Summary form must be signed by both the manufacturer and the bidder to be eligible for the preferences. The purpose of this form is to give the bidder and the Evaluators a tool to assess the total manufacturing employee labor hours required to complete the contract either inside or outside the preference areas. Refer to the following website link to obtain the appropriate form:

<http://www.documents.dgs.ca.gov/pd/dispute/mfgsum525.pdf>

ATTACHMENT 11 – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENT (APPENDIX A)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Motor Carrier Safety Administration (FMCSA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations as set forth in Appendix E, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 C.F.R. part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, national origin, sex, age, disability, income-level, or LEP.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FMCSA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FMCSA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FMCSA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FMCSA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

ATTACHMENT 11 – FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION REQUIREMENT (APPENDIX E)

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d *et seq.*), (prohibits discrimination on the basis of race, color, national origin), as implemented by 49 C.F.R. § 21.1 *et seq.* and 49 C.F.R. part 303;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973 (23 U.S.C. § 324 *et seq.*) (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 *et seq.*) (prohibits discrimination on the basis of disability); and 49 C.F.R. part 27;
- The Age Discrimination Act of 1975, as amended (42 U.S.C. § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (Pub. L. 97-248 (1982)), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (102 Stat. 28) (“....which restore[d] the broad scope of coverage and to clarify the application of title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and title VI of the Civil Rights Act of 1964.”);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 -- 12189), as implemented by Department of Justice regulations at 28 C.F.R. parts 35 and 36, and Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).