



---

**REQUEST FOR PROPOSAL – Secondary Method**

**Notice to Prospective Bidders**

November 26, 2018

**BID NO.: 3018-301**

**TITLE: Sustainable Agricultural Lands Conservation Program Technical Assistance**

The Department of Conservation (DOC) requires the services of a qualified Contractor who can provide targeted assistance to selected technical assistance recipients. You are invited to review and respond to this Request for Proposal (RFP), entitled **Sustainable Agricultural Lands Conservation Program Technical Assistance**, pursuant to Public Contract Code sections 10340 – 10345 (See State Contract Manual, Volume 1, Section 5.25 at [www.ols.dgs.ca.gov](http://www.ols.dgs.ca.gov)). The DOC must receive proposals by **December 21, 2018, at 11:00 AM**. In submitting your proposal, you must comply with the instructions of this RFP.

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

In the opinion of the DOC, this RFP is complete and without need of explanation. However, potential bidders may submit questions regarding intent, expectations, or other topics pertaining to the actual RFP by submitting an email to [Melissa.Glau@conservation.ca.gov](mailto:Melissa.Glau@conservation.ca.gov). Questions must be received by **December 5, 2018, at 3:00 PM**. All questions received by the DOC will be compiled and responses will be sent via email by **December 12, 2018, at 3:00 PM**.

Please note that no *verbal* information given will be binding upon the State unless such information is issued in writing as an official addendum.

Sincerely,

Melissa Glau  
Department Contracts

## I. Introduction

The Department of Conservation (DOC) seeks an experienced Contractor who can provide targeted assistance to selected technical assistance (TA) recipients.

The overall goal of the technical assistance program (TA Program) is to support cities and counties by addressing needs to advance skills in conservation easement plans and policies, developing viable projects and submitting grant applications. To accomplish this, Contractor will conduct outreach to cities and counties to understand interests, assess local needs, develop and implement training curriculum, assist in the development of eligible grant projects, assist with grant application development, and, if a TA Recipient is awarded a grant, assist with the implementation of the grant project.

The Strategic Growth Council (SGC) will supervise Contractor in partnership with the DOC. The DOC will manage the administration of the Agreement.

## II. Background

### A. Sustainable Agricultural Lands Conservation Planning Grants Program

The Sustainable Agricultural Lands Conservation Program (SALC Program), a component of the SGC's Affordable Housing and Sustainable Communities (AHSC) Program, supports the State's greenhouse gas (GHG) emission reduction goals by making strategic investments to protect agricultural lands from conversion to more GHG-intensive uses. Protecting critical agricultural lands from conversion to urban or rural residential development promotes smart growth within existing jurisdictions, ensures open space remains available, and supports a healthy agricultural economy and resulting food security. A healthy and resilient agricultural sector is becoming increasingly important in meeting the challenges occurring and anticipated as a result of climate change.

Agricultural Land Conservation Planning Grants (Planning Grant), formerly Strategy and Outcomes, are grants to develop and implement plans for the protection of agricultural lands at risk of conversion to non-agricultural uses. Planning grants are intended to assist communities in developing consensus-based plans that support policies and projects that maintain the economic viability of the community's agricultural industry, protect the agricultural land base, and reduce greenhouse gas emissions.

### B. Statement of Purpose on the Technical Assistance Program

The overall objective of the TA Program is to assist cities and counties, specifically in the San Joaquin Valley and Southern California geographic regions (Focus Regions), in preparing competitive applications for future rounds of the Planning Grants.

### **III. Period of Performance/Available Funding**

The SGC, in partnership with the DOC, will award a maximum of \$200,000 for any Agreement(s) resulting from this Request for Proposal (RFP). The proposed time period will be February 1, 2019, or upon the Department of General Services approval, whichever is later, through December 31, 2020.

### **IV. Scope of Work**

#### **A. Summary**

Activities of the SALC TA Program are intended to support the following:

- Conduct an outreach and partnership assessment in the Focus Regions to identify technical assistance opportunities.
- Select 2-3 communities to focus technical assistance efforts.
- Identify relevant community needs and assess how Planning Grants can provide direct, meaningful benefits to address those needs.
- Organize and implement training in agricultural land conservation principles and concepts for selected communities.
- Work collaboratively with selected communities to build local partnerships that foster comprehensive, community-driven grants.
- Help TA Recipients develop a Planning Grant application.
- For projects that are ultimately funded, assist with the implementation of the Planning Grant projects.

Contractor will act as an independent, third party provider.

#### **B. Tasks**

##### **Task 1. Administrative Coordination, Meetings and Timeline**

Contractor is responsible for all administrative coordination and shall manage its staff, if any. Contractor's staff shall be capable of undertaking all work assignments identified in the Scope of Work, required deliverables and reporting requirements.

A kick-off meeting will be held. Attendees shall include relevant Contractor staff members, and relevant DOC and SGC staff members. The parties will meet and confer regarding the agenda, but topics to be discussed may include clarifying: roles and responsibilities, work plan, reporting and invoicing.

At the kick-off meeting, Contractor and DOC shall agree upon a schedule for updates of progress of the work plan. Updates may take the form of subsequent meetings, informal written updates or phone calls. At a minimum, a monthly check in meeting will be held. Subsequent meetings may be in person or via conference call.

**Deliverables:**

- Deliverable 1.1 Participation in kick-off meeting.
- Deliverable 1.2 Participation in check in meetings.

**Task 2. Outreach and Partnership Assessment**

Contractor will conduct an outreach and partnership assessment in the Focus Regions to identify cities or counties with an interest in technical assistance and their stakeholders. Stakeholders include other cities and counties, special districts, local agency formation commissions, agricultural businesses, agricultural water providers/purveyors, non-governmental organizations, community members, and Native American tribes.

Steps in the outreach and partnership assessment may include: conducting interviews with potential technical assistance recipients and stakeholders in the Focus Regions to better understand local readiness and needs to be addressed in order to develop projects and grant applications for the Planning Grant. For example, a county or city would be a potential technical assistance recipient and a Land Trust, Open Space District, Resource Conservation District, special district, community based organization (CBO), or regional governmental organization would be examples of potential future partners that could be part of the assessment. To the extent practical interviews will take place in person but may be conducted by phone. Electronic engagement may be a part of the assessment but cannot be the sole method of engagement.

Contractor will summarize the assessment findings into a *Summary of Outreach and Partnership Assessment Findings*. The Summary of Outreach and Partnership Assessment Findings document should include:

- summary of findings detailing:
  - local assistance opportunities
  - needs
  - efforts required to address those needs
- lists detailing:
  - those interviewed
  - counties and cities initially considered and explored as potential TA Recipients
  - recommended Technical Assistance Recipients
  - stakeholders that may be engaged by the TA Recipient
- Additional information Contractor determines is appropriate

Contractor will submit a draft Summary of Outreach and Partnership Assessment Findings to the DOC. Contractor, DOC and SGC will meet to review the draft Summary of Outreach and Partnership Assessment Findings and agree upon up to 3 TA Recipients which will receive technical assistance pursuant to Tasks 3, 4, 5, and 6. Within 30 days of the meeting Contractor will submit a final Summary of Outreach and Partnership Assessment Findings.

**Deliverables:**

- Deliverable 2.1 Draft Summary of Outreach and Partnership Assessment Findings.
- Deliverable 2.2 Participation in meeting to review Draft Summary of Outreach and Partnership Assessment Findings and choose Technical Assistance Recipients.
- Deliverable 2.3 Final Summary of Outreach and Partnership Assessment Findings.
- Deliverable 2.4 Final List of TA Recipients.

**Task 3. SALC Program Training**

Contractor, the DOC, and third party technical experts, will provide skills training to selected TA Recipients. Contractor will develop an in-depth curriculum to educate TA Recipients on the Planning Grants focusing on those areas in need of development identified in the Outreach and Partnership Assessment. An overview of the proposed training content will be submitted for approval prior to any training sessions.

Contractor will present this curriculum in a time, place and manner which meets the needs of the TA Recipient taking into account the DOC's timeline for requesting Planning Grant applications. After the training session, Contractor will provide copies of the training session materials.

Each training session will include an evaluation tool.

The following Post Training Compilation Materials will be prepared following each training session:

- list of training attendees including names, titles, organizational affiliation
- 4-10 observations considering the following areas:
  - usefulness of the training
  - noteworthy participant questions, comments or ah-ha moments,
  - other observations and lessons learned; and
  - compilation of responses from training evaluation tool.

**Deliverables:**

- Deliverable 3.1 Overview of Proposed Training Content.
- Deliverable 3.2 Training Session Materials.

Deliverable 3.3 Post Training Compilation Materials.

#### **Task 4. Project Development Assistance**

Contractor will assist TA Recipients to identify:

- potential Planning Grant projects
- steps necessary to develop those potential projects into viable projects for which a grant application could be submitted
- next steps to developing those projects
- a timeline for completing those steps
- potential risks that could impede project success and potential adaptations to overcome risks .

Specific activities to complete this task will depend on the TA Recipient capacity and needs. Contractor will create a work plan for each TA Recipient. DOC may require periodic updates to each work plan.

#### **Deliverables:**

Deliverable 4.1 Work plan for each TA Recipient.

Deliverable 4.2 Work plan updates.

#### **Task 5. SALC Application Assistance**

Contractor and the TA Recipients will identify a potential project for which a Planning Grant application will be prepared and submitted. Contractor will provide application assistance to TA Recipient so that a viable application is submitted. Specific activities to complete this task will depend on the TA Recipient capacity and needs and shall include:

- As needed, update the work plans created in Task 4 for completing the Planning Grant application;
- Coordinate with TA Recipient staff and assist with preparing SALC Program grant pre-proposal application and materials; and
- Serve as a liaison between the TA Recipient and DOC staff to answer questions and provide clarifying information.

#### **Deliverables:**

Deliverable 5.1 SALC pre-proposal.

Deliverable 5.2 SALC application.

Deliverable 5.3 Lessons learned from preparing SALC Application.

### **Task 6. SALC Grant Project Implementation**

If the TA Recipient is awarded a grant pursuant to the application submitted, Contractor will continue to work with the TA Recipient to implement the grant project. Specific activities to complete this task will depend on the TA Recipient capacity and needs. Activities will at a minimum include maintaining communication with the TA Recipient, creating a work plan detailing the steps to completing the grant project, facilitating discussions regarding project scope across public and private partners, as well as ongoing communication with DOC staff regarding technical questions specific to the Planning Grants.

#### **Deliverables:**

Deliverable 6.1	Project implementation work plans.
Deliverable 6.2	Templates and materials utilized in application coordination activities.
Deliverable 6.3	Documentation of Application Submittals.
Deliverable 6.4	List of dates of meetings (by phone or in person) with TA Recipients.

### **Task 7. Final Technical Assistance Report**

Contractor will prepare a final report containing a summary of the process, findings, outcomes, lessons learned and best practices, and recommendations for future technical assistance efforts. Report should emphasize lessons learned from the perspective of the technical assistance provider, feedback for DOC, and recommendations for expanding and improving technical assistance in the future.

#### **Deliverable:**

Deliverable 7.1 Final Report.

## **V. Submission of Proposal**

1. Proposers should carefully examine the entire RFP, with special attention to the evaluation criteria. Proposers shall investigate obstacles that might be encountered. No additions or increases to the agreement amount will be made due to a lack of careful examination of the requirements.
2. Proposals should provide straightforward and concise descriptions of the proposer's ability to satisfy the requirements of this RFP. The proposal must be complete and accurate. Omissions, inaccuracies or misstatements will be sufficient cause for rejection of a proposal.
3. The proposal package should be prepared in the least expensive method.

4. Costs incurred for developing proposals and in anticipation of award of the agreement are entirely the responsibility of the Proposer and shall not be charged to DOC.
5. Before submitting a response to this solicitation, each Proposer should review their response, correct all errors, and confirm compliance with the RFP requirements. It is the Proposer's responsibility to complete and submit all required attachments as listed on Attachment 1.
6. Key Action Dates:

Below is the timeline for this proposal.

Event	Date	Time*
RFP Available to Prospective Proposers	November 26, 2018	10:30 AM
Written Questions Submittal Deadline	December 5, 2018	3:00 PM
Responses to Questions	December 12, 2018	3:00 PM
Final Date for Proposal Submission	December 21, 2018	11:00 AM
Proposed Notice of Award	January 7, 2019	11:00 AM
Proposed Start Date	February 1, 2019	8:00 AM

\*All times are Pacific Time Zone

7. Proposals received after the final submission date and time will not be considered. Individuals, organizations and businesses submitting proposals have the burden of proof to confirm that their proposal was actually received in accordance with this announcement should there be any dispute about meeting the filing deadline.
8. A minimum of three copies of the proposal must be submitted.
9. The original proposal must be marked "ORIGINAL COPY." All documents contained in the original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing firm. All additional proposal sets may contain photocopies of the original package.
10. All proposals shall be submitted under sealed cover and sent to the DOC by dates and times shown listed in the Key Action Dates above. The sealed cover must be plainly marked with the RFP number and title, must show your firm name and address, and must be marked with "DO NOT OPEN" as show in the below example:

Department of Conservation  
801 K Street, #22-11  
Sacramento, CA 95814  
Attention: Melissa Glau  
RFP 3018-301  
DO NOT OPEN

11. If the proposal is made under a fictitious name or business title, the actual legal name of proposer must be provided.
12. Proposals not submitted under sealed cover and marked as indicated may be rejected.
13. All proposals shall include the documents identified in Attachment 1, Required Attachment Checklist. Any proposals not including the proper "required attachments" shall be deemed non-responsive. A non-responsive proposal is one that does not meet the basic proposal requirements.
14. All Proposals shall include any and all anticipated costs for completion of the work plan in Proposer's Cost Sheet, Attachment 4, such as:
  - Identification of position/classification titles funded
  - Salary rates or ranges
  - Percentage of time devoted to the work
  - Fringe benefits
  - Operating expenses
  - Travel and per diem expenses\*\*
  - Overhead or indirect costs – Limited to no more than 15%
  - Subcontractors with the same type of cost details
  - Other costs

\*\*The State of California will reimburse for actual expenditures up to the maximum state allowable rates in effect at the time of travel. These rates are available for review at <http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>.

15. An individual who is authorized to bind the proposing firm contractually shall sign the Attachment 2, Bid/Bidder Certification Sheet. The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal may be rejected.

## **VI. Modification and/or Withdrawal of Proposals**

1. A proposer may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline as set forth in the Key Action Dates. Proposal modifications offered in any other manner, oral or written, will not be considered.
2. A proposer may withdraw its proposal by submitting a written withdrawal request to the DOC, signed by the proposer or an authorized agent.
3. A proposer may thereafter submit a new proposal prior to the proposal submission deadline. Proposals may not be withdrawn without cause subsequent to proposal submission deadline.

4. The DOC may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who received a proposal package.

## **VII. Minimum Requirements**

1. Community engagement:
  - A minimum of two (2) years of experience with community engagement and partnership development, including support of meaningful cross-sector relationships; and/or
  - A minimum of two (2) years of experience providing direct assistance to disadvantaged or low-income populations; and/or
  - A minimum of two (2) years of experience providing community-scale capacity building activities that cultivate knowledge related to agricultural land conservation with the purpose of building longer-term understanding and a knowledge base around key concepts.
2. Conservation:
  - A minimum of two (2) years of experience working on resource conservation planning projects or programs.
3. Writing Project Proposals:
  - Experience writing a minimum of two (2) proposals, ideally related to agricultural or working lands issues.
4. Detailed Proposal Requirements

Proposals must contain the six (6) components outlined below. Each requirement must be listed in the proposer's Table of Contents.

### **a. Title Page and Letter of Commitment**

The purpose of this component is to summarize the information needed by DOC administrative staff, and to introduce your organization on an official letterhead. Include the following:

#### **i. Title Page**

- The title of the proposal, which must be the same as the title of this RFP
- The number of the Request for Proposal: #3018-301
- The date of proposal
- The name of the bidding institution

**ii. Letter of Commitment**

- The name and address of your company [NOTE: You may use a Post Office box, but please provide your company's street address for our records];
- The name, title, and signature of a company official authorized to bind the proposal; and
- A brief synopsis of your organization's interest in doing this work.

**b. Response to Scope of Work**

The technical portion of the proposal should respond to all scoring elements listed in Evaluation Criteria Section and must include the following:

**i. Summary**

This summary of the proposal shall not be longer than one page. Include a brief description of the main point of the various sections of the proposal.

**ii. Project/Team Management Plan**

A Project Management Plan must be submitted. The plan should include who will work on the project and if applicable the organization of the team. The proposer shall state, by entity and by name, the Project Manager to be employed. The selected proposer shall not substitute the Project Manager without prior written approval of DOC.

**iii. Methodology / Approach to Work**

The proposer shall describe the overall approach to the work, as well as administrative and operational management expertise that will be employed.

**iv. Work Plan**

The proposer shall develop a Work Plan and a Work Schedule for task completion, which shall specify each task and estimated dates of completion. The Work Schedule shall identify each major task, necessary subtasks, and milestones by which progress can be measured and payments made. The Work Schedule should reflect the total project timeline of approximately twelve (12) months. See Scope of Work Section, for details on the tasks required.

**v. Subcontracts/subcontractors**

If subcontractors are to be used, the proposer must include a description of each person or firm, and the work to be done by each subcontractor.

Nothing contained in this RFP, the awarded Agreement, or otherwise, shall create any contractual relation between the DOC and any subcontractors, and no subcontract shall relieve Contractor of their responsibilities and obligations hereunder. Contractor agrees to be as fully responsible to the DOC for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by Contractor. Contractor's obligation to pay its subcontractors is an independent obligation from the DOC's obligation to make payments to Contractor. As a

result, the DOC shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

Each Proposer is limited to submitting only one proposal. There are restrictions for subcontractors. Subcontracting is subject to the conditions if the total of all subcontracts exceeds \$50,000 or 25% of the total contract, whichever is less, then higher levels of subcontracting might be permissible if the subcontract is justified and not for the purpose of circumventing state contracting requirements. For more information, see SMC Vol. 1 Section 3.06 (E).

### **c. Qualifications**

#### **i. Personnel / Team Resumes**

The proposer shall list all key personnel (i.e. Project Manager) and other personnel who will be working on the project. Include their titles, qualifications, a summary of similar work or studies performed, a resume for each professional, a statement indicating how many hours each professional will be assigned to the technical assistance project and what tasks each professional will perform.

Substitute personnel must meet the same minimum qualifications as described in the **Minimum Qualifications Section** of this RFP. During performance of contract, contractor must request prior written approval from DOC in advance of substitutions to receive reimbursement for associated costs.

#### **ii. Reference Forms**

Each proposer and subcontractor must provide one (1) reference form. Each form asks for two (2) references with a brief description of services provided.

References must be provided using Attachment 5, Proposer References Form. Submission of this attachment is mandatory. Failure to fully complete and return this attachment with your proposal may cause your proposal to be rejected and deemed non-responsive. Attachment 5 may be copied for additional references.

#### **iii. Proposer's Experience**

The proposer must provide summarized versions of recent and relevant contracts, projects, or work for itself and for each subcontractor. The relevant contracts or projects previously performed should be of similar size, type of work, scope of work, and complexity of tasks to be performed through this RFP. Please include specifics about work done in the Focus Regions. Each bidder or bidder team shall demonstrate (defined as providing required or requested information) in their bid package that they meet each of the following minimum qualifications. Failure to demonstrate compliance with minimum qualifications may make the bid non-responsive.

### **d. Budget & Cost Detail**

Proposals shall include all information listed in cost detail and properly account for the cost of entire contract length. Attachment 4, Cost Sheet is provided, which must be submitted as part of this proposal. All Proposals shall include any and all anticipated costs for completion of the Work Plan, such as:

- Identification of position/classification titles funded; do NOT list names.

- Salary rates or ranges
- Percentage of time devoted to the work
- Fringe benefits
- Operating expenses
- Travel and per diem expenses in accordance with current CalHR rates here:  
<http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>
- Overhead or indirect costs – limited to no more than 20% rate
- Subcontractors with the same type of cost details
- Other costs

**i. Budget**

Please submit a detailed budget itemizing proposed costs by task, subtask, and staff hours attributed to each. The spreadsheet provided allows for additional detail by subtask and contractor, as appropriate. This budget should also outline the amount of funds necessary to serve up to 3 TA Recipients.

**ii. Cost Detail: Total Estimated Cost**

Detail the total cost for all tasks using Attachment 4 Cost Sheet.

The total cost includes but is not limited to, travel and per diem, labor, meetings, reproduction costs, reports, and any miscellaneous items necessary to perform the tasks of this project.

Contractor will be paid based on invoices submitted for actual services performed under contract, in arrears.

**e. Attachments**

The following are attachments included with this RFP. All attachments must be submitted with your proposal. Failure to include the required attachments may deem the proposal as incomplete.

1. Required Attachment Checklist
2. Bid/Bidder Certification Sheet
3. Bid/Bidder Declaration
4. Cost Sheet
5. References (2)
6. Payee Data Record (STD 204)
7. Contractor Certification Clauses (CCC)
8. Darfur Act Certification
9. California Civil Rights Laws Certification
10. Nondiscrimination Compliance Statement (STD 19)

**VIII. Proposer Responsibilities**

1. Proposer is responsible for reviewing, reading, understanding, and complying in full with the State's General Terms and Conditions along with Contractor's Certification Clauses as listed on [www.dgs.gov/ols](http://www.dgs.gov/ols).
2. The State does not accept alternate contract language from a prospective contractor. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable.
3. Each proposal must constitute an irrevocable offer for a period of at least 180 working days after proposal submission.
4. More than one proposal from an individual, firm, partnership, corporation or association under the same or different names will not be considered.
5. The Proposer must own and operate a legitimate business. If the Proposer is a corporation, said corporation must be registered in the State of California to operate said business in the State and be a corporation in good standing with the Secretary of State. All businesses must be registered with the Secretary of State or appropriate State jurisdiction prior to date of contract award. Evidence of registration will be from the Secretary of State's website: <http://kepler.sos.ca.gov>
  - a. All business entities doing business within the State and not operating as a corporation or partnership must be registered with the appropriate jurisdiction (county or city). All businesses not registered with the appropriate jurisdiction, or with the Secretary of State, prior to the award date will be deemed non-responsive and ineligible for contract award.
6. 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.
7. The Proposer must complete and submit to the DOC the Payee Data Record, STD 204, Attachment 6, to determine if the selected Proposer is subject to state income tax withholding pursuant to the California Revenue and Taxation Code, Section 18662. This form can be found on the internet at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>. No payment shall be made unless a complete STD 204 has been returned to the DOC.
8. The Proposer must sign and submit to the DOC, page one (1) of Contractor Certification Clauses (CCC-307), Attachment 7, or the form can be obtained via the internet at <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

**IX. Evaluation Criteria**

Proposals will be scored using the Secondary Method for RFPs as outlined in the State Contracting Manual (SCM, Volume 1). This Secondary Method relies on a combination of both the Proposal’s cost and the technical knowledge and specialties of Contractors as described in the Proposal. The maximum project cost cannot exceed \$200,000. In this Secondary Method, technical quality is equal to or more important than cost. The following sub-sections and criteria will be reviewed by the DOC’s evaluation team.

1. Evaluation Process

- a. At the time of proposal opening, each proposal will be checked for the presence or absence of required information in conformance with the submission requirements of this RFP.
- b. Proposals that contain false or misleading statements, or which provide references which do not support an attribute or condition claimed by the proposer, may be rejected.
- c. Award, if made, will be to the highest scored responsible proposal.

d. Proposal Evaluation:

The proposals that meet the minimum qualifications will be evaluated and scored according to the criteria indicated below. A minimum of seventy (70) points must be achieved to be considered responsive. (A responsive proposal is one, which meets or exceeds the requirements stated in this RFP.) A minimum of five (5) points must be achieved for each rating/scoring criterion. The proposer with the highest score will be awarded the contract.

<u>Rating/Scoring Criteria</u>	<u>Possible Points</u>
Clarity and Organization of Proposal	10
Approach to Scope of Work	40
Work Plan and Work Schedule	25
Proposer & Team Experience	25
Cost	50
Total	150

2. Administrative Evaluation

DOC will conduct an administrative evaluation in accordance with the RFP requirements to determine a Proposer’s responsiveness and responsibility. Each proposal will be

checked for completeness and/or absence of all required information and to ensure that the Proposer meets the minimum qualifications in conformance with the submission requirements. The administrative evaluation criteria will be scored pass/fail. Failure to submit every item will result in a rejection of the Proposal package.

Administrative Requirements Evaluation Criteria (Pass/Fail)

Mandatory Minimum Qualification Requirements	PASS	FAIL
Completed Cost Sheet		
Narrative Proposal		
Bid/Bidder Certification Sheet		
List of Subcontractors (if applicable)		
References		
All Other Required Attachments		

**Responsive and Responsible Proposer:**

Proposals and Proposers must meet all of the minimum qualification requirements stated in the RFP. Each proposal will first be reviewed to ensure the following items: proposal is received by date and time specified; proposal contains all the required documents (see Attachment 1, Required Attachment Checklist); and that the proposal meets the format requirements specified. A responsive proposal from a responsible Proposer is one that meets the definitions as stated below.

a. Definition of Responsive/Compliant Proposal:

A Proposer's solicitation response must be compliant with solicitation requirements without material deviation from the terms and conditions of the proposed contract.

A non-responsive proposal is one that does not meet the requirements stated in the RFP; fails to provide all required documents/ attachments or deviates substantially from requirements. A proposal that changes the terms and conditions of the RFP or the proposed contract provisions will be considered as a counterproposal and will be rejected as non-responsive.

b. Definition of Responsible Proposer:

The question of whether a particular Proposer is responsible involves an evaluation of the Proposer and other factors existing at the time of evaluation. If it is determined that you are not a responsible Proposer, your proposal will be rejected.

In determining whether a Proposer is a responsible Proposer, DOC requires Proposer(s) to submit evidence of their qualifications at such times, and under such conditions, as required. See Attachment 1, Required Attachment Check List.

3. Technical Evaluation

DOC will conduct an evaluation of the Technical Proposal by an evaluation panel. If deemed necessary, independent academic, technical or policy experts may be called upon to answer any specific questions regarding the responses to the RFP. These individuals will not be participants in the scoring process.

**Table: Technical Requirements Evaluation Criteria (100 points possible)**

Item/Description	Points Available	Points Awarded
<b>A. Clarity and Organization of Proposal</b> – This criterion will assess whether the proposal is presented in a clear, organized manner that facilitates the technical assistance work proposed.	10	
<b>B. Approach to Scope of Work</b> – This criterion provides proposers the opportunity to demonstrate their knowledge in the subject of the RFP and to lay the groundwork for the actual work to be performed for this project.	40	
1) Proposer has outlined a detailed project management plan, and project organization that names a qualified Project Manager.	10	
2) Proposer has described the methodology and approach to the tasks described, including training techniques and outreach activities, as appropriate.	20	
3) Proposer's knowledge and experience of the technical assistance needed to address TA Recipients needs to successfully apply for a Planning Grant.	10	
<b>C. Work Plan and Schedule</b> – For this criterion, reviewers will consider the schedule of activities and evaluate its effectiveness in reaching outlined goals and objectives. Project schedule, estimated dates of completion, and proposed methods for measuring project progress are feasible when measured against the work plan.	30	
<b>D. Proposer &amp; Team Experience</b>	20	
1) Proposer has experience successfully providing Technical Assistance particularly on complex issues.	5	
2) Proposer has proven track record with planning and facilitating community engagement efforts and supporting meaningful cross-sector relationships.	5	
3) Proposer has experience working with disadvantaged and/or low-income communities and/or tribal communities, particularly in the Focus Regions.	5	
4) Proposer has experience working on resource conservation issues.	5	

Technical Requirements Evaluation Criteria (100 points possible)

a. Scoring Criterion Guidelines

NOTE: There will be no individual sheets, no written scores, and no written notes. There will be one final consensus score sheet for each Proposer.

The Proposal Evaluation Form above contains the scoring criteria that will be used by reviewers evaluating proposals submitted in response to this RFP. The evaluation team shall determine a consensus score for each item, based on the team's verbal discussion of each Proposer's responses. To determine the consensus score, evaluators will meet either in person or by teleconference to discuss in detail the strengths, weaknesses, and ratings of each proposal to determine scores. The evaluation team will carefully review and discuss the completeness of the Proposer's response, as well as clarity of documentation presented in the proposals submitted in response to this RFP.

4. Cost Points

Proposers may achieve a maximum of 50 cost points, which is weighted at 33% of the total points available. This criterion allows staff to evaluate and compare the budgets of each proposal relative to those of its competitors. Each Proposer must complete the Cost Sheet (Attachment 4). Any proposals submitted that are over the expected DOC expenditure/budgeted amount of \$200,000 will be disqualified.

Each Proposer's cost score will be calculated based on the ratio of the lowest cost proposal to the Proposer's cost, multiplied by the maximum number of cost points available 50 as shown in the calculation below:

$$\frac{\text{Lowest Total Cost Proposal}}{\text{Proposer Total Cost}} \times 50 \text{ Total Cost Points Available}$$

Example: To help illustrate this process, refer to table below, for an example of the cost score calculation process. Cost figures in the example below explain the calculations and have no other significance.

Cost Evaluation and Scoring Methodology Example

Proposer	Grand Total Cost	Calculation	Cost Points Awarded
A	\$40,000	$\$30,000 \times 50 / \$40,000$	37.5
B	\$35,000	$\$30,000 \times 50 / \$35,000$	42.9
C	\$30,000	$\$30,000 \times 50 / \$30,000$	50.0

Final Scoring Methodology

Proposer	Technical Score (out of 100)	Cost Score (out of 50)	Total Points Awarded
A	84	37.5	121.5
B	76	42.8	118.8
C	92	50	142.0

In this case the highest scored proposal from Proposer C would be the intended awardee (Subject to Small Business Preference Award).

5. Preference Programs

- a. Small Business Preference - A Small Business Preference of five percent (5%) will be granted in accordance with Government Code Section 14835, and as contained in Title 2, California Administrative Code Section 1896 et. seq. To claim the Small Business Preference, which may not exceed \$50,000 for any proposal, a Proposer must have its principal place of business located in California and must have an approved small business certification form and proof of annual receipts on file with the Department of General Services, Office of Small Business and Disabled Veteran Business Services (OSDS). Questions and requests for copies of the regulations should be directed to OSDS at (916) 375-4940.

Proposers requesting the Small Business Preference must complete the certification on the attached Bid/Bidder Certification Sheet (Attachment 2, Item 14) and include a copy of the certification. The Small Business Preference and Certification Request must be signed in the same style in which the bidder is licensed by the Contractor's State License Board.

The application of the five percent (5%) Small Business bidding preference is now extended to non-small businesses that commit to subcontracting at least twenty-five percent (25%) of its net bid price to California Certified Small Businesses and/or Micro-businesses when the non-small business.

DOC will grant small businesses a five percent (5%) Small Business preference on a bid evaluation when a responsible non-small business has submitted the lowest-priced, responsive bid pursuant to the evaluation of a solicitation method when a small business:

- Includes in its bid a notification to the DOC that it is a small business or that it has submitted to the Department of General Services, Office of Small and Disabled Veteran Business Services (OSDS) a complete application no later than 1:00 p.m. on the bid due date, and is subsequently certified by the Department of General Services as a small business; and
- Submits a timely, responsive bid; and
- Has been determined to be a responsible bidder.

The method used in determining the successful bidder for an RFP Secondary follows:

- Calculate the “earned” score for all bidders.
  - If the highest scored proposal is from a non-certified small business or microbusiness, then:
    - Calculate 5% of the highest responsible bidder’s total score.
    - Add the amount calculated above to the score of each of the certified small business or microbusinesses. This new amount is the total score.
    - Award of the contract must go to the bidder with the highest point count.
- b. Disabled Veteran Business Enterprise (DVBE) Incentive Program - DVBE Incentive will not be applied to this bid.

## 6. Proposal Rejection

- a. Proposals must be submitted for the performance of all the services as described herein. Any deviation from the RFP will not be considered and may cause a proposal to be rejected.
- b. Proposals must be complete in all respects as required by the RFP. A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The DOC does not accept alternate contract language from a Proposer. A proposal with such language will be considered a counter proposal and will be rejected.
- c. DOC reserves the right to reject any or all proposals for any reason. The State may reject any or all proposals and may waive any deviation deemed immaterial in a proposal. The DOC's waiver of an immaterial deviation shall in no way modify the RFP document or excuse the Proposer from full compliance with all requirements if awarded the agreement. All deviations will be examined to determine whether the deviation is immaterial (e.g., errors in mathematical computation or spelling). A material deviation will cause rejection of the proposal. A proposal must be rejected if any such defect or irregularity constitutes a material deviation from the RFP requirements. If a deviation is deemed immaterial, then the proposal will be processed as if no deviation has occurred.
- d. Proposals that contain false or misleading statements, or which provide references, that do not support an attribute or condition claimed by the proposal, may be rejected. If, in the opinion of the DOC, such information was intended to mislead the DOC in its evaluation of the proposal, and the attribute, condition, or capability is a requirement of this RFP, it will be the basis for rejection of the proposal.
- e. Proposals received past the due date and time specified in the Key Action Dates Section, will be deemed non-responsive and rejected. Under no circumstances will

any proposals be accepted past the date and time stated in the Key Action Dates Section. All such proposals received past the date and time will not be accepted, and will be returned, unopened.

## **Award Selection**

### **1. Disposition of Proposals**

- Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.
- Proposal packages may be returned only at the proposer's expense, unless such expense is waived by the awarding agency.

### **2. Determination of Award**

- Proposers may protest the proposed award by filing a notice of protest with Department of Conservation and the Department of General Services, Office of Services. The Agreement(s) shall not be awarded until either the protest has been withdrawn or the State has decided the matter.
- Notice of the proposed award shall be posted in the DOC's Division of Land Resource Protection, 14<sup>th</sup> Floor, 801 K Street, Sacramento, CA 95814.
- Upon resolution of the protest and award of the agreement, The Winning Proposer must sign and submit to the awarding agency, *page one (1)* of the Contractor Certification Clauses (CCC), which can be found on the Internet at [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts).
- The Proposer is advised that should this RFP result in an award of an Agreement, the Agreement will not be in force and no work shall be performed until the Agreement is fully approved by the State and the Winning Proposer is notified by the Contract Manager to begin work.

### **3. Agreement Execution and Performance**

- Contract shall be signed by the selected Proposer and returned within (10) ten working days of receipt.
- Performance by Contractor shall be available no later than five (5) days or on the express date set by the awarding agency and Contractor and after all approvals have been obtained and the agreement fully executed. Should Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to Contractor, reserves the right to terminate the agreement.

- All performance under the agreement shall be completed on or before the termination date of the agreement.

#### **4. Right to Protest**

Proposers have the right to protest the award of the Department of Conservation agreements subject to the following grounds, processes and procedures.

- a. If any proposer, prior to the award of agreement, files a protest with the Department of Conservation and the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605, on the grounds that the (protesting) proposer would have been awarded the contract had the agency correctly applied the evaluation standard in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.
- b. Within five (5) days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the Department of Conservation a detailed statement specifying the grounds for the protest.

**Attachment 1  
Required Proposal Document Checklist  
TO BE INCLUDED IN THE PROPOSAL ENVELOPE  
For RFP 3018-301**

**Proposer's Name:** \_\_\_\_\_

A complete proposal package will consist of all the items listed in the RFP, as well as those items identified below. **Be sure that your proposal includes all required documents as stated in this RFP, not just those listed in this checklist.** Please refer to Section V, regarding "Responsive/Compliant Proposal" and "Responsible Bidder/Proposer."

	<b>Attachment</b>	<b>Attachment Name/Description</b>
<input type="checkbox"/>	Attachment 1	Required Attachment Checklist (this page or a copy of this page)
<input type="checkbox"/>	Attachment 2	Bid/Bidder Certification Sheet
<input type="checkbox"/>	Attachment 3	Bid/Bidder Declaration
<input type="checkbox"/>	Attachment 4	Cost Sheet
<input type="checkbox"/>	Attachment 5	References (2)
<input type="checkbox"/>	Attachment 6	Payee Data Record (STD 204)
<input type="checkbox"/>	Attachment 7	Contractor Certification Clauses (CCC)
<input type="checkbox"/>	Attachment 8	Darfur Act Certification
<input type="checkbox"/>	Attachment 9	California Civil Rights Laws Certification
<input type="checkbox"/>	Attachment 10	Nondiscrimination Compliance Statement (STD 19)

In addition, bidder must detail the following proposal requirements:

\_\_\_\_\_ Meet Minimum Qualifications

\_\_\_\_\_ Business Profile, Resumes and References



**Completion Instructions for Bid/Bidder Certification Sheet**

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

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

**Attachment 3  
Bid/Bidder Declaration**

Complete the Bidder Declaration by following the instructions below. An electronic fillable version can be assessed at:

<https://www.documents.dgs.ca.gov/pd/poliproc/MASTER-BidDeclar08-09.pdf>

State of California—Department of General Services, Procurement Division  
GSPD-05-105 (REV 08/09)

Solicitation Number

**BIDDER DECLARATION**

1. Prime bidder information (Review attached Bidder Declaration Instructions prior to completion of this form):

a. Identify current California certification(s) (MB, SB, NVSA, DVBE):  or None  (If "None," go to Item #2)

b. Will subcontractors be used for this contract? Yes  No  (If yes, indicate the distinct element of work your firm will perform in this contract e.g., list the proposed products produced by your firm, state if your firm owns the transportation vehicles that will deliver the products to the State, identify which solicited services your firm will perform, etc.). Use additional sheets, as necessary.

\_\_\_\_\_

\_\_\_\_\_

c. If you are a California certified DVBE: (1) Are you a broker or agent? Yes  No   
(2) If the contract includes equipment rental, does your company own at least 51% of the equipment provided in this contract (quantity and value)? Yes  No  N/A

2. If no subcontractors will be used, skip to certification below. Otherwise, list all subcontractors for this contract. (Attach additional pages if necessary)

Subcontractor Name, Contact Person, Phone Number & Fax Number	Subcontractor Address & Email Address	CA Certification (MB, SB, NVSA, DVBE or None)	Work performed or goods provided for this contract	Corresponding % of bid price	Good Standing?	51% Rental?
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION:** By signing the bid response, I certify under penalty of perjury that the information provided is true and correct.

Complete the Bidder Declaration by following the instructions below. An electronic fillable version can be accessed at:

<http://www.documents.dqs.ca.gov/pd/poliproc/MASTERBidDeclar08-09.pdf>.

State of California—Department of General Services, Procurement Division  
GSPD-05-105 (E37 8/05) Instructions

## BIDDER DECLARATION INSTRUCTIONS

**All prime bidders (the firm submitting the bid) must complete the Bidder Declaration.**

**1a.** Identify all current certifications issued by the State of California. If the prime bidder has no California certification(s), check the line labeled "None" and proceed to Item #2. If the prime bidder possesses one or more of the following certifications, enter the applicable certification(s) on the line:

- Microbusiness (MB)
- Small Business (SB)
- Small Business Nonprofit (Veteran Service Agency (SBNVSA))
- Disabled Veteran Business Enterprise (DVBE)

**1b.** Mark either "Yes" or "No" to identify whether subcontractors will be used for the contract. If the response is "No," proceed to Item #1c. If "Yes," enter on the line the distinct element of work contained in the contract to be performed or the goods to be provided by the prime bidder. Do not include goods or services to be provided by subcontractors.

Bidders certified as MB, SB, NVSA, and/or DVBE must provide a commercially useful function as defined in Military and Veterans Code Section 99912 (j)(4) for DVBEs and Government Code Section 14837 (d)(4)(A) for small/microbusinesses. For questions regarding commercially useful function determination made in conjunction with certification approval, contact the Department of General Services, Procurement Division, Office of Small Business and DVBE Certification (OSDC), OSDCC Certification and Compliance Unit via email at: [osdcnhq@dqs.ca.gov](mailto:osdcnhq@dqs.ca.gov)

Bids must propose that certified bidder provide a commercially useful function for the resulting contract or the bid will be deemed non-responsive and rejected by the State. For questions regarding the solicitation, contact the procurement official identified in the solicitation.

Note: A subcontractor is any person, firm, corporation, or organization contracting to perform part of the prime's contract.

**1c.** This item is only to be completed by businesses certified by California as a DVBE.

(1) Declare whether the prime bidder is a broker or agent by marking either "Yes" or "No." The Military and Veterans Code Section 99912 (b) defines "broker" or "agent" as a certified DVBE contractor or subcontractor that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to an awarding department, unless one or more of the disabled veteran owners has at least 51-percent ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.

(2) If bidding rental equipment, mark either "Yes" or "No" to identify if the prime bidder owns at least 51% of the equipment provided (quantity and value). If not bidding rental equipment, mark "N/A" for "not applicable."

**2.** If no subcontractors are proposed, do not complete the table. Read the certification at the bottom of the form and complete "Page \_\_\_ of \_\_\_" on the form.

If subcontractors will be used, complete the table listing all subcontractors. If necessary, attach additional pages and complete the "Page \_\_\_ of \_\_\_" accordingly.

**2. (continued) Column Labels**

**Subcontractor Name, Contact Person, Phone Number & Fax Number**—List each element for all subcontractors.

**Subcontractor Address & Email Address**—Enter the address and, if available, an Email address.

**CA Certification (MB, SB, DVBE or None)**—If the subcontractor possesses a current State of California certification(s), verify on the OSDCC website ([www.pd.dqs.ca.gov/osdcsub](http://www.pd.dqs.ca.gov/osdcsub)) that it is still valid and list all current certifications here. Other wise, enter "None." (Note: A SBNVSA should not be puticipating as a subcontractor.)

**Work performed or goods provided for this contract**—Identify the distinct element of work contained in the contract to be performed for the goods to be provided by each subcontractor. Certified subcontractors must provide a commercially useful function for the contract. (See paragraph 1.b above for code citations regarding the definition of commercially useful function.) If a certified subcontractor is further subcontracting a greater portion of the work or goods provided for the resulting contract than would be expected by normal industry practices, attach a separate sheet of paper explaining the situation.

**Corresponding % of bid price**—Enter the corresponding percentage of the total bid price for the goods and/or services to be provided by each subcontractor. Do not enter a dollar amount.

**Good Standing?**—Provide a response for each subcontractor listed. Enter either "Yes" or "No" to indicate that the prime bidder has verified that the subcontractor(s) is in good standing for all of the following:

- Possesses valid license(s) for any license(s) or permits required by the solicitation or by law
- If a corporation, the company is qualified to do business in California and designated by the State of California Secretary of State to be in good standing
- Possesses valid State of California certification(s) if claiming MB, SB, and/or DVBE status
- Is not listed on the OSDCC website as ineligible to transact business with the State

**51% Rental?**—This pertains to the applicability of rental equipment. Based on the following parameters, enter either "N/A" (not applicable), "Yes" or "No" for each subcontractor listed.

- Enter "N/A" if the subcontractor is NOT a DVBE (regardless of whether or not rental equipment is provided by the subcontractor) or
- Subcontractor is NOT providing rental equipment (regardless of whether or not subcontractor is a DVBE)

Enter "Yes" if the subcontractor is a California certified DVBE providing rental equipment and the subcontractor owns at least 51% of the rental equipment (quantity and value). It will be providing for the contract.

Enter "No" if the subcontractor is a California certified DVBE providing rental equipment but the subcontractor does NOT own at least 51% of the rental equipment (quantity and value). It will be providing.

**Read the certification at the bottom of the page and complete the "Page \_\_\_ of \_\_\_" accordingly.**

**Attachment 4  
Cost Sheet**

**INSTRUCTIONS:** Complete the below bid sheet as detailed as possible.

Proposal should not budget materials in the below cost sheet.

**Project Manager Name and Title:** \_\_\_\_\_

Task	Dates of Performance	Staff Job Title	Rate	Hours	Maximum Costs
Task 1					\$ -
					\$ -
					\$ -
Task 2					\$ -
					\$ -
					\$ -
Task 3					\$ -
					\$ -
					\$ -
Task 4					\$ -
					\$ -
					\$ -
Task 5					\$ -
					\$ -
					\$ -
Task 6					\$ -
					\$ -
					\$ -
Task 7					\$ -
					\$ -
					\$ -
Travel*					
Proposal TOTAL:					\$ -

\*The State of California will reimburse for actual expenditures up to the maximum state allowable rates in effect at the time of travel. The State will not reimburse for per diem. These rates are available for review at: <http://www.calhr.ca.gov/employees/pages/travel-reimbursements.aspx>.

The TOTAL indicated above will be used to determine the low bidder. The actual costs quoted above by the bidder shall be binding for the term of the Agreement.

**Note:** All services performed are paid in arrears according to a monthly billing cycle.

**References**  
**TO BE INCLUDED IN PROPOSAL ENVELOPE**

List below two references for services performed within the last five years, which are similar to the scope of work to be performed in this contract.

<b>REFERENCE 1</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person	Telephone Number		
Dates of Service	Value or Cost of Service		
Brief Description of Service Provided			

<b>REFERENCE 2</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person	Telephone Number		
Dates of Service	Value or Cost of Service		
Brief Description of Service Provided			



STATE OF CALIFORNIA-DEPARTMENT OF FINANCE

**PAYEE DATA RECORD**

(Required when receiving payment from the State of California in lieu of IRS W-9 or W-7)  
STD 204 (Rev. 4/2017)

<b>1</b>	<p><b>Requirement to Complete the Payee Data Record, STD 204</b></p> <p>A completed Payee Data Record, STD 204 form, is required for all payees (non-governmental entities or individuals) entering into a transaction that may lead to a payment from the state. Each state agency requires a completed, signed, and dated STD 204 on file; therefore, it is possible for you to receive this form from multiple state agencies with which you do business.</p> <p>Payees who do not wish to complete the STD 204 may elect not to do business with the state. If the payee does not complete the STD 204 and the required payee data is not otherwise provided, payment may be reduced for federal and state backup withholding. Amounts reported on Information Returns (Form 1099) are in accordance with the Internal Revenue Code (IRC) and the California Revenue and Taxation Code (R&amp;TC).</p>
<b>2</b>	<p>Enter the payee's legal business name. The name must match the name on the payee's tax return as filed with the federal Internal Revenue Service. Sole proprietorships must also include the owner's full name. An individual must list his/her full name as shown on the SSN or as entered on the W-7 form for ITIN.</p> <p>The mailing address should be the address at which the payee chooses to receive correspondence (i.e. 1099 form) and payments. The business address is the address of the business' physical location; do not enter the payment address or lock box information here.</p>
<b>3</b>	<p>Check only <b>one</b> box that corresponds to the payee business type. Corporations must check the box that identifies the type of corporation.</p> <p>The State of California requires that all parties entering into business transactions that may lead to payment(s) from the state provide their Taxpayer Identification Number (TIN). The TIN is required by the R&amp;TC sections 18646 and 18661 to facilitate tax compliance enforcement activities and the preparation of Form 1099 and other information returns as required by the IRC section 6109(a) and R&amp;TC section 18662 and its regulations.</p> <p>Payees must provide <b>one</b> of the following TINs on this form: social security number (SSN), individual taxpayer identification number (ITIN), or federal employer identification number (FEIN). The TIN for sole proprietorships and individuals is the SSN or ITIN. Only partnerships, estates, trusts, and corporations will enter their FEIN.</p>
<b>4</b>	<p><b>Are you a California resident or nonresident?</b></p> <p>A corporation will be defined as a "resident" if it has a permanent place of business in California or is qualified through the Secretary of State to do business in California.</p> <p>A partnership is considered a resident partnership if it has a permanent place of business in California. An estate is a resident if the decedent was a California resident at time of death. A trust is a resident if at least one trustee is a California resident.</p> <p>For individuals and sole proprietors, the term "resident" includes every individual who is in California for other than a temporary or transitory purpose and any individual domiciled in California who is absent for a temporary or transitory purpose. Generally, an individual who comes to California for a purpose that will extend over a long or indefinite period will be considered a resident. However, an individual who comes to perform a particular contract of short duration will be considered a nonresident.</p> <p>Payments to all nonresidents may be subject to withholding. Nonresident payees performing services in California or receiving rent, lease, or royalty payments from property (real or personal) located in California will have 7% of their total payments withheld for state income taxes. However, no withholding is required if total payments to the payee are \$1,500 or less for the calendar year.</p> <p>For information on Nonresident Withholding, contact the Franchise Tax Board at the numbers listed below:          Withholding Services and Compliance Section: 1-888-792-4900      E-mail address: <a href="mailto:wscs.gen@ftb.ca.gov">wscs.gen@ftb.ca.gov</a>          For hearing impaired with TDD, call: 1-800-822-6268      Website: <a href="http://www.ftb.ca.gov">www.ftb.ca.gov</a></p>
<b>5</b>	<p>Provide the name, title, email address, signature, and telephone number of the individual completing this form. Provide the date the form was completed.</p>
<b>6</b>	<p>This section must be completed by the state agency requesting the STD 204.</p>

**Privacy Statement**

Section 7(b) of the Privacy Act of 1974 (Public Law 93-579) requires that any federal, state, or local governmental agency, which requests an individual to disclose their social security account number, shall inform that individual whether that disclosure is mandatory or voluntary, by which statutory or other authority such number is solicited, and what uses will be made of it.

It is mandatory to furnish the information requested. Federal law requires that payment for which the requested information is not provided is subject to federal backup withholding and state law imposes noncompliance penalties of up to \$20,000.

You have the right to access records containing your personal information, such as your SSN. To exercise that right, please contact the business services unit or the accounts payable unit of the state agency(ies) with which you transact that business.

All questions should be referred to the requesting state agency listed on the bottom front of this form.

**Attachment 7  
Contractor's Certification Clause (CCC)**

Complete the CCC by following the instructions below. An electronic fillable version can be accessed at: <http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

**CCC 04/2017**

**CERTIFICATION**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i>	<i>Federal ID Number</i>
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	
<i>Date Executed</i>	<i>Executed in the County of</i>

**CONTRACTOR CERTIFICATION CLAUSES**

1. **STATEMENT OF COMPLIANCE:** Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. **DRUG-FREE WORKPLACE REQUIREMENTS:** Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

b. Establish a Drug-Free Awareness Program to inform employees about:

1) the dangers of drug abuse in the workplace;

- 2) the person's or organization's policy of maintaining a drug-free workplace;
- 3) any available counseling, rehabilitation and employee assistance programs; and,
- 4) penalties that may be imposed upon employees for drug abuse violations.

c. Every employee who works on the proposed Agreement will:

- 1) receive a copy of the company's drug-free workplace policy statement; and,
- 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: Contractor has made false certification, or violated the certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. Contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at [www.dir.ca.gov](http://www.dir.ca.gov), and Public Contract Code Section 6108.

b. Contractor agrees to cooperate fully in providing reasonable access to Contractor's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations, or the Department of Justice to determine Contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

### **DOING BUSINESS WITH THE STATE OF CALIFORNIA**

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that Contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

**Attachment 8  
Darfur Act Certification**

Complete the Darfur Act Certification by following the instructions below. An electronic fillable version can be found at:

<https://www.documents.dgs.ca.gov/pd/pestatus/Forms/Darfur%20Contracting%20Act%20Attachment.pdf>

Pursuant to Public Contract Code section 10478, if a bidder or proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must certify that it is not a “scrutinized” company as defined in Public Contract Code section 10476.

Therefore, to be eligible to submit a bid or proposal, please insert your company name and Federal ID Number and complete only one of the following three paragraphs (via initials for Paragraph # 1 or Paragraph # 2, or via initials and certification for Paragraph # 3):

<i>Company/Vendor Name (Printed)</i>	<i>Federal ID Number</i>
<i>Printed Name and Title of Person Initialing (for Options 1 or 2)</i>	

1.     \_\_\_\_\_     We do not currently have, and have not had within the previous  
      Initials       three years, business activities or other operations outside of the  
                          United States.

**OR**

2.     \_\_\_\_\_     We are a scrutinized company as defined in Public Contract Code  
      Initials       section 10476, but we have received written permission from the  
                          Department of General Services (DGS) to submit a bid or proposal  
                          pursuant to Public Contract Code section 10477(b). A copy of the  
                          written permission from DGS is included with our bid or proposal.

**OR**

3.     \_\_\_\_\_     We currently have, or we have had within the previous three years,  
      Initials       business activities or other operations outside of the United States,  
      + certification but we certify below that we are not a scrutinized company  
      below           as defined in Public Contract Code section 10476.

**CERTIFICATION For # 3.**

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective proposer/bidder to the clause listed above in # 3. This certification is made under the laws of the State of California.

<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	
<i>Date Executed</i>	<i>Executed in the County and State of</i>

**Attachment 9  
California Civil Rights Laws Certification**

Complete the California Civil Rights Laws Certification by following the instructions below. An electronic fillable version can be accessed at:

<https://www.documents.dgs.ca.gov/pd/pestatus/CALIFORNIA%20CIVIL%20RIGHTS%20LAWS%20ATTACHMENT.pdf>.

**CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION**

Pursuant to Public Contract Code section 2010, if a bidder or proposer executes or renews a contract over \$100,000 on or after January 1, 2017, the bidder or proposer hereby certifies compliance with the following:

1. **CALIFORNIA CIVIL RIGHTS LAWS:** For contracts over \$100,000 executed or renewed after January 1, 2017, the contractor certifies compliance with the Unruh Civil Rights Act (Section 51 of the Civil Code) and the Fair Employment and Housing Act (Section 12960 of the Government Code); and
2. **EMPLOYER DISCRIMINATORY POLICIES:** For contracts over \$100,000 executed or renewed after January 1, 2017, if a Contractor has an internal policy against a sovereign nation or peoples recognized by the United States government, the Contractor certifies that such policies are not used in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the Fair Employment and Housing Act (Section 12960 of the Government Code).

**CERTIFICATION**

I, the official named below, certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  <i>Proposer/Bidder Firm Name (Printed)</i>	<i>Federal ID Number</i>
<i>By (Authorized Signature)</i>	
<i>Printed Name and Title of Person Signing</i>	
<i>Date Executed</i>	<i>Executed in the County and State of</i>

**Attachment 10**  
**Nondiscrimination Compliance Statement**

Complete the Nondiscrimination Compliance Statement by following the instructions below. An electronic fillable version can be accessed at:

<https://www.documents.dgs.ca.gov/dgs/fmc/pdf/std019.pdf>

STATE OF CALIFORNIA

**NONDISCRIMINATION COMPLIANCE STATEMENT**

STD. 19 (REV. 3-95)

COMPANY NAME

The company named above (hereinafter referred to as "prospective contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age (over 40), marital status, denial of family care leave and denial of pregnancy disability leave.

**CERTIFICATION**

*I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.*

OFFICIAL'S NAME

DATE EXECUTED

EXECUTED IN THE COUNTY OF

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME