

INVITATION FOR BID NO. 2010-01
KIT FOR NEW PARENTS

A. Purpose and Description of Services

The purpose of this Invitation for Bid (IFB) is to solicit and secure a firm that can provide the "*Kit for New Parents*," hereafter referred to as "*Kit*," which is a resourceful toolbox filled with educational and promotional materials geared toward new and expecting parents. The *Kit* contains basic information on parenting skills, the importance of early childhood development, and key resources available to parents and caregivers of young children.

Bid responses must address all of the requirements described in this Invitation for Bid (IFB); see detailed services in the sample Agreement, Scope of Work, Exhibit A, Scope of Work; Exhibit A-1, Basic *Kit* Component Specifications; and Exhibit A-2, Example of Previous County Commissions Custom *Kit* Specifications.

B. Background

First 5 California launched the *Kit for New Parents* in November 2001. The current required components in the *Kit* include:

- Wire-O Book
- Soft-covered book titled "What to Do When Your Child Gets Sick"
- Baby board book
- Pamphlet and refrigerator magnet with poison control information
- Congratulations letter
- Two DVDs on parenting issues in a wallet
- Oral health segments for Educational Message Services
- Master pack carton
- Product box that contains the above components

This IFB is for the production and/or procurement to fulfill and produce all *Kit* components. It includes the ordering, assembling, and shipping of *Kits* to individuals and to our partners. The *Kit* is available in English, Spanish, Mandarin, Cantonese, Vietnamese, and Korean. All versions will be produced and disseminated under the awarded Agreement. The successful bidder will be provided with masters of the *Kit* components in each language, and will be responsible for performing the contracted services in sample Agreement.

Kits containing only the above-mentioned components in Section B are referred to as "basic *Kits*," and *Kits* with varied additional components are referred to as "customized *Kits*." Approximately 21 counties will provide the successful bidder

with items to customize their *Kits*. Refer to the example of customized items in Exhibit A-2 of the sample Agreement.

Each of the current components in the *Kit* was developed by a different organization. The DVDs were adapted from videos furnished by the Parents Action for Children Foundation, which then granted the original tapes to First 5 California. The baby board book and the soft-covered book titled "What to Do When Your Child Gets Sick" are purchased from the holders of the copyrights.

The *Kits* are allocated using two methods:

1. The First 5 California County Commissions in each of California's 58 counties are allocated a number of *Kits* (based on the county's annual birth rate). In turn, each County Commission establishes partnerships with local organizations for "in person" *Kit* dissemination. These partners could include, but are not limited to, delivery hospitals; prenatal clinics; OB/GYNs; Women, Infant, and Children's clinics; and home visiting programs. There are about 8,000 partners throughout the State; approximately 2,000 of them are in Los Angeles County.
2. First 5 California advertises the availability of *Kits* through both paid and free media, including posters and post cards offered by physicians in their offices. Parents may call 800-KIDS-025 for one free English *Kit* or 800-50-NINOS for one free Spanish language *Kit*. Only one *Kit* can be ordered using the 800 numbers, commonly known as the "Hotline. "

C. Problem Statement

First 5 California has developed the *Kit* as a resource for distribution to California's new parents and caregivers each year. First 5 California's main focus is distributing the *Kit* to hard-to-reach families with young children. In addition to new parents, the *Kit* is suitable for caregivers of children from birth to five, many of whom use the toll-free 800-number to order *Kits* for themselves.

D. Key Action Dates and Procurement Official

Below is the tentative time schedule for this procurement:

Event	Date/Time
IFB Available to Prospective Bidders	June 25, 2010
Confirmation to Attend Mandatory Pre-Bid Conference	July 9, 2010
Mandatory Pre-Bid Conference 2389 Gateway Oaks, Suite 260 Sacramento, CA 95833	July 15, 2010 10 a.m.–12 p.m. (PST)
Last Day for Submission of Bidders' Questions	July 16, 2010 5 p.m. (PST)
Post Responses to Written Questions on Bidsync	July 20, 2010
Bid Submittal / Public Bid Opening 2389 Gateway Oaks, Suite 260 Sacramento, CA 95833	July 29, 2010 3 p.m. (PST)
Pre-Award Walk-Through	To Be Determined
Proposed Agreement Start Date	Upon Department of General Services Approval

This procurement is controlled by First 5 California. The First 5 California mailing address and designated Procurement Official are listed below. All inquiries should be sent electronically, unless otherwise specified in this IFB to:

Sofie Paredes
Procurement Official
First 5 California
2389 Gateway Oaks Drive, Suite 260
Sacramento, CA 95833
Telephone: (916) 263-1019
sparedes@ccfc.ca.gov

E. Contract Term

The term of the Agreement is for three (3) years and is anticipated to be effective upon the Department of General Services approval through July 31, 2013. First 5 California reserves the right by mutual agreement to extend the term of the resulting Agreement. Contract extensions are subject to satisfactory performance, funding availability, and approval by the Department of General Services.

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

F. Mandatory Pre-Bid Conference

Parties interested in submitting a bid in response to this IFB ***must*** attend a mandatory pre-bid conference on the date specified in Section D, Key Action Dates.

In the event that a potential bidder is unable to attend the mandatory pre-bid conference, an authorized representative from the bidder's firm may attend on his/her behalf. The representative may sign-in only for one (1) firm. Subcontractors ***may not*** represent a potential prime contractor at the mandatory pre-bid conference. No bid will be accepted unless the bidder or his/her authorized representative was in attendance at the mandatory pre-bid conference.

If applicable, bidder must identify any reasonable accommodation(s) that would be required for them to participate in the pre-bid conference. Please contact the Procurement Official at least ten (10) business days prior to the pre-bid conference to arrange for a reasonable accommodation.

G. Pre-Bid Conference Attendees

Prospective bidders who plan to attend the pre-bid conference are asked to either call or e-mail the Procurement Official at least ten (10) business days in advance to confirm his/her attendance. Advance notice would help secure a conference room large enough to accommodate all attendees.

H. Scope of Work

Reference the Agreement, "Scope of Work," which contains a detailed description of the services and work to be performed as a result of this procurement and is included in this IFB (Standard Agreement 213, Exhibits A, A-1, A-2, A-3, B, B-1, B-2, and D).

I. Minimum Qualification Requirements

Failure to meet the following requirements by the bid due date will be grounds for First 5 California to deem a bidder nonresponsive. In submitting a bid, each bidder must certify that it possesses the following qualification requirements:

1. At least three (3) consecutive years of experience in managing contracts with multi-million dollar budgets and similar scope of work, including management, procurement, fulfillment, distribution, printing and/or video production that requires the involvement of multiple partners, and organizations/agencies with relevant specialized expertise, often under tight timelines.
2. Possession of sufficient and available funds to operate all project activities without restrictions, limitations, or conditions for at least 60 days of project expenditures.
3. Bidders must certify their willingness to comply with all terms and conditions addressed in the IFB section entitled, "Contract Terms and Conditions," including those terms in the referenced exhibits.
4. Corporations must certify they are in good standing with the Secretary of State and qualified to conduct business in California.
5. Non-profit organizations must certify they are eligible to claim non-profit status.
6. Bidders must meet the DVBE participation requirement of at least 3 percent of the total amount of their bid.
7. Bidders must provide résumés for each major contract participant who will exercise a major policy, administrative, or consultative role in carrying out the services.
8. Bidders must provide a copy of their business license in the county/city in which they are incorporated.

In order to demonstrate the above minimum qualifications, submit the following items with bid response:

1. A description, maximum of three (3) pages, of a qualifying project; identify the product, budget, scope of work as enumerated in Item No. 1 above, and identify timelines and use of subcontractors or partners.

2. Copy of financial statements demonstrating adequate cash or proof of credit line in order to operate all project activities and make necessary payments before being reimbursed by the State for expenses incurred for 60 days of the contract.
3. Bidders must provide three (3) business references and have a past record of sound business integrity and history of responsiveness to past contractual obligations.
4. Narrative describing contractor's ability to provide services and detailed description of contractor's IT system.
5. Bidders must specify the location where administration, fulfillment, and warehouse services will be provided. For example, if administrative work and Information Technology components of this IFB are provided in a location separate from warehousing, please specify the complete address(es) of the facility(ies) where each service is provided on Exhibit A-3, Contractor Business Locations. Facilities must be located within a 20-mile radius from each location specified. First 5 California reserves the right to inspect the locations prior to contract award in order to determine if contractor can perform all services required in the Agreement.

J. Responsible Bidder

First 5 California may require bidder(s) to submit evidence of their qualifications at such times, and under such conditions, as it may determine appropriate. The question of whether a particular bidder is a responsible bidder involves a pass/fail evaluation of the bidder's experience, facilities, reputation, financial resources, and other factors existing at the time of contract award. Being placed on the State bid list shall not preclude the State from determining that the bidder is not a responsible bidder. If determined not to be a responsible bidder, the bid will be rejected.

K. Bid Format and Content Requirements

1. General Instructions

- (a) Each individual or firm may submit only one bid. For the purposes of this paragraph, "firm" includes a parent corporation of a firm and any other subsidiary of that parent corporation. If a firm or individual submits more than one bid, First 5 California will reject all bids submitted by that firm or individual.
- (b) Develop bids following all IFB instructions and/or IFB addenda.

- (c) Before preparing a bid, seek timely written clarification of any requirements or instructions that are believed to be vague, unclear, or that are not fully understood.
- (d) Arrange for timely delivery of the bid package to the specified address. Do not wait until immediately before the bid submission deadline to submit the bid.

2. Number of Bid Copies

- (a) The bidder must provide one (1) printed **Master** copy of his/her bid and any supporting documentation, clearly labeled "Master." The master copy must include original signatures by a person who is authorized to bind the bidding firm on all required signature lines (e.g., cover letter, forms, certifications, etc.).
- (b) Bidders must submit a total of five (5) complete bid response packages, which consists of one "**Master**" bid response package and four (4) complete copy sets of the Master. The "Master" must contain all original signatures. All bids must be submitted under sealed cover which is to be plainly marked "*Kit for New Parents* for IFB No. 2010-01." **Bids not received by the date and time specified in Section D, Key Action Dates, will be rejected.**

If discrepancies are found between two (2) or more copies of the bid responses, the bid may be rejected. However, if not rejected, the Master copy will be the basis for resolving discrepancies.

3. Required Attachments / Documentation

Attachment 1 lists the documents that must be submitted with the bidder's bid response package. This section specifies the order and content of each bid and, where applicable, indicates form/attachment completion instructions. When completing the attachments, follow the instructions appearing on the attachment. Unless otherwise indicated, do not submit supplemental information or other materials that First 5 California has not requested.

After completing and signing the applicable attachments, assemble all items in the order shown in Attachment 1, and place them in a **sealed** envelope. Remember to assemble one (1) Master bid package plus four (4) copies or sets.

L. Submission of Bids

1. Submission Instructions

- (a) Assemble together a Master and four (4) copies of the bid package. Place the "Master" bid package on top, followed by the four (4) extra copies.
- (b) Place the Master and all duplicated sets in a single envelope or package. Seal the envelope.
- (c) Mail or arrange for hand-delivery of the bid package to First 5 California's Procurement Official. Bids may not be transmitted electronically by fax or e-mail.
- (d) First 5 California must receive the bid package, regardless of postmark or method of delivery, no later than the date and time specified in Section D, Key Action Dates. **Postmarks will not be accepted.** First 5 California will not open or read "late" bids.
- (e) Mail or deliver bids to First 5 California's Procurement Official listed in Section D. If mailed, First 5 California recommends that bidders use a mail carrier that will provide a verification and certification of the delivery date. It is the responsibility of the bidder to ensure that the bid is received by First 5 California within the specified timeframe. The State assumes no responsibility for untimely delivery, lost mail, etc.
- (f) **Bidder Warning**
 - 1) If the bid package is mailed, consider using certified or registered mail and request a receipt upon delivery. U.S. mail may add 48 hours or more to the delivery time. First 5 California will not accept late bids regardless; therefore, anticipate any potential delays caused by U.S. mail, courier, traffic, or otherwise.
 - 2) For hand-deliveries, allow sufficient time to find First 5 California's location. Bidders are warned not to surrender their bids to the care of a person other than First 5 California staff.

2. Proof of Timely Receipt

- (a) First 5 California staff will attach a bid receipt to each bid package/envelope received. If a bid package is hand-delivered, First 5 California staff will give a bid receipt to the hand carrier upon request.

(b) To be timely, First 5 California must receive bid packages at the stated place of delivery no later than 3:00 p.m., Pacific Standard Time, on the bid due date. U.S. postmarks will not serve as proof of timely delivery.

(c) First 5 California will deem late bid packages nonresponsive.

3. Bidder Costs

Bidders are responsible for all costs of developing and submitting a bid package. Such costs cannot be charged to First 5 California or be included in any cost element of a bidder's price offering.

M. Public Bid Opening

All bid packages properly received according to the IFB instructions on or before the bid due date and time will be publicly opened and read on the date and time specified in Section D, Key Action Dates, at the following address:

First 5 California
2389 Gateway Oaks Drive, Suite 260
Sacramento, CA 95833

Bidders who plan to attend the public bid opening must notify the Procurement Official listed in Section D within three (3) business days before the bid opening date specified in the Key Action Dates. If applicable, bidder must identify any reasonable accommodation(s) that would be required for them to participate.

All bidders who attend the public bid opening must check in at the front desk. Bidders are encouraged to be on time, as the bid opening will commence precisely at the hour specified in Section D, Key Action Dates.

N. Bid Requirements and Information

1. Nonresponsive Bids

In addition to any condition previously indicated in this IFB, the following occurrences **may** cause First 5 California to deem a bid nonresponsive:

(a) Failure of a bidder to:

- 1) Meet DVBE participation goals of at least 3 percent.

- 2) Meet bid format/content or submission requirements including, but not limited to, the sealing, labeling, and/or timely and proper delivery of bid packages.
 - 3) Submit all required documents listed in Attachment 1 of this IFB.
- (b) If a bidder submits:
- 1) A bid that is conditional, materially incomplete, or contains material alterations or irregularities of any kind.
 - 2) Price information that contradicts the price/cost figures on the Bid Response Form cost sheet or submits cost information in a format contrary to the IFB instructions.
 - 3) False, inaccurate, or misleading information or falsely certified compliance on any bid attachment.
- (c) If First 5 California discovers, at any stage of the bid process or upon contract award, that a bidder is unwilling or unable to comply with the contract terms, conditions, and exhibits cited in this IFB and/or the resulting contract.
- (d) If other irregularities occur in a bid response that are not specifically addressed herein (i.e., the bidder places any conditions on performance of the scope of work, submits a counter offer/proposal, etc.).

2. Bid Modifications after Submission

- (a) All bid packages must be complete when submitted. However, an entire bid package may be withdrawn prior to the bid submission due date. The bidder may resubmit a new bid package by the bid submission due date specified in Section D, Key Action Dates.
- (b) To withdraw and/or resubmit a new bid package, follow the instructions appearing in Section 4 entitled, "Withdrawal and/or Resubmission of Bids."

3. Bid Mistakes

If prior to contract award, award confirmation, or contract signing, a bidder discovers a mistake in his/her bid that renders the bidder unable or unwilling to perform all scope of work services for the price/costs offered, the bidder must immediately notify First 5 California and submit a written request to withdraw its bid following the procedures set forth in Section K, 4.(b) below.

4. Withdrawal and/or Resubmission of Bids

(a) Withdrawal deadline

- 1) A bidder may withdraw his/her bid any time prior to the bid due date.

(b) Submitting a withdrawal request

- 1) Submit a written withdrawal request signed by an authorized representative of the bidder.
- 2) Label and submit the withdrawal request through U.S. mail, hand delivery, or fax to the First 5 California Procurement Official in Section D.
- 3) Bidders must call (916) 263-1019 to confirm receipt of a faxed withdrawal request. Follow-up the faxed request by mailing or delivering the signed original withdrawal request within 24 hours after submittal.

An originally signed withdrawal request is generally required before First 5 California will return/release a bid package to a bidder. First 5 California may grant an exception if the bidder informs First 5 California that the bidder will submit a new or replacement bid package immediately following the withdrawal.

(c) Resubmitting a Bid Package

After withdrawing a bid package, bidders may resubmit a new package according to the submission instructions. Replacement bid packages must be received at the stated place of delivery by the due date and time specified in Section D, Key Action Dates.

5. Evaluation and Selection

This section describes the process that First 5 California will use to evaluate timely bid packages.

(a) Bid opening/reading

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

(b) Bid package review

- 1) Shortly after the bid opening and reading, evaluators will convene to review each timely bid package to confirm its responsiveness to the IFB requirements. This is a pass/fail evaluation.
- 2) If deemed necessary by First 5 California, additional bidder documentation may be collected to confirm the claims made by each bidder and to ensure that each bidder is responsive to all bid requirements.
- 3) If the materials submitted by a bidder do not prove, support, or substantiate the claims made on the Required Attachment Checklist, the bid will be deemed nonresponsive and rejected from further consideration.

(c) If applicable, First 5 California will adjust bid amounts for any claimed preference following confirmation of eligibility with the Department of General Services.

(d) First 5 California will post a Notice of Intent to Award notification upon written request by a bidder.

6. Pre-Award Walk-Through

Prior to contract award, First 5 California staff shall conduct a pre-award walk-through of the bidder's facility to confirm business location(s), business structure, and IT system specified in bidder's response. The bidder must make their facility(ies) available to First 5 California staff during normal business hours 8:00 a.m. – 5:00 p.m., Monday through Friday following the bid opening date.

7. Contract Award and Protests

(a) Contract Award

- 1) The contract, if awarded, will go to the lowest responsive and responsible bidder meeting all administrative and technical requirements, terms, and conditions of this IFB. The lowest bid will be determined after First 5 California adjusts bidder costs for applicable preferences. **NOTE: First 5 California shall determine the lowest bid using the amount provided in Exhibit B-2, BASIS OF AWARD; however, the total amount of the Agreement shall not exceed \$15,000,000, the amount reflected in the pre-signed Std. 213.**

- 2) After selecting a bidder for possible contract award under this IFB, First 5 California shall post in its reception area an Intent to Award notification if requested in writing by any of the bidders (PCC § 10345). If First 5 California awards to the lowest responsible bidder and no requests have been made to publicly post the Intent to Award notification, First 5 California will award the contract without delay.

(b) Settlement of Tie Bids

- 1) In the event of a precise tie between the lowest responsive bid submitted by a certified small business or micro business and the lowest responsive bid submitted by a certified DVBE that is also a certified small business, the contract will be awarded to the DVBE bidder per Government Code Section 14838(f) et seq.
- 2) In the event of a precise tie between the lowest responsive bid submitted by a non-small business that was granted small business subcontractor preference and the lowest responsive bid submitted by a certified small business or micro business, the contract will be awarded to the certified small business or micro business.
- 3) In the event of a precise tie between the lowest responsive bid submitted by a nonprofit veteran service agency (NVSA) that is a certified small business and the lowest responsive bid submitted by a certified DVBE that is also a certified small business, the contract will be awarded to the certified DVBE.
- 4) In the absence of a California law or regulation governing a specific tie, First 5 California will settle all other tie bids by awarding to the lowest responsive bid offering the highest discount on his/her bid response, Exhibit B-2, Cost Sheet. If not applicable or if there is a discount tie, a coin toss or lost drawing will be used to determine the bidder entitled to the contract award. In no event will First 5 California settle a tie by dividing the work among the tied bidders.

(c) Protests

Whenever an Agreement is awarded under a procedure that provides for competitive bidding, but the Agreement is not to be awarded to the low bidder, the low bidder shall be notified by telegram, electronic facsimile transmission, overnight courier, or personal delivery five (5) working days prior to the award of the Agreement.

Upon written request by any bidder, notice of the proposed award shall be posted in a public place in the office of the awarding agency.

If any bidder, prior to the award of Agreement, files a written protest in accordance with Public Contract Code (PCC) 10345, with the Department of General Services, Office of Legal Services, on the grounds that the (protesting) bidder is the lowest responsive responsible bidder, the Agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter.

Within five (5) days after filling the initial protest, the protesting bidder shall file with Department of General Services and the awarding agency a detailed written statement specifying the grounds for the protest. The written protest must be sent to the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605. A copy of the detailed written statement should be mailed to the awarding agency. First 5 California suggests that any protest be submitted by certified or registered mail.

8. Disposition of Bids

- (a) All materials submitted in response to this IFB will become the property of First 5 California and, as such, are subject to the Public Records Act (Government Code Section 6250, et seq.). First 5 California will disregard any language purporting to render all or portions of any bid package confidential.
- (b) Upon posting of a Notice of Intent to Award, if requested, all documents submitted in response to this IFB and all documents used in the selection process (e.g., review checklists, letters of intent, etc.) will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and shall be subject to review by the public. However, bid contents, bidder correspondence, selection working papers, or any other medium shall be held in the strictest confidence until the Notice of Intent to award is posted.

9. Inspecting or Obtaining Copies of Bids

- (a) Who can inspect or copy bid materials

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

(b) What can be inspected / copied and when

- 1) After First 5 California releases the IFB, any existing bidders list (i.e., list of firms to whom this IFB is sent) is considered a public record and will be available for inspection or copying.
- 2) On or after First 5 California releases the Notice of Intent to Award, all bids, bidders list, conference sign-in/attendance sheet, checklists, and/or evaluation sheets become public records. These records shall be available for review, inspection, and copying during normal business hours by appointment only.

(c) Inspecting or obtaining copies of bid materials

Persons wishing to view or inspect any bid-related materials must identify the items they wish to inspect and must make an inspection appointment by contacting First 5 California's Procurement Office at (916) 263-1019.

Persons wishing to obtain copies of bid materials may visit by appointment or mail a written request to the First 5 California office identified below. The requestor must identify the items they wish to have copied. Materials will not be released from State premises for the purposes of making copies.

Unless waived by First 5 California, a check covering copying and/or mailing costs must accompany the request. Copying costs, when applicable, are charged at a rate of **twenty cents** per page. First 5 California will fulfill all copy requests as promptly as possible. Submit copy requests as follows:

Request for Copies for IFB No. 2010-01
Kit for New Parents

Sofie Paredes, (916) 263-1019
First 5 California
Contracts Office
2389 Gateway Oaks Drive, Suite 260
Sacramento, CA 95833

10. Verification of Bidder Information

By submitting a bid, bidders agree to authorize First 5 California to:

- (a) Verify any and all claims made by the bidder including, but not limited to, verification of prior experience and the possession of other qualification requirements.

- (b) Check any reference identified by a bidder or other resources known by the State to confirm the bidder's business integrity and history of providing effective, efficient, and timely services.
- (c) Bidder's place of business for services required in the scope.

11. First 5 California Rights

In addition to the rights discussed elsewhere in this IFB, First 5 California reserves the following rights.

- (a) IFB corrections
 - 1) First 5 California reserves the right to do any of the following up to the bid submission deadline:
 - a) Modify any date or deadline appearing in the IFB Key Action Dates.
 - b) Issue clarification notices, addenda, alternate IFB instructions, forms, etc.
 - c) Waive any IFB requirement or instruction through an addendum for all bidders if First 5 California deems said requirement or instruction unnecessary, erroneous, or unreasonable.
 - d) Allow bidders to submit questions about any IFB change, correction or addenda.
 - 2) First 5 California may remedy or waive an IFB error or defect that is not a material deviation. A deviation from a requirement is considered "material" if the deficient response is not in substantial accord with the solicitation requirements, or provides an advantage to one bidder over others. Material deviations cannot be waived.
 - 3) If applicable, First 5 California will post online clarification notices or addenda to inform all persons/firms receiving this IFB.

Exceptions may occur, if First 5 California determines as appropriate, just before or on the bid due date, to extend the submission deadline. If this occurs, First 5 California will notify potential bidders of the extension by posting an addendum online via Bidsync and on the First 5 California Web site.

(b) Collecting information from bidders

- 1) If deemed necessary, First 5 California may request a bidder to submit additional documentation following the bid opening and/or evaluation. First 5 California will advise the bidders orally, via e-mail, or in writing of the documentation required and the timeline for submitting it. First 5 California will follow-up oral instructions in writing by fax, e-mail, or mail. Failure to submit the required documentation by the date and time indicated may cause First 5 California to deem a bid nonresponsive.
- 2) First 5 California, at its sole discretion, reserves the right to collect by mail, e-mail, fax, or other method, the following omitted and/or additional information:
 - a) Signed copies of forms submitted without a signature, except cover letters, bid forms, cost sheets, or DVBE forms.
 - b) Data or documentation omitted from any submitted IFB attachment/form.
 - c) Information/material needed to clarify or confirm certifications or claims made by a bidder.
 - d) Information/material or form needed to correct or remedy any immaterial defect in a bid package.

(c) Immaterial bid defects

- 1) First 5 California may waive any immaterial defect in any bid package and allow the bidder to remedy those defects. First 5 California reserves the right to determine what constitutes an immaterial deviation or defect.
- 2) First 5 California's waiver of an immaterial defect in a bid package shall in no way modify this IFB or excuse a bidder from full compliance with all bid requirements.

(d) Correction of clerical or mathematical errors

- 1) First 5 California reserves the right, at its sole discretion, to overlook, correct, or require a bidder to remedy any obvious clerical or mathematical errors on a bid form.

- 2) If the correction of an error results in an increase or decrease in the total price, First 5 California shall give the bidder the option to accept the corrected price or withdraw their bid.
- 3) Bidders may be required to initial corrections to costs and figures on the bid form if the correction results in an alteration of the cost(s) offered.
- 4) If a mathematical error occurs in a total or extended price and a unit price is present, First 5 California will use the unit price to settle the discrepancy. If a discrepancy occurs between the Basis of Award and the Sum of the Item Totals, the Sum of the Item Totals shall prevail.

(e) Right to remedy errors

First 5 California reserves the right to remedy errors caused by:

- 1) First 5 California office equipment malfunctions or negligence by agency staff.
- 2) Natural disasters (i.e., floods, fires, earthquakes, etc.).

(f) No contract award or IFB cancellation

The issuance of this IFB does not constitute a commitment by First 5 California to award a contract. First 5 California reserves the right to reject all bids and to cancel this IFB if it is in the best interest of First 5 California to do so.

(g) Contract amendments after award

As provided in the Public Contract Code governing contracts awarded by competitive bid, First 5 California reserves the right to amend the contract after First 5 California makes a contract award. In the event the contract is amended to increase the amount, the contractor will be required to comply with First 5 California's DVBE program participation requirement for the amended amount.

O. State of California Preference Programs

To confirm the identity of the lowest responsive bidder, First 5 California will adjust the total bid cost for applicable claimed preference(s). First 5 California will apply preference adjustments to eligible bidders according to State regulations following verification of eligibility with the appropriate office of the Department of General Services.

This section presents information on the following State preference programs:

- Small Business Preference
- Non-Small Business Subcontractor Preference
- Target Area Contract Preference Act
- Local Area Military Base Recovery Act Preference
- Enterprise Zone Act
- Non-Profit Veteran Service Agency Small Business Preference

1. Small Business Preference

Government Code Sections 14835 et seq., requires a 5 percent preference be given to prime bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business for the delivery of goods and services, are contained in Title 2, CCR, Sections 1896 et seq. A copy of the regulations is available upon request from the Office of Small Business and DVBE Services (OSDS).

To claim the small business preference, the firm must have its principal place of business located in California, have a complete application (including proof of annual receipts) on file with the OSDS by 5:00 p.m. Pacific Standard Time on the date the final bid is due, and be verified by such office. Questions regarding the preference approval process should be directed to the OSDS at (916) 375-4940.

The small business preference is calculated during the evaluation process and shall be applied toward certified small businesses claiming the preference. For purposes of calculating the small business preference only, 5 percent shall be computed from the lowest responsive bid amount submitted by a non-small business that does not claim a preference. The 5 percent computed shall constitute the small business preference amount. The preference amount shall be deducted from the total bid amount of all responsive certified small business bidders. The preference cost adjustment is for computation purposes only and does not alter the actual cost offered by the bidder. The maximum small business preference amount is \$50,000.

To request the small business preference, the bidder's response should contain a letter requesting the small business preference and include its certification number. The bidder's response should not contain this item if there is no intention to claim this preference.

2. Non-Small Business Subcontractor Preference

A 5 percent bid preference is available to a non-small business committed to using at least 25 percent California-certified small business subcontractor participation. Completed certification applications and required supporting documents must be submitted to the OSDS no later than 5 p.m. Pacific Standard Time on the bid submission due date.

The small business regulations, found at Title 2, CCR, Sections 1896 et seq., concerning the application and calculation of the small business preference, small business certification, responsibilities of small businesses, department certification, and appeals were revised effective September 9, 2004. The latest regulations can be viewed at: www.pd.dgs.c-a.gov/smbus.

3. Target Area Contract Preference Act (TACPA)

The TACPA will be granted to California-based firms, in accordance with Government Code Sections 4530, et seq., whenever contracts for goods or services are in excess of \$100,000 and the bidder meets certain requirements as defined in the California Administrative Code (Title 2 California Code of Regulations [CCR], Sections 1806.30 et seq.) regarding labor needed to provide the goods being procured. Bidder's questions regarding this preference should be directed to:

Adriana Yanez, (916) 375-4604
Preference Programs
Department of General Services

A bidder desiring to claim this preference must complete and submit form STD 830 with its bid. Information on this preference program and form(s) can be found at: www.pd.dgs.ca.gov/edip/tacpa.htm.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action to apply sanctions, as necessary, to enforce preference program requirements.

Bidders are not required to apply for the TACPA preference. Denial of the TACPA preference request is not a basis for rejection of the bid.

4. Local Agency Military Base Recovery Act (LAMBRA)

Government Code Sections 7105 et seq., provide that California-based companies may be granted preferences when bidding on State contracts in excess of \$100,000 if they qualify and apply for the LAMBRA preference.

A bidder desiring to claim this preference must complete and submit form STD 832 with its bid. Information on this preference program and form can be found at: www.pd.dgs.ca.gov/edip/lambra.htm.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action to apply sanctions as necessary to enforce preference program requirements. Bidders are not required to apply for the LAMBRA preference. Denial of the LAMBRA preference request is not a basis for rejection of the bid. Bidder's questions regarding this preference should be directed to:

Adriana Yanez, (916) 375-4604
Preference Programs
Department of General Services

5. Enterprise Zone Act (EZA)

Government Code Sections 7070 et seq., provide that California-based companies may be granted preferences when bidding on State contracts in excess of \$100,000 for goods and services (excluding construction contracts) if the business site is located within designated "Enterprise Zones."

A bidder desiring to claim this preference must complete and submit form STD 831 with its bid. Information on this preference program and form(s) can be found at: www.pd.dgs.ca.gov/edip/eza.htm.

Contracts awarded with applied preferences will be monitored throughout the life of the contract for compliance with statutory, regulatory, and contractual requirements. The State will take appropriate corrective action to apply sanctions as necessary to enforce preference program requirements. Bidders are not

required to apply for EZA preference. Denial of the EZA preference request is not a basis for rejection of the bid. Bidder's questions regarding this preference should be directed to:

Adriana Yanez, (916) 375-4604
Preference Programs
Department of General Services

6. Non-Profit Veteran Service Agency (NVSA) Small Business Preference

- (a) Pursuant to Military and Veteran Code Section 999.50 et seq., responsive/responsible NVSAs claiming small business/micro business preference and verified as such in the relevant category or business type will be granted a preference of 5 percent of the lowest responsive bid, if the lowest responsive bid is submitted by a bidder not certified as a small business/micro business. The "service" category is the business type that will most likely apply to this procurement.
- (b) In granting small business preference to NVSAs, no bid will be reduced by more than \$50,000. The preference cost adjustment is for computation purposes only and does not alter the actual cost offered by the bidder.
- (c) To be eligible for the NVSA small business preference, the business concern must:
 - 1) Request preference at the time of bid submission, and
 - 2) Become certified as a small business or micro business by the Department of General Services prior to contract award. For more information, contact Fleming Duke at (916) 375-4920.
- (d) Refer to the IFB section entitled "Settlement of Tie Bids" to learn how tie bids will be resolved.

7. Combined Preferences

The maximum preference or cost reduction any bidder may be granted for small business, non-small business subcontracting, TACPA, LAMBRA and EZA preference combined may not exceed 15 percent or \$100,000, whichever is less.

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

8. Commercially Useful Function

If a bidder is a California certified small business, in accordance with Government Code, Sections 14837(d)(1)(2), the bidder must address specific aspects of the legislation that requires certified small businesses to perform a commercially useful function as defined in Government Code Sections 14837(d)(4)(A)(B). Therefore, the bidder must provide written documentation for all of the following:

- Bidder is responsible for the execution of a distinct element of the work in the contract.
- Bidder carries out its obligation by actually performing, managing, or supervising the work involved.
- The work to be performed by the bidder is normal for its business services and functions.
- Bidder will not further subcontract a portion of the work that is greater than expected to be subcontracted by normal industry practices.

A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in the transaction, contract, or project through which funds are passed to obtain the appearance of small business or micro business participation. A bidder must provide proof this statement does not pertain to the subcontractor's potential involvement in this procurement.

P. Disabled Veteran Business Enterprise (DVBE) Program Requirements and Incentive

1. DVBE Participation Requirement (at least 3 percent)

The DVBE Participation Program was established to acknowledge disabled veterans for their service and to further DVBE participation in State contracting, promote competition and encourage greater economic opportunity.

Please read this requirement carefully. Failure to comply with the DVBE participation requirement will cause the bidder's response to be deemed nonresponsive, resulting in rejection of the bid.

The DVBE Participation Program for State contracts is contained in Public Contract Code, §10115 et seq., Military and Veterans Code §999 et seq., and California Code of Regulations, Title 2, §1896.60 et seq.

For this procurement, the DVBE Participation Program requirement ***must*** be at least 3 percent (3%) of the value of the total bid response.

Note that recent legislation, Assembly Bill (AB) 4x21, has resulted in changes in the DVBE participation program requirement. In accordance with AB 4x21, the DVBE participation requirement (Good Faith Effort) is hereby deleted in its entirety. For more information on AB 4x21, refer to the following Web site link: http://info.sen.ca.gov/pub/09-10/bill/asm/ab_0001-0050/abx4_21_bill_20090723_amended_sen_v98.pdf

To be considered responsive, bidders must complete and return the Bidder Declaration Form GSPD-05-105 (08/09) and the DVBE Declarations Form STD 843 (05/06), as applicable. Failure to complete and submit all required forms with a bid that fully documents and meets the DVBE program requirement may cause a bid to be rejected.

When completing the GSPD-05-105 Form, bidders must identify all subcontractors proposed for participation in the contract. 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.

Consistent with State policy, all subcontracts must be received and approved by First 5 California for any subcontractor performing work through this procurement prior to the expenditure of funds.

Bidders who have been certified by California as a DVBE (or who are bidding rental equipment and have obtained the participation of subcontractors certified by California as a DVBE) ***must*** also submit a completed (form) STD 843 (Disabled Veteran Business Enterprise Declaration). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the form(s). The completed form should be included with the bid response.

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

This solicitation provides an incentive for DVBE participation over 3 percent (3%).

Bidders may use the forms provided on the following Web sites:

- GSPD 05-105, Bidder Declaration Form (Revised 08/09) is available at: <http://www.documents.dgs.ca.gov/pd/poliproc/MASTEr-BidDeclar08-09.pdf>
- California DVBE Declarations (STD 843) Form (Revised 05/2006) is available at: <http://www.documents.dgs.ca.gov/pd/poliproc/STD-843FillPrintFields.pdf>

2. DVBE Incentive Greater than 3 Percent Participation

For evaluation purposes only, First 5 California shall apply an incentive to bids that propose California certified DVBE participation greater than 3 percent, which will be confirmed by the State. The incentive amount for awards based on low price is as follows:

DVBE INCENTIVE	
Confirmed DVBE Participation	DVBE Incentive
Over 3%	5%

The DVBE incentive will be applied during the bid evaluation process and only to responsive, responsible bidders. For award based on low price, the incentive will be applied by reducing the bid price by the amount of incentive as computed from the lowest responsive and responsible net bid price. If the No. 1 ranked responsive, responsible bid is a California certified small business, the only bidders eligible for the incentive will be California certified small businesses.

Any DVBE participation level over 3 percent and higher will receive the 5 percent incentive, rounded to two (2) decimal places.

Application of the DVBE incentive shall not displace an award to a certified small business with a non-small business. Under the incentive program, a bidder claiming the "Non-Small Business preference" is considered a "non-small" business.

Q. Darfur Contracting Act

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

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

Therefore, PCC §10478(a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency.

A scrutinized company may still, however, submit a bid or a proposal for a contract with a State agency for goods or services if the company first obtains permission from the California Department of General Services according to the criteria set forth in PCC §10477(b).

R. Agreement Terms and Conditions

The successful bidder shall enter into an Agreement with the State which will include the bidder’s bid form or cost sheet, scope of work, standard contract provisions, and one or more of the contract forms and/or exhibits identified below. Other exhibits, not identified herein, may also appear in the resulting Agreement.

The Agreement will not include a hard copy of the GTC 610 (Exhibit C), which is incorporated into the Agreement by reference only on the STD 213. Exhibit C may be downloaded from the Internet at www.ols.dgs.ca.gov/standard+language and printed.

The exhibits identified in this section contain contract terms that require strict adherence to various laws and contracting policies. A bidder’s unwillingness or inability to agree to the terms and conditions shown below or contained in any exhibit identified in this IFB may cause First 5 California to deem a bidder non-responsible and ineligible for an award. First 5 California reserves the right to use the latest version of any form or exhibit listed below in the resulting Agreement if a newer version is available.

In general, First 5 California will not accept alterations to the GTC 610, any Exhibits, or alternate contract/exhibit language submitted by a prospective bidder. First 5 California will consider a bid containing such provisions “a counter proposal” and may reject such a bid.

1. Agreement Forms / Exhibits

Std. 213	Standard Agreement (Print and pre-sign four (4) copies and submit with bid)
Exhibit A	Scope of Work
Exhibit A-1	Basic <i>Kit</i> Component Specifications

Agreement Forms / Exhibits (continued)

Exhibit A-2	Example of Previous County Commissions Custom <i>Kit</i> Specifications
Exhibit A-3	Contractor Business Location(s)
Exhibit B	Budget Detail and Payment Provisions
Exhibit B-1	Additional Budget Detail and Payment Provisions
Exhibit B-2	Cost Sheet (Budget)
Exhibit C	General Terms and Conditions (GTC 610) (incorporated by reference)
Exhibit D	Special Terms and Conditions

2. Contract Execution

The Agreement will be executed only upon the State's acceptance of the contractor's licenses, permits, and receipt of all supporting documentation. Should the contractor fail to commence work at the agreed upon date and time, the State, upon five (5) business day's written notice to the contractor, reserves the right to terminate the Agreement.

This Agreement is not valid until approved by the Department of General Services. The State has no legal obligation unless and until the Agreement is approved and executed. Any work commenced by the contractor prior to approval and execution of the Agreement may be considered voluntary and the contractor may have to pursue a claim for payment by filing with the Victim Compensation and Government Claims Board. When the Agreement is fully approved/executed, a copy will be forwarded to the contractor.

3. Resolution of Differences between IFB and Contract Language

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