



## Request for Proposal

RFP 6104-2019

### PART 1 – BIDDER INSTRUCTIONS

FOR

## NG 9-1-1 Cloud Native or Data Center Call Processing Equipment

Issued by:

State of California

California Governor's Office of Emergency Services (Cal OES)

**Part 1** of the solicitation contains the Bidder and bidding instructions, proposal form instructions, solution requirements and instructions, and all other instructional/compliance information that the Bidder must meet in order to be considered responsive and responsible to the solicitation.

**Part 2** of the solicitation contains all forms a Bidder must complete and return with its Proposal Submission, including the California Department of Technology/Statewide Technology Procurement (CDT/STP) administrative forms, qualification forms, requirement responses, and all exhibits/attachments discussed in Part 1.

**Disclaimer:** The original version and any subsequent solicitation addenda released by the Procurement Official of this solicitation remain the official version. In the event of any inconsistency between the Bidder's versions, articles, attachments, specifications or provisions (which constitute the Contract), the official State version of the solicitation in its entirety shall take precedence.

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# **RFP**

## **PART 1 – BIDDER INSTRUCTIONS**

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## **1. INTRODUCTION**

This solicitation is being conducted under the authority of California Department of Technology (CDT) pursuant to Public Contract Code (PCC) §6611 et seq. The format that bid information is to be submitted and the material to be included therein follows. This solicitation also addresses the requirements that Bidders must meet to be eligible for consideration, as well as addressing Bidders' responsibilities before and after award.

### **1.1. PURPOSE OF THIS REQUEST FOR PROPOSAL**

The purpose of this Request for Proposal (RFP) is to obtain bids from qualified Bidders to result in a multiple award Contract for Next Generation 9-1-1 (NG9-1-1) Cloud Native or Data Center Call Processing Equipment (CPE) Solution with the California Governor's Office of Emergency Services (Cal OES), Public Safety Communications (PSC), CA 9-1-1 Emergency Communications Branch (CA 9-1-1 Branch).

### **1.2. BACKGROUND**

The CA 9-1-1 Branch is authorized by statute Government Code (GC) Sections 53100-53121 to manage and oversee the statewide 9-1-1 emergency communications system. The authority to oversee the expenditures of State Emergency Telephone Number Account (SETNA) funds is provided in the California Department of Finance's Manual of State Funds, 0022. The CA 9-1-1 Branch is responsible for administering the SETNA which provides funding to California Public Safety Answering Points (PSAPs) for 9-1-1 systems and services.

### **1.3. TERM OF CONTRACT**

Effective upon approval of the California Department of Technology (CDT), Statewide Technology Procurement (STP), the term of the Contract is four (4) years with three (3) two (2) year options.

The CA 9-1-1 Branch at its sole discretion, may exercise its option to execute, three (3), two (2)-year extensions to install and maintain CPE solutions and services, ongoing support, and knowledge transfer at the rates identified in EXHIBIT 22, COST WORKBOOK, for a maximum Contract term of ten (10) years.

### **1.4. CURRENT AND PROPOSED ENVIRONMENT**

#### **1.4.1. CURRENT ENVIRONMENT**

The CA 9-1-1 Branch in collaboration with approximately 440 PSAPs provide 9-1-1 services for California. The 9-1-1 services are provided via tariff through one Prime Network Service Provider (PNSP) and four Regional Network Service Providers (RNSP). In 2018, the annual call volume was 27,018,953 with just over 80% coming from wireless devices. The California PSAPs operate and maintain approximately 3,000 call answering positions.

Today, these 3,000 positions are supported by a combination of Hosted Remote and On Premise equipment. The current Contract to support these services is available on the Cal OES website: [www.caloes.ca.gov/911](http://www.caloes.ca.gov/911).

**1.4.2. PROPOSED ENVIRONMENT**

This section is intended to present an overview of the transition from Hosted Remote / On Premise solution to Call Processing Equipment (CPE) that is entirely Cloud Native or Data Center based.

This RFP does not define the solution. The Bidder shall be responsible to deliver a solution utilizing the required technical requirements identified in Exhibit A, STATEMENT OF WORK (SOW) and Exhibit 21, TECHNICAL REQUIREMENTS. The Proposal Requirements, which include the technical requirements supporting this overview are to be included in Section 4, PROPOSAL REQUIREMENTS.

In the event a discrepancy or ambiguity between the requirements described in this section, and the requirements set forth in Section 4, PROPOSAL REQUIREMENTS is detected after the opening of proposals, Section 4, PROPOSAL REQUIREMENTS and the Bidder's response thereto shall have priority over this section.

The CPE solution shall follow the National Emergency Number Association (NENA) i3 Call Flow per NENA-STA-010.2-2016, NENA Detailed Functional and Interface Standards for the NENA i3 Solution. The CPE solution shall utilize the NG 9-1-1 trunks maintained by PNSP and RNSP to deliver all 9-1-1 traffic to the PSAP. The NG 9-1-1 trunks are a CA Public Utilities Commission (CPUC) tariffed service that are maintained by PNSP and RNSP. Figure 1 provides an overview of the NG 9-1-1 traffic flow and identifies the responsibility of PNSP, RNSP, and the CPE provider.

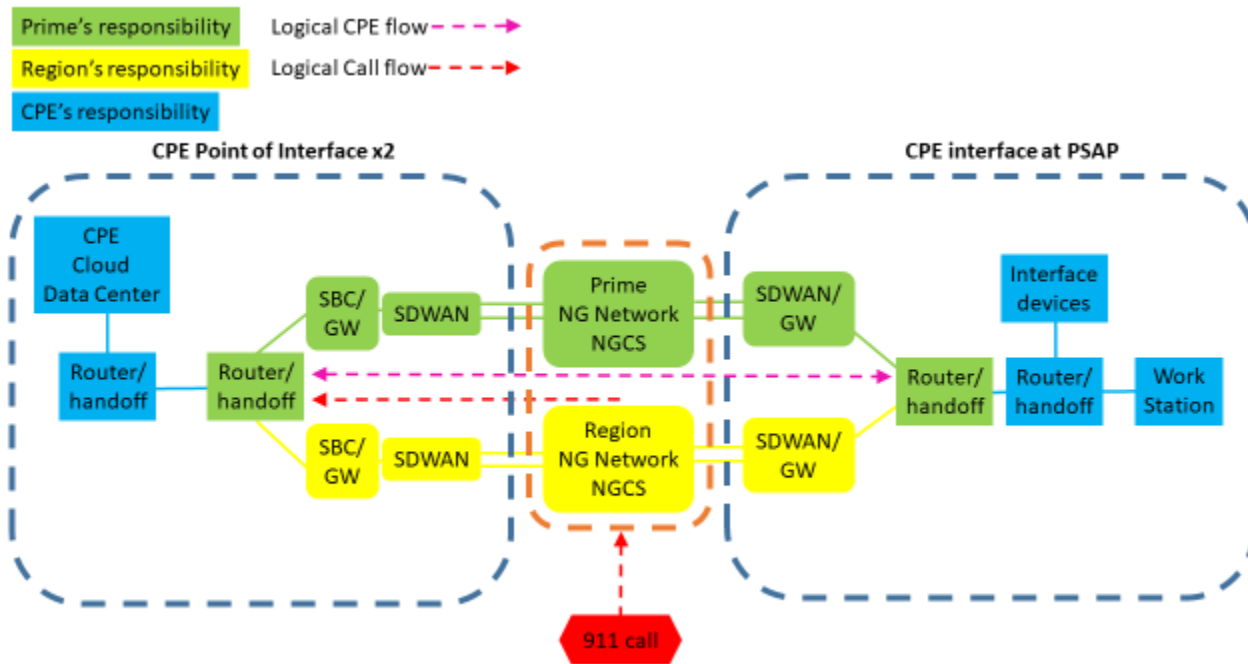


FIGURE 1: NG 9-1-1 TRAFFIC RESPONSIBILITY

**1.5. AMERICANS WITH DISABILITIES ACT (ADA)**

To comply with the nondiscrimination requirements of ADA, it is the policy of the State of California to make every effort to ensure that its programs, activities, and services are available to all persons, including persons with disabilities.

For persons with a disability needing a reasonable accommodation to participate in the procurement process or for persons having questions regarding reasonable accommodations of the procurement process, you may contact the Procurement Official identified in Section 2.2.1. You may also contact the State of California at the numbers listed below.

Important: To ensure that we can meet your need, it is best that we receive your request for reasonable accommodations at least ten (10) working days before the scheduled event, e.g., meeting, conference, workshop, etc., or deadline due-date for procurement documents.

**The California Relay Service Telephone Numbers are:**

<b>TTY/VCO/HCO to Voice</b>	<b>English</b>	<b>1-800-735-2929</b>
	<b>Spanish</b>	<b>1-800-855-3000</b>
<b>Voice to TTY/VCO/HCO</b>	<b>English</b>	<b>1-800-735-2922</b>
	<b>Spanish</b>	<b>1-800-855-3000</b>
<b>From or to Speech-to-Speech</b>	<b>English &amp; Spanish</b>	<b>1-800-854-7784</b>

**2. BIDDING INSTRUCTIONS**

**2.1. BIDDER ADMONISHMENT**

This procurement will follow a phased approach designed to increase the likelihood that Proposal Submissions will be received without disqualifying defects. The additional steps:

- 1) Ensure that the Bidder clearly understand the State's requirements before attempting to develop its Proposal;
- 2) Ensure that the State clearly understands what each Bidder intends to propose before those proposals are finalized;

- 3) Provide an opportunity for the State and each Bidder to discuss weaknesses or potentially unacceptable elements of a Bidder's proposal and gives the Bidder an opportunity to modify its proposal to correct such problems;

Specific information regarding such steps is found in Section 2.5, BIDDING STEPS, Section 2.7 Negotiations, and Section 7, EVALUATION, of the solicitation.

The Bidder should refer to Section 2.5, BIDDING STEPS, to understand the steps applicable to this solicitation. It is the Bidder's responsibility to:

- 1) Carefully read the entire solicitation;
- 2) Ask appropriate questions in a timely manner, if clarification is necessary;
- 3) Submit all required responses by the required dates and times;
- 4) Make sure that all procedures and requirements of the solicitation are accurately followed and appropriately addressed;
- 5) Carefully re-read the entire solicitation before submitting a Proposal Submission.

## 2.2. COMMUNICATIONS AND CONTACTS

The State uses an online procurement system known as *Cal eProcure* to communicate with prospective Bidders and suppliers. Information and ongoing communications for this solicitation will be posted by the State on the *Cal eProcure* website, [www.caleprocure.com](http://www.caleprocure.com).

Only questions submitted in writing and answered in writing by the Procurement Official shall be binding and official. Written questions must be submitted by email to the Procurement Official identified in Section 2.2.1, PROCUREMENT OFFICIAL, using Attachment 1, TEMPLATE FOR QUESTION SUBMITTAL. All written questions submitted by the deadline specified in Section 2.3, KEY ACTION DATES, will be responded to at the same time with all questions and answers posted to *Cal eProcure* in the form of a question and answer set.

Oral communications by Agency/state entity officers and employees concerning this solicitation shall not be binding on the State and shall in no way excuse the Bidder of any obligations set forth in this solicitation.

### 2.2.1. PROCUREMENT OFFICIAL

The Procurement Official is the State's designated authorized representative regarding this procurement.

Bidders are directed to communicate, submit questions, deliver proposals, and submit all other correspondence regarding this procurement to the Procurement Official at the address below in Table 2-1: Procurement Official.

**Table 2-1: Procurement Official**

Department Name:	California Department of Technology, Statewide Technology Procurement
Procurement Official:	Emily Klahn

Department Name:	California Department of Technology, Statewide Technology Procurement
Email:	<a href="mailto:Emily.Klahn@state.ca.gov">Emily.Klahn@state.ca.gov</a>
Phone:	916-628-5661
Secondary Procurement Official:	Raman Pabla
Email:	<a href="mailto:raman.pabla@state.ca.gov">raman.pabla@state.ca.gov</a>
Phone:	916-431-4109

### **2.2.2. QUESTIONS REGARDING THE SOLICITATION DOCUMENT**

Bidders requiring clarification of the intent, terms and conditions, content of this solicitation, or on procedural matters regarding the competitive proposal process may request clarification by submitting questions using Attachment 1, TEMPLATE FOR QUESTION SUBMITTAL, in an email (using the solicitation identification information from the solicitation title page) to the Procurement Official listed in Section 2.2.1. To ensure a response, questions must be received in writing by the scheduled date(s) specified in Section 2.3, KEY ACTION DATES. Question and answer sets will be provided to all bidders without identifying the submitters. At the sole discretion of the State, questions may be paraphrased by the State for clarity.

If a Bidder who desires clarification or further information on the content of the solicitation, but whose questions relate to the proprietary aspect of its proposal and disclosure exposes its proposal to other Bidders, the question may be submitted using the same criteria above with the notation, "CONFIDENTIAL." The Bidder must explain why the question is sensitive in nature. If the State concurs that the disclosure of the question or answer would expose the proprietary nature of the proposal, the question will be answered and both the question and answer will be confidentially maintained. If the State does not concur with the proprietary aspect of the question, the question and answer will not be confidentially maintained and the Bidder will be so notified.

### **2.2.3. INTENT TO BID**

Bidders that want to participate in the solicitation can submit a completed Exhibit 2: Intent to Bid by the date specified in Section 2.3, Key Action Dates. The purpose for the Intent to Bid is to ensure bidders are aware and can comply with cloud based or data center based CPE requirements, CA 9-1-1 Branch invoicing processes, equipment ordering, and all Service Level Agreements (SLAs).

This document shall be emailed to the Procurement Official identified in Section 2.2.1. Only those Bidders acknowledging interest in this solicitation will receive invitations and correspondence applicable to the solicitation (e.g., scheduling dates for confidential discussions, CDT, meetings, etc.) throughout this procurement. Correspondence to a Bidder regarding this solicitation will only be given to the Bidder's designated contact person.

It shall be the Bidder's responsibility to immediately notify the Procurement Official identified in Section 2.2.1, in writing, regarding any revision to the contact person information by the proposal submission date. The State shall not be responsible for proposal correspondence not received by the Bidder if the Bidder fails to notify the State, in writing, about any change pertaining to the designated contact person.

A Bidder must notify the Procurement Official whenever its intent to proposal changes or whenever there is a change in the Bidder's designated contact information.

**2.2.4. BIDDERS' LIBRARY (NOT APPLICABLE)**

**2.2.5. BIDDER'S CONFERENCE (NOT APPLICABLE)**

**2.2.6. SITE VISIT (NOT APPLICABLE)**

**2.2.7. CLOUD COMPUTING SERVICES**

Per the State's Cloud Computing Policy, whenever feasible, Agencies/state entities will utilize the CalCloud services provided by CDT. These service options include Software-as-a-Service (SaaS), Platform as a Service (PaaS), and Infrastructure as a Service (IaaS). For this RFP, CalCloud services provided by CDT are not a viable option due to various requirements identified in Exhibits 21. Vendors are required to host their proposed solution in a manner which complies with the requirements identified in Exhibits 21, TECHNICAL REQUIREMENTS, and if applicable, the [Cloud Computing Services Special Provisions for Software as a Service \(SaaS\)](#).

**2.3. KEY ACTION DATES**

Table 2-3: KEY ACTION DATES provides the key action dates and times by which actions must be taken or completed. If the State finds it necessary to change these dates or times, it will be accomplished via an addendum to this solicitation with the exception of dates listed after the Bidder's submission of Proposal Submission. Dates listed after the Bidder's submission of Proposal Submission are estimated and may be adjusted without addendum to this solicitation. All times listed are for California Pacific Time/Pacific Standard Time.

**Table 2-3: Key Action Dates (KAD)**

Key Action Dates		
Item	Action	Date and Time
1.	Release Pre-Solicitation	December 20, 2019
2.	Confidential meetings with potential bidders	January 17-31, 2020
3.	Release Solicitation	March 26, 2020

Key Action Dates		
Item	Action	Date and Time
4.	Last Day to submit  (a) <b>Exhibit 2</b> , Intent to Bid and Exhibit 3, Confidential Statement.  (b) Last day to submit written questions using Attachment 1	April 9, 2020, 5:00 PM PT
5.	State's response to Bidder's questions, Bidder's request for changes to the requirements and release of potential addendum <sup>1</sup>	April 23, 2020
6.	Last day to submit Proposal <sup>2</sup>	May 12, 2020, 5:00 PM PT
7.	Technical Evaluation Period <sup>3</sup>	May 13 – May 26, 2020
8.	Negotiation	June 1- June 10 , 2020
9.	Contract Award(s)	June 30, 2020
<sup>1</sup> All dates approximate and may be adjusted as conditions indicate. <sup>2</sup> All dates after submission of proposal are approximate and may be adjusted as conditions indicate without addendum to this solicitation. <sup>3</sup> Based on the number of proposals received.		

**2.4. RULES GOVERNING COMPETITION**

This solicitation, the evaluation of responses, and the award of any resultant Contract shall be made in conformance with current competitive bidding procedures as they relate to the procurement of Information Technology (IT) goods and services by public bodies in the State of California.

**2.4.1. IDENTIFICATION AND CLASSIFICATION OF SOLICITATION REQUIREMENTS**

The State has established certain requirements with respect to proposals to be submitted by prospective Contractors. The use of "shall," "must," or "will" (except to indicate simple futurity) in the solicitation indicates a requirement or condition which is mandatory.

A deviation of any non-negotiable requirement identified in Section 2.7, Negotiations, will disqualify a vendor from participating in Negotiations and Contract Award.

A deviation of any mandatory requirement (other than the non-negotiable requirements identified in Section 2.7, Negotiations) must be resolved to the State's satisfaction during negotiations and corrected in the bidder's BAFO.



The words "should" or "may" in the solicitation indicate desirable attributes or conditions, but are non-mandatory in nature.

#### **2.4.2. SOLICITATION DOCUMENTS**

This solicitation document includes, in addition to an explanation of the State's requirements which must be met, instructions which prescribe the format and content of proposals to be submitted and the model of the Contract to be executed between the State and the successful Bidder.

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Bidder shall immediately notify the Procurement Official identified in Section 2.2.1, of such error in writing and request clarification or modification of the document.

Modifications will be made by addenda issued pursuant to Section 2.4.6, ADDENDA. Such modifications shall be given by written notice to all parties who have identified themselves as Bidders to the Procurement Official without divulging the source of the request. Insofar as practicable, the State will give such notices to other interested parties, but the State shall not be responsible therefore.

If the solicitation document contains an error known to the Bidder, or an error that reasonably should have been known, the Bidder shall bid at its own risk. If the Bidder fails to notify the State of the error prior to the date fixed for submission of proposals, and is awarded the Contract, the Bidder shall not be entitled to additional compensation or time by reason of the error or its later correction.

#### **2.4.3. EXAMINATION OF THE WORK**

The Bidder should carefully examine the entire solicitation document and any addenda thereto, and all related materials and data referenced in the solicitation document or otherwise available to the Bidder, and should become fully aware of the nature and location of the work, the quantities of the work, and the conditions to be encountered in performing the work. Specific conditions to be examined may be listed in Section 3, ADMINISTRATIVE REQUIREMENTS and/or Section 4, PROPOSAL REQUIREMENTS.

#### **2.4.4. EXCLUSION FOR CONFLICT OF INTEREST**

No consultant shall be paid out of State funds for developing recommendations on the acquisition of IT products or services or assisting in the preparation of the project approval lifecycle documents (stages 2, 3, or 4) or feasibility study, while in effect, if that consultant is to be a source of such acquisition or could otherwise directly and/or materially benefit from State adoption of such recommendations or the course of action recommended in the project approval lifecycle documents (stages 2, 3, or 4) or feasibility study. Further, no consultant shall be paid out of State funds for developing recommendations on the disposal of State surplus IT

products if that consultant would directly and/or materially benefit from State adoption of such recommendations.

A consultant shall not be eligible to serve as the Prime Contractor or subcontractor pursuant to this solicitation if the Contractor/subcontractor is currently working on the solicitation in an Independent Verification and Validation (IV & V) role.

#### **2.4.5. CONFIDENTIALITY**

Bidder material becomes public only after the Contract(s) has been executed. If material marked "confidential," "proprietary," or "trade secret" is requested pursuant to the Public Records Act, the State will make an independent assessment whether it is exempt from disclosure. If the State disagrees with the Bidder, the State will notify the Bidder and give them a reasonable opportunity to justify their position or obtain a court order protecting the material from disclosure.

The Bidder should be aware that marking a document "confidential" or "proprietary" in a Proposal may exclude it from consideration for award and will not keep that document from being released after notice of award as part of the public record, unless a court has ordered the State not to release the document. The content of all working papers and discussions relating to the Bidder's proposal shall be held in confidence indefinitely, unless the public interest is best served by an item's disclosure because of its direct pertinence to a decision, agreement or the evaluation of the proposal.

Any disclosure of confidential information by the Bidder is a basis for rejecting the Bidder's proposal and ruling the Bidder ineligible to further participate. Any disclosure of confidential information by a State employee is a basis for disciplinary action, including dismissal from State employment, as provided by Government Code §19570 et seq. Total confidentiality is paramount; it cannot be over emphasized.

#### **2.4.6. ADDENDA**

The State may modify the solicitation at any time prior to submission of Proposal Submission by issuing an addendum. Addenda will be numbered consecutively.

#### **2.4.7. BIDDER'S COST TO DEVELOP RFP**

Costs for developing proposals are the responsibility entirely of the Bidder and shall not be chargeable to the State.

#### **2.4.8. DISCOUNTS**

In connection with any discount offered, except when a provision is made for a testing period preceding acceptance by the State, time will be computed from the date of delivery of the supplies or equipment as specified, or from date correct invoices are received in the office

specified by the State if the latter date is later than the date of delivery. When a provision is made for a testing period preceding acceptance by the State, the date of delivery shall mean the date the supplies or equipment are accepted by the State during the specified testing period. Payment is deemed made, for the purpose of earning the discount, on the date of mailing the State warrant or check.

Cash discounts offered by Bidders for the prompt payment of invoices will not be considered in evaluating offers for award purposes; however, all offered discounts will be taken if the payment is made within the discount period, even though not considered in the evaluation of offers.

#### **2.4.9. SIGNATURE OF PROPOSAL**

A cover letter shall be considered an integral part of the Proposal and any proposal form requiring signature, must be signed by an individual who is authorized to bind the bidding firm contractually. The signature block must indicate the title or position that the individual holds in the firm. An unsigned Proposal may be rejected. The draft proposal, if applicable, must also contain the cover letter, including the title of the person who will sign, but need not contain the signature.

#### **2.4.10. IRREVOCABLE OFFER**

A Bidder's Proposal Submission is an irrevocable offer 180 days following the scheduled date of Contract award date specified in Section 2.3, KEY ACTION DATES. A Bidder may elect to extend the offer in the event of a delay of Contract award.

#### **2.4.11. FALSE OR MISLEADING STATEMENTS**

Proposals which contain false or misleading statements, or which provide references that do not support an attribute or condition claimed by the Bidder, may be rejected. If, in the opinion of the State, such information was intended to mislead the State in its evaluation of the proposal, and the attribute, condition, or capability is a requirement of this solicitation document, it will be the basis for rejection of the Bidder's proposal.

#### **2.4.12. JOINT PROPOSALS (NOT APPLICABLE)**

#### **2.4.13. BONDS**

The State reserves the right to require a performance bond or other security document as specified in the solicitation from the Bidder in an amount not to exceed the amount of the Contract. In the event the State requires a surety bond that has not been expressly required by the solicitation, the State will reimburse the Bidder as an addition to the purchase price in an amount not exceeding the standard premium on such bond.

#### **2.4.14. UNFAIR PRACTICES ACT AND OTHER LAWS**

Bidder warrants that its proposal complies with the Unfair Practices Act (Business and Professions Code § 17000 et seq.) and all applicable state and federal laws and regulations.

#### **2.4.15. FAIR EMPLOYMENT AND HOUSING COMMISSION REGULATIONS**

The California Government Code § 12990 requires all state Contractors to have implemented a Nondiscrimination Program before entering into any Contract with the State. The Department of Fair Employment and Housing (DFEH) randomly selects and reviews state Contractors to ensure their compliance with the law. DFEH periodically disseminates a list of Contractors who have not complied. Any Contractor so identified is ineligible to enter into any State Contract.

#### **2.4.16. PLASTIC TRASH BAG CERTIFICATION VIOLATIONS**

Public Resources Code § 42290 et seq. prohibits the State from contracting with any supplier, manufacturer, or wholesaler, and any of its divisions, subsidiaries, or successors that have been determined to be noncompliant to the recycled content plastic trash bag certification requirements. This includes award of a State Contract or subcontract or renewal, extension, or modification of an existing Contract or subcontract. Prior to award, the State shall ascertain if the intended awardee or proposed subcontractor is a business identified on the current California Department of Resources Recycling and Recovery (CalRecycle) noncompliant list(s). In the event of any doubt of the status or identity of the business in violation, the State will notify the CalRecycle of the proposed award and afford the CalRecycle the opportunity to advise the State. No award will be made when either the Bidder or a subcontractor has been identified either by published list or by advice from the CalRecycle, to be in violation of certification requirements.

#### **2.4.17. AIR OR WATER POLLUTION VIOLATIONS**

Unless the Contract is less than \$25,000 or with a non-competitively bid Contractor, Government Code § 4477 prohibits the State from entering into any Contract for the purchase of supplies, equipment, or services from any person, including a corporation or other business association who is in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district, or is subject to a cease and desist order not subject to review issued pursuant to Water Code § 13301 for violation of waste discharge requirements or discharge prohibitions, or is finally determined to be in violation of provisions of federal law relating to air or water pollution.

### **2.5. BIDDING STEPS**

The procurement process may require multiple types of steps or compliance phases, as specified in the RFP that may include: Conceptual Proposal, Detailed Technical Proposal, Draft Proposal, and/or Preliminary proposal (draft submission of only State identified parts or sections

of the Proposal Submission phase). The procurement process requires a mandatory final phase consisting of a proposal submission.

At any point during the procurement phase, the State reserves the right to add a compliance phase to the solicitation.

### **2.5.1. COMPLIANCE PHASE**

The State reserves the right to hold a compliance phase prior to award. The compliance phase is an iterative, conversational mode of proposal and Contract development. It requires the State, working together in confidence with each Bidder, to assess and discuss the viability and effectiveness of the Bidder's proposed methods of meeting the State's needs as reflected in the solicitation. It is a departure from the rigid "either accept or reject" philosophy of traditional competitive bidding, yet it is highly competitive in nature. It provides the flexibility needed for the Bidder to present a preliminary proposal prior to formal submittal of the Proposal Submission, and it facilitates the correction of defects before they become detrimental to the proposal. The compliance phase proposals or preliminary proposals may include the submission of a conceptual proposal and/or a detailed technical proposal and/or a draft proposal by the Bidder and/or confidential discussions of the Bidder's proposal(s), and revised draft proposals to address the correction of defects.

The additional compliance phase step(s) will (1) ensure that the Bidders clearly understand the State's requirements before attempting to develop its Proposal Submission; (2) ensure that the State clearly understands what each Bidder intends to propose before those proposals are finalized; and (3) give the State and each Bidder the opportunity to discuss weaknesses or potentially unacceptable elements of a Bidder's proposal and give the Bidder the opportunity to modify their proposal to correct such problems.

The Bidder is strongly encouraged to follow the scheduled steps of this procurement document in order to increase the chance of submitting a compliant Proposal Submission.

#### **Conceptual Proposal (Not Applicable)**

#### **Detailed Technical Proposal (Not Applicable)**

#### **Draft Proposal (Not Applicable)**

### **2.5.2. PROPOSAL SUBMISSION PHASE**

The purpose of the final phase is to obtain proposals that are responsive in every respect. The Proposal Submission is a mandatory step for all Bidders; all other steps are optional unless otherwise stated in Section 2.3, KEY ACTION DATES.

The Proposal Submission must be complete and include all required signatures, Contract changes issued by the State via an addendum, if any. Cost as identified in Section 6, Proposal Format and Submission Requirements must be submitted under a separate, sealed cover.

### **2.5.3. WITHDRAWAL AND RESUBMISSION / MODIFICATION OF PROPOSALS**

A Bidder may withdraw their Proposal Submission at any time prior to the Proposal Submission date and time specified in Section 2.3, KEY ACTION DATES, by submitting a written notification of withdrawal signed by an authorized representative of the Bidder in accordance with Section 2.4.9, SIGNATURE OF PROPOSAL. The Bidder may thereafter submit a new or modified proposal prior to the respective proposal submission date and time specified in Section 2.3, KEY ACTION DATES. Modification offered in any other manner, oral or written, will not be considered. Other than as allowed by law, Proposal Submissions cannot be changed or withdrawn after the deadline date and time designated for receipt, except as provided in the solicitation.

### **2.5.4. DISPOSITION OF PROPOSALS**

All materials submitted in response to this solicitation will become the property of the State of California and will be returned only at the State's option and at the Bidder's expense. At a minimum, the master copy of the Proposal Submission shall be retained for official files and will become a public record after the Notification of Award is posted. However, materials the State considers as confidential information (such as confidential financial information submitted to show Bidder responsibility) will be returned upon request of the Bidder.

### **2.6. PROTESTS (NOT APPLICABLE)**

This solicitation is being conducted under (PCC) §6611 et seq, protests are not applicable to this solicitation.

### **2.7. NEGOTIATIONS**

The State will conduct negotiations under PCC §6611. The purpose of the negotiation process is to maximize the State's ability to obtain a value effective solution. The State will use the following four (4) non-negotiable items to determine if a bidder's Final Proposal is responsive and the bidder is eligible for Negotiations. The Bidder's response at minimum includes:

- A proposed solution that is in compliance with NENA i3 standards
- No on premise call processing equipment with the exception of workstations, routers, gateways, Uninterrupted Power Supply (UPSs), phone interfaces, logging recorder interfaces, and other serial interfaces.
- Complies with call volume pricing
- Solution must utilize NG 9-1-1 Trunks provided by RNSP and PNSP to deliver all 9-1-1 traffic to the PSAP

Negotiated items will be determined by the State after final proposals are evaluated. If a bidder's Final Proposal deviates from any of the non-negotiable requirements above, the proposal will be rejected and not considered for negotiation or Contract Award. Any deviation of any requirement other than the non-negotiable items above, must be resolved to the State's satisfaction during negotiations and corrected in the bidder's BAFO, if requested.

### **3. ADMINISTRATIVE REQUIREMENTS**

Section 3 contains the mandatory administrative requirements that must be met in order to be considered responsive to this solicitation.

Unless designated otherwise, all of the requirements in this section are mandatory. The documents that must be submitted with the Bidder's Proposal Submission are noted as "Mandatory" or "(M)" in this section.

The administrative requirements listed in this section are denoted as follows:

(M) – All sections labeled as "Mandatory" or "M" are not negotiable. To be considered responsive and responsible to these requirements, all requirements identified as (M) must be responded to. The responses will be evaluated in accordance with Section 7, Evaluation.

(O) - All sections labeled as "Optional" or "O" are not required to be offered by the Bidder in order to be compliant to the solicitation requirements. A Bidder may choose whether to meet administrative requirements labeled as (O) such as those relating to preference points. However, if a Bidder offers any of these (O) requirements, the Bidder must meet the minimum requirements as stated in the section. The State will review responses to optional requirements and apply points, if applicable, per criteria stated in Section 7, Evaluation.

#### **3.1. ABILITY TO PERFORM**

Prior to award of the Contract, the State must be assured that the Bidder selected has all of the resources to successfully perform under the Contract. This includes, but is not limited to, personnel in the numbers and with the skills required; equipment of appropriate type and in sufficient quantity; financial resources sufficient to complete performance under the Contract; and experience in similar endeavors. If, during the evaluation process, the State is unable to assure itself of the Bidder's ability to perform under the Contract if awarded, the State has the option of requesting from the Bidder any information that the State deems necessary to determine the Bidder's responsibility. If such information is required, the Bidder will be so notified and will be permitted five (5) state business days to submit the information requested in writing. Examples of the type of financial responsibility information requested may include annual reports and current audited balance sheets for the Bidder's firm.

### **3.2. PRIMARY BIDDER**

An award, if made, will be to a primary Bidder for the CPE provider. The awarded primary Bidder (s) will be responsible for successful performance of all subcontractors and support services offered in response to this solicitation. All State policies, guidelines, and requirements that apply to the primary Bidder also apply to subcontractors, as applicable to the products and services they provide and to their role as a subcontractor. Furthermore, the State will consider the primary Bidder to be the sole point of contact regarding contractual matters for the term of the resulting Contract. The Bidder shall not assign financial documents to a third-party without prior written approval by the State, and an amendment to the resulting Contract.

### **3.3. SUBCONTRACTORS**

The Bidder shall include a list of all subcontractors with bid submission providing the services outlined in Part 2 – STATEMENT OF WORK, SECTION 10 – SUBCONTRACTORS and use the format provided in EXHIBIT 24: LIST OF PROPOSED SUBCONTRACTORS.

Nothing contained in the resulting Contract shall create any relationship between the State and any subcontractors, and no subcontract shall relieve the Bidder of its responsibilities and obligations. The Bidder is fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by them.

The Contractor shall not change subcontractor(s) and/or Disabled Veteran Business Enterprise (DVBE) subcontractor(s) if such changes conflict with the work to be performed under this Contract. For DVBE subcontractor changes, the Contractor shall utilize another DVBE subcontractor. The State recognizes that changes to subcontractor(s) may be necessary and in the best interests of the State, however, advance notification of a contemplated change and the reasons for such change must be made to the State no more than five (5) business days prior to the existing subcontractor's termination. If this should occur, the Contractor should be aware that the State Contract administrator or designee must approve any changes to the subcontractor(s) prior to the termination of the existing subcontractor(s). This also includes any changes made between submittal of the Proposal Submission and actual start of the Contract.

The State will not compensate the Contractor for any of the Contractor's time or effort to educate or otherwise make the new subcontractor(s) ready to begin work on the Contract.

The Bidder's obligation to pay its subcontractors is an independent obligation from the State's obligation to pay or to enforce the payment of any money to any subcontractor. Contractor is solely responsible for any payments to or claims made by subcontractors.

#### **3.3.1. BIDDER DECLARATION FORM (M)**

The Bidder must complete and submit Exhibit 5: BIDDER DECLARATION GSPD-05-105, with its Proposal Submission. When completing the declaration, the Bidder must identify all subcontractors proposed for participation in the Contract. The Bidder awarded the Contract is



contractually obligated to use the subcontractors for the corresponding work identified, unless the Agency/state entity agrees to a substitution and it is incorporated, in writing. If the Bidder is not using subcontractors, the Bidder must still complete Exhibit 5, BIDDER DECLARATION GSPD-05-105, answering the applicable questions on the form, and submit it with its Proposal Submission. The form is available at:

<https://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd05-105.pdf>

### **3.4. AMENDMENT**

Any Contract executed as a result of this solicitation may be amended consistent with the terms and conditions of the Contract and by mutual consent of both parties, subject to approval by the Statewide Technology Procurement.

### **3.5. FINANCIAL RESPONSIBILITY INFORMATION**

#### **3.5.1. FINANCIAL STABILITY**

In order to minimize the potential risk of default due to financial issues, the State reserves the right to request additional documentation throughout the life of the awarded Contract.

The State must be assured that the Bidder continues to have the financial resources to sustain its operations during system planning, development implementation and maintenance and operations phases.

#### **3.5.2. RESPONSIBILITY CERTIFICATION (M)**

The Bidder must certify in writing, to the best of its knowledge and belief that the Bidder, the Bidder's subcontractor(s) or any personnel related to the Contract to be awarded are not presently debarred, suspended, proposed for debarment or declared ineligible for the award of Contracts by any state or federal agency. The Bidder must submit its certification as Exhibit 16: RESPONSIBILITY CERTIFICATION WITH ITS PROPOSAL SUBMISSION.

The Bidder shall be deemed non-responsive if certification is not submitted with its Proposal Submission, as specified in this section.

### **3.6. GENERAL PROVISIONS**

The Bidder is advised that deviations from the State approved Terms and Conditions may be the basis for rejection of the Bidder's proposal.

#### **3.6.1. GENERAL PROVISIONS – CLOUD COMPUTING – SAAS**

The Contract awarded as a result of this solicitation shall automatically incorporate by reference the Cloud Computing – Software as a Service (SaaS) General Provisions, which can be found at the following URL: [Cloud Computing – Software as a Service \(SaaS\) General Provisions](#)

### **3.6.2. CLOUD COMPUTING SPECIAL PROVISIONS**

If the Bidder's solution includes commercial Software as a Service (SaaS) as part of the solution, the Contract awarded as a result of this solicitation shall automatically incorporate by reference the "Cloud Computing Special Provisions for SaaS," which can be found at the following URL: [Cloud Computing Special Provisions for Software as a Service \(SaaS\)](#)

**The Bidder shall review the "State Model: Cloud Computing Services Special Provisions for SaaS," prior to any confidential meetings with CDT and Cal OES.**

### **3.7. COMMERCIAL GENERAL LIABILITY**

The Contractor shall maintain general liability with limits of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined. The policy shall include coverage for liabilities arising out of premises, operations, independent Contractors, products, completed operations, personal and advertising injury, and liability assumed under an insured Contract. This insurance shall apply separately to each insured against whom a claim is made or suit is brought subject to the Contractor's limit of liability.

The policy must include the State of California, its officers, agents, employees and servants as an additional insured, but only insofar as the operations under the Contract are concerned.

In accordance to GSPD-4011T 09/05/2014, Provision 20, Insurance, the Contractor must furnish insurance certificate(s) evidencing required insurance coverage acceptable to the State, including endorsements showing the State as an "additional insured" if required under the Contract. Any required endorsements requested by the State must be separately provided; merely referring to such coverage on the certificates(s) is insufficient for this purpose. When performing work on state owned or controlled property, Contractor shall provide a waiver of subrogation in favor of the State for its workers' compensation policy.

The Prime Contractor shall agree to furnish the State satisfactory evidence of insurance within ten (10) calendar days of Contract award.

### **3.8. WORKERS' COMPENSATION/EMPLOYER'S LIABILITY (M)**

The Prime Contractor shall maintain statutory workers' compensation and employer's liability coverage for all its employees who will be engaged in the performance of the Contract, including special coverage extensions where applicable. Employer's liability limits of \$1,000,000 shall be required. The Bidder is required to sign Exhibit 7: WORKERS' COMPENSATION CERTIFICATION and submit it with its Proposal.

### **3.9. ADMINISTRATIVE REQUIREMENTS DOCUMENT (M)**

The Bidder must indicate its willingness and ability to satisfy these requirements by marking "Yes" on the "Bidder Agrees Yes/No" column on Exhibit 4: RESPONSE TO ADMINISTRATIVE

REQUIREMENTS. Answering “No” to any of the mandatory administrative requirements or not submitting the required documents with its Proposal Submission may result in the proposal being deemed non-responsive.

### **3.10. COVER LETTER (M)**

The Bidder must complete and submit Exhibit 8, COVER LETTER FORM and submit with their Proposal Submission.

### **3.11. STD 213, STANDARD AGREEMENT SAMPLE**

Exhibit 1, STD 213, STANDARD AGREEMENT form, is included as a sample. Once Contract award is complete, the State will enter all required information prior to moving forward to the signature process step. The Bidder, will be contacted to designate the name and title of the party authorized to bind the Bidder contractually. The State will send the completed finalized Exhibit 1, STD 213, STANDARD AGREEMENT, to the Bidder for signing and return to the State for signature and approval.

### **3.12. STATEMENT OF WORK (M)**

Exhibit A, STATEMENT OF WORK (SOW) identifies and describes the tasks and responsibilities of the Contractor and the responsibilities of the State during the term of the Contract.

The Bidder must document its agreement with the State's SOW in its entirety by indicating, “Yes” on Exhibit 4, RESPONSE TO THE ADMINISTRATIVE REQUIREMENT.

### **3.13. CONFIDENTIALITY STATEMENT (M)**

The Bidder must agree to the State's confidentiality requirements by submitting a signed Exhibit 3: CONFIDENTIALITY STATEMENT, for the Bidder's company. The completed confidentiality statement must be submitted with Exhibit 2: INTENT TO BID, as indicated in Section 2.3, KEY ACTION DATES.

The Bidder engaging in services pertaining to this solicitation, requiring contact with confidential State information or State customer information will be required to exercise security precautions for all such data that is made available and must accept full legal responsibility for the protection of this confidential information. This includes all statistical, personal, technical, and/or other confidential personal data and information relating to the State's operations that are designated confidential by the State.

The Bidder will also be required, upon Contract award, to submit a signed confidentiality statement from all personnel, agents, and subcontractors assigned to the awarded Contract.

### **3.14. SECRETARY OF STATE CERTIFICATION (M)**

If required by law, the Prime Contractor must submit a certificate of status from the California Secretary of State, showing that the Prime Contractor is certified with the California Secretary of State to do business in the State of California. If the Bidder does not currently have this certification, the firm must be certified before a Contract award can be made, and must provide information in the Proposal Submission to support the status of its application to be certified to do business in the State of California.

Domestic and foreign corporations, Limited Liability Companies (LLCs), Limited Liability Partnerships (LLPs) and Limited Partnerships (LPs) must be registered with the California Secretary of State to be awarded the Contract. The California Secretary of State Certificate of Status must be included with the proposal. The required document(s) may be obtained through the California Secretary of State, Certification and Records Unit at (916) 657-5448 or through the following website: <https://businesssearch.sos.ca.gov/>. The Bidder must complete and submit the required documentation as Exhibit 6: Secretary of State Certification, with its Proposal Submission.

### **3.15. SELLER'S PERMIT (M)**

The Contractor must meet requirements set forth in §6452, §6487, §7101 and §18510 of the Revenue and Taxation Code §10295 of the Public Contract Code, requiring the Bidder to provide a copy of its retailer's seller's permit or certification of registration and, if applicable, the permit or certification of all participating affiliates issued by the California Department of Tax and Fee Administration. The Bidder must complete and submit its documentation as Exhibit 25: SELLER'S PERMIT CERTIFICATION, with their Proposal Submission. For more information on seller's permit or certification of registration, refer to the following links:  
<https://www.cdfta.ca.gov/taxes-and-fees/sutprograms.htm>

### **3.16. PAYEE DATA RECORD (STD 204) (M)**

Exhibit 9, PAYEE DATA RECORD indicates the Bidder is subject to state income tax withholdings pursuant to California Revenue and Taxation Code §18662.

The Bidder must complete and submit the Exhibit 9, PAYEE DATA RECORD with its PROPOSAL SUBMISSION as Exhibit 9, PAYEE DATA RECORD. The Bidder must provide the company's Federal Employer Identification Number (EIN) on this form. The form can be located at the following website: <http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>

### **3.17. IRAN CONTRACTING ACT OF 2010 (M)**

Division 2, Part 1, Chapter 2.7 of the Public Contract Code (PCC) is the Iran Contracting Act of 2010. This Act §2203 requires that no one shall submit a proposal for a Contract, or enter into or renew a Contract, with a public entity for goods or services valued at \$1,000,000 or more if that

person (i.e., Bidder or Contractor) engages in investment activities of \$1,000,000 or more as described in PCC §2202.5 pursuant to all provisions of the Iran Contracting Act of 2010. The Iran Contracting Act of 2010, at §2204 requires Bidders to certify at the time the proposal is submitted or the Contract is renewed, that the person is not identified on a list created pursuant to subdivision (b) of PCC §2203 as a person engaging in investment activities in Iran described in subdivision (a) of PCC §2202.5, or as a person described in subdivision (b) of PCC §2202.5, as applicable.

The Bidder must complete and submit Exhibit 10: IRAN CONTRACTING ACT OF 2010, with its Proposal Submission, and, if the Bidder is selected, again each time their awarded Contract is renewed.

**3.18. CALIFORNIA CIVIL RIGHTS LAWS (M)**

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

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).

The Bidder must complete and submit Exhibit 11: CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION, with its Proposal Submission, and, if the Bidder is selected, again each time their awarded Contract is renewed.

**3.19. BONDS AND OTHER SECURITY DOCUMENTS (M)**

The Bidder must submit as Exhibit 19: BOND AND OTHER SECURITY DOCUMENTS, with its Proposal Submission as described below in Table 3-1: BOND REQUIREMENTS. A Proposal Submission submitted without the required documents will be considered non-responsive and will be the basis for rejection of the Bidder’s proposal.

**Table 3-1: Bond Requirements**

<p><b>Item</b></p>	<p><b>Financial Protection for Guarantee of Performance (Proposal process)</b></p> <p><b>Required at Proposal Submission Submittal (Exhibit 19)</b></p>	<p><b>Item</b></p>	<p><b>Surety Bond and Letter of Credit and Other Forms of Guarantee (at Intent to Award stage)</b></p> <p><b>Required only if PSAP requires at ordering level</b></p>
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1a	Letter of Bondability	1b	Performance Bond

**Definitions:**

**1a Letter of Bondability (Required at Proposal Submission)**

The Letter of Bondability shall be from an admitted surety insurer which states the surety unconditionally offers to guarantee to the extent of \$1,000,000 US dollars for CPE provider, the Bidder's performance in all respects of the terms and conditions and provisions of the agreement, Letter of Bondability shall be valid until execution of performance bond.

**1b Performance Bond at PSAP request**

The Bidder shall furnish to the Cal OES, a performance bond security in a form satisfactory to the 9-1-1 Branch Manager at no cost to the State, a Performance Bond in the amount of PSAP request for the CPE provider. The bond shall be on a form from an admitted surety insurer and must guarantee Contractor's compliance with the terms of this Contract. The bond shall be in effect for the duration required by the PSAP.

Failure to submit the required documents may be cause for termination of the Contract.

Because of the potential consequences that might result if the successful Bidder is unable to furnish any of the specified documents, the Bidder should take the necessary steps, prior to submittal of Proposal Submission, to ensure that, if awarded, they can meet these requirements.

**3.20. SOCIOECONOMIC PROGRAMS**

**3.20.1. BIDDER'S PREFERENCE AND INCENTIVE DECLARATION (M)**

The Bidder must complete and submit Exhibit 13: BIDDING PREFERENCE AND INCENTIVES, with its proposal. The Bidder must indicate on Exhibit 13, BIDDING PREFERENCE AND INCENTIVES whether it is or is not claiming each preference and/or incentive. Refer to Section 7, EVALUATION, for details on the amount and application of preference and incentive points during proposal evaluation.

**3.20.2. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM**

The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for State Contracts are established in Public Contract Code (PCC), §10115 et seq., Military and Veterans Code (MVC), §999 et seq., and California Code of Regulations (CCR), Title 2, §1896.60 et seq.

Information regarding the DVBE Program Requirements may be viewed at:

<https://www.dgs.ca.gov/-/media/Divisions/PD/OSDS/Certification/CUF/DVBEIncentiveRequireGoodIT.pdf?la=en&hash=5E7B71A0CE2A4A10243755859C6EB87C44898E94>

The Bidder who has been certified by California as a DVBE (or who has obtained the participation of subcontractors certified by California as a DVBE) must submit a completed form(s) STD.843 DISABLED VETERAN BUSINESS DECLARATIONS for each DVBE. All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign a form for each DVBE and submit as Exhibit 13: BIDDING PREFERENCE AND INCENTIVES. The form is available at:

[https://www.documents.dgs.ca.gov/dgs/fmc/gsp/pd/pd\\_843.pdf](https://www.documents.dgs.ca.gov/dgs/fmc/gsp/pd/pd_843.pdf)

The Office of Small Business and DVBE Services offer program information and may be reached at:

Office of Small Business and DVBE Services  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95606

<https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Certify-or-Re-apply-as-Small-Business-Disabled-Veteran-Business-Enterprise#@ViewBag.JumpTo>

Receptionist: (916) 375-4940 Fax (916) 375-4650

### **3.20.2.1. DVBE PARTICIPATION REQUIREMENT**

For the purposes of this solicitation, the DVBE Participation Requirement has been waived.

### **3.20.2.2. DVBE INCENTIVE (O)**

For Contract award evaluation purposes only, the State shall apply the incentive amount based on the amount of DVBE participation obtained above three percent (3%). The incentive is only given to those Bidders who are responsive to the DVBE program requirement and propose DVBE participation in the resulting Contract that exceeds three percent (3%) participation. If the Bidder is claiming a DVBE incentive, the Bidder must complete the BIDDER DECLARATION GSPD-05-105 form as Exhibit 5, DVBE DECLARATION (STD 843) for each DVBE as Exhibit 12, DVBE DECLARATION, and Exhibit 13: BIDDING PREFERENCES and Incentives, and submit with its Proposal Submission. If the Bidder is not using subcontractors, the Bidder is still required to complete Exhibit 5: BIDDER DECLARATION GSPD-05-105 form, answering the applicable questions on the form and submit with Proposal Submission. See Section 7, EVALUATION, for details on the amount and application of the incentive during proposal evaluation.

The GSPD-05-105 form and its completion instructions are available at:

<http://www.documents.dgs.ca.gov/dgs/fmc/gsp/pd/gspd05-105.pdf>

### **3.20.3. SMALL BUSINESS PREFERENCE (O)**

§14835 et seq. of the California Government Code requires that a five percent (5%) preference be given to Bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business, or qualifying non-small business, are contained in Title 2, California Code of Regulations, §1896 et seq. The definition of nonprofit veteran service agencies qualifying as a small business is contained in §999.50 et seq. of the Military and Veterans Code (MVC). The Bidder must complete and submit Exhibit 13: BIDDING PREFERENCES AND INCENTIVES, and the BIDDER DECLARATION GSPD-05-105 form and submit as Exhibit 5: BIDDER DECLARATION GSPD-05-105, with Proposal Submission. If the Bidder is not using subcontractors, the Bidder must complete the Bidder Declaration GSPD-05-105 form answering the applicable questions on the form and submit it as Exhibit 5: BIDDER DECLARATION GSPD-05-105, with Proposal Submission. More information regarding the Small Business Preference may be found at:

<https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Certify-or-Re-apply-as-Small-Business-Disabled-Veteran-Business-Enterprise#@ViewBag.JumpTo>

### **3.20.4. NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCE (O)**

A five percent (5%) proposal preference is available to Bidders who qualify as a non-small business claiming at least 25 percent (25%) California-certified small business subcontractor participation. If claiming the non-small business subcontractor preference, the Bidder's response must include a list of the small businesses with which the firm commits to subcontract in an amount of at least 25 percent (25%) of the net proposal price with one (1) or more California-certified small businesses. Each listed certified small business must perform a "Commercially Useful Function" (CUF) in the performance of the Contract as defined in Government Code §14838(b)(1)(2).

Bidders claiming the five percent (5%) preference must commit to subcontract at least 25 percent (25%) of the net proposal price with one (1) or more California-certified small businesses. Completed certification applications and required support documents must be submitted to the Office of Small Business and DVBE Services (OSDS) no later than 5 p.m. of the proposal due date, and the OSDS must be able to approve the application as submitted. Questions regarding certification should be directed to the OSDS at (916) 375-4940.

The preference to a non-small business firm that commits to small business or microbusiness subcontractor participation of 25 percent (25%) of its net proposal price shall be given five percent (5%) of the highest responsive, responsible firm's total score. A non-small business that qualifies for this preference, may not take an award away from a certified small business.



If claiming a small business preference or using small business subcontractors, the Bidder must complete the Exhibit 5, BIDDER DECLARATION GSPD-05-105 form and submit as Exhibit 5: BIDDER DECLARATION GSPD-05-105, and Exhibit 13: BIDDING PREFERENCES AND INCENTIVES and submit with Proposal Submission. If the Bidder is not using subcontractors, the Bidder must complete the Exhibit 5, BIDDER DECLARATION GSPD-05-105, answering the applicable questions on the form and submit as Exhibit 5: BIDDER DECLARATION GSPD-05-105 with Proposal Submission.

### **3.20.5. COMMERCIALLY USEFUL FUNCTION (M) IF APPLICABLE**

All certified small business, micro business, and/or DVBE Contractors, subcontractors or suppliers must meet the Commercially Useful Function (CUF) requirements under Government Code Section 14837 (for SB), Military and Veterans Code Section 999 (for DVBE), and Title II California Code of Regulations, Section 1896.4 and 1896.62.

A Contractor, subcontractor, or supplier will not be considered to perform a CUF if the Contractor's, subcontractor(s), or supplier's role is limited to that of an extra participant in the transaction, the awarded Contract, or project through which funds are passed to obtain the appearance of small business or micro business participation.

The Bidder must complete Exhibit 14: CUF CERTIFICATION for each Small Business and/or DVBE (prime and/or subcontractor(s)). All Bidders and subcontractors identified in the proposal response to fulfill the requirements for one (1) or more of the socio-economic programs (DVBE and small business) must perform a CUF in the resulting Contract. CUF is defined pursuant to MVC §999(b)(5)(B) and Government Code §14837(d)(4)(A) for the DVBE and small business programs, respectively.

Bidders claiming one (1) or more of the socio-economic programs must complete the Exhibit 5, BIDDER DECLARATION GSPD-05-105 form and submit as Exhibit 5: BIDDER DECLARATION GSPD-05-105, with its Proposal Submission. If the Bidder is not using subcontractors, the Bidder must complete the Exhibit 5: BIDDER DECLARATION GSPD-05-105 form answering the applicable questions on the form, and submit it as Exhibit 5: BIDDER DECLARATION GSPD-05-105 and submit with Proposal Submission. The Exhibit 5: BIDDER DECLARATION GSPD-05-105 is available at:

<https://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd05-105.pdf>

Bidder(s) may be required to submit additional written clarifying information regarding CUF on Exhibit 14: CUF CERTIFICATION. Failure to submit the requested written information as specified may be the basis for rejection of the Bidder's Proposal Submission.

### **3.20.6. TARGET AREA CONTRACT PREFERENCE ACT (TACPA) (O)**

Target Area Contract Preference Act (TACPA) will be granted to California-based firms in accordance with Government Code §4530 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, § 1896.30 et seq.) regarding labor needed to produce the goods or provide the services being procured. The TACPA is optional on the part of the Bidder (not mandatory), is for proposal evaluation purposes only, and does not alter the amount of the awarded Contract.

Bidders wishing to take advantage of this preference will need to review the website below and submit the appropriate response forms as Exhibit 15: TACPA Preference Request Forms, with its Proposal Submission.

The required applications/forms are as follows:

- TACPA (Std. 830)
- Bidder's Summary of Contract Activities and Labor Hours (DGS/PD 525)
- Manufacturer Summary of Contract Activities and Labor Hours (DGS/PD 526).

<https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/Request-a-Target-Area-Contract-Preference>

### **3.21. PRODUCTIVE USE REQUIREMENTS (NOT APPLICABLE)**

### **3.22. HARDWARE/EQUIPMENT (M)**

All equipment must be new and the latest model in current production. Used, shopworn, refurbished, demonstrator, prototype, or discontinued models are not acceptable.

### **3.23. PUBLIC WORKS REQUIREMENTS (NOT APPLICABLE)**

### **3.24. LAWS TO BE OBSERVED (NOT APPLICABLE)**

### **3.25. CONTRACTOR'S LICENSE (M)**

The Bidder shall obtain, at their own expense, all license(s) and permit(s) required by law for accomplishing any work required in connection with this Contract. At a minimum, a California C-7 license is required prior to commencement of work which may include the installation of cable and wiring and electrical modification. Contractors or subcontractors performing cable and/or wiring installation work or structural modifications are required to have the appropriate State contractor's license. The license must be in the name of the company or the name of the "qualifying individual" of the company. It is the Contractor's responsibility to ensure that the Contractor and/or Subcontractor maintain a current CA C-7 license during the term of the Contract and may be verified by the State at any time. The Contractor may not perform any work at or with a PSAP without valid license. If there are any other permits or licenses required for a project at a PSAP, the Contractor will be required to obtain at their own cost.

#### **4. PROPOSALS REQUIREMENTS**

Section 4 contains the mandatory qualifications, requirements pertaining to the required services that must be met in order to be considered responsive and responsible to this solicitation. In addition to meeting these requirements, the Bidder must adhere to Exhibit A: STATEMENT OF WORK of this solicitation.

Unless designated otherwise, all of the requirements in this section are mandatory. The documents that must be submitted with the Bidder's Proposal Submission are noted as Mandatory "(M)" and Mandatory Scored "(MS)".

The State has determined that it is best to define its own needs, desired operating objectives, and desired operating environment. The State will not tailor these needs to fit some solution a Bidder may have available; rather, the Bidder shall propose to meet the State's needs as defined in this solicitation.

The Bidder qualifications and solution requirements listed in this section are denoted as follows:

- 1) (M) Sections labeled as "Mandatory" or "M" require a bidder response. To be considered responsive and responsible to these requirements, all requirements identified as (M) must be responded to.
- 2) (MS) Sections labeled as "Mandatory Scored" or "MS" require bidder response. To be considered responsive and responsible to these requirements, all requirements identified as (MS) must be responded to. The State's evaluation team will review responses to (MS) requirements and apply points, if applicable, per criteria stated in Section 7, EVALUATION.

##### **4.1. QUALIFICATION REQUIREMENTS**

The Bidder is expected to have a proven record of success and be responsible for all aspects of the service, including any management of subcontractors and the project team/staff proposed.

The Bidder must meet the minimum Bidder Qualification Requirements. Failure to meet any of the minimum requirements shall result in a proposal being deemed non-responsive and therefore disqualified.

##### **4.1.1. BIDDER QUALIFICATIONS (M)**

The Bidder must complete and submit as part of the proposal response, Exhibit 18.1: BIDDER QUALIFICATION FORM, to confirm that the Bidder's experience meets all the minimum requirements identified in Exhibit 18: BIDDER QUALIFICATION FORM - INSTRUCTIONS. It is incumbent upon the Bidder to provide enough detail in Proposal Submission for the state to evaluate the Bidder's ability to meet the requirements and perform the services as described in this solicitation.

The Bidder must provide information for a minimum of two (2) years of experience in the areas indicated in Exhibit 18. A separate Exhibit 18.1: BIDDER QUALIFICATION FORM must be submitted for every project used to meet the minimum required experience.

Experience must have occurred within five (5) years prior to the solicitation release date for all projects and must have been completed in the United States of America or must have followed standards similar to the NENA i3 Call Flow per Figure 1 in NENA-STA-010.2-2016, NENA Detailed Functional and Interface Standards for the NENA i3 Solution.

#### **4.1.2. BIDDER REFERENCES (M)**

The Bidder must complete and submit as part of Proposal Submission, Exhibit 18.2: BIDDER REFERENCE FORM, for each of the projects cited on the corresponding Exhibit 18.1: BIDDER QUALIFICATION FORM.

The purpose of the Bidder reference requirement is to provide the State the ability to assess the Bidder's experience in providing similar or relevant services to other organizations through a satisfaction rating provided by the Bidder's previous project clients. The description of their projects must be detailed and comprehensive enough to permit the State to assess the similarity of those projects to the work anticipated for the Contract resulting from this solicitation.

Exhibit 18.2: BIDDER REFERENCE FORM, must be completed in its entirety, signed, and dated by a reference that perform a management or supervisory role that can attest and validate its performance for the referenced project to be considered responsive. The Exhibit 18.2: BIDDER REFERENCE FORM must be included in the submission with Proposal Submission. Photocopies may be accepted as long as the form, response, and signature are legible. No information corrections or changes may be made on the reference form by the Bidder.

References may be contacted by the State to validate submitted responses based on customer satisfaction in accordance with Section 7, EVALUATION. References must be external to a Bidder's organization and corporate structure.

If the reference is not allowed either legally or by company/organization policy to sign the reference form, the reference must type in its full name with a brief statement on the form outlining the reason they are not permitted to sign the State's reference form. If needed, the State may contact either the Bidder and/or staff references to validate the reference submitted. The evaluation team will make two (2) attempts via phone and/or email to validate Bidder and/or staff experience using the information provided in the Bidder and/or staff reference forms, as applicable.

#### **4.2. SOLUTION REQUIREMENTS**

This section discusses the detailed technical requirements as defined in Exhibit 21, TECHNICAL REQUIREMENTS, pertaining to the proposed services that must be met in order to be considered

responsive and responsible to this solicitation. In addition to meeting these requirements, the Bidder must adhere to Exhibit A: STATEMENT OF WORK of this solicitation.

#### **4.2.1. TECHNICAL REQUIREMENTS (M)**

The Bidder must complete the following exhibits and include each exhibit in its Proposal in accordance with Section 4, PROPOSAL REQUIREMENTS and Section 6, PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS.

The Bidder must complete and submit as part of its Proposal, Exhibit 21: TECHNICAL REQUIREMENTS to be considered as a CPE provider. The Bidder must indicate compliance and confirmation to each of the requirements by marking only "Yes" or "No", with no qualifying statements in the column labeled "Bidder Agrees to meet the Requirement Yes/No". It is incumbent on the Bidder to provide enough detail in the narrative response for Exhibit 21.0 for the State to evaluate the Bidder's ability to meet the requirement.

The Bidder is reminded that in order to be considered responsive and responsible to the requirement, the Bidder must provide enough detail in Proposal in order for the State to evaluate the Bidder's ability to meet the requirement. Refer to Section 7, EVALUATION, for details on how the requirement will be scored as part of the overall evaluation.

#### **4.2.2. NARRATIVE RESPONSE REQUIREMENTS (MS)**

The Bidder must provide a written narrative for the requirements noted in Exhibit 21.0 for the CPE provider and include with its Proposal Submission in accordance with Section 6, PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS. The narrative will be scored based on the evaluation criteria identified in Section 7, EVALUATION.

### **5. COST**

Cost associated with this RFP will be based on the Bidder's cost to perform the services outlined in this RFP and should be at or near prices specified in the authorized Cal OES budget. Any cost elements not specifically identified after Contract award as necessary to meet the requirements in the RFP will be at no additional cost to the State, OSPs, other NG 9-1-1 Service Providers, any PSAPs or any other entity.

Cost is a primary evaluation criterion weighted at 50% of the total (2000) points. Evaluation in this category will be based on the lowest total estimated net cost as calculated according to the methodology in this section and Section 7, EVALUATION.

The intent is to structure the pricing format in order to facilitate a straightforward comparison among all Bidders and foster competition to obtain the best market pricing. Consequently, the State requires that each Bidder's pricing be in the format outlined in this section. Therefore, Bidders are advised that failure to comply with the instructions listed in this section, such as

submission of incomplete proposals or use of alternative pricing structures or different formats than the one requested, may result in the rejection of their proposals.

**Important Note:** It is imperative that no cost information is included in the body of the proposal. Cost information shall only be submitted in the Bidder's Response, Volume 2, Cost and Draft Plans in accordance with Section 6, PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS.

### 5.1. COST WORKBOOK (M)

CPE solution and service costs included in the Exhibit 22, COST WORKBOOK, are those that the Bidder must provide for the term of the Contract as identified in the Exhibit A: STATEMENT OF WORK, of ten (10) years, which includes all costs for optional years as referenced in Section 1.3 TERM OF CONTRACT. All Bidders must provide individual prices as indicated in the cost worksheets and submit with the Bidder's proposal. **Items submitted with no price will be considered as offered at no cost.**

Tab 1, Cover

Tab 2, Instructions

Tab 3, Cost Worksheet #1: CPE Cost Summary

Tab 4, Cost Worksheet #2: CPE Solution and service Costs

Tab 5, Cost Worksheet #3: CPE Integration Costs

Tab 8, Cost Worksheet #4: CPE Labor Costs

### 5.2. COST WORKBOOK INSTRUCTIONS

The Cost Workbook includes multiple Cost Worksheets that must be completed by the Bidder and submitted with its Cost Proposal to be considered responsive. The Cost Worksheets list all cost items required to implement, maintain and operate the proposed solution and services.

Cal OES budgets for CPE on an annual basis based on the authorized budget. Tab 5 within the Cost Workbook includes the estimated CPE cost for FY 2020-2021.

Bidders are required to complete all of the Cost Worksheets, even if there are no costs for the item indicated on the worksheets. In these instances, the Bidder must indicate the cost as a zero (\$0). In addition, if any character other than a numeral is used (e.g., a dash), the State will assume the cost of the item to be zero (\$0). All other fields must not be modified. If the Cost Worksheet is modified or cells are left blank, the State may reject the proposal. The Cost Worksheets must be filled out completely or the proposal may be rejected. Exhibit 22, COST WORKBOOK, Instructions tab contains additional instructions.

The State has included data and the State has populated some of the cells with formulas; however, it is the responsibility of the Bidder to ensure worksheets and calculations are correct and accurate. The State will not assume responsibility for any cost figures that do not calculate properly.

The State expects that during the Contract period, legislative and/or program changes may necessitate modifications to the system and/or software. Modifications may result in unanticipated tasks and be structured based on the Bidder's hourly labor rates identified on Cost Worksheet #4. These rates will be used to support change requests and/or modifications to the Contract and shall be within industry standards so the State can validate fair and reasonable. Bidders shall provide the hourly rates for each of the labor classifications provided in Exhibit 22, COST WORKBOOK. If the State exercises its option(s) to extend the Contract term, each extension will be at the rates provided in Exhibit 22, COST WORKBOOK.

Hourly labor rates will only be used on a limited basis and only with pre-approval from the CA 9-1-1 Branch.

### **5.3. PROJECT PAYMENT TERMS**

Project payment shall be determined on CPE installation, testing, and system acceptance by the PSAP and reported to the CA 9-1-1 Branch as outlined in the SOW Section 19. Upon system acceptance, the CA 9-1-1 Branch will authorize payment for all Non-Recurring Charges (NRC) and Monthly Recurring Charges (MRC) on services that have been installed, tested and validated. Services will be paid in arrears. The Contractor shall issue invoices to the CA 9-1-1 Branch for the milestone services after system testing and acceptance, as agreed by the CA 9-1-1 Branch. The NRC and the MRC shall be on separate invoices. For additional payment details as defined in Exhibit A: STATEMENT OF WORK, Section 36: BUDGET DETAIL AND PAYMENT PROVISIONS.

This Contract is a Zero Dollar Contract, payment is triggered upon successful sale and installation of CPE at the PSAP. Successful bidders shall not be paid until the requirements of the SOW and Technical Requirements Exhibit #21 have been met.

### **5.4. SALES TAX**

Sales tax is not to be included in the Cost Worksheets. If awarded the Contract, sales tax, if applicable, should be added at time of price quote/SOW submission for each individual PSAP project. The sales tax rate applied should be based on the rate of the area where the service is to be provided. See California Department of Tax and Fee Administration 1502 (f) (1) (D).

## **6. PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS**

These instructions identify the mandatory proposal format and the approach for the development and presentation of proposals. The format instructions must be followed, all

requirements and questions in the solicitation must be completed and all requested data must be supplied. The Bidder shall carefully examine the solicitation and be satisfied with the compliance conditions prior to submitting a proposal.

It is important that all proposals be submitted in sealed envelopes/containers and clearly marked or they may be rejected. Proposal submittals must be in the number of copies indicated in Section 6.5, FORMATTING.

The State will not be liable for any costs incurred by any Bidder in responding to this solicitation, regardless of whether the State awards the Contract through this process, decides not to move forward with the project, cancels this solicitation for any reason, or Contracts for the project through other processes or by issuing another solicitation.

### **6.1. PREPARATION**

Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this solicitation document. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the solicitation document instructions, responsiveness to the solicitation document requirements, and completeness and clarity of content. Proposals shall not include any marketing information and shall focus on how the Bidder will satisfy the requirements of this solicitation.

### **6.2. COMPLETION OF PROPOSALS**

Proposals must be complete in all respects as required by this section. A Proposal Submission may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The Proposal Submission must contain all requirement as stated in the RFP.

### **6.3. DATE, TIME, AND ADDRESS OF SUBMITTALS**

Submit all proposals to the Procurement Official listed in Section 2.2.1: PROCUREMENT OFFICIAL. No hard copy submittals will be required for this bid. The Bidder must email the procurement official no more than 2 contacts for proposal upload. An invitation for a file sharing site will be sent to these individuals. It is the bidder's responsibility to confirm receipt with the Procurement Official.

Proposals must be received no later than the date and time specified in Section 2.3, KEY ACTION DATES. A proposal not received by the date and time specified in Section 2.3, KEY ACTION DATES, shall be rejected.



#### **6.4. UPLOAD AND NAMING**

- 1) Once the bidder has emailed the Procurement Official for file sharing site access, the Procurement Official will send the bidder instructions for folder structure and upload requirements. Bidders must follow the instructions provided by the Procurement Official for bid upload.

#### **6.5. FORMATTING**

It is the Bidder's responsibility to ensure its proposal is submitted in a manner that enables the State to easily locate all response descriptions and exhibits for each requirement of this solicitation. Page numbers should be located in the same page position throughout the proposal. Figures, tables, charts, etc., should be assigned index numbers and should be referenced by these numbers in the text and in the Table of Contents. Figures, tables, charts, etc., should be placed as close to text references as possible. The proposal should be organized to identify the volume and section.

Proposals should be submitted in the native file format.

- 1) The following must be shown on each page of the Proposal:
  - a) RFP 6104-2019;
  - b) Name of Bidder;
  - c) Volume number;
  - d) Exhibit Number;
  - e) Page number (Page # of ##).
- 2) Submittals should be organized into appropriate files and folders designed for easy access.

As stated in Section 2.5.5, CONFIDENTIALITY, the Bidder should be aware that marking the Proposal Submission "confidential" or "proprietary" may exclude it from consideration for award.

#### **6.6. FINAL PROPOSAL FORMAT AND CONTENT**

Each volume of the proposal must be submitted in its own folder, labeled by Volume #, and must be structured in the following manner:

##### **6.6.1. VOLUME 1: RESPONSE TO ADMINISTRATIVE REQUIREMENTS AND PROPOSALS REQUIREMENTS**

- 1) Table of Contents;

- 2) This section must contain a Table of Contents. All parts of the proposal, including forms, must be identified by volume and page number. The Table of Contents must identify all figures, charts, graphs, etc.;
- 3) Required solicitation exhibits, in the following order:
  - a) Exhibit 4: RESPONSE TO ADMINISTRATIVE REQUIREMENTS;
  - b) Exhibit 5: GSPD 05-105 BIDDER DECLARATION;
  - c) Exhibit 6: SECRETARY OF STATE CERTIFICATION;
  - d) Exhibit 7: WORKERS' COMPENSATION CERTIFICATION;
  - e) Exhibit 8: COVER LETTER FORM;
  - f) Exhibit 9: PAYEE DATA RECORD;
  - g) Exhibit 10: IRAN CONTRACTING ACT OF 2010;
  - h) Exhibit 11: CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION;
  - i) Exhibit 12: DVBE DECLARATIONS;
  - j) Exhibit 13: BIDDING PREFERENCES AND INCENTIVES;
  - k) Exhibit 14: COMMERCIALLY USEFUL FUNCTION CERTIFICATION;
  - l) Exhibit 15: STD 830 TACPA PREFERENCE REQUEST (required if claiming TACPA preference);
  - m) Exhibit 16: RESPONSIBILITY CERTIFICATION;
  - n) Exhibit 17: CONTRACTOR'S LICENSE INFORMATION;
  - o) Exhibit 19: BOND AND OTHER SECURITY DOCUMENTS;
  - p) Exhibit 24: LIST OF PROPOSED SUBCONTRACTORS;
  - q) Exhibit 25: SELLER'S PERMIT CERTIFICATION;

**RESPONSE TO QUALIFICATION REQUIREMENTS, SOLUTION REQUIREMENTS, AND THE REQUIRED EXHIBITS, IN THE FOLLOWING ORDER:**

- r) Exhibit 18.1: BIDDER QUALIFICATIONS FORM;
- s) Exhibit 18.2: BIDDER REFERENCE FORM(S);
- t) Exhibit 20: NARRATIVE RESPONSE;
- u) Exhibit 21: TECHNICAL REQUIREMENTS;
- v) Exhibit 23: MAINTENANCE PLAN;

**6.6.2. VOLUME 2: COST**

This volume must be in a separately containing:

- w) Exhibit 22: COST WORKBOOK

## **7. EVALUATION**

This section presents the evaluation process and scoring procedures the State will follow when evaluating proposals submitted in response to this solicitation. The evaluation process is multi-step, comprised of a thorough review of each Bidder's proposal response to determine that it is responsive and responsible, and provides a value effective solution to the State. The value effective proposals are the proposals that meet all requirements set forth in this solicitation and any State identified negotiated items.

After the State has evaluated Final Proposals and determined which bidders are eligible for an invitation to negotiate, the State will enter into negotiations with those invited bidders. Negotiated items will be determined by the State and will be included in the invitation to negotiate with each bidder. During negotiations all deviations from RFP requirements must be resolved to the State's satisfaction, in addition to agreement on any other negotiated items.

Upon conclusion of negotiations, the State may request a bidder provide a Best and Final Offer (BAFO) to revise any negotiated items or deviations from their Final Proposal.

The State will evaluate all BAFO submissions for compliance with RFP requirements and negotiated items, and to determine which BAFOs provide value effective solutions to the State. The Contract for CPE Providers will be awarded to the value effective BAFOs that achieve a minimum of 70% of the total points. Any Marginal or Unsatisfactory ratings in BAFO evaluation will disqualify a Bidder from Contract award.

The State reserves the right to modify or cancel this procurement in its entirety or in part at any time.

The Bidder is required to thoroughly review the solicitation to ensure that its proposal and its proposal responses are fully compliant with the solicitation requirements.

A deviation of any mandatory requirement (other than the non-negotiable items identified in Section 2.7, Negotiations) must be resolved to the State's satisfaction during negotiations and corrected in the bidder's BAFO.

### **7.1. EVALUATION TEAM**

This procurement is being conducted under the guidance of a Procurement Official from CDT STP (refer to Section 2.2.1, PROCUREMENT OFFICIAL). The Procurement Official will serve as the Bidder's point of contact for questions and clarification, and will identify the rules governing this procurement.

The State will establish an evaluation team consisting of a CA 9-1-1 Branch team, with stakeholders, as necessary in partnership with CDT. The State's Procurement Official will provide guidance to the evaluation team and provide oversight of the evaluation process. The State may engage additional qualified individuals or subject matter experts (SME's) during the evaluation process to assist the State in gaining a better understanding of technical, financial,

legal, contractual, or program issues. These other individuals do not have voting privileges or responsibility for the evaluation process and will serve solely in an advisory capacity.

## **7.2. EVALUATION STEPS**

### **7.2.1. EVALUATION OF REQUIRED INFORMATION AND REQUIREMENTS**

Proposals must be complete and meet all format and submission requirements as identified in Section 6, PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS. A Proposal Submission may be rejected if it is conditional or incomplete, contradicts the requirements, contains any alterations of form, or contains other irregularities of any kind, including alterations to any terms and conditions.

A deviation of any mandatory requirement (other than the non-negotiable requirements identified in Section 2.7, Negotiations) must be resolved to the State's satisfaction during negotiations and corrected in the bidder's BAFO.

### **7.2.2. RECEIPT AND PRELIMINARY REVIEW**

All proposals received by the time and date specified in Section 2.3, KEY ACTION DATES, will be acknowledged as having been received on time. Each proposal will be date-and time-marked as it is received, and verified that all it was submitted under an appropriate cover, sealed, and properly identified.

Proposals will remain sealed until the designated time identified in Proposal Submission.

The Procurement Official will check all proposals for the proper identification and to ensure that required information conforms to the proposal format and submission requirements of Section 6, PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS.

### **7.2.3. MANDATORY REQUIREMENTS EVALUATION**

The State will review each proposal to determine its compliance with all of the requirements set forth in Section 3, ADMINISTRATIVE REQUIREMENTS, and Section 4, PROPOSAL REQUIREMENTS.

The evaluation team will evaluate and score each submitted proposal by consensus for compliance with the requirements designated in Section 3 and Section 4.

### **7.2.4. VALIDATION AGAINST REQUIREMENTS**

The State will review each bid to validate the Bidder's response meets all of the non-negotiable items specified in Section 2.7 Negotiations. If a Bidder fails to meet any of the non-negotiable items, the Bidder's final bid will not be further considered, the Bidder will not be invited to negotiations, and the Bidder will not be considered for Contract award. During the evaluation,

the State may request that the Bidder clarify any area of the bid that the State determines to be unclear.

The State will check each proposal in detail to determine its compliance with the solicitation requirements. The State reserves the right to use multiple means to validate and determine the Bidder's response to a requirement. This may be through details in its description and/or supporting documentation provided or material that is publicly available, that may either support or contradict the Bidder's claim of intended compliance.

During the proposal evaluation, the State may request that the Bidder clarify any area of the proposal that the State determines to be unclear. This request for clarification will not be an opportunity for the Bidder to substantially change its proposal, however, the clarification provided by the bidder will replace the proposal section identified in the State's request for clarification.

**7.3. FINAL PROPOSAL EVALUATION**

This section outlines how the State will evaluate a Proposal Submission and award points in a manner that preserves the integrity of the competitive procurement process.

Proposals will be evaluated according to the procedures contained in this solicitation section.

There is a total of 2,000 points available in the evaluation with 50% of the points assigned to Narrative Response and 50% of the points assigned to Cost. All point calculations will be rounded to two (2) decimal places (the nearest hundredth). Bidders that have a deviation will be required to resolve the deviation in negotiations. The distribution and allocation of maximum points possible for each proposal element is provided in Table 7-1: Scoring and Point Distribution, which identifies each evaluation component, the scoring methodology, and the maximum points available for scored components.

**Table 7-1: Scoring and Point Distribution**

<b>Scoring Type: Mandatory (M)</b>		
<b>Evaluation Criteria</b>	<b>Evaluation Outcome</b>	<b>Score</b>
Does the Bidder agree to comply with each requirement as defined in Administrative (Exhibit 4) and Technical (Exhibit 21).	All responses must be marked "Yes" to Pass	Pass/Fail
<b>Scoring Type: Mandatory Scored (MS) Narrative Responses</b>		
<b>Evaluation Criteria</b>	<b>Evaluation Outcome</b>	<b>Score</b>

<ul style="list-style-type: none"> <li>• Response and supporting information:</li> <li>• Demonstrates in the Bidder's own words a thorough, detailed, and comprehensive understanding of the requirement.</li> <li>• Demonstrates the ability and intent to meet or <u>exceed</u> the requirement in full.</li> <li>• Provides evidence of proven ability to meet or <u>exceed</u> the requirement or detailed plans or methodology that further demonstrates how the requirement will be optimally met or exceeded.</li> <li>• Provides an approach that is fully achievable, applies best practices, is clearly and concisely presented, and is logically organized and well-integrated.</li> </ul>	<p>Exceeds (E)</p>	<p>100% of the max points available for that Req. Number</p>
<ul style="list-style-type: none"> <li>• Response and supporting information:</li> <li>• Demonstrates in the Bidder's own words a comprehensive understanding of the requirement.</li> <li>• Demonstrates the ability and intent to meet the requirement in full.</li> <li>• Provides some evidence of proven ability to meet the requirement or detailed plans or methodology that further demonstrates how the requirement will be met.</li> <li>• Provides an approach that is mostly achievable, suitable, acceptably presented, sufficiently organized and integrated.</li> </ul>	<p>Good (G)</p>	<p>75% of the max points available for that Req. Number</p>
<ul style="list-style-type: none"> <li>• Response and supporting information:</li> <li>• Simply repeats or paraphrases the requirement.</li> <li>• Meets or partially meets the RFP requirement without supporting description or literature.</li> <li>• Does not demonstrate that the Bidder fully understands the requirement.</li> <li>• Provides an approach that is not fully achievable, somewhat suitable, less than acceptably presented, somewhat unorganized, and partially integrated.</li> </ul>	<p>Marginal (M)</p>	<p>50% of the max points available for that Req. Number</p>
<ul style="list-style-type: none"> <li>• Response is not relevant; or</li> <li>• Response does not demonstrate an understanding of, or inaccurately interpreted the requirement; or</li> <li>• The approach is not achievable; or</li> <li>• The Bidder failed to provide narrative to support the requirement; or</li> <li>• The Bidder provided a narrative that counters or softens the "Yes" response to a mandatory requirement with a statement that "intends" to support the mandatory requirement.</li> </ul>	<p>Unacceptable (U)</p>	<p>0%</p>

<b>Maximum Possible Scores for Each Evaluation Area</b>	
<b>TOPIC</b>	<b>MAXIMUM SCORE</b>
<b>Exhibit 4, Administrative Requirements</b>	Pass / Fail
<b>Exhibit 21, Technical Requirements</b>	Pass / Fail
<b>Bidder Qualification and References Form</b>	Pass / Fail
<b>Exhibit 23: Maintenance Plan</b>	Pass / Fail
<b>Technical Requirements Evaluation</b>	
<b>For Mandatory Scored (MS) and Narrative Responses see above (MS) scoring table</b>	
<b>Interface</b>	250.00
<b>Functionality</b>	400.00
<b>System Monitoring</b>	100.00
<b>Technology</b>	250.00
Maximum Total Score (Points)	1000.00
<b>Cost Evaluation</b>	

<b>Maximum Possible Scores for Each Evaluation Area</b>	
<b>Total Points Available</b>	1000
Evaluation formula:	See table below

**Table 7-2: Cost Evaluation Methodology**

The Proposals will be evaluated using 1000 possible points for the technical evaluation and 1000 points for the cost evaluation. The technical points will be assigned based on Section 7. The Cost points will be awarded based on the Best Value Factor. The Best Value Factor is calculated by assigning a weighting factor that is proportionate to the number of technical points received in order to ensure that Cost aligns with the Technical requirements. This Best Value Score will be calculated by multiplying the Best Value Factor times the Estimated Cal OES budget (Tab 5 of the Cost Worksheet) divided by the Cost Bid. Please refer to the table for detailed formulas.

The Best Value Factor shall also be adjusted based on Cal OES budget. If the cost submitted by the bidder exceeds the budget by 150%, the cost points calculated from the Best Value Factor will be reduced by 50%.

	B	C	D	E	F	G	H
2	Variable Name	Description	Example 1 Bidder 1	Example 2 Bidder 2	Example 3 Bidder 3	Example 4 Bidder 4	Example 5 Bidder 5
3	Technical Points	Maximum technical points	1000	1000	1000	1000	1000
4	Technical Points	Technical points received by bidder	980	900	750	850	950
5	Cost Points	Maximum Cost Points	1000	1000	1000	1000	1000
6	Cost Bid	Cost bid by the bidder	\$73,032,000	\$47,000,000	\$55,991,200	\$48,688,000	\$51,122,400
7	Cal OES Budget	Estimated budget based on 100 PSAPs for contract term	\$48,688,000	\$48,688,000	\$48,688,000	\$48,688,000	\$48,688,000
8	Best Value Ratio	Normalized score based on technical proposal (=D4/D3)	0.98	0.90	0.75	0.85	0.95
9	Best Value Weight	Best Value Weight = 1 unless cost exceeds Cal OES Budget by 150%, then = 0.5 (=IF(D6/D7>=1.5,0.5,1))	0.50	1.00	1.00	1.00	1.00
10	Best Value Factor	Normalized score for Cost proposal (= D8*D5*D9)	490.00	900.00	750.00	850.00	950.00
11	Best Value Score	Cost Value in terms of Best Value (=D10*(D7/D6))	326.67	932.32	652.17	850.00	904.76
12	NEW SCORE	Total points earned (=D11+D4)	1306.67	1832.32	1402.17	1700.00	1854.76
13	Bidder Rank		5	2	4	3	1

**7.3.1.1. ERRORS IN THE PROPOSAL SUBMISSION**

An error in the Proposal Submission may cause the rejection of that proposal; however, the State may at its sole option retain the proposal and make certain corrections. In determining if a correction will be made, the State will consider the conformance of the proposal to the format and content required by the solicitation, and any unusual complexity of the format and content required by the solicitation.



- 1) If the Bidder's intent is clearly established based on review of the complete Proposal Submission submittal, the State may at its sole option correct an error based on that established intent;
- 2) The State may, at its sole option, correct obvious clerical errors;
- 3) The State may, at its sole option, correct discrepancy and arithmetic errors on the basis that, if intent is not clearly established by the complete proposal submittal, the master copy shall have priority over additional copies, the proposal narrative shall have priority over the Contract.

Within each of these, the lowest level of detail will prevail. If necessary, the extensions and summary costs will be recomputed accordingly, even if the lowest level of detail is obviously misstated.

The State may, at its sole option, correct errors of omission. In the following four (4) situations, the State will take the indicated actions if the Bidder's intent is not clearly established by the complete proposal submittal:

- a) If an item is described in the narrative but omitted from the Contract and cost data provided in the proposal for evaluation purposes, it will be interpreted to mean that the item will be provided by the Bidder at no cost, as applicable;
  - b) If a minor item is not mentioned at all in the Proposal Submission and is essential to satisfactory performance, the proposal will be interpreted to mean that the item will be provided at no cost, as applicable;
  - c) If a major item is not mentioned at all in the Proposal Submission, the proposal will be interpreted to mean that the Bidder does not intend to supply that item;
  - d) If a major item is omitted, and the omission is not discovered until after Contract award, the Bidder shall be required to supply that item at no cost. The determination of whether an item is minor or major is the responsibility of the State;
- 4) If a Bidder does not follow the instructions for computing costs not related to the Contract, if any, (e.g., State personnel costs), the State may reject the proposal, or at its sole option, re-compute such costs based on instructions contained in the solicitation, as applicable;
  - 5) If the re-computations or interpretations, as applied in accordance with this section, result in significant changes in the cost described or in a requirement of the Bidder to supply a major item at no cost, the Bidder will be given the opportunity to promptly establish the grounds legally justifying relief from its proposal, as applicable;
  - 6) It is absolutely essential that the Bidder carefully review the cost elements in Proposal Submission, since they will not have the option to correct errors after the time for submittal of the Proposal Submissions;

- 7) The State may request clarification of items in the Bidder's proposal if the meaning is not clear to the State. Responses to requests for clarification must be confirmed in writing by the Bidder as instructed by the State's Procurement Official at the time of the request;
- 8) At the State's sole discretion, it may declare all Final Proposals to be Draft Proposals. Bidders may not protest the State's determination of all Final Proposals being declared Draft Proposals. If all proposals are declared to be Draft Proposals, the State may issue an addendum to this RFP. Should this occur, confidential discussions may be held with Bidders who are interested in continuing to be considered. Each Bidder will be notified of the due date for the submission of a new Final Proposal to the State. This submission must conform to the requirements of the original RFP as modified by any addenda. The new Final Proposals will be evaluated as required by Section 7.

#### **7.3.1.2. ADMINISTRATIVE REQUIREMENTS EVALUATION**

All Section 3, ADMINISTRATIVE REQUIREMENTS labeled with (M) are mandatory, with the exception of those labeled with (O) which are optional, in Section 3: ADMINISTRATIVE REQUIREMENTS and Bidders are not required to respond. Review of the proposals will begin with ensuring that the Bidder has responded to Section 3, ADMINISTRATIVE REQUIREMENTS that require proposal submittal documents.

Only proposals that pass the evaluation of the mandatory Section 3, ADMINISTRATIVE REQUIREMENTS will proceed to proposal requirement evaluations.

#### **7.3.1.3. QUALIFICATION REQUIREMENTS EVALUATION**

The evaluation team will consider all information in the Bidder's proposal to evaluate the Bidder Qualifications. Narrative descriptions on the Bidder Qualification forms must be clear and apply directly to the solicitation requirements. Narrative descriptions may be used to validate other information provided on any form. Any conflicting information will be noted as a deviation and must be resolved to State's satisfaction in negotiations and corrected in the bidder's BAFO.

The State will evaluate Bidder qualifications using the information contained in the completed Exhibit 18.1: BIDDER QUALIFICATION FORM. Reference contacts provided may be contracted to verify Bidder information and claimed experience.

To aid the State in evaluating Bidder qualifications, the Bidder should use a MM/DD/YYYY format when indicating project start and end dates. If a Bidder submits a proposal in any other date format, the State will count only the whole months or years between the start and end dates. For example, Bidder "A" cites start and end dates for a project as 6/2018 to 12/2018. The Bidder or staff member would only be credited with five (5) months of experience.

If a project end date is ongoing or exceeds the Proposal Submission due date, then the Bidder will receive credit for only the experience acquired up to the Proposal Submission due date.

Concurrent project timeframes (overlapping dates) will only count once for calculating the number of years and months of qualification experience.

If the number of years and months for a project was not indicated on the Bidder qualification form "Experience gained on this cited Project" and the Bidder checked "yes" to meeting the total experience on the project cited, then the Bidder will only receive experience credit for the minimum number of years required for that requirement or will receive the number of years indicated on the header of the Bidder qualification form, whichever is less.

Bidders that do not return all required completed and signed Bidder qualifications and reference forms with Proposal Submission shall be deemed non-responsive and the Bidder may be disqualified.

#### **7.3.1.4. BIDDER QUALIFICATIONS AND REFERENCE FORM**

The evaluation team will evaluate the completed Exhibit 18.1: BIDDER QUALIFICATIONS and Exhibit 18.2 BIDDER'S REFERENCE FORM for compliance with the mandatory requirements specified in Section 4.1.1, BIDDER QUALIFICATIONS. The evaluation team will validate claimed experience on the associated Bidder Qualifications and Reference Form for each project Bidder identifies to meet the requirements.

The Bidder must provide the minimum experience as stated in the Exhibit 18.1: BIDDER QUALIFICATIONS FORM and Exhibit 18.2: BIDDER REFERENCE FORM. The Bidder must submit one (1) completed Bidder Qualifications and Bidder Reference Form for each of the projects cited.

The Bidder Reference Form will be evaluated on a Pass/Fail basis. Bidder must achieve a minimum average of 16 points on the Exhibit 18.2, BIDDER REFERENCE FORM. All submitted Bidder Reference Forms will be total and the average score will be used for Evaluation.

Cal OES staff cannot be listed as a reference.

#### **7.3.1.5. REFERENCE CHECKS**

If needed to verify information submitted by Bidders on Bidder Qualification and References Form, the State will make two (2) attempts via phone or email to the reference contact identified on the Bidder Qualification and References Form, to validate the claimed information and experience. The Bidder should ensure that its reference contacts are available for validation during the evaluation period identified in Section 2.3, KEY ACTION DATES.

If the State has not received a response from the reference contact after the first attempt, a second attempt will be made. If no response is received after the second attempt, the State will contact the Bidder and request that the Bidder assist the State by having the reference respond to the State within a 24-hour period from the second attempted contact. If the evaluators are still unable to contact the reference, the Bidder's proposal may be deemed non-responsive for failure to provide verifiable references, and the Bidder may be disqualified.

### **7.3.2. SOCIOECONOMIC PROGRAMS**

Bidders who claim preference points will be evaluated to determine whether they submitted the required forms, documents, exhibits, and/or the responses necessary to validate their qualification and eligibility for the claimed preference(s). If the State determines that the submitted information is insufficient or that the required documents do not otherwise validate the eligibility for points in any of the claimed programs, then the points for that program will not be added to the Bidder's final overall proposal score. If the State is able to validate the Bidder's claim, the qualified preference points will be applied to the Bidder's final overall proposal score.

#### **7.3.2.1. TACPA PREFERENCE**

The State will give preferences in accordance with the GC 4530-4535.3, for Bidders who are California home based and who qualify for claimed preferences under the Target Area Contract Preference Act (TACPA) by computing and returning the appropriate forms described in the RFP. Where multiple preferences are claimed, the State will verify eligibility for the preferences and evaluate and apply preferences in accordance with the law.

Available evaluation preferences under TACPA are limited to nine percent (9%), five percent (5%) worksite, and one percent (1%) up to four percent (4%) workforce of the lowest total proposal price or \$50,000.00, whichever is less. The TACPA preference is a dollar preference, applied against the Bidder's proposed cost, before cost is evaluated and converted to points.

The State will verify TACPA preference and apply the TACPA preference accordingly. The TACPA preference does not apply when the worksite is fixed by the terms of the Contract.

#### **7.3.2.2. SMALL BUSINESS PREFERENCE**

The State will verify Small Business/Non-Small Business preference claim and apply the five percent (5%) preference accordingly.

In accordance with Government Code §14835 et seq., Bidders who qualify as a small business will be given a five percent (5%) preference for evaluation purposes only. The five percent (5%) preference is calculated on the total number of points awarded to the highest scoring non-small business that is responsible and responsive to the proposal requirements. The rules and regulations of this law, including the definition of a small business for the delivery of goods and services, are contained in the California Code of Regulations, Title 2, § 1896 et seq.

This five percent (5%) small business preference is also available to a non-small business claiming 25% California certified small business subcontractor participation. The five percent (5%) preference is calculated on the total number of points awarded to the highest scoring non-small business that is responsible and responsive to the proposal requirements and that is not subcontracting a minimum of 25% to a small business. Non-small business Bidders claiming the

five percent (5%) small business preference must commit to subcontract at least 25% of the net proposal price with one (1) or more California certified small businesses.

Completed certification applications and required support documents must be submitted to the Department of General Services Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the Proposal due date, and the OSDS must be able to approve the application as submitted. Questions regarding certification should be directed to the OSDS at (916) 375-4940.

For an illustration of this process, refer to the example in Table 7-5, Small Business Preference Points Calculation. Points in this example explain the calculations and have no other significance.

The preference points for bidders A and B are based on five percent (5%) of the Bidder proposal score of Bidder C, the highest scorer of a non-small business, which is (1500.00 points) x (.05) = 75.00 points (rounded). Bidder C, which is neither a small business nor a non-small business subcontracting a minimum of 25 percent (25%) to a small business, receives no small business preference points.

**Table 7-5: Small Business Preference Points Calculation**

<b>Small Business Preference Points Calculation</b>				
<b>Bidder</b>	<b>Bidder Total Proposal Score</b>	<b>Small Business Preference Claim?</b>	<b>Non-Small Business Preference Claim?</b>	<b>Small Business Preference Points Awarded</b>
A	1900.00 pts	Yes	No	97.50 pts
B	1850.00 pts	No	Yes	97.50 pts
C	1950 pts	No	No	0.00 pts

**NOTE:** Calculation is based on 5% of the Bidder with the highest “Bidder proposal score” that is a non-small business. In the example Table 7-5, Bidder C has the highest non-small business score.

**7.3.2.3. DVBE INCENTIVE**

In accordance with §999.5(a) of the MVC, for evaluation purposes only, the State shall provide an incentive to Bidders who provide California-certified DVBE participation that exceeds the mandatory California-certified DVBE participation goal in the amounts shown below.

The State will verify DVBE and apply the incentive accordingly. The DVBE incentive points are a percentage of the total possible points. The maximum incentive for this procurement is five percent (5%) of the total points available, and is based on the amount of DVBE participation confirmed. The below table is an illustration of this calculation:

**Table 7-6: DVBE Participation Incentive Formula**

DVBE Participation Incentive Formula		
Confirmed DVBE Participation	DVBE Incentive Percentage	DVBE Incentive Points*
≥ 5%	5%	100.00 (2,000 x .05)
4% - 4.99%	4%	80.00 (2,000 x .04)
3.1% - 3.99%	3%	60.00 (2,000 x .03)
<3%	0%	0.00

**7.3.3. BIDDER FINAL SCORE CALCULATION AND RANK DETERMINATION**

The evaluation team will calculate the Bidder's final score. Table 7-7, Bidder Final Score Calculation example illustrates the Bidder's final score that incorporates both preference and incentive points:

**Table 7-7: Bidder Final Score Calculation**

Bidder Final Score Calculation					
Bidder	Bidder Total Proposal Score	Small Business Preference Points Awarded	Verified DVBE %	DVBE Incentive Points Awarded	Bidder Final Score
A	1900.00 pts	97.50 pts	3%	60.00 pts	2057.5 pts
B	1850.00 pts	97.50 pts	4%	80.00 pts	2027.5 pts
C	1950.00 pts	0.00 pts	5%	100.00 pts	2050.0 pts

NOTE: Bidder final score calculation in Table 7-7 is an example that explains the calculations and has no other significance.

**7.3.4. SELECTING THE PROPOSED AWARDEES**

This is a Master Purchase Agreement (MPA) for local PSAPs to utilize for purchasing CPE. Selection of the CPE providers shall be made as described below:

The Contract for CPE Providers will be awarded to the value effective BAFOs that achieve a minimum of 70% of the total points. Any Marginal or Unsatisfactory ratings in BAFO evaluation will disqualify a Bidder from Contract award.

Table 7-8: FINAL SCORE AND RANK DETERMINATION demonstrates how the final ranking determination is made:

**Table 7-8: Final Score and Rank Determination**

Final Score and Rank Determination				
Scoring Element	Max Points Available	Bidder A	Bidder B	Bidder C
Meets all Administrative, Mandatory and Mandatory Optional Requirements.	Pass/ Fail	Pass/ Fail	Pass/ Fail	Pass/ Fail
Qualification Requirements (Bidder/Staff Qualifications/References)	Pass/ Fail	Pass/ Fail	Pass/ Fail	Pass/ Fail
Solution Requirements (Technical, Narrative Response Requirements)	1000.00	900.00	850.00	950.00
<b>Total Non-Cost Score</b>	1000.00	900.00	850.00	950.00
Cost (Before Preference/Incentives)		\$44,600,000.00	\$42,000,000.00	\$44,500,000.00
TACPA Claimed		No	No	No
TACPA Preferences Amt.	\$00.00	\$00.00	\$00.00	\$00.00
Cost after TACPA preference		\$44,600,000.00	\$42,000,000.00	\$44,500,000.00
<b>Total Evaluated Cost Score (points awarded)</b>	1000.00	847.53	850.00	896.63
<b>Evaluated Score (points) non-cost and cost scores (before preferences/Incentives)</b>	2000.00	1747.53	1700.00	1846.63
<b>Initial Rank (Before preferences and incentives)</b>		<b>2</b>	<b>3</b>	<b>1</b>
DVBE Participation claimed		3%	4%	5%
DVBE Incentive Points	100	60	80	100
Small Business Preference Points	97.5	97.5	97.5	0
Bidder Final Score	1622.5	1905.03	1877.50	1946.63
<b>Final Rank</b>		<b>2</b>	<b>3</b>	<b>1</b>

**7.4. NEGOTIATIONS**

The State of California intends to enter into negotiations as set forth in Section 2.7 Negotiations under PCC §6611.

Negotiations allow the State and Bidder an opportunity to discuss items that could, in the State's opinion, enhance the Bidder's proposal and potential for award. Negotiations are not intended to allow a Bidder to completely rewrite their proposal. The negotiations are exchanges between the State and the Bidder, which are undertaken with the intent of allowing the Bidder to revise their Proposal only in areas determined by the State during the negotiation process. Negotiations will be conducted either orally or in writing. These negotiations may include bargaining, such as persuasion, and alteration of assumptions and positions.

The State may discuss any aspect of the Bidder's proposal that could, in the opinion of the State, be altered or explained to materially enhance the proposal's potential for award. However, the State is not required to discuss every area where the Bidder's proposal could be improved. The scope and extent of negotiation exchanges are the matter of the State's judgment.

The state reserves the right to determine the topics for negotiation and revise the scoring criteria to the State's discretion to obtain a value effective solution.

All aspects of the Bidder's proposal are confidential until after the issuance of the notification of award.

#### **7.4.1. NEGOTIATION INVITATION**

Once eligible Bidders are determined, based on the criteria set forth in section 2.7 Negotiations, the State will notify those bidders in writing: (1) that the State is initiating negotiations pursuant to Public Contract Code 6611(a); (2) the general purpose and scope of the negotiations; (3) the anticipated schedule for the negotiations; and (4) the procedures to be followed for negotiations. Bidder(s) who have been invited to participate in negotiations must confirm attendance, in accordance with the invitation instructions, within two (2) State business days of invitation.

#### **7.4.2. BEST AND FINAL OFFER SUBMISSION (BAFO)**

At the conclusion of negotiations, the State may request a best and final offer (BAFO) submission. The intent of the BAFO is to clarify and document understandings reached during negotiations. The State will establish a date and time for receipt of the BAFOs based on when the Bidder's BAFO negotiations occur. A Bidder's BAFO is an irrevocable offer for 120 calendar days following the scheduled date for submission of a final accepted BAFO. A Bidder may extend the offer in the event of a delay in Contract award.

**BAFOs must be submitted to the location identified in Section 2.2.1, Procurement Official, by the specific date and time that will be communicated to each Bidder individually in writing.**

**The BAFO submission must address the following:**

1. A supplemental proposal containing all negotiated/revised section(s) of the Bidder's original Final Proposal, any other revised area specifically required by the State to be included in the BAFO, and revisions made necessary in accordance therewith.



2. The supplemental proposal must include all changes made to negotiated section(s) of the Bidder's original Final Proposal in tracked changes. Changes to the Bidder's original Final Proposal that are not tracked in the supplemental proposal or otherwise identified may result in rejection of the proposal or cause for termination of the Contract.
3. An executive summary must accompany the supplemental proposal, identifying a list of all changes (other than non-substantive changes to formatting, punctuation and grammar) that have been made to the Bidder's original Final Proposal. The Bidder must include and attest to the following statement within the Executive Summary:

"This Best and Final Offer (BAFO) is in response to RFP 6104-2019 and the changes identified in this executive summary represent all changes made to {Bidder's name} Final Proposal previously submitted to the State. Any substantive change not included in this list is non-operative, non-binding, and will not be considered a part of the {Bidder's name} BAFO."

#### **7.4.3. EVALUATION OF BAFO SUBMISSION**

The State will evaluate the BAFO submissions, based on topics negotiated and obtaining the value effective solution for the State. The State will document the evaluation process and selection criteria in its final selection documents.

#### **7.5. DEBRIEFING**

A debriefing may be held within three (3) months after Contract award at the request of any Bidder for the purpose of receiving specific information concerning the evaluation. The discussion will be based primarily on the qualifications, solution requirements and cost evaluations of the Bidder's Proposal Submission. A debriefing is not the forum to challenge the solicitation specifications or requirements.

#### **8. INFORMATIONAL ATTACHMENTS**

The following attachments to this solicitation are informational for use in the solicitation process and do not need to be submitted with the Bidder's proposal response. They can be found in Part 2 – Bidder Response:

- 1) RFP Attachment 1: TEMPLATE FOR QUESTION SUBMITTAL. This attachment provides the format for a Bidder to submit questions regarding this solicitation.
- 2) RFP Attachment 2: SOLICITATION SUBMISSION CHECKLIST. This attachment references items to be submitted as part of the Proposal submission, but is not guaranteed to include all necessary items.

**RFP ATTACHMENT 1 – TEMPLATE FOR QUESTION SUBMITTAL**

Bidders are requested to use this form when submitting questions to the Procurement Official listed in section 2.2.1. Instructions are as follows:

**Name of Bidder** – Provide the name of the Bidding firm

**Contact Person** – Provide the name of the person to contact if the State needs clarification about the question.

**Contact Email and Phone #** – Provide the email and phone number (including area code) for the listed contact person.

**Q #** – Sequentially number each question, always starting at one (1) for each submission.

**Section/Document(s)** – Identify the section or document the request pertains to, such as “subsection 5.4, Sales Tax.”

**Page #** – Identify the page number of the section/document name or title the question pertains to.

**Question** – Write the question in this column.

Expand or reduce the number of rows to accommodate the number of questions.

**Table-1 Question Submittal Form**

SOLICITATION Bidder Question Form			
<b>Name of Bidder:</b>			
<b>Contact Person:</b>			
<b>Contact Email and Phone Number:</b>			
Q #	Section/Document(s)	Page #	Question
1			
2			
3			
4			

## RFP ATTACHMENT 2: SOLICITATION SUBMISSION CHECKLIST

*(This Attachment is not required to be submitted with your solicitation response. This is intended to be used as a bidder's aide.)*

### Volume 1: Response to Administrative and Proposal Requirements

Has your firm submitted the following Exhibits?

- Does your proposal follow the format specified in Section 6?
- Organized and named as identified in Section 6.
- No cost data provided in Volume 1
- Copy of Letter of Bondability
- Is your proposal provided in the following order, as identified in Section 6?
- Exhibit 2: Intent to Bid (if not already submitted)
- Exhibit 3: Confidentiality Statement (if not already submitted)
- Exhibit 4: Response to Administrative Requirements
- Exhibit 5: GSPD 05-105, Bidder Declaration
- Exhibit 6: Secretary of State Certification
- Exhibit 7: Workers' Compensation Certification
- Exhibit 8: Cover Letter Form
- Exhibit 9: Payee Data Record
- Exhibit 10: Iran Contracting Act of 2010
- Exhibit 11: California Civil Right Laws
- Exhibit 12: DVBE Declarations
- Exhibit 13: Bidding Preferences and Incentives
- Exhibit 14: Commercially Useful Function Certification Form
- Exhibit 15: STD 830. TACPA Preference Request (required if claiming TACPA preference)

- Exhibit 16: Responsibility Certification
- Exhibit 17: Contractor's License Information
- Exhibits 18.1 through 18.2: Bidder's Qualifications Form(s) and Bidder's Reference Form(s)
- Exhibit 19: Bond and Other Security Documents
- Exhibit 20: Technical Requirements Narrative Response
- EXHIBIT 21: Prime - Technical Requirements
- Exhibit 24: List of Proposed Subcontractors
- Exhibit 25: Seller's Permit

**Volume 2: Cost**

- EXHIBIT 22: Cost Workbook

**The State makes no warranty that the checklist is a full and comprehensive listing of every requirement specified in the solicitation. Checking off the items on the checklist does not establish your firm's intent nor does it constitute responsiveness to the requirements. The checklist is only a tool to assist participating bidders in compiling the proposal response. Bidders are encouraged to carefully read the entire solicitation. The need to verify all documentation and responses prior to the submission of proposal cannot be over emphasized.**