



STATE OF CALIFORNIA
DEPARTMENT OF GENERAL SERVICES – PROCUREMENT DIVISION
INVITATION FOR BID
Cadet Class C Uniforms
EVENT ID 0000031824
July 15, 2024

BIDS ARE DUE BY: July 29, 2024 at 2:00 PM PT

RETURN BID TO:
OTA@dgs.ca.gov

1.	SCOPE	4
2.	METHOD OF AWARD	4
3.	DRAFTS.....	4
4.	NEGOTIATIONS.....	4
5.	STATE FINANCIAL MARKETPLACE	4
6.	ALTERNATIVE PROTEST PROCESS	4
7.	RESPONSIBLE BIDDER	5
8.	BIDDER INSTRUCTIONS.....	6
9.	ADDENDA.....	6
10.	PROCUREMENT OFFICIAL	6
11.	BIDDER QUESTIONS	6
12.	DESIGNATION OF REQUIREMENTS.....	7
13.	VALIDATION OF REQUIREMENTS	7
14.	CLARIFYING INFORMATION.....	7
15.	AGREEMENT COVER LETTER AND CONTRACT PROVISIONS	7
16.	TECHNICAL SPECIFICATIONS.....	8
17.	ADMINISTRATIVE REQUIREMENTS	8
18.	COST WORKSHEET	8
19.	NARRATIVE RESPONSE.....	8
20.	SELLER'S PERMIT AND SECRETARY OF STATE.....	8
21.	DESCRIPTIVE LITERATURE	9
22.	DECLARATION FORMS.....	9
23.	SOCIO ECONOMIC PROGRAMS	9
A.	Disabled Veteran Business Enterprise (DVBE) Program Requirements and DVBE Incentive:.....	10
B.	Small Business Preference.....	11
C.	Small Business Nonprofit Veteran Services Agencies (SB/NVSA).....	11
D.	Non-Small Business Subcontractor Preference.....	11
E.	Target Area Contract Preference Act (TACPA) Preference.....	11
24.	COMMERCIALLY USEFUL FUNCTION (CUF)	12
25.	DARFUR CONTRACTING ACT	13
26.	CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION.....	13
27.	PAYEE DATA RECORD	14

28.	GENERATIVE ARTIFICIAL INTELLIGENCE (GenAI) DISCLOSURE NOTIFICATION	14
29.	EXECUTIVE ORDER N-6-22 -- RUSSIA SANCTIONS.....	14
30.	TAX DELINQUENCY	14
31.	AUTHORIZED RESELLER	14
32.	DISTRIBUTION PLAN	15
33.	FREE ON BOARD (F.O.B.) DESTINATION.....	15
34.	SALES TAX.....	15
35.	STATE'S OWN BID DOCUMENTS/SOLICITATION.....	15
36.	ADDITIONAL TERMS AND CONDITIONS	15
37.	BID SUBMITTAL	16
38.	BID RESPONSE LIST.....	16
39.	PUBLIC BID READINGS.....	17
40.	AWARD NOTIFICATOIN.....	17
41.	ATTACHMENTS.....	17

1. SCOPE

This Invitation for Bid (IFB) is a One Time Acquisition conducted by the State of California, Department of General Services, Procurement Division (DGS-PD) to cover the requirements of the California Military Department for Cadet Class C Uniforms as described meeting the requirements of the attached Specifications 8415-BS-0204737, dated 06/19/2024.

2. METHOD OF AWARD

Award will be made on an "All or None" basis or by individual line item, whichever is deemed by the State to be in its best interest. The award will be made to the responsive and responsible Bidder with the lowest cost, including all applicable preference and incentive calculations.

In the event of a tie, a coin toss will be a permissible tiebreaker. Such event will be conducted by the procurement official and observed by a state employee as witness.

3. DRAFTS

If the State determines that bids from all Bidders contain material deviations, the State may declare the bids to be draft bids. If bids are declared drafts, the State will issue an addendum to the solicitation document and confidential discussions may be held with the Bidders who wish to continue in the bidding process. Notifying the Bidder of defects is intended to minimize the risk that the final bids will be deemed non-compliant; however, the State will not provide any warranty that all defects in the draft bids have been detected. Notification of defects in the draft bid will not preclude rejection of the final bid, if undiscovered defects contained in the declared draft bid are later found in the final bid. Oral statements made by either party during confidential discussions shall not be binding.

4. NEGOTIATIONS

The State may elect to enter into negotiations pursuant to Public Contract Code §6611 if conditions exist. Should the State elect to negotiate, the process shall be described in writing and provided to the parties involved prior to commencement of negotiations.

5. STATE FINANCIAL MARKETPLACE

The State reserves the right to select the form of payment for all procurements, be it either an outright purchase with payment rendered directly by the State, or a financing purchase (using GS \$Mart), or operating lease (using Lease \$Mart) through the State Financial Marketplace (GS \$Mart and/or Lease \$Mart). If payment is done through the financial marketplace, the Contractor will invoice the State and the State will approve the invoice and the selected Lender/Lessor will pay the Contractor on behalf of the State for all product listed on the State's procurement document.

6. ALTERNATIVE PROTEST PROCESS

This solicitation/acquisition is being conducted under the provisions of the Alternative Protest Process (Public Contract Code section 12125, et seq.) By submitting a bid or proposal to this solicitation, the bidder consents to participation in the Alternative Protest Process and agrees that all protests of the proposed award shall be resolved by binding arbitration pursuant to the California Code of Regulations, Title 1, Division 2, Chapter 5. [Link to the Alternative Protest Process regulations:](#)

A Notice of Intent to Award for this solicitation will be publicly posted on the Department of General Services Procurement Division webpage and sent via facsimile to any bidder who submits a written request for notice and provided a facsimile number. [DGS/PD webpage link](#).

During the protest period, any participating bidder may protest the proposed award on the following grounds:

1. For major information technology acquisitions – that there was a violation of the solicitation procedure(s), and that the protesting bidder's bid should have been selected; or
2. For any other acquisition – that the protesting bidder's bid or proposal should have been selected in accordance with the selection criteria in the solicitation document.

A written Notice of Intent to Protest the proposed award of this solicitation must be received (facsimile acceptable) by the Coordinator before the close of business 5 p.m. PST/PDT on the 1st working day after issuing the notice of intent, as specified in the solicitation. Failure to submit a timely, written Notice of Intent to Protest waives bidder's right to protest.

Bidder is to send the notice of protest to:

Alternative Protest Process Coordinator/Dispute Resolution
Department of General Services
Procurement Division
Purchasing Authority Management Section
707 Third Street, 2nd Floor South
West Sacramento, CA 95605
Fax: 916 / 376-6226

Within seven (7) working days after the last day to submit a Notice of Intent to Protest, the Coordinator must receive from the protesting bidder the complete protest filing including the signed, written detailed statement of protest including exhibits, filing fee and deposit or small business certification as applicable. Untimely submission of the complete protest filing waives the bidder's right to protest.

Protest bond requirement: bond amount for this Alternative Protest Process shall be 10 percent of the contract amount as specified in the solicitation. See California Code of Regulations, Title 1, section 1418.

7. RESPONSIBLE BIDDER

DGS-PD may require Bidders to submit evidence of their qualifications. This includes, but is not limited to, the necessary number of personnel with the skills required, equipment of appropriate type and sufficient quantity, financial resources sufficient to complete performance under the agreement, and experience in similar endeavors. If such information is required, the Bidder will be notified to submit the required information. If the State determines the Bidder is not responsible, the bid will be rejected.

8. BIDDER INSTRUCTIONS

The Bidder Instructions include the Bidder's and the State's rights and responsibilities for the bidding process, unless otherwise specified in this solicitation. Bidder Instructions are located at the following link: [Bidder Instructions \(rev 11/09/2011\)](#).

9. ADDENDA

If the solicitation is revised by an addendum, Bidder is required to meet all requirements of the most current addendum, including using any updated forms.

The IFB document is not required to be submitted with the bid. This language supersedes GSPD-451, Bidder Instructions (rev 11/09/2011) section 3.b., Solicitation Addendum (Addenda).

10. PROCUREMENT OFFICIAL

The Procurement Official and Backup Procurement Official contact information for this IFB is listed below:

Procurement Official: Traci Fortier

Email: Traci.Fortier@dgs.ca.gov

Backup Procurement Official: Mary Elizabeth Asselin

Email: MaryElizabeth.Asselin@dgs.ca.gov

Procurement Division

Department of General Services

707 Third Street, 2nd Floor

West Sacramento, CA 95605

Bid Submittal Email: OTA@dgs.ca.gov

The Procurement Official shall be the single point of contact. In the event the Procurement Official is unavailable, the Backup Procurement Official should be contacted. All inquiries and questions must be directed to only this person. Oral communications are discouraged and shall not be binding to the State. Bidders should only rely on written statements issued by the Procurement Official.

Bids shall be submitted in accordance with Section 37, Bid Submittal.

11. BIDDER QUESTIONS

This IFB addresses all requirements that Bidders must meet to be eligible for consideration. Bidders must carefully read the entire IFB, ask appropriate questions in a timely manner, and make sure all procedures and requirements of the IFB are accurately followed and addressed.

If a Bidder discovers any ambiguity, conflict, restrictive specifications, discrepancy, omission, or other errors in the IFB, the Bidder shall immediately notify the Procurement Official of such error, in writing, and request clarification or modification of the document.

All questions, comments, and concerns should be immediately directed to the Procurement Official, in writing, no later than July 19, 2024. All questions and/or concerns shall be directed to both the Procurement Official and the Backup Procurement Official listed above in Section 10. If a Bidder

submits a question after the scheduled date(s), the State will attempt to answer the question but does not guarantee that the answer will be prior to the bid due date.

Note: Answers to all questions will be posted via an Addendum.

12. DESIGNATION OF REQUIREMENTS

The State has established certain requirements with respect to bids to be submitted by prospective contractors. The use of “must,” “shall” or “will” (except to indicate simple futurity) in the IFB indicates a requirement or condition that is mandatory. A deviation, if not material, may be waived by the State. A deviation from a requirement is material if the deficient response is not in substantial accord with the IFB requirements, provides an advantage to one bidder over other bidders, or has a potentially significant effect on the delivery, quantity or quality of items bid, amount paid to the Contractor, or on the cost to the State. Material deviations cannot be waived.

The words “should” or “may” in the IFB indicate desirable attributes or conditions but are non-mandatory in nature. Deviation from, or omission of, such a desirable feature, even if material, will not in itself cause rejection of the bid.

13. VALIDATION OF REQUIREMENTS

The State will check each bid detail to determine its compliance to the bid requirements. If a bid fails to meet bid requirements, the State will determine whether the deviation is material. A material deviation will be cause for rejection of the bid. An immaterial deviation will be examined to determine if the deviation will be accepted. If accepted, the bid will be processed as if no deviation had occurred.

14. CLARIFYING INFORMATION

During the evaluation and selection process, the State may ask the Bidder to clarify conflicting information in their bid response when compliance to the solicitation requirements cannot be determined. Clarifications provided by the Bidder may not change the original bid submission. Missing or non-compliant bid response information is not grounds for the State to request clarification. Clarification will not be requested if the Bidder has been deemed non-compliant to other mandatory requirements. It is the responsibility of the Bidder to submit a complete, legible, and comprehensible bid.

Failure to submit the requested written information within the timeframe provided by the State will be grounds for bid rejection.

15. AGREEMENT COVER LETTER AND CONTRACT PROVISIONS

All Bidders must complete the [Agreement Cover Letter](#) and include it with the bid. The Agreement Cover Letter (which shall be considered an integral part of the bid) shall be signed by an individual who is authorized to bind the bidding firm contractually. An unsigned Agreement Cover Letter may cause the bid to be rejected.

By signing the Agreement Cover Letter and submitting a bid, Bidder is agreeing to accept all of the [General Provisions for Non-IT Goods \(GSPD-401\)](#) terms and conditions of the without addition or modification.

Bidder also agrees to comply with all applicable statutes, rules, regulations, and orders of the United States and the State of California.

16. TECHNICAL SPECIFICATIONS

Bidders shall comply with Attachment 1 – Technical Specifications 8415-BS-0204737, dated 06/19/2024.

17. ADMINISTRATIVE REQUIREMENTS

Bidder shall comply with all additional administrative requirements as detailed in the Attachment 2 – Administrative Requirements.

18. COST WORKSHEET

Attachment 3 – Cost Worksheet shall be used by Bidders to enter costs for the solicitation. To be considered for award, all line items in Attachment 3 – Cost Worksheet must be bid.

Prices quoted shall be all inclusive. Only the prices submitted in the bid response shall be included in the awarded agreement. No other fees can be charged to the customer.

Attachment 3 – Cost Worksheet must be filled out completely or the bid may be rejected. Modification of the Cost Worksheet may disqualify the Bidder.

Bidders shall submit one (1) electronic copy in Microsoft Excel format of the completed Attachment 3 – Cost Worksheet with the emailed bid response.

Failure to submit the Attachment 3 – Cost Worksheet with the bid response shall result in the bid being considered non-responsive.

19. NARRATIVE RESPONSE

The IFB includes some items that require a narrative response. Those items have been listed on Attachment 4 – Narrative Response. Bidders shall input narrative responses on the attachment only, and only for the items requested. If necessary, Bidders may add pages to the attachment to further explain their response.

Bidders shall not input narrative responses within the IFB document, nor should narrative responses be included for items the State did not list on Attachment 4 – Narrative Response.

20. SELLER'S PERMIT AND SECRETARY OF STATE

Bidders are required to provide their Seller's Permit number and, if a corporation or limited liability company, their Secretary of State (SOS) certification number on Attachment 4 – Narrative Response.

A copy of the 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 (CDTFA) within five (5) of request from the State or the bid may be deemed non-responsive.

For instructions on how to obtain a California Seller's Permit or register to do business in the State of California, visit the [California Department of Tax and Fee Administration website](#).

If applicable, SOS certification must be approved and in "Active" status prior to contract award.

21. DESCRIPTIVE LITERATURE

Bidders are required to submit complete descriptive literature which should be annotated to specify the applicable page, brand, and model or item(s). Descriptive literature should be submitted with the bid response. If this documentation is not included in the bid response, Bidder shall provide it within five (5) days after request from the State. Failure to submit descriptive literature may result in your bid being considered non-responsive and not accepted.

22. DECLARATION FORMS

All Bidders must complete the [Bidder Declaration Form \(GSPD-05-105\)](#) and include it with the bid response. When completing the declaration, Bidders must identify all subcontractors proposed for participation in the agreement. Bidders awarded an agreement are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution, and it is incorporated by amendment to the agreement.

If a Bidder proposes the use of a subcontractor for a portion of the agreement, the Bidder agrees that all requirements will be adhered to and that requirements will apply to subcontractors. All subcontractors must comply fully with the administrative and technical requirements that are applicable with the portion of the work being delegated to the subcontractor.

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

23. SOCIO ECONOMIC PROGRAMS

This solicitation may include the following socioeconomic programs:

- A. Disabled Veteran Business Enterprise (DVBE) Program Requirements and Incentive
- B. Small Business Preference
- C. Small Business Nonprofit Veteran Services Agencies (SB/NVSA)
- D. Non-Small Business Subcontractor Preference
- E. Target Area Contract Preference Act (TACPA) Preference

All certified firms must perform a "commercially useful function" in the performance of the contract as defined in Government Code (GC) section 14837(d)(4).

The Contractor must notify the State Procurement Official by written notification of any proposed changes in the SB and/or DVBE subcontractors made during the term of the agreement. Changes cannot be made without State Procurement Official approval.

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

This solicitation does not require a minimum DVBE participation percentage. The DVBE participation requirement has been waived; however, this solicitation provides an incentive for DVBE participation.

To be considered for the incentive, Bidders must complete and return the Bidder Declaration Form GSPD-05-105, the DVBE Declaration Form DGS PD 843, and a signed, written confirmation (described below). The [California DVBE Bid Incentive Instructions](#) include information about the DVBE incentive. If applicable, Bidders must claim this incentive on Attachment 4 – Narrative Response.

Written Confirmation:

A written confirmation from each DVBE subcontractor identified on the Bidder Declaration must be provided with the bid. The written confirmation **must** include the solicitation number and be signed by the Bidder and DVBE subcontractor(s). The written confirmation shall include but is not limited to the DVBE scope of work, work to be performed by the DVBE, term of intended subcontract with the DVBE, anticipated dates the DVBE will perform required work, rate and conditions of payment and total amount to be paid to the DVBE.

Failure to submit signed confirmations may render the bid non-responsive. If further verification is necessary, the state will obtain additional information to verify compliance with the above requirements.

DVBE Participation Reporting Requirements

If a contract/purchase order is awarded from this solicitation with a commitment from the prime bidder to achieve DVBE participation, pursuant to Military and Veterans Code Section 999.5, the prime contractor must, within sixty (60) days of receiving final payment under this agreement (or within such other time period as may be specified elsewhere in this agreement), certify the information contained in the [Prime Contractor's Certification – DVBE Subcontractor Report](#). This form should be provided by and returned to the ordering agency by the prime Contractor. It is the prime Contractor's responsibility to ensure the form is received, completed, and returned within the stated timeframe.

The state reserves the right to verify all of the above information. Any person or entity that knowingly provides false information shall be subject to a civil penalty for each violation as stated in Military and Veterans Code Section 999.5(d).

DVBE Subcontractor Substitution

The supplier understands and agrees that should award of this contract be based in part on their commitment to use the DVBE subcontractor(s) identified in their bid offer, per Military and Veterans Code section 999.5 (e), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by the DGS-PD. Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment. Failure of Contractor to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination,

recovery of damages under rights and remedies due to the State, and penalties as outlined in M&VC section 999.9; Public Contract Code (PCC) section 10115.10.

B. Small Business Preference

A 5 percent bid preference is available to Bidders certified as a small business in accordance with GC 14835 *et seq.* If applicable, Bidders must claim this preference on Attachment 4 – Narrative Response.

Bidders claiming the small business preference must be certified by California as a small business. Completed certification applications and required support documents must be submitted to the Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. PT on the bid due date, and the OSDS must be able to approve the application as submitted. The Small Business regulations concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals can be viewed in the [California Code of Regulations \(Title 2, Division 2, Chapter 3, Subchapter 8, section 1896 et seq.\)](#).

C. Small Business Nonprofit Veteran Services Agencies (SB/NVSA)

SB/NVSA prime Bidders meeting requirements specified in the Military and Veterans Code (MVC) section 999.50 *et seq.* and obtaining a California certification as a small business are eligible for the 5 percent small business preference. If applicable, claim the preference on Attachment 4 – Narrative Response. SB/NVSAs claiming the small business preference must possess certification by California prior to the day and time bids are due. Questions regarding certification should be directed to the OSDS at (916) 375-4940.

D. Non-Small Business Subcontractor Preference

A 5 percent bid preference is available to a non-small business claiming 25 percent California Certified small business subcontractor participation. If applicable, claim the preference on Attachment 4 – Narrative Response.

E. Target Area Contract Preference Act (TACPA) Preference

This solicitation provides for the optional TACPA preference. Bidders are not required to apply for this preference. Denial of the TACPA preference request is not a basis for rejection of the bid.

A preference will be granted to California-based Bidders in accordance with the Target Area Contract Preference Act (TACPA), Government Code Section 4530 *et seq.* and the California Code of Regulations, Title 2, Section 1896.30- 1896.41 Bidders must apply to be eligible for the TACPA preference, but application is not required to participate in this solicitation. Bidders are alerted that proposed Worksite and Workforce obligations for TACPA preferences must be met during the contract period if preferences are granted, regardless of preference amount needed to win a contract award.

Bidders desiring to claim TACPA preferences must submit a fully executed copy of the Standard Form 830, Bidder's Summary form, and Manufacturer's Summary form (if supplying goods) with their bid. These forms can be found at the following links:
<http://www.documents.dgs.ca.gov/dgs/fmc/pdf/Std830.pdf> (STD 830)

<http://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd0525.pdf> (Manufacturer Summary)
<http://www.documents.dgs.ca.gov/dgs/fmc/gspd/gspd0526.pdf> (Bidder's Summary)

The State reserves the right to verify, validate, and clarify all information contained in the TACPA application (STD 830). This includes, but is not limited to, information from bidders, manufacturers, subcontractors, and any other sources available at time of bid evaluation. Bidder's refusal to agree or comply with these terms, or failure to provide additional supporting information at the State's request may result in denial of the requested preference.

Bidders are advised that TACPA workforce preferences between 1-4 percent are based on the bidder agreeing to hire certain identified persons **equal to a percentage of its workforce** during the contract performance period. *The application form, STD 830, incorrectly lists workforce preference as percentage of total contract labor hours.*

If bidding by group, Bidder may need to complete and submit separate forms for each group for which the preference is being requested.

The DGS-PD, Dispute Resolution Unit (DRU) will process all TACPA site evaluations utilizing an integrated map located at the following link: <http://tacpa.dgs.ca.gov>

Any questions regarding the TACPA preference should be directed to TACPA@dgs.ca.gov.

24. COMMERCIALLY USEFUL FUNCTION (CUF)

Suppliers, whether the Bidder or a subcontractor, who have a California certification for one (1) or more of the socio-economic programs (i.e., small business or DVBE), must perform a Commercially Useful Function (CUF) in the resulting contract. CUF is defined in the Military and Veterans Code section 999(b)(5)(B) for DVBEs and in the Government Code section 14837(d)(4)(A) for small business as consisting of all the following:

- Responsibility for the execution of a distinct element of the work
- Actually performing, managing, or supervising the work
- Performing work that is normal for its business services and functions
- Not further subcontracting work that is greater than that expected by normal industry standards
- Responsible, with respect to any products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing (if applicable), and making payment.

Bidders shall describe in detail how each certified SB and/or DVBE, whether the Bidder or a subcontractor, meets the CUF criteria on Attachment 4 – Narrative Response.

A Contractor, subcontractor, or supplier is not considered to perform a CUF if their role is limited to that of an extra participant through which funds are passed in order to obtain the appearance of participation.

At the State's option, Bidders may be required to submit additional written clarifying information regarding CUF. Failure to submit the requested written information, as specified, may be grounds for rejection of the bid.

25. DARFUR CONTRACTING ACT

Public Contract Code sections 10475 -10481 applies to any company that currently or within the previous three (3) years has had business activities or other operations outside of the United States. For such a company to bid on or submit a proposal for a State of California contract, the company must certify that it is either a) not a scrutinized company; or b) a scrutinized company that has been granted permission by the DGS to submit a proposal.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services (Public Contract Code section 10477(a)), unless written permission from the Director of DGS to bid on this procurement has been granted (Public Contract Code section 10477(b)).

A Bidder is required to submit a completed [Darfur Contracting Act form](#) if their company currently or within the previous three (3) years has had business activities or other operations outside of the United States. The Darfur Contracting Act form should be submitted with the bid response. If this document is not included in the bid response, Bidder shall provide it within five (5) days after request from the State. Failure to submit required information may result in the bid being considered non-responsive.

If a Bidder has not conducted business outside of the United States in the last three (3) years, this section does not apply. Bidders shall submit their response on Attachment 4 - Narrative Response.

26. CALIFORNIA CIVIL RIGHTS LAWS CERTIFICATION

Pursuant to PCC Section 2010, any Bidder entering into or renewing an agreement over \$100,000 on or after January 1, 2017, shall certify all of the following:

- A. That they comply with the Unruh Civil Rights Act (Section 51 of the Civil Code).
- B. That they comply with the California Fair Employment and Housing Act (FEHA) (Chapter 7 (commencing with Section 12960) of Part 2.8 of Division 3 of Title 2 of the Government Code).
- C. (1) That any policy that they have against any sovereign nation or peoples recognized by the government of the United States, including, but not limited to, the nation and people of Israel, is not used to discriminate in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the FEHA (Chapter 7 (commencing with Section 12960) of Part 2.8 of Division 3 of Title 2 of the Government Code).
(2) Any policy adopted by a person or actions taken thereunder that are reasonably necessary to comply with federal or state sanctions or laws affecting sovereign nations, or their nationals shall not be construed as unlawful discrimination in violation of the Unruh Civil Rights Act (Section 51 of the Civil Code) or the FEHA (Chapter 7 (commencing with Section 12960) of Part 2.8 of Division 3 of Title 2 of the Government Code).

Bidders are required to submit the [California Civil Rights Laws Certification form](#) with the bid response. Failure to submit this form may result in the bid being considered non-responsive.

27. PAYEE DATA RECORD

To be awarded this agreement, the Bidder is required to complete, sign, return a [Payee Data Record \(STD 204\)](#) within five (5) days of request from the State.

28. GENERATIVE ARTIFICIAL INTELLIGENCE (GenAI) DISCLOSURE NOTIFICATION

The State of California seeks to realize the potential benefits of GenAI, through the development and deployment of GenAI tools, while balancing the risks of these new technologies.

Bidders must notify the State in writing if their solution or service includes, or makes available, any GenAI technology, including GenAI from third parties or subcontractors. The State has developed a GenAI Disclosure & Factsheet to be completed by the Bidder. The GenAI Disclosure & Factsheet form should be submitted with the bid response. If this document is not included in the bid response, Bidder shall provide it within five (5) working days after request from the State.

Failure to disclose GenAI to the State and submit the [GenAI Disclosure & Factsheet \(STD 1000\)](#) will result in disqualification of the Bidder and may void any resulting contract. The State reserves the right to seek any and all relief it may be entitled to as a result of such non-disclosure.

Upon receipt of a Bidder's GenAI Disclosure & Factsheet the State reserves the right to incorporate GenAI Special Provisions into the final contract or reject bids that present an unacceptable level of risk to the State.

29. EXECUTIVE ORDER N-6-22 – RUSSIA SANCTIONS

On March 4, 2022, Governor Gavin Newsom issued Executive Order N-6-22 (the EO) regarding Economic Sanctions against Russia and Russian entities and individuals. "Economic Sanctions" refers to sanctions imposed by the U.S. government in response to Russia's actions in Ukraine, as well as any sanctions imposed under state law. By submitting a bid or proposal, Contractor represents that it is not a target of Economic Sanctions. Should the State determine Contractor is a target of Economic Sanctions or is conducting prohibited transactions with sanctioned individuals or entities, that shall be grounds for rejection of the Contractor's bid/proposal any time prior to contract execution, or, if determined after contract execution, shall be grounds for termination by the State.

30. TAX DELINQUENCY

Pursuant to the Public Contract Code section 10295.4, prior to executing any State agreement or renewal for non-IT goods or services, the contracting department must verify that the Bidder is not on either of the prohibited lists below. If Bidder is on either list, they will be ineligible for agreement award.

[FTB Top 500 Delinquent Taxpayers](#)

[CDTFA Top 500 Sales & Use Tax Delinquencies in California](#)

31. AUTHORIZED RESELLER

If the Bidder is not the Original Equipment Manufacturer (OEM) of the product being proposed, the Bidder must provide, on OEM company letterhead and signed by an authorized OEM representative, documentation identifying the Bidder as an authorized OEM reseller. The Authorized Reseller letter

should be submitted with the bid response. If this document is not included in the bid response, Bidder shall provide it within five (5) days after request from the State. Failure to submit required information may result in the bid being considered non-responsive. The State has the option to follow-up and verify any Authorized Reseller letter.

32. DISTRIBUTION PLAN

Bidder shall describe in detail their Distribution Plan on Attachment 4 – Narrative Response. The Distribution Plan should be the Bidder's written plan for distribution of the products. The plan must clearly show distribution from the manufacturer to the end user, including all points in between specific to the resulting contract only, and the role that the Bidder, as the Contractor of record, will play in the distribution.

This plan should clearly identify all parties, including any subcontractor, DVBE and/or small business participants involved in the execution of this contract and their responsibilities. Work performed by a Bidder or a subcontractor, who is a California certified Small Business and/or DVBE, must perform a Commercially Useful Function (CUF).

33. FREE ON BOARD (F.O.B.) DESTINATION

For the purpose of this bid, only bids quoted F.O.B. Destination, Freight Prepaid, will be accepted. No charge for delivery, drayage, express, parcel post, packing, cartage, insurance, license fees, permits, cost of bonds, or for any other purpose will be paid by the State unless expressly included and itemized in the Contract. International shipments will be Delivered Duty Paid (DDP). Import Costs, duties, taxes, value added tax, or any other transportation or customs costs will not be paid by the State unless expressly included and itemized in the Contract.

The sales tax rate applied should be based on the rate of the area where the product is to be delivered, unless the deliverable is a vehicle, in which case the sales tax rate applied should be based on the rate where the vehicle will be registered with the California Dept. of Motor Vehicles (DMV).

All freight charges over \$50 require a supporting prepaid freight bill prior to freight payment.

34. SALES TAX

The sales tax rate applied should be based on the rate of the area where the product is to be delivered.

35. STATE'S OWN BID DOCUMENTS/SOLICITATION

Only bids quoted on the State's own bid documents will be considered. Documents include all forms and attachments required to be submitted. Alteration of the State's documents may result in the rejection of the bid. Bids submitted referencing supplier attachments which include terms and conditions that conflict with the State's complete solicitation shall be considered non-responsive and such bids shall be rejected.

36. ADDITIONAL TERMS AND CONDITIONS

The State objects to and will not evaluate or consider any additional terms or conditions submitted by a bidder. This applies to any language appearing in documents attached as part of the bidder's response. In signing and submitting the Agreement Cover Letter, the bidder agrees that any

additional terms and conditions whether submitted intentionally or inadvertently, shall have no force or effect. Bids with terms and conditions attached may be subject to rejection.

37. BID SUBMITTAL

Bids must be received by the bid due date and time listed on page one (1) of this solicitation. Bids received after this date and time will not be considered.

The completed bid response shall be submitted by email as follows:

- Email bids to OTA@dgs.ca.gov
- Only bids received to this mailbox will be considered. Bids shall not be sent to any other mailbox.
- Email should clearly identify in the Subject Line: Bid Response for BU 8940 Event ID 0000031824, July 29, 2024, Traci Fortier, Bidder’s Company Name _____
- Emails will not be opened by the Procurement Official until the required bid due date and time.

Emails should not exceed one hundred fifty (150) megabytes (MB). The State’s mail server may automatically reject excessively large emails. Bidder may submit multiple emails if file size exceeds the recommended one hundred fifty (150) MB. Multiple emails should be identified as follows: 1 of 3, 2 of 3, 3 of 3, etc. Links to files stored on the Internet (e.g., Google Drive, Dropbox, etc.) in lieu of attachments are not acceptable, and any documents stored at such links will not be retrieved

Hard copy and faxed bids will not be accepted for this solicitation.

38. BID RESPONSE LIST

Bidders shall include the following documents and attachments as required in the IFB. Document links are contained in each applicable section when not attached to the solicitation.

Required with Bid Response

Description	Section
Agreement Cover Letter	15
Attachment 3 – Cost Worksheet	18
Attachment 4 – Narrative Response	19
Bidder Declaration Form (GSPD-05-105)	22
California Civil Rights Laws Certification form	26
Attachment 7— Customer Reference Form	Att. 2

Required with the Bid Response only if the Bidder and/or subcontractor is a certified SB/DVBE and/or Bidder is claiming a preference or incentive

Description	Section
Disabled Veteran Business Enterprise Declaration Form DGS PD 843	23
Target Area Contract Preference Act (TACPA), request form (Std. 830).	23
Manufacturer’s Summary, form (DGS PD 525) for goods only.	23

Description	Section
Bidder's Summary, form (DGS PD 526) for goods and services.	23

Requested with Bid Response, required within five (5) working days after notification from the State, before award

Description	Section
Copy of Seller's Permit	20
Descriptive Literature	21
Darfur Contracting Act	25
Payee Data Record (STD 204)	27
GenAI Disclosure & Factsheet (STD 1000)	28
Authorized Reseller Letter	31

This IFB document is not required to be submitted with bid.

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

39. PUBLIC BID READINGS

All bids received by the due date and time will be opened and read at a public bid reading. Bid readings will be conducted through Microsoft Teams. All participating Bidders and interested parties may attend by using the Microsoft Teams access information below:

Microsoft Teams Meeting Link 221 647 071 314 [Join the meeting now](#)
Passcode: zMUmcN

Call in: 1 916-245-8850 419696352#
Conference ID: 419 696 352#

The cost opening will begin at **2:00 PM PT on July 29, 2024**, Participants are encouraged to call in on time to be admitted.

40. AWARD NOTIFICATION

If you would like to receive notification of the bid results and intended awardee, please include a "Notice of Intent to Award" request along with your submitted bid.

41. ATTACHMENTS

The following list identifies the applicable Attachments for this solicitation:

- Attachment 1 – Technical Specification 8415-BS-0204737, dated 06/19/2024 of 2 pages

- Attachment 2 – Administrative Requirements of five (5) pages
- Attachment 3 – Cost Worksheet of two (2) pages
- Attachment 4 – Narrative Response of one (1) page
- Attachment 5 – Distribution List of four (4) pages
- Attachment 6 – Work Authorization Form of one (1) page
- Attachment 7 – Bidder Reference Form of four (4) pages

End of Document