



INVITATION FOR BID Notice to Prospective Bidders

June 5, 2026

You are invited to review and respond to this Invitation for Bid (IFB) P2660010, entitled “Domestic Water Treatment Plant Operations”, at Hot Creek Hatchery, Mono County, California. In submitting your bid, you must comply with these instructions.

Terms and Conditions

All agreements entered into with the State of California will include the following terms and conditions:

- [Exhibit C - General Terms and Conditions \(GTC 02/2025\)](#)
- [Contractor Certification Clauses \(CCC 04/2017\)](#)
- [Standard California Nondiscrimination Construction Contract Specifications](#)

Public Works Requirements

1. No Contractor or subcontractor may be listed on a bid proposal for a public works project unless registered with the Department of Industrial Relations for contracts greater than \$25,000.00.
2. No Contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the Department of Industrial Relations for contracts greater than \$25,000.00.
3. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations for contracts greater than \$25,000.00.

Prevailing Wages

In addition to the terms and conditions referenced above, the Contractor will comply with all laws, regulations, and policies regarding prevailing wage determinations. These rules include, but are not limited to:

Labor Code §1770: The Department of Industrial Relations (DIR) has ascertained general prevailing rate of per diem wages in the locality in which the work is to be performed.

Labor Code §1774: The Contractor to whom the contract is awarded, and any subcontractor under him, shall pay not less than the specified prevailing rates of wages to all workmen employed in the execution of the contract.

Current prevailing wage rate information is available through the Department of Industrial Relations (DIR) website at: http://www.dir.ca.gov/OPRL/statistics_and_databases.html.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Land and Facilities Engineering Branch
1010 Riverside Parkway
West Sacramento, CA 95605
Engineering@wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



Note: *When the wage determination shows an expiration date (noted by a double asterisk**), to expire during the term of the contract, the Contractor must call or write the DIR to obtain the new rates and incorporate them in the bid to be applicable for the term of the contract (Department of General Services General Conditions of the Contract for Construction, Section 3.3.3.3, October 2011).*

If you do not have Internet access, a hard copy can be provided by contacting CDFW engineering listed below.

In the opinion of CDFW, this Invitation for Bid is complete and without need of explanation; however, if you have any questions, please contact:

Land and Facilities Engineering Branch
California Department of Fish and Wildlife
Attn: Edith Derheim, Analyst II
1010 Riverside Parkway
West Sacramento, CA 95605

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

Cal eProcure: This IFB along with any applicable addenda will be published online at <https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx>. On Search Events, under Department, enter "3600" and click Search. Enter the project number (P2660010) in the Events Field.

Sincerely,

Dawn Otis-Drowne, Staff Services Manager I
Wildlife and Fisheries Division
Land and Facilities Engineering Branch

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
1010 RIVERSIDE PARKWAY
WEST SACRAMENTO, CALIFORNIA 95605
WILDLIFE AND FISHERIES DIVISION
FACILITIES ENGINEERING

CONTRACT DOCUMENTS AND SPECIFICATIONS

FOR

INVITATION FOR BID - P2660010

DOMESTIC WATER TREATMENT PLANT OPERATIONS (second post)
AT

HOT CREEK HATCHERY

MONO COUNTY, CALIFORNIA



GAVIN NEWSOM, GOVERNOR
WADE CROWFOOT, SECRETARY FOR NATURAL RESOURCES AGENCY
MEGHAN HERTEL, DIRECTOR, CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

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6.	Exhibit B - Budget Detail and Payment Provisions	6 pages
7.	Exhibit C - General Terms and Conditions (GTC 02/2025).....	*
8.	Exhibit G - Additional Provisions (Public Works)	20 pages
9.	Standard California Nondiscrimination Construction Contract Specifications (STD 18)	2 pages

* <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/Standard-Contract-Language> for GTC 02/2025

F. Attachments: Bid Documents Required for Bidding Purposes (Separate Document)

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Attachment 12	Bidder Declaration Form GSPD-05-106 (Signed) 21-23 The Bidder Declaration Form (GSPD-05-106) must be completed by the Prime Contractor. This form is used to document <u>all</u> SB & DVBE Sub-contractors and vendors that are performing part of the work, and suppliers. <u>All</u> SB & DVBE must be listed on the GSPD-05-106.
Attachment 13	DVBE Declaration Use Form (STD 843) (Signed) 24
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A. Description of Services

1. Description:

The Contractor will provide to the California Department of Fish and Wildlife (CDFW): labor, materials, tools, equipment, and incidentals necessary for **contractual operation and routine systems maintenance, inspection, data measurements and sample analysis, servicing and repairs of the Hot Creek Hatchery (HCH) domestic water system**, in accordance with the specifications, terms, and conditions contained herein. All inspection and maintenance work will ensure that the equipment continues to function properly and safely.

2. Location of Services:

The services will be performed at 121 Hot Creek Hatchery Road, Mammoth Lakes, CA, 93546, Mono County

3. Contract Term:

Upon DGS approval through June 30, 2029

4. License Required:

- A- General Engineering Contractor, **OR**
- B – General Building Contractor, **OR**
- C-36 Plumbing Contractor, **OR**
- C-55 Water Conditioning Contractor

Additional certifications from the California State Water Resources Control Board required:

- Grade D2 Water Distribution or higher, **AND**
- Grade T2 Water Treatment or higher

B. Estimated Cost: \$168,900.00

C. Bid Requirements and Information

1. Key Action Dates

<u>Event</u>	<u>Date</u>
IFB available to prospective bidders	June 5, 2026
MANDATORY Pre-bid Job Walk	June 16, 2026, at 10:00 AM
Bid Opening	July 7, 2026, at 2:00 PM
Bid Due Date	July 7, 2026, at 2:00 PM
Notice of Intent to Award	July 17, 2026
Proposed Award Date (See Section C.9.f Page 8)	August 2026

2. Contacts, Pre-Bid Conference & Reasonable Accommodation

- a. For general questions pertaining to the bidding requirements, please contact the Contract Analyst, Edith Derheim, via email at Edith.Derheim@wildlife.ca.gov. For questions about Scope of Work details not answered in the Complete Agreement Sample document, please contact the Contract Manager, Matthew Norris, via email at Matthew.Norris@wildlife.ca.gov.
- b. A **mandatory** pre-bid job walk is scheduled at the jobsite as indicated above for the purpose of discussing concerns regarding this IFB. Contractor must attend the pre-bid job walk.
- c. For contractors who need assistance due to physical impairment, reasonable accommodation will be provided by the awarding agency upon request for the pre-bid job walk. The contractor must call the Contract Manager at 760-709-1902 no later than the fifth (5th) working day prior to the scheduled date and time of the pre-bid job walk to arrange for a reasonable accommodation.

3. Submission of Bids

- a. All bids must be submitted under **sealed** cover and sent to the California Department of Fish and Wildlife (CDFW). The bid must be **received** by the date and time shown in Section C. Bid Requirements and Information, Item 1. Key Action Dates on page 3. The sealed cover must be plainly marked with the IFB number and title, must show your firm name and address, and must be marked with "DO NOT OPEN", as shown in the following example:

(IFB Number)
(IFB Name)
(Agency Name and Address)
DO NOT OPEN

Bids not submitted under sealed cover may be rejected.

All bids shall include the documents identified in Section F. Required Bid Documents for Bidding Purposes. Bids not including all the attachments shall be deemed non-responsive. A non-responsive bid is one that does not meet the basic bid requirements.

- b. All documents requiring a signature must bear an original signature of a person authorized to bind the bidding firm.
- c. Mail, or hand deliver, or overnight express all bids to the following address:

CDFW – Land and Facilities Engineering Branch
Attn: Edith Derheim, Analyst II
1010 Riverside Parkway
West Sacramento, CA 95605

- d. Bids must be submitted for the performance of all the services described herein. Any deviation from the work special provisions will not be considered and will cause a bid to be rejected.

- e. A bid may be rejected if it is conditional or incomplete, or if it contains any alterations of forms or other irregularities of any kind. The State may reject any or all bids and may waive an immaterial deviation in a bid. The State's waiver of an immaterial deviation shall in no way modify the IFB document or excuse the bidder from full compliance with all requirements if awarded the agreement.
- f. Costs incurred for developing bids and in anticipation of award of the agreement are entirely the responsibility of the bidder and shall not be charged to the State of California.
- g. Bid prices/rates shall include the cost of employer payments to or on behalf of employees, subsistence, travel, compensation insurance premiums, unemployment contributions, social security taxes, and any other taxes or assessments, including but not limited to, sales and use taxes required by law or otherwise and no additional allowance will be paid unless separate payment provisions in the Agreement should specifically provide otherwise.
- d. Bid prices/rates shall also include the cost for obtaining payment and performance bond premiums based on the Total Bid Amount + Contingency (maximum 10%).
- e. An individual who is authorized to bind the bidder contractually shall sign the Bid/Bidder Certification Sheet, page 2. The signature should indicate the title or position that the individual holds in the firm. An unsigned bid may be rejected.
- f. A bidder may modify a bid after its submission by withdrawing the original bid and resubmitting a new bid prior to the bid submission deadline. Bidder modifications offered in any other manner, oral or written, will not be considered.
- g. A bidder may withdraw their bid by submitting a written withdrawal request to the State, signed by the bidder or an authorized agent. A bidder may thereafter submit a new bid prior to the bid submission deadline. Bids may not be withdrawn without cause subsequent to bid submission deadline.
- h. The awarding agency may modify the IFB prior to the date fixed for submission of bids by the issuance of an addendum to all parties who received a bid package.
- i. The awarding agency reserves the right to reject all bids. The agency is not required to award an agreement.
- j. Before submitting a response to this solicitation, bidders should review, correct all errors, and confirm compliance with the IFB requirements.
- k. **Bidder shall carefully examine and thoroughly acquaint themselves with the conditions at the site of the work, the plans, and the provisions contained in the project special provisions.** Bidder shall investigate conditions, character, quality and quantity of surface, and sub-surface materials of obstacles to be encountered. Failure by the bidder to acquaint themselves with site conditions and available information will not relieve bidder from the responsibility for estimating properly the difficulty or cost of successfully performing the work. No additions or increases to the agreement amount will be made due to a lack of careful examination of work sites and special provisions.

The submission of a bid will be considered as conclusive evidence that the bidder has made such examination.

- l. The State does not accept alternate contract language from a prospective contractor. A bid with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable.
- m. No oral understanding or agreement shall be binding on either party.

4. Evaluation and Selection

- a. At the time of the bid opening, each bid will be checked for the presence or absence of required information in conformance with the submission requirements of this IFB.
- b. The State will evaluate each bid to determine its responsiveness to the published requirements.
- c. Bids that contain false or misleading statements, or which provide references, which do not support an attribute or condition claimed by the bidder, may be rejected.
- d. Award if made, will be to the lowest responsive responsible bidder.

5. Award and Notification

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

6. Disposition of Bids

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

7. Sample Standard Agreement Execution

- a. This IFB includes, as a separate document, a Sample Standard Agreement (Sample Standard Agreement STD 213) for review. The Sample Standard Agreement contains language that CDFW expects to utilize for this contract.

8. Agreement Execution and Performance

- a. Performance shall start not later than the express date set by the CDFW Contract Manager and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State

for the difference between Contractor's bid price and the actual cost of performing work by the second lowest bidder or by another contractor.

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

9. Contract

- a. **Bids shall remain valid for one hundred twenty (120) calendar days after the bid opening date:** The State will endeavor to execute a contract within one hundred twenty (120) calendar days from the bid opening date. The contract is not executed until the appropriate State agency has approved the contract. Bidders shall hold their bids for one hundred twenty (120) calendar days after the bid opening date. **Upon expiration of one hundred twenty (120) calendar days from the bid opening date, bidders may withdraw their bids. If bidder, after expiration of one hundred twenty (120) calendar days from the bid opening date fails to withdraw its bid and a contract is subsequently approved by the appropriate State agency and executed, bidder shall have no claim for any reason to amend its bid.**
- b. If contract is awarded, the successful responsible low bidder will be required to execute and deliver to the State the required documents.
- c. The apparent low bidder shall execute the required number of copies of the contract documents, (Payment and Performance Bonds, General and Automobile Liability Insurance, Workers Compensation and Employers' Liability Insurance, and STD 213) and return them within twenty (20) working days after he/she has received notice that he/she is the apparent successful low bidder. Signature of the apparent successful low bidder on the contract documents will complete identification of these documents.
- d. Failure to provide the required executed contract documents within the twenty (20) working days may be deemed refusal of an award which may be cause for forfeiture of bidder's security.
- e. The State may award to the next lowest responsible bidder and avail itself of all legal remedies provided by statute.
- f. Proposed Award Date identified in Section C.1. Key Action Dates is based on accurate contract documents being returned within the set time as described in Section C.9.c above. Documents not having the correct language or delays in receiving documents from the Contractor will delay the Proposed Award and Start of Construction Dates.
- g. The contract shall be binding upon the State only after approval by the State. Should work begin in advance of receiving notice that the Contract is approved, that work shall be considered as having been done by a volunteer and Contractor shall go unpaid.
- h. Contractor and subcontractor(s), regardless of tier must furnish electronic certified payroll records directly to the Labor Commissioner (aka Division of Labor Standards Enforcement).

10. Instructions to Bidders

a. BIDS AND BIDDERS

1. The California Department of Fish and Wildlife (CDFW), reserves the right to reject any or all bids and waive any informality in any bid.
2. To receive consideration, bids shall be made in accordance with the following instructions:

Before submitting bids, all bidders must be licensed in the appropriate classification in accordance with provisions in Division 3, Chapter 9, of the "California Business and Professions Code" as amended.

No bidder may bid on work of a kind for which he/she is not properly licensed by the Contractors State License Board, and any such bid received will be rejected. Joint venture bidders must possess a joint venture license.

No contractor or subcontractor may be listed on a bid proposal for public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)]

No contractor or subcontractor may be awarded a contract for public works on a public works project unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5

This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

State shall not award a contract to a bidder, nor shall a bidder be eligible to bid for or receive a contract, who has, in the preceding five years, has been convicted of violating a state or federal law respecting the employment of undocumented aliens.

Bids **MUST** be made on the forms supplied by the California Department of Fish and Wildlife and shall be properly executed in ink with all items filled out; numbers stated in figures; the completed forms shall be without interlineations, alterations, erasures, or alternatives. **Alternate Bid Forms will not be considered and will be cause for rejection of such bids.**

To be accepted, bids must have an original signature in ink by the bidder or an officer of the bidder who has authority to sign contracts binding upon the bidder. Unsigned bids will be considered non-responsive and will be rejected. Signature stamps are **NOT** acceptable.

The bidder is cautioned to check all figures and further understands that the State will not be responsible for any errors or omissions on the part of the bidder in making up said bid.

Bidder shall set forth in their bid:

- (1) Name and address of each subcontractor who will perform work or labor or render service to Contractor in excess of one-half-of-one percent (0.5%) of the total bid in accordance with the "Subletting and Subcontracting Fair Practices Act," commencing with Section 4100 of the Public Contract Code.
- (2) Portion of the work which will be done by each subcontractor.

FAILURE OF BIDDER TO SPECIFY A SUBCONTRACTOR for any portion of the work to be performed under the contract constitutes an agreement by the bidder to perform that portion of the work himself/herself.

Vendors or suppliers of materials need not be listed.

Pursuant to Section 1770 of the Labor Code, the Department of Industrial Relations has ascertained the general prevailing wage rates to be as listed in the "Prevailing Wage Data Base", located at www.dir.ca.gov, or is available for inspection by interested parties at the address shown above.

3. In the event any Federal funding coming into the Department is used to support any part of the work under this agreement, the Contractor will be required to fill out DFW 868; Federal Funding Accountability and Transparency Act 2006 (FFATA) Form and register Federal Central Contractors Registry, as appropriate. The California Department of Fish and Wildlife (CDFW) will provide the form upon award of contract.

b. Bidder's Security

1. Bids of \$5,000 and over shall have enclosed, a **Cashier's Check, Certified Check, or a Bidder's Bond** executed as surety by a corporation authorized to issue surety bonds in the State of California, made payable to the California Department of Fish and Wildlife, in an amount equal to at least ten percent (10%) of the amount bid.

NO BID WILL BE CONSIDERED UNLESS ONE OF THESE FORMS OF BIDDER'S SECURITY IS ENCLOSED WITH THE BID.

2. If bidder's security is a bidder's bond, it **MUST** be executed on the Bidder's Bond form included in the bid documents. Personal checks are not acceptable.
3. Within five (5) working days after the receipt of the signed agreement including bonds, the California Department of Fish and Wildlife will return all bidder's security, other than bidder's bond, accompanying proposals that are not to be further considered in making the award. Retained bidder's security will be held until the contract has been fully executed, after which all bidder's security, except bidder's bonds, will be returned.

c. Interpretation of Drawings and Documents

1. Should a bidder find discrepancies in, or omission from, the drawings or special provisions, or should he/she be in doubt as to their meaning, he/she shall at once notify the Engineer not later than seven (7) calendar days prior to bid opening date, and should it be found necessary, a written Addendum will be sent to all bidders. The Department will not be responsible for any oral instructions.

2. INTERPRETATIONS AND ADDENDA: No oral interpretations shall be made to any bidder as to the meaning of any of the contract or be effective to modify any part of the provisions of contract. Every request for any interpretation shall be made in writing and addressed and forwarded to the California Department of Fish and Wildlife, Engineering Section, 1010 Riverside Parkway, West Sacramento, CA 95605

d. Addendum

1. Any addendum issued during time of bidding and before the time of bid opening, or forming a part of documents loaned to bidders for the preparation of the bid shall be covered in the bid and shall be a part of the contract. All bidders are responsible to inquire as to addenda issued.

11. Antitrust claims

“The contractor offers and agrees and will require all of his other subcontractors and suppliers to agree to assign to the awarding body all rights, title, and interest in and to all causes of action they may have under Section 4 of the Clayton Act (15 USC § 15) or under the Cartwright Act (Chapter 2 [commencing with § 16700] of Part 2 of Division 7 of the Business and Professions Code) arising from purchases of goods, services, or materials pursuant to the public works contract or subcontract. The assignment made by the contractor and all additional assignments made by the subcontractors and suppliers shall be deemed to have been made and will become effective at the time the awarding body tenders final payment to the contractor without further acknowledgment or the necessity of tendering to the awarding body any written assignments.”

“If an awarding body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under Government Code sections 4550 – 4554, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, on demand, recover from the public body any portion of the recovery, including treble damages, and attributable overcharges that were paid by the assignor but were not paid by the public body as a part of the bid price, less the expenses incurred in obtaining that portion of the recovery. On demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under Government Code sections 4550 – 4554 if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action.”

12. Employment of Undocumented Aliens

“No state agency or department, as defined in Public Contract Code § 10357, that is subject to this code, shall award a public works contract to a bidder or contractor, nor shall a bidder or contractor be eligible to bid for or receive a public works contract, who has, in the preceding five (5) years, been convicted of violating a state or federal law regarding the employment of undocumented aliens. See Public Contract Code § 6101.”

13. GenAI Contract Disclosure and Special Provisions

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.

Bidder / Offeror must notify the State in writing if it: (1) intends to provide GenAI as a deliverable to the State; or (2), intends to utilize GenAI, including GenAI from third parties, to complete all or a portion of any deliverable that materially impacts: (i) functionality of a State system, (ii) risk to the State, or (iii) Contract performance. For avoidance of doubt, the term “materially impacts” shall have the meaning set forth in State Administrative Manual (SAM) § 4986.2 Definitions for GenAI.

Failure to report GenAI to the State may result in disqualification. The State reserves the right to seek any and all relief to which it may be entitled to as a result of such non-disclosure.

Upon notification by a Bidder / Offeror of GenAI as required, the State reserves the right to incorporate GenAI Special Provisions into the final contract or reject bids/offers that present an unacceptable level of risk to the State.

Government Code 11549.64 defines “Generative Artificial Intelligence (GenAI)” as an artificial intelligence system that can generate derived synthetic content, including text, images, video, and audio that emulates the structure and characteristics of the system’s training data.

D. Preference and Incentive Programs

1. Small Business Preference

Section 14835 et seq. Of the California Government Code requires that a five (5) percent 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 for the delivery of services, are contained in Title 2, California Code of Regulations, Section 1896, et seq. A copy of the regulations is available upon request. To claim the small business preference, which may not exceed \$50,000 for any bid, your firm must have its principal place of business located in California, have a complete application (including proof of annual receipts) on file with the State Office of Small Business and DVBE Services (OSDS) by 5:00 p.m. on the date bids are opened, and must be subsequently verified and approved by OSDS. Questions regarding the preference approval should be directed to that office at (916) 375-4940 or (800) 559-5529.

Bidders requesting the SMALL BUSINESS PREFERENCE shall submit with their bid, a copy of the small business certification approval letter issued by the Office of Small Business Certification and Resources. See www.pd.dgs.ca.gov

2. Non-Small Business Preference

Section 14838(b)(1)(2) of the California Government Code now provides a five (5%) percent preference for a non-small business. A five percent (5%) bid preference is available to a non-small business claiming twenty-five percent (25%) California certified small business subcontractor participation. If claiming the non-small business subcontractor preference, the bid response must include a list of the small business(es) with which you commit to subcontract in an amount of at least twenty-five percent (25%) of the net bid price with one or more California certified small businesses. Each listed certified small business must perform a “commercially useful function” in the performance of the contract as defined in Government Code Section 14837(d)(4). A Non-Small Business cannot displace a Certified Small Business.

Indicate in your proposal whether or not you are claiming the non-small business preference. The required list of California certified small business subcontracts must be attached to the bid response and must include the following: 1) subcontractor name, 2) address, 3) phone number, 4) a description of the work to be performed and/or products supplied, 5) and the dollar amount or percentage of the net bid price (as specified in the solicitation) per subcontractor.

Bidders claiming the five percent (5%) preference must commit to subcontract at least twenty-five percent (25%) of the net bid price with one or more California certified small businesses. Completed certification applications and required support documents for subcontracts must be submitted to the office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the bid due date, and the OSDS must be able to approve the application as submitted. Questions regarding certification should be directed to the OSDS at (916) 375-4940.

3. DVBE Requirements

The DVBE Incentive, (Senate Bill 115, Chaptered October 2005, Regulations adopted October 2007) provides bidding firms with the opportunity to receive incentive calculations which may then place the bidding firm in line for the contract award when they elect to partner with California certified DVBE businesses. The bidding firm may receive a five (5) percent incentive. The rules and regulations of this law are contained in Title 2, California Code of Regulations, Subchapter 10.6. A copy of the regulations is available upon request.

Bidders claiming DVBE incentive, shall complete the Bidder Declaration Form GSPD-05-106 (See Section F, Attachment) and shall submit with their bid.

a. Program Requirements

Please read the requirements and instructions carefully before you begin.

AUTHORITY. The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for State contracts is 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. **Recent legislation has modified the program significantly in that a bidder may no longer demonstrate compliance with program requirements by performing a “good faith effort” (GFE).**

The minimum DVBE participation percentage (goal) is 3% for this solicitation unless another percentage is specified in the solicitation. A DVBE incentive will be given to bidders who provide DVBE participation, unless stated elsewhere in the solicitation that the DVBE incentive has been waived.

INTRODUCTION. The bidder must complete the identified form to comply with this solicitation’s DVBE program requirements. Bids or proposals (hereafter called “bids”) that **fail to submit all required forms and fully document and meet one of the DVBE program requirement options shall be considered non-responsive.**

Information submitted by the intended awardee to comply with this solicitation's DVBE requirements will be verified by the State. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of the PCC §10115, et seq., and MVC §999 et seq., and follow the investigatory procedures required by the CCR §1896.80. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties and/or contract termination.

Only State of California, Office of Small Business and DVBE Services (OSDS), certified DVBEs (hereafter called "DVBE") who perform a commercially useful function relevant to this solicitation, may be used to satisfy the DVBE program requirements. The criteria and definition for performing a commercially useful function are contained herein on the page entitled **Resources & Information**. Bidders are to verify each DVBE subcontractor's certification with OSDS to ensure DVBE eligibility.

PLEASE READ ALL INSTRUCTIONS CAREFULLY. These instructions contain information about the DVBE program requirements, bidder responsibilities, and the DVBE Bid Incentive. Bidders are responsible for thorough review and compliance with these instructions.

To meet the DVBE program requirements, bidders must complete and fully document at least one of the following compliance options:

Commitment to full DVBE participation - For a bidder who is a DVBE or who is able to meet the commitment to use identified certified DVBE(s) to fulfill the full DVBE participation goal.

COMMITMENT -- Commit to meet or exceed the DVBE participation requirement in this solicitation by either Method A1 (bidder is a California certified DVBE) or A2 (bidder is not a California certified DVBE). Bidders must document DVBE participation commitment by completing and submitting the Bidder Declaration (GSPD-05-106) located elsewhere within the solicitation document. Failure to complete and submit the required forms as instructed shall render the bid non-responsive.

At the State's option prior to award of the contract, a written confirmation from each DVBE subcontractor identified on the Bidder Declaration must be provided. As directed by the State, the written confirmation must be signed by the bidder and/or the DVBE subcontractor(s). The written confirmation may request information that includes 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. If further verification is necessary, the State will obtain additional information to verify the above requirements.

Method A1. Certified DVBE bidder:

- Commit to performing at least 3% of the contract bid amount (unless otherwise specified) with the prime bidder's firm or in combination with another DVBE(s).
- Document DVBE participation on the Bidder Declaration GSPD-05-106.

- At the State's option a DVBE bidder working in combination with other DVBEs shall submit proof of its commitment by submitting a written confirmation from the DVBE(s) identified as a subcontractor on the Bidder Declaration. When requested, the document must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the written confirmation as specified may be grounds for bid rejection.

Method A2. Non-DVBE bidder:

- Commit to using certified DVBE(s) for at least 3% (unless otherwise specified) of the bid amount.
- Document DVBE participation on the Bidder Declaration GSPD-05-106.
- At the State's option prior to contract award, a bidder is to submit proof of its commitment by submitting a written confirmation from each DVBE identified as a subcontractor on the Bidder Declaration GSPD-05-106. The awarding department contracting official named in the solicitation may contact each listed DVBE, by mail, fax or telephone, for verification of the bidder's submitted DVBE information. When requested, the document must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the written confirmation as specified may be grounds for bid rejection.

b. Bid Incentive Instructions

Please review the instructions carefully before you begin.

AUTHORITY. The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for State contracts is 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.

This solicitation requires a minimum DVBE participation percentage or goal of 3%.

DVBE BID INCENTIVE. A DVBE incentive will be given to bidders who provide DVBE participation. For evaluation purposes only, the State shall apply a DVBE Bid incentive to bids that propose California certified DVBE participation as identified on the Bidder Declaration, GSPD-05-106, (located elsewhere within the solicitation document) and confirmed by the State. The DVBE incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation. Unless a table that replaces the one below has been expressly established elsewhere within the solicitation, the following percentages will apply for awards based on low price.

Confirmed DVBE Participation of:	DVBE Incentive
5% or Over	5%
4% to 4.99% inclusive	4%
3% to 3.99% inclusive	3%

As applicable:

- Awards based on low price - the net bid price of responsive bids will be reduced (for evaluation purposes only) by the amount of DVBE incentive as applied to the lowest responsive net bid price. If the #1 ranked responsive, responsible bid is a California certified small business, the only bidders eligible for the incentive will be California certified small businesses. The incentive adjustment for awards based on low price cannot exceed 5% or \$100,000, whichever is less, of the #1 ranked net bid price. When used in combination with a preference adjustment, the cumulative adjustment amount cannot exceed \$100,000.
- Awards based on highest score - the solicitation shall include an individual requirement that identifies incentive points for DVBE participation.

INTRODUCTION. Bidders must document DVBE participation commitment by completing and submitting a Bidder Declaration, GSPD-05-106, (located elsewhere within the solicitation document). Bids or proposals (hereafter called “bids”) that **fail to submit the required form to confirm the level of DVBE participation will not be eligible to receive the DVBE incentive.**

Information submitted by the intended awardee to claim the DVBE incentive(s) will be verified by the State. If evidence of an alleged violation is found during the verification process, the State shall initiate an investigation, in accordance with the requirements of the PCC §10115, et seq., and MVC §999 et seq., and follow the investigatory procedures required by the 2 CCR §1896.80. Contractors found to be in violation of certain provisions may be subject to loss of certification, penalties and/or contract termination.

Only State of California, Office of Small Business and DVBE Services (OSDS), certified DVBEs (hereafter called “DVBE”) who perform a commercially useful function relevant to this solicitation, may be used to qualify for a DVBE incentive(s). The criteria and definition for performing a commercially useful function are contained herein on the page entitled **Resources & Information**. Bidders are to verify each DVBE subcontractor’s certification with OSDS to ensure DVBE eligibility.

At the State’s option prior to award of the contract, a written confirmation from each DVBE subcontractor identified on the Bidder Declaration must be provided. As directed by the State, the written confirmation must be signed by the bidder and/or the DVBE subcontractor(s). The written confirmation may request information that includes 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. If further verification is necessary, the State will obtain additional information to verify compliance with the above requirements.

THE DVBE BUSINESS UTILIZATION PLAN (BUP): DVBE BUPs are a company’s commitment to expend a minimum of 3% of its total statewide contract dollars with DVBEs -- this percentage is based on all of its contracts held in California, not just those with the State. A DVBE BUP does not qualify a firm for a DVBE incentive. Bidders with a BUP, must submit a Bidders Declaration (GSPD-05-106) to confirm

the DVBE participation for an element of work on this solicitation in order to claim a DVBE incentive(s).

c. Resources and Information

THE FOLLOWING MAY BE USED TO LOCATE DVBE SUPPLIERS:

For questions regarding bid documentation requirements, **contact the contracting official at the awarding department for this solicitation.** For a directory of SB/DVBE Advocates for each department go to:

<https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Small-Business-Disabled-Veteran-Business-Enterprise-Advocate-Directory>

The Department of General Services, Procurement Division (DGS-PD) provides a tool to search for DVBE businesses to assist bidders in locating DVBEs on Cal eProcure. Go to: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx?psNewWin=true>

U.S. Small Business Administration (SBA):

Use the Central Contractor Registration (CCR) on-line database.

Internet contact only –Database:

<https://www.sba.gov>

FOR:

Service-Disabled Veteran-owned businesses

in California (Remember to verify each DVBE's California certification.)

Local Organizations: Go to

www.dgs.ca.gov/pd-osds

FOR:

List of potential DVBE subcontractors

DGS-PD E-Procurement

Website: www.caleprocure.ca.gov

Phone: (916) 375-2000

Email: eprocure@dgs.ca.gov

FOR:

- SB/DVBE Search
- CSCR Ads
- Click on Training tab to Access eProcurement Training Modules including:
Small Business (SB)/DVBE Search

DGS-PD Office of Small Business and DVBE Services (OSDS)

707 Third Street, Room 1-400, West
Sacramento, CA 95605

Website: www.dgs.ca.gov/pd-osds

OSDS Receptionist, 8 am-5 pm: (916) 375-4940

PD Receptionist, 8 am-5 pm: (800) 559-5529

Fax: (916) 375-4950

Email: osdchelp@dgs.ca.gov

FOR:

- Directory of California-Certified DVBEs
- Certification Applications
- Certification Information
- Certification Status, Concerns
- General DVBE Program Info.
- DVBE Business Utilization Plan
- Small Business/DVBE Advocates

Commercially Useful Function Definition

California Code of Regulations, Title 2, § 1896.61(l):

The term "DVBE contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of §1896.61(f); is certified in accordance with §1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function.

As defined in MVC §999, a person or an entity is deemed to perform a "commercially useful function" if a person or entity does **all** of the following:

- Is responsible for the execution of a distinct element of the work of the contract.
- Carries out the obligation by actually performing, managing, or supervising the work involved.
- Performs work that is normal for its business services and functions.
- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor's, subcontractor's, or supplier's role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.

d. DVBE Declarations

Bidders must complete Disabled Veteran Business Enterprise Declarations, STD.843, (See Attachment, Section F, located elsewhere within the solicitation document), when a DVBE contractor or subcontractor will provide materials, supplies, services or equipment [Military and Veterans Code Section 999.2].

e. DVBE Verification & Certification

At the end of the contract, the Contractor will be required to complete the Prime Contractor's DVBE Subcontracting Report form to certify that he/she has met all of their DVBE Obligations as identified in their Bid.

Final retention will not be released until the Prime Contractor's DVBE Subcontracting Report form has been completed and returned to the State Engineer.