Print Form

Fair: _____

TWO-TIER

RFP PACKAGE

RFP NUMBER: _____

Contact Person: _____

Telephone No: _____

This person is the only authorized person designated by the fair to receive communication concerning this RFP.

Please do not attempt to contact any other person concerning this RFP.

Oral communication from fair officers and employees concerning the RFP shall not be binding on the fair, and shall in no way excuse the bidder of obligations as set forth in the RFP. Only questions concerning the technical requirements of the RFP will be answered.

Date Issued: _____

PART I:
DEFINITIONS

BIDDER -
The individual, company, or organization or business entity submitting the proposal in response to the Request for Proposal.

EVALUATION & SELECTION COMMITTEE -
Hereinafter referred to as “Committee” Committee chosen by the fair to evaluate and score proposals received

F&E -
Refers to the Division of Fairs and Expositions, Department of Food and Agriculture, which is a division of the agency of the State of California overseeing the activities of fairs.

F&E is located at: 1010 Hurley Way, Suite 200
Sacramento, CA 95825

DGS -
Refers to the Department of General Services, State of California.

DGS is located at: 707 Third Street
West Sacramento, CA 95605
Attention: Office of Legal Services

PASSING BIDDER -
The term “passing bidder” as it is used in this document refers to the bidders who are awarded at least the minimum number of points by the Committee on Tier One, the technical portion of the proposal. No bidder's financial proposal will be opened and considered if they have not received sufficient points to be deemed a passing bidder.

RFP -
Request For Proposal

TIER 1 -
The technical portion of the proposal: Document 1, Technical Proposal

TIER 2 -
The financial portion of the proposal: Document 2, Financial Proposal Bid

PART II:
GENERAL INFORMATION

A. Request for Proposals (RFP)

The Board of Directors of the _____ District Agricultural Association in releasing this RFP intends to award a contract for a period of _____ for the purpose of _____

_____

during _____

(*For multi-year contracts, certification of satisfactory performance is required at the end of each year as a justification for continuance of the contract)*

B. Bidder Responsibility

Read the documents very carefully, as the fair shall not be responsible for errors and omissions on the part of the bidder. Carefully review final submittal as reviewers will not make interpretations or correct detected errors in calculations.

C. Delivery of Proposals

Proposals must be physically received prior to the closing time and at the place stated below, in the format specified below and as more particularly described in Part VI, Section B, Failure to submit your proposal in a timely manner shall result in an automatic rejection. Failure to meet any of the below requirements or any of those identified in Part III, Section A, Paragraph 4 may result in a rejection, or a reduction in points during the scoring process. Please see Part III, Section A, Paragraph 4 for more detail regarding automatic and discretionary rejections. ***Unless otherwise stated, faxes are unacceptable.***

Proposals must meet the following format requirements to be deemed responsive for fair consideration:

- One sealed package containing _____ copies of the technical proposal and labeled with the bidder's name, the RFP number, and "Technical Proposal, Tier 1" (For additional details, see Part VI, B.1).

- One sealed package containing _____ copies of the financial proposal bid form and labeled "Financial Proposal Bid Form, Tier 2" (For additional details, see Part VI, B.2).

- Both sealed packages must be placed in a third package with the bidder's name on the outside, the RFP number, and addressed as follows: *(Insert Fair's Address)*

D. Contract Award

If the proposal is not automatically rejected as described in Part II, Section C, then each bidder's technical proposal is evaluated and scored by the Committee who utilizes the score sheet included in Part V. Proposals scoring the required minimum number of points or more will be considered "passing", and progress to the second tier. Subsequently, the "Financial Proposal Bid Form" accompanying all passing technical proposals will be opened and Small Business Preference given where applicable.

If a contract is awarded, it shall be granted to the passing responsible bidder who submits the _____ financial proposal. Prior to the Board awarding a contract, the Fair shall post a **"Notice of Proposed Award"** at the administration office for five (5) working days. In addition, a copy of the notice will be mailed to each bidder. Upon the expiration of the five-day posting period (close of business on the fifth working day), if no protest has been filed, the contract is awarded. If a protest is filed prior to the contract award, the contract shall not be awarded until the protest has been withdrawn by the bidder or rejected by the Department of General Services.

E. Key Dates

RFP Released _____

Proposals due at Fair's Administration Office no later than _____ p.m. _____

Interview, if necessary, to clarify proposals* (interviews are not public; may be recorded) _____

Financial Offer Opened _____

"Notice of Proposed Award" posted & mailed _____

Date award final - no protests may be filled after this time _____

Proposed contract commences _____

F. Small Business Preference

State law allows **certified** small business (SB) and microbusiness (MB) firms and non-small businesses who subcontract with a certified SB/MB firm(s) to receive a 5% bidding preference on applicable state solicitations. The effect of the preference is to help SB's/MB's be more competitive in the bid process, thereby enhancing state contract awards directly or indirectly to SB/MB. The preference is only used for computation purposes to determine the winning bidder, the actual bid amount remains the same.

If you are claiming the 5% small business preference and are a SB or MB, or if your application is on file with Office of Small Business and DVBE Services (OSDS), or if you are claiming the preference as a non-small business subcontracting with certified SB/MB (s), see PART VI of this RFP for instructions regarding what to submit with your proposal in order to receive the preference.

Certification Application

To apply for Small Business Certification, go online to www.pd.dgs.ca.gov/smbus/getcertified.htm. To receive your hard-copy form by mail, e-mail osdchelp@dgs.ca.gov or call (800) 559-5529 or (916) 375-4940.

Your complete certification application package must be received by the OSDS no later than 5 p.m. of the bid due date. Your certification effective date will be the date the application is properly received and deemed complete by the OSDS Incomplete application submittals will delay your certification status and may result in the loss of your 5 percent preference eligibility. For more information, email osdchelp@dgs.ca.gov or call (916) 375-4940.

You may mail, hand-deliver or express-mail your package to:

Office of Small Business and DVBE Services (OSDS)
ATTN: BDD Unit
707 3rd Street, 1st Floor, Room 1-400, MS 210
West Sacramento, CA 95605

G. Bidder/Contractor State Form

All bidders must complete, sign and submit the form in response to the RFP. Failure to comply will deem the bidder non-responsive. The Fair reserves the right to verify the information on the **"Bidder/Contractor Status"** form at the time of the bid. If the bidder is a corporation, the form must include the title of the person signing, i.e., corporate officer status, and a copy of the corporate resolution authorizing the signing of the form must be attached. If a partnership, the signing partner must indicate whether the partnership is limited or general.

H. Disabled Veteran Business Enterprise (DVBE) Program Requirements

Note to bidders: The DVBE contracting option for this solicitation is checked below. To avoid having your bid deemed non-responsive, please carefully follow the instructions provided. As a reminder, the DVBE "good faith effort" is not an option in meeting the DVBE contracting requirements for any bid.

☐ **Option 1 - No DVBE Program Requirements or Incentive**

The fair elects to waive both the DVBE program requirement and incentive for this solicitation

No DVBE requirement is made for this solicitation.

☐ **Option 2 - DVBE Program Requirements Only**

The fair elects to include the DVBE program requirement for this solicitation but not the incentive

Bidders must complete and return the attached
Bidder Declaration, GSPD-05-105 (08/09) and
DVBE Declarations, STD.843 (5/06), as applicable.

See also attached ***Exhibit A- California Disabled Veteran Business Enterprise Requirements*** for information on how to comply.

☐ **Option 3 - DVBE Incentive Only**

The fair elects to include the DVBE incentive for this solicitation but waives the program requirement

Bidders must complete and return the attached
Bidder Declaration, GSPD-05-105 (08/09) and
DVBE Declarations, STD.843 (5/06), as applicable.

See also attached ***Exhibit B- California DVBE Bid Incentive Instructions (09/03/09)*** for information on how to comply.

☐ **Option 4 - DVBE Program Requirements and DVBE Incentive**

The fair elects to include both the DVBE program requirements and incentive for this solicitation

Bidders must complete and return the attached
Bidder Declaration, GSPD-05-105 (08/09) and
DVBE Declarations, STD-843 (05/06), as applicable.

See also attached
Exhibit A- California Disabled Veteran Business Enterprise Requirements and
Exhibit B- California DVBE Bid Incentive Instructions (09/09) for information on how to comply.

I. History and General Background Information

(Provided to assist the bidder in responding)

PART III:
RULES GOVERNING COMPETITION & TECHNICAL EVALUATION

A. RFP Requirements and Conditions

1. Errors

If a bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the fair shall be immediately notified of such error in writing addressed to the contact person listed on the cover page and request modification or clarification of this document.

Modifications by the Fair, if any, will be made in writing by way of an addendum issued pursuant to paragraph 2 below.

Clarifications by the Fair, if issued, will be given by written notice to all parties to whom the Fair had sent notice of the RFP and to persons or entities who have requested to be given notice of any modification or notices.

2. Addenda

If necessary, the fair will modify the RFP prior to the date set for submission of final proposals, by issuance of an addendum to all parties who have been furnished notice of the RFP for bidding purposes.

All bidders should inquire from the contact person listed on the cover sheet whether any addenda have been issued prior to submitting a proposal in response to the RFP.

3. Definitions

The use of "shall", "must" or "will" indicates a ***mandatory*** requirement or condition in this RFP. Failure to include such mandatory requirements or conditions will result in the disqualification of a proposal.

The words "should" or "may" indicate a ***desirable*** attribute or condition, but are permissive in nature and may affect the score the proposal receives.

4. Grounds for Rejection of the Proposal

A proposal ***shall*** be rejected if:

- It is received at any time after the exact time and date set for receipt of bids as stated in Part II.
- The firm has submitted multiple bids in response to this RFP without formally withdrawing other bids.

A proposal ***may*** be rejected if:

- It is not prepared in accordance with the required format or information is not submitted in the format required by this RFP.
- It contains false or misleading statements or references that do not support attributes or conditions contended by the bidder (the proposal shall be rejected if, in the opinion of the fair, such information was intended to mislead the fair in its evaluation of the proposal and the attribute, condition or capability of requirement of this RFP).
- It is unsigned.

5. Right to Reject Any or All Proposals

It is the policy of the fair not to solicit proposals unless there is a bona fide intention to award a contract. However, the fair reserves the right to reject any or all proposals or to cancel the RFP at any time during the process.

6. Protests

A bidder may file a protest against the awarding of the contract.

The protest must be filed with the Fair and with DGS at:

Department of General Services (DGS)
707 Third Street
West Sacramento, CA 95605
Attention: Legal Office

The protest *must* be received prior to the expiration of five (5) working days from notice of the proposed award being posted and, in no event, later than 5:00 p.m. on the fifth working day after notice of proposed award was posted in a public place at the Fair's Administration Office. Upon the expiration of this posting period, if no protest is filed, the contract is awarded.

IN ADDITION, within five (5) calendar days after filing the protest, the protesting bidder shall file with the fair and DGS Legal Office a fully detailed and complete written statement specifying the grounds for the protest.

PLEASE NOTE: *Failure to file (i) notice of protest by the conclusion of the fifth working day after notice of intention to award a contract has been posted and (ii) a complete detailed written statement within five (5) calendar days of filing the protest stating grounds for protest will result in the protester's protest being deemed untimely and grounds for protest waived. Protests shall be limited to the grounds contained in Public Contract Code, Section 10345.*

B. Other Information

1. Disposition of Proposals

All materials submitted in response to this RFP would become the property of the fair. All proposals, evaluations and scoring sheets shall be available for public inspection at the conclusion of the committee scoring process and announcement of intent to award. If an individual requests copies of these documents, the fair will assess a fee to cover duplicating costs. Documents may be returned only at the fair's option and at the bidder's expense. One copy of each bidder's proposal shall be retained for official fair files.

2. Confidentiality of Proposals

The fair will hold the contents of all proposals in confidence until issuance of the “Notice of the Proposed Award”; once issued and posted, no proposal will be treated as confidential.

3. Modification or Withdrawal of Proposals

Any proposal, which is received by the fair before the time and date set for receipt of proposals may be withdrawn or modified by written request of the bidder. However, in

order to be considered, the modified proposals ***must*** be received by the time and date set for receipt of proposals in Part II.

A bidder cannot withdraw or modify a proposal after the due date and time for receipt of proposals and, further, a bid cannot be “timed” to expire on a specific date. For example, . a statement similar to “This proposal and the cost estimate are valid for 60 days” is non-responsive to the RFP, and shall on that basis be rejected.

PART IV:
STATEMENT OF WORK TO BE PERFORMED AND CONTRACT TERMS AND CONDITIONS

This part describes the work to be performed by the bidder who is awarded this contract. It also contains terms and conditions, which shall be deemed incorporated and will become a part of any contract awarded pursuant to this RFP. All terms and conditions are fixed and non-negotiable.

PART V:
EVALUATION, SELECTION, AND SCORING PROCESS

Each proposal shall be evaluated for responsiveness to the fair's needs as described in this RFP. This part describes the process the fair will follow when evaluating and scoring proposals and awarding the contract, if any is awarded, and contains the exact scoring criteria to be used. During the evaluation and selection process, the Committee may wish to interview a bidder for clarification purposes only. The bidder will not be allowed to ask questions concerning other bidders, but only to respond to clarification questions from the Committee. The bidder cannot change proposals after the time and date designated for receipt.

A. Evaluation and Selection Process

1. Following the deadline for receipt of proposals as stated in Part II, each proposal will be examined to determine if:

- Submittal (receipt) was by the deadline time and date; and
- The physical format requirements were met.

This is not a public review.

2. Technical proposals that meet the submittal format requirements, as stated in the previous paragraph, will be submitted to the Committee for:

- Review of the technical proposal,
- Confirmation the information is presented in the format required by the RFP, and
- All required documentation is included and correct.

Proposals that do not present the information in the format required may be rejected as non-responsive.

This is not a public review.

3. The DAA reserves the right to verify any reference and employment experiences referenced or disclosed in this proposal or to ascertain the accuracy of information presented. Misinformation or inaccuracies are ground for disqualification, or receipt of a lower score.

4. The Committee will evaluate each proposal that meets the format requirements of preceding paragraph two, and assign points for the technical proposal.

This is not a public review.

5. The Committee may request interviews of the bidder for clarification of proposals. Following any interviews, the proposals may be re-scored.

6. In order to obtain the average score for each bidder, the total points of each reviewer will be added up for that bidder and the result divided by the number of people on the Committee. This score is then used to determine if the bidder has the minimum number of points to qualify for the second tier.

7. The "Financial Proposal Bid Form" of those responsible qualified bidders achieving the required minimum points will then be opened. Small business preference will then be applied when applicable.

8. Selection of the bidder is based on the financial proposal bid form of the qualifying technical proposals as described in Part II.

9. In the event of a tie in determining the successful bidder, the tie will be broken by a toss of a coin by a member of the Committee and in the presence of authorized representatives of the tied bidders.

10. All bidders will be notified of the results.

B. Scoring Criteria and Items Scored

Bidders receiving a score of _____ points or more on the “Technical Proposal”, Tier 1, will be deemed qualified and their “Financial Proposal Bid Form”, Tier 2, will be reviewed. ***If a bidder does not receive the minimum number of points, as stated above, that bidder will not be deemed qualified and the bidder's financial proposal will not be opened nor reviewed.*** The following information must be provided by the bidder in order for the RFP to be scored.

SCORE

PART VI:
MANDATORY FORMAT AND CONTENT REQUIREMENTS

A. Introduction

This part provides instructions to the bidder regarding the mandatory proposal format and content requirements. The bidder must remember that:

- All bids submitted must follow the proposal format instructions;
- All information must be presented in the order and the manner requested;
- All questions must be answered; and
- All requested data must be supplied.

Proposals not following the required format will be deemed non-responsive and will be rejected.

B. Proposal Format and Content

Each proposal must be prepared as two (2) separate documents placed in two (2) separate sealed packages; both sealed packages are inserted into a third package. All packages need to be clearly labeled in the manner described in Part II.

1. Tier 1, "Technical Proposal"

Information in the technical proposal is to be provided in the order requested beginning . with the cover letter page. Each page is to be numbered at bottom, starting with the number 1; all pages should be 8-1/2 x 11 inch paper; and all narrative portions of the proposal should be typed.

- The first page of the technical proposal must be a ***signed*** cover letter on the letterhead of the bidder and contain the following statement verbatim:

  "Submission of this proposal signifies that all terms, conditions, requirements, protest procedures, performance measures and instructions concerning the award of the RFP _____ to which this proposal responds, have been read and understood. Further, in signing this letter, as the authorized representative of the submitting bidder, it is expressly agreed by the bidder that failure to have provided accurate and truthful information in this proposal or any deviation from any requirement or performance measure stated in the RFP shall constitute grounds for rejection of this proposal. And further, bidder agrees that if the submitted proposal is not in the format of the RFP, bidder's proposal will be deemed non-responsive."

- The person's name must be printed clearly below the signature line, and then signed on the signature line and dated. If bidder fails to submit this document, and it is not signed and dated, the proposal will be reject as being non-responsive.

- Table of Contents

- Small Business Preference Documentation, if applicable, and if the fair is a DAA:

One (1) copy of the small business certification letter, if bidder is claiming the Small Business Preference and has already received certification letter.

Or, if application for the preference has been submitted to OSDS a sheet of paper stating that the application has been submitted to OSDS and the date submitted.

Or, if claiming the preference as a non-small business subcontracting with certified SB/MB (s),a sheet of paper listing the small businesses you commit to subcontract with for a commercially useful function in the performance of the contract. The list of sub-contractors shall include the subcontractors':

1. Name
2. Address
3. Phone Number
4. Description of work to be performed
5. Dollar amount or percentage per subcontractor

Also include the sub-contractor's certification or indicate if application(s) are on file with OSDS.

- Applicable DVBE documentation. See part II H.

- Bidder must provide all information/documentation requested in Part V, B.

2. <u>Tier 2, "Financial Proposal Bid" Form</u>

The "Financial Proposal Bid" Form ***must*** be completed and signed.

PART VII:
FORMS SECTION

A. Forms to be Completed and Submitted by Bidder

- Bidder/Contractor Status Form **
- Applicable DVBE Documentation as described in Part II H
- Small Business Documentation if applicable as described in Part II F
- Financial Proposal Bid Form completed and signed.

B. Documents to be Completed by DAA

- Notice of Proposed Award (after proposed award is determined)

***C. Documents that are Part of the Contract to be Awarde*d**

- Std. 213, Standard Agreement or F-31 Rental Agreement
- GTC 307 (if Standard Agreement)
- Standard Contract Terms and Conditions (SCTC) , F-31 (if Rental Agreement)
- Latest Revision of the CFSA Insurance Statement (if applicable)
- CCC 307 (if Standard Agreement)

** If this status form is not completely filled out, signed and submitted with bidder's response to the bid process, the bid will be rejected as non-responsive.**

BIDDER/CONTRACTOR STATUS FORM

Contractor's Name _____ **County** _____
(full business name)

Address _____ **Fed Employer ID No.** _____

City _____ **Zip Code** _____
(principal location of business)

STATUS OF CONTRACTOR PROPOSING TO DO BUSINESS *(Please Check One)*

☐ Individual ☐ Partnership ☐ Corporation

Individual *(Please Check One)* ☐ Resident ☐ Non Resident

If a sole proprietorship, state the true full name of sole proprietor:
(i.e., John Roe Smith; not J. Roe Smith or not John R. Smith)

_____

Partnership *(Please Check One)* ☐ General Partnership ☐ Limited Partnership

If a partnership, list each partner identifying whether limited partner(s), stating their true full name and their interest in the partnership:

_____

_____

_____

Corporation

Location and date of Incorporation:

_____

If not a California corporation in good standing, please state the date the corporation was authorized to do business in California: _____

Current Officers

President _____ Vice President _____

Secretary _____ Treasurer _____

BIDDER/CONTRACTOR STATUS FORM (CONT'D)

All Must Answer *(Please Check One)*

Are you subject to Federal Backup Withholding? ☐ Yes ☐ No

Fictitious Name *(Please Check One)* ☐ Yes ☐ No

If contractor is doing business under a fictitious business name and will be performing under the fictitious name, please attach a clearly legible copy of the current fictitious filing.

Small Business Preference *(Please Check One)*

Are you claiming preference as a small business in reference to this bid package?

☐ Yes ☐ No

If yes, the bidder is required to submit a copy of the "OSBCR's Small Business Certification Approval Letter" with the "Technical Proposal" package.

Your small business ID number: _____

Pending Litigation or Hearings *(Please Check One)*

Are any civil or criminal litigation or administrative hearings currently pending against the bidder's organization, owners, officers or employees? ☐ Yes ☐ No

If yes, please state the case number, agency or court where pending and status of litigation or hearing:

The DAA reserves the right to verify the information provided on this form by the bidder during the bid process.

I declare under penalty of perjury that the above information is true and correct and that I am authorized to sign this status form on behalf of the bidder/contractor.

(Print Name) _____

(Signature) _____