



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
WFD/Facilities Engineering
1010 Riverside Parkway
West Sacramento, CA 95605
916-375-8378
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
MEGHAN HERTEL, Director



INVITATION FOR BID Notice to Prospective Bidders

July 24, 2026

IFB Number and Name: **P2640003 San Joaquin Hatchery Water Plant Maintenance**
at San Joaquin Hatchery, Fresno County, California
Job walk is **MANDATORY** for this project.
Bid Due Date: **August 11, 2026, at 2:00pm**

The California Department of Fish and Wildlife (CDFW) invites you to review and respond to this Invitation for Bid (IFB). In submitting your bid, you must comply with the instructions set forth within this IFB.

All agreements entered into with the State of California will include by reference General Terms and Conditions (02/2025) and Contractor Certification Clauses (04/2017) that may be viewed and downloaded at:

[General Terms and Conditions \(GTC 02/2025\)](#)
[Contractor Certification Clauses \(CCC 04/2017\)](#)

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

In the opinion of the California Department of Fish and Wildlife, this IFB is complete and without need of explanation. However, if you have questions, or need any clarifying information, the contact person for this IFB is:

California Department of Fish and Wildlife
Land and Facilities Engineering Branch
ATTN: April Malik, Analyst II
1010 Riverside Parkway
West Sacramento, CA 95605
April.Malik@wildlife.ca.gov

Submit all questions to the email address listed above. No verbal information given will be binding upon the State unless such information is issued in writing as an official addendum. Questions via phone calls or in person are not accepted.

Thank you,

Dawn Otis-Drowne, Staff Services Manager I
California Department of Fish and Wildlife
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 NO. P2640003

SAN JOAQUIN HATCHERY WATER PLANT MAINTENANCE

AT

SAN JOAQUIN HATCHERY

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

6. Attachments: Bid Documents for Bidding Purpose.....	(separate document)
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Please Note:

- ❖ **Instruction and information sheets do not need to be returned with sealed bid, only attached forms as required.**
- ❖ **All forms requiring a signature must be signed and dated to be considered fully completed.**
- ❖ **Failure to complete all required documents listed on the Required Attachment Check List may result in disqualification.**

NOTICE OF STATE MANDATED SB/DVBE PROGRAM PARTICIPATION REQUIREMENTS

Disabled Veterans Business Enterprise (DVBE) Information

This solicitation includes DVBE Participation Program requirements. See Section 3, Q. Disabled Veteran Business Enterprise (DVBE) Incentive and Participation for requirements.

Small Business Program Information

A Small Business Preference of five percent (5%) will be granted in accordance §1896 et seq., Title 2, California Code of Regulations (CCR). To claim the Small Business Preference, your firm must have its principal place of business located in California, an approved small business certification form, and proof of annual receipts on file with the Department of General Services, Office of Small Business and Disabled Veteran Business Services (DGS-OSDS).

If a bidding firm is not a California Certified Small Business and wishes to be considered for the small business calculation preference for this solicitation, bidder application for small business must be received by the DGS-OSDS by the bid due date by close of business. Bidders seeking small business certification status must also notify the State in writing at the time of submission that they have an application for Small Business certification for review and approval at the DGS-OSDS.

For certification information, visit: <https://caleprocure.ca.gov/pages/sbdvbe-index.aspx>
For certification assistance, call DGS-OSDS at (916) 375-4941 or (916) 375-4400.

Non-Small Business

The application of the five percent (5%) Small Business bidding preference is extended to non-small businesses that commit to subcontracting at least twenty-five percent (25%) of its net bid price to California Certified Small Businesses and/or Micro-businesses. For further information on eligibility, see Section 3, N. Small Business Program.

Section 1: General Information

A. Agreement Term

Upon CDFW approval through June 30, 2029

B. Contract Budget Amount

1. **\$33,000.00**

C. Description of Services

1. Purpose of Services

The Contractor will provide to the California Department of Fish and Wildlife (CDFW)/San Joaquin Hatchery (SJH): labor, materials, tools, equipment, and incidentals necessary for semimonthly (twice monthly) inspection, maintenance, and servicing of the onsite water treatment plant, 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. Scope of Work

For a detailed description of work to be performed, see Exhibit A, Scope of Work, which is attached hereto within the sample Std 213 Standard Agreement (Sample) and made a part of this solicitation.

3. Locations of Work:

Services will be performed at San Joaquin Hatchery, located at 17372 Brook Trout Drive, Friant, CA 93626.

D. Questions Regarding IFB

All questions concerning this IFB must be submitted directly to April Malik, at April.Malik@wildlife.ca.gov, and the Contract Manager, Calvin Gooch, at Calvin.Gooch@wildlife.ca.gov, on or before **August 4, 2026, at 12:00pm**. When submitting questions, indicate the IFB number in the subject line. Questions via fax or telephone will not be accepted. Answers provided by anyone other than the IFB contact(s) named above are not binding upon the State.

E. Addendum

Any addendum issued during the 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 for inquiring as to addenda issued. CDFW is not responsible for sending individual notifications of changes or updates.

F. Eligible Bidders

Public or private corporations, agencies, organizations, associations, or individuals may submit a sealed bid in response to this IFB.

The bidder must be legally constituted and qualified to do business within the State of California. Except for bidders whose legal status precludes incorporation (i.e., public agencies, sole proprietorships, and partnerships), bidders that are not fully incorporated by the deadline for submitting sealed bids will be disqualified. All incorporated bidders must be registered with the [Secretary of State](#).

The bidder must also not be listed on either list of the 500 largest tax delinquencies pursuant to Section 7063 or 19195 of the Revenue and Taxation Code.

G. Community-Based Private Nonprofit Bidders

1. In accordance with [Assembly Bill \(AB\) 590, Chapter 535: Advance Payments](#), CDFW may allow advanced payment in contracts to community based private nonprofit agencies, not to exceed 25% of the total award, upon the Department's determination that an advanced payment is essential for the effective implementation of the contract services.
2. For a private nonprofit agency to be eligible to receive up to 25% of the contract amount, the entity must include the following as part of their bid submission and satisfy the minimum requirements in [Government Code 11019.3 \(c\)\(2\)\(A\)\(i-viii\)](#):

- Submit documentation to support the need for advance payment, which may include, but is not limited to, invoices, contracts, estimates, payroll records, and financial records.
- Demonstrate its current status in good standing as nonprofit under section 501(c)(3) of the Internal Revenue Code.
- Provide an itemized budget for the eligible costs the advanced payment will fund.

H. 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.

I. Loss Leader

It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code. A “loss leader” is any article or product sold at less than cost: (a) Where the purpose is to induce, promote or encourage the purchase of other merchandise; or (b) Where the effect is a tendency or capacity to mislead or deceive purchasers or prospective purchasers; or (c) Where the effect is to divert trade from or otherwise injure competitors.

J. Contractor Insurance Requirements

1. The below required insurance documents will be requested upon award only. The awarded bidder will be required to maintain the following insurance coverage throughout the duration of the agreement and must supply proof of coverage, including endorsements, upon request by CDFW. Insurance must be in accordance with *Exhibit D CDFW Additional Provisions* which is attached to the sample agreement and will be incorporated into the resulting agreement.
2. If the awarded bidder does not supply insurance documents to CDFW on or before the requested date on the Notice of Intent to Award, CDFW may rescind the award for the agreement and award the next lowest cost bidder. Required insurance for this Agreement includes:
 - a) Commercial General Liability (limits not less than \$1,000,000 per occurrence with a \$2,000,000 annual policy aggregate) **with endorsement.**
 - b) Automobile Liability (limits not less than \$1,000,000 combined single limit per accident) **with endorsement.**
 - c) Workers Compensation and Employers Liability (limits of \$1,000,000 are required). **The waiver of subrogation endorsement must also be provided.**

The above policies must each be endorsed to include “The State of California, its officers, agents and employees as additional insured but only with respect to work performed under the Contract”.

K. Bidder Minimum Qualifications

C-36 Plumbing Contractor, **OR**
C-55 Water Conditioning Contractor

Additional certifications required:

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

Section 2: Submission Requirements

L. Key Action Dates

EVENT	DATE & TIME
IFB available to prospective bidders	July 17, 2026
MANDATORY Job Walk	July 30, 2026 at 10:00am
Final Date for Question Submission	August 4, 2026, at 12:00pm
Bid Opening	August 11, 2026, at 2:00pm
Bid Due Date	August 11, 2026, at 2:00pm
Notice of Intent to Award	August 14, 2026
Proposed Award Date	August 2026

M. Pre-bid Conference/Job Walk

1. A **mandatory** pre-bid Job Walk is scheduled at Location for the purpose of discussing concerns regarding this IFB at the **San Joaquin Hatchery, 17372 Brook Trout Drive, Friant, CA 93626, in Fresno County**. Contractor must attend the pre-bid job walk.
2. For contractors who need assistance due to physical impairment, reasonable accommodation will be provided by the awarding agency upon request for the pre-bid conference/walkthrough. The contractor must contact the Contract Manager at 559-417-5949 no later than the fifth (5th) working day prior to the scheduled date and time of the pre-bid conference to arrange for a reasonable accommodation.

N. Submission of Bid

1. All bids must be submitted and received by CDFW on or before the final date and time for bid submission identified above. Bids may be submitted by mail or hand delivered. Emailed or faxed bids will not be accepted.

2. Bid submittal by Mail or Hand Delivery: A hard copy bid must be submitted under sealed cover. Bids not submitted under sealed cover will be rejected. 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 example:

Bidder's Firm Name Bidder's Firm Address IFB: P2640003 San Joaquin Hatchery Water Plant Maintenance California Fish and Wildlife Land and Facilities Engineering Branch <u>ATTN: April Malik, Analyst II</u> 1010 Riverside Parkway West Sacramento, CA 95605 DO NOT OPEN
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3. Any bid received after the bid submission date and time specified in **Section 2.L. Key Action Dates** will NOT be considered. It is the State's policy to make every effort to ensure that all bids have been received and properly time stamped; however, bidders are ultimately responsible for ensuring timely receipt of their bid. Bidders may verify receipt of their bid by contacting the person identified in the cover letter of this IFB prior to the Public Bid Opening.
4. Public Bid Opening: If your firm chooses to attend the bid opening, please allow sufficient time to locate parking and for visitor security procedures.

Address for Public Bid Opening:

1010 Riverside Parkway
West Sacramento, CA 95605

5. A minimum of one copy of the bid must be submitted.
6. All bids must include the documents identified in **Section 6, Required Attachment Checklist (Attachment 1)**. All attachments must be fully completed, signed and dated, and not contain alternate versions or alterations. Bids with missing attachments or bids including alternate versions or alterations of the attachments will be deemed non-responsive. A non-responsive bid is one that does not meet the basic bid requirements and may be rejected.
7. All documents requiring a signature must be signed by a person authorized to bind the bidding firm.
8. Bids must be submitted for the performance of all the services described herein and in the Sample Agreement. Any deviation from the work specifications will not be considered and will cause a bid to be rejected.

9. A bid may be rejected if it is conditional or incomplete, or if it contains any alterations of form 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 will in no way modify the IFB document or excuse the bidder from full compliance with all requirements if awarded the agreement.
10. The Bidder is required to complete all items on the bid cost sheet. Any items left blank will be interpreted by the State to represent a bid of zero dollars (\$0.00) for that item. Items indicating anything other than a numerical dollar amount (e.g. N/A) may be deemed non-responsive and may be rejected.
11. Costs incurred for developing bids and in anticipation of award of the agreement are entirely the responsibility of the bidder and will not be charged to the State of California.
12. An individual who is authorized to bind the bidder contractually must sign the Bid/Bidder Certification Sheet, (Attachment 2). The signature must indicate the title or position that the individual holds in the firm. An unsigned bid will be rejected.
13. 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.
14. A bidder may withdraw a 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.
15. CDFW 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 or through the Cal eProcure website (<https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx>).
16. CDFW reserves the right to reject all bids. CDFW is not required to award an agreement.
17. Before submitting a response to this solicitation, bidders are expected to review and understand all exhibits, correct all errors, sign and date, and confirm compliance with the IFB requirements.
18. Where applicable, bidder should carefully examine work sites and specifications. Bidder must investigate conditions, character, and quality of surface or subsurface materials or obstacles that might be encountered. No additions or increases to the agreement amount will be made due to a lack of careful examination of work sites and specifications.
19. 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 are not negotiable.
20. No oral understanding or agreement will be binding on either party.

Section 3: Preference and Incentive Programs

O. Small Business Program

1. A Small Business Preference of five percent (5%) will be granted in accordance with Government Code Section 14835, and as contained in California Code of Regulations, title 2, Section 1896.8. 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 and you must have an approved small business certification form and proof of annual receipts on file with the Department of General Services, Office of Small Business and Disabled Veteran Business Services (OSDS). Questions and requests for copies of the regulations should be directed to OSDS at (916) 375-4940.
2. Bidders requesting the Small Business Preference must complete the certification on the attached Bid/Bidder Certification Sheet (Attachment 2, Item 12.c) and include a copy of the certification. The Small Business Preference and Certification Request must be signed in the same style in which the bidder is licensed by the Contractor's State License Board.
3. The application of the five percent (5%) Small Business bidding preference is extended to non-small businesses that commit to subcontracting at least twenty-five percent (25%) of its net bid price to California Certified Small Businesses and/or Micro-businesses when the non-small business:
 - a) Includes a notification in the bid submission to CDFW that it commits to subcontract at least twenty-five percent (25%) of its net bid price with one (1) or more small businesses
 - b) Submits a timely, responsive bid
 - c) Is determined to be a responsible bidder; and
 - d) Submits a Bidder Declaration GSPD-05-106 (see Attachment 12) listing the small businesses it commits to subcontract with for a commercially useful function in the performance of the Agreement.
4. The CDFW will grant small businesses a five percent (5%) Small Business preference on a bid evaluation when a responsible non-small business has submitted the lowest-priced, responsive bid pursuant to the evaluation of a solicitation method when a small business:
 - a) Includes a notification in the bid submission to the CDFW that it is a small business or that it has submitted to the Department of General Services, Office of Small and Disabled Veteran Business Services (OSDS) a complete application no later than 5:00 p.m. on the bid due date, and is subsequently certified by the Department of General Services as a small business; and
 - b) Submits a timely, responsive bid; and
 - c) Is determined to be a responsible bidder.
5. Bidders pending Small Business or DVBE Certification applications under review by the Department of General Services concurrent with the bid time frame should contact OSDS to request an expedite review/approval of their application in order to be considered for the small business preference during the evaluation of this bid. Contact OSDS at (916) 375-4940 to obtain information about the application expedite process.

6. Bidders must notify the CDFW, in writing, at the time of bid submission that they have an application for Small Business or DVBE Certification under review at the OSDS, and that they wish to be considered for the Small Business Preference Calculation.

P. Disabled Veteran Business Enterprise (DVBE) Incentive and Participation

1. DVBE Incentive

- a) In accordance with section 999.5(a) of the Military and Veterans Code, and DVBE Incentive Regulations, CCR 1896.99.100, an incentive will be given to bidders who provide DVBE participation.
- b) For evaluation purposes only, the State will apply an incentive to bids that propose California certified DVBE participation as identified on the Bidder Declaration GSPD-05-106 (see Attachment 12), confirmed by the State. The incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation. 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%

- c) For 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.

2. DVBE Program Participation Program Requirements

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

The Department of General Services, Office of Small Business and Disabled Veteran Business Enterprise Services (DGS-OSDS) is the state's certifying agency that oversees the Small Business (SB), Small Business for the Purpose of Public Works (SB-PW), and Disabled Veteran Business Enterprise (DVBE) certification programs. Resources and Information can be found at:

<https://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program>

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>

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 the 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 Contract Manager with submission of the final retention invoice.

3. Commercially Useful Function Definition

- a) All California-certified Small Businesses (SB) and Disabled Veteran Business Enterprise (DVBEs) doing business with the state must perform a Commercially Useful Function (CUF). Performing CUF is a critical requirement for all California-certified firms - SB and DVBE - that do business with the state (Government Code Section 14837 and Military and Veterans Code Section 999).
- b) CUF definition and resources can be found at:
<https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Commercially-Useful-Function-for-Certified-Firms>
- c) 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.

Section 4: Evaluation and Award Process

Q. Evaluation and Selection

1. 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.
2. CDFW will evaluate each bid to determine its responsiveness to the published requirements.
3. 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.

R. Basis of Award

1. The contract Award, if made, will be to the lowest responsive/responsible bidder.
2. Bid responses must comply with all IFB requirements. Failure to do so will disqualify the bid. If it is determined not to be in the best interest of the State, the State reserves the right to not award a contract in response to this IFB.
3. In the event of a two-way (or more) tie, the method that will be used as a "tie-breaker" will be to place the names of the bidders in a container. The first name drawn will be the proposed awardee. The remaining bidder(s) name(s) will be drawn sequentially and noted in case, upon validation, the proposed awardee selected through the tie-breaking process is unacceptable.
4. Small Business bidders, meeting the IFB specifications, will have precedence over Non-Small Business bidders in that the application of any bidder preference for which Non-Small Business bidders that may be eligible under any other provision of law will not result in the denial of the award to a Small Business bidder.
5. In the event of a precise tie between the low responsible bid of bidder meeting the specifications of a Small Business, and the low responsible bid of a bidder meeting the specifications of a disabled veteran-owned small business, the contract will be awarded to the veteran-owned small business.

S. Award and Protest

1. Award: If an Agreement is not awarded to the lowest bidder, the lowest bidder will be notified within five (5) working days prior to the award of the Agreement. Notice of the proposed award will be posted publicly on the IFB's event page on the Cal eProcure website (<https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx>) at least five (5) working days prior to awarding the Agreement.
2. Protest: In Accordance with Public Contract Code Section 10345, if any Bidder, prior to the award of an agreement, files a written protest with the Department of General Services, Office of Legal Services, and CDFW on the grounds that the (protesting) bidder is the lowest responsive responsible bidder, the agreement will not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. The protest must be sent to:

Department of General Services
Office of Legal Services
ATTN: Bid Protest Coordinator
707 3rd Street, 7th Floor, Suite 7-330
West Sacramento, CA 95605
Email: OLSProtests@dgs.ca.gov

California Department of Fish and
Wildlife
Contracts Unit
ATTN: Contracts Unit Manager
P.O. Box 944209
Sacramento, CA 94244-2090
Email: BMBcontracts@wildlife.ca.gov

Within five (5) days after filing the initial protest, the protesting bidder must file with the Department of General Services and the California Department of Fish and Wildlife a detailed written statement specifying the grounds for the protest. Protests may be submitted by regular mail, facsimile, courier, or personal delivery.

T. Disposition of Bid

1. Upon bid opening, all documents submitted in response to this solicitation will become the property of the State of California and will be available for public inspection under Public Contract Code 10342.

U. Sample Standard Agreement

1. This solicitation includes, as a separate document, a Sample Standard Agreement (STD 213 and exhibits) for review. The Sample Standard Agreement contains language that CDFW expects to utilize for the awarded contract.

V. Agreement Execution and Performance

1. Work must start on 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 CDFW, upon five (5) days written notice to the Contractor, reserves the right to terminate the Agreement. In addition, the Contractor will 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.
2. The rates provided by the Contractor identified on Attachment 4, Bid Cost Sheet will be incorporated into the Agreement's Exhibit B, Budget Detail and Payment Provisions. Rates must remain the same throughout the duration of the agreement and cannot be altered through an amendment to the contract.
3. All performance under the Agreement must be completed on or before the termination date of the Agreement.

W. Use of Subcontractor(s)

1. The Contractor will be responsible for all work performed. All persons engaged in the work will be considered employees of the Contractor. When any subcontractor fails to execute a portion of the work in a manner satisfactory to the State, the Contractor must immediately remove such subcontractor upon written request of the State and the subcontractor will not be employed for any portion of the contract. The State will not entertain requests to arbitrate disputes among subcontracts concerning responsibility for performing any part of the work.

X. Generative Artificial Intelligence (GenAI) Disclosure

1. 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.
2. 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.

3. 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.
4. 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.
5. 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.