

CDT OSTP Request For Proposal



Department of Cannabis Control

CALIFORNIA

Request For Proposal (RFP)

2025-002 Addendum 4

PART 1 – BIDDER INSTRUCTIONS

FOR

LIMS 2.0

RFP Release Date 05/01/2026

Issued by:

STATE OF CALIFORNIA

Department of Cannabis Control

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

Part 2 of the solicitation contains all forms a Bidder must complete and return with its proposal,

including the Statement of Work (SOW), administrative forms, qualification forms, requirement responses, and all exhibits/attachments discussed in Part 1.

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

TABLE OF CONTENTS

1. INTRODUCTION	10
1.1. PURPOSE OF RFP	10
1.2. BACKGROUND	10
1.3. TERM OF CONTRACT	11
1.4. CURRENT AND PROPOSED ENVIRONMENTS	11
1.4.1. CURRENT ENVIRONMENT	11
1.4.2. PROPOSED ENVIRONMENT	12
1.5. AMERICANS WITH DISABILITIES ACT (ADA)	12
2. BIDDING INSTRUCTIONS	12
2.1. BIDDER ADMONISHMENT	13
2.2. COMMUNICATIONS AND CONTACTS	13
2.2.1. PROCUREMENT OFFICERS	13
2.2.2. QUESTIONS REGARDING THE SOLICITATION DOCUMENT	14
2.2.3. INTENT TO BID	15
2.2.4. REQUEST INVITATION TO STATE'S FILE-SHARING SITE	15
2.2.5. CLOUD COMPUTING SERVICES	16
2.3. KEY ACTION DATES	16
2.4. RULES GOVERNING COMPETITION	18
2.4.1. IDENTIFICATION AND CLASSIFICATION OF SOLICITATION REQUIREMENTS	18
2.4.2. SOLICITATION DOCUMENTS	19
2.4.3. EXAMINATION OF THE WORK	19
2.4.4. EXCLUSION FOR CONFLICT OF INTEREST	19
2.4.5. CONFIDENTIALITY	20
2.4.6. BONDS	20
2.4.7. ADDENDA	20
2.4.8. COST FOR DEVELOPING PROPOSAL	21
2.4.9. SIGNATURE OF PROPOSAL	21
2.4.10. IRREVOCABLE OFFER	21
2.4.11. FALSE OR MISLEADING STATEMENTS	21

2.5. BIDDING STEPS	21
2.5.1. BAFO	22
2.5.2. WITHDRAWAL AND RESUBMISSION/MODIFICATION OF PROPOSALS	22
2.5.3. DISPOSITION OF PROPOSALS	22
2.6. ALTERNATIVE PROTEST PROCESS	23
3. PROPOSAL REQUIREMENTS	23
3.1. PREQUALIFICATION REQUIREMENTS	24
3.1.1. ELECTRONIC VENDOR APPLICATION OF QUALIFICATIONS (EVAQ)(M)	24
3.1.1.1. INCORPORATION OF EVAQ REQUIREMENTS	24
3.2. ADMINISTRATIVE REQUIREMENTS	25
3.2.1. COVER LETTER (M)	25
3.2.2. ADMINISTRATIVE REQUIREMENTS DOCUMENT (M)	25
3.2.3. CONFIDENTIALITY STATEMENT (M)	25
3.2.4. ABILITY TO PERFORM	26
3.2.5. PRIMARY BIDDER	26
3.2.6. SUBCONTRACTORS	26
3.2.6.1. BIDDER DECLARATION FORM (M)	27
3.2.7. AMENDMENT	28
3.2.8. FINANCIAL RESPONSIBILITY INFORMATION	28
3.2.8.1. FINANCIAL STABILITY	28
3.2.8.2. RESPONSIBILITY CERTIFICATION (M)	28
3.2.9. INCORPORATION OF EVAQ REQUIREMENTS	28
3.2.10. GENERAL PROVISIONS	29
3.2.11. WORKERS' COMPENSATION/EMPLOYER'S LIABILITY (M)	29
3.2.12. ADMINISTRATIVE REQUIREMENTS DOCUMENT (M)	29
3.2.13. GENERATIVE ARTIFICIAL INTELLIGENCE (GENAI) DISCLOSURE NOTIFICATION	29
3.2.14. STATEMENT OF WORK	30
3.2.14.1. INSURANCE COVERAGE	30

3.2.15. PRODUCTIVE USE REQUIREMENTS	30
3.2.15.1. CUSTOMER IN-USE	31
3.2.15.2. CUSTOMER REFERENCES FOR PRODUCTIVE USE REQUIREMENTS (M)	32
3.2.16. SOCIOECONOMIC PROGRAMS	32
3.2.16.1. BIDDER'S PREFERENCE AND INCENTIVE DECLARATION (M)	33
3.2.16.2. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM	33
3.2.16.2.1. DVBE INCENTIVE (O)	33
3.2.16.3. SMALL BUSINESS PREFERENCE (O)	34
3.2.16.4. NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCE (O)	34
3.2.16.5. COMMERCIALLY USEFUL FUNCTION (M)	35
3.2.16.6. TARGET AREA CONTRACT PREFERENCE ACT (TACPA) (O)	35
3.3. QUALIFICATION REQUIREMENTS	36
3.3.1. BIDDER QUALIFICATIONS (M)	36
3.3.2. BIDDER REFERENCES (M)(MS)	36
3.3.3. KEY STAFF QUALIFICATIONS (M)(DS)	37
3.3.3.1. FULL-TIME/PART-TIME MONTH EQUIVALENTS DEFINITION ..	38
3.3.4. KEY STAFF REFERENCES (M)(MS)	38
3.4. SOLUTION REQUIREMENTS	39
3.4.1. FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS (M)(MS)	40
3.4.2. DELIVERABLES AND MILESTONES TABLE (M)	40
3.4.3. NARRATIVE REQUIREMENTS (MS)	40
3.5. DEMONSTRATIONS (MS)	41
3.5.1. CONDUCT OF DEMONSTRATION	41
3.5.2. FUNCTIONAL REQUIREMENTS DEMONSTRATION	42
4. COST	42

4.1. COST WORKBOOK (MS)	43
4.2. COST WORKBOOK INSTRUCTIONS	43
5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS	44
5.1. PREPARATION	45
5.2. COMPLETION OF PROPOSALS	45
5.3. DELIVERY OF SUBMITTALS	45
5.4. PROPOSAL CONTENT AND STRUCTURE	46
5.4.1. VOLUME 1: RESPONSE TO ADMINISTRATIVE AND TECHNICAL REQUIREMENTS	47
5.4.2. VOLUME 2: COST	48
6. EVALUATION	48
6.1. EVALUATION TEAM	48
6.2. PROPOSAL EVALUATION	49
6.2.1. VALIDATION AGAINST REQUIREMENTS	51
6.2.2. ERRORS IN THE FINAL PROPOSAL	51
6.2.2.1. BIDDER RESPONSE CLARIFICATION	52
6.2.3. ADMINISTRATIVE REQUIREMENTS EVALUATION	52
6.3. QUALIFICATION EVALUATION	53
6.3.1. BIDDER QUALIFICATIONS EVALUATION	53
6.3.2. BIDDER REFERENCES EVALUATION	54
6.3.3. KEY STAFF QUALIFICATIONS EVALUATION	54
6.3.4. KEY STAFF REFERENCES EVALUATION	55
6.4. SOLUTION REQUIREMENTS EVALUATION	57
6.4.1. FUNCTIONAL AND NON-FUNCTIONAL EVALUATION	57
6.4.2. DELIVERABLES AND MILESTONES EVALUATION	58
6.4.3. NARRATIVE RESPONSE(S) EVALUATION	58
6.5. DEMONSTRATIONS	59
6.5.1. FUNCTIONAL REQUIREMENTS DEMONSTRATION EVALUATION	60
6.5.2. DEMONSTRATION EVALUATION	61
6.6. COST EVALUATION	63

6.6.1. COST SCORE CALCULATION	64
6.7. SOCIOECONOMIC PROGRAMS EVALUATION	65
6.7.1. DVBE INCENTIVE EVALUATION	65
6.7.2. SMALL BUSINESS PREFERENCE EVALUATION	66
6.7.3. TACPA PREFERENCE EVALUATION	67
6.8. BIDDER FINAL SCORE CALCULATION	68
6.9. PROPOSAL RANK DETERMINATION	68
7. NEGOTIATIONS	70
7.1. PROCEEDING TO NEGOTIATIONS	70
7.2. NEGOTIATION INVITATION	71
7.3. BEST AND FINAL OFFER SUBMISSION (BAFO)	71
7.4. EVALUATION OF BAFO SUBMISSION	72
8. CONTRACT AWARD	72
9. DEBRIEFING	72
10. PROTESTS	72

RFP

PART 1 – BIDDER INSTRUCTIONS

1. INTRODUCTION

On behalf of the Department of Cannabis Control, this solicitation is being conducted under the authority of California Department of Technology (CDT) pursuant to Public Contract Code (PCC) §6611 which provides the authority to use a competitive negotiation process when the State's business need or the purpose of a procurement or contract is known, but negotiation is necessary to ensure that the State is receiving the best value or the most cost-efficient goods, services, information technology, and telecommunications.

This solicitation contains the instructions governing the requirements for fixed price deliverable-based proposals to be submitted by Bidders. Also included in this solicitation is the required format and materials Bidders must follow when responding to this solicitation. This solicitation also addresses the requirements that Bidders must meet to be eligible for consideration, as well as Bidders' responsibilities before and after award.

The following terms are used interchangeably throughout the solicitation documents: (1) "Contract" and "Agreement"; (2) "response" and "proposals". For additional definitions, see ATTACHMENT 22: GLOSSARY OF TERMS.

1.1. PURPOSE OF RFP

The purpose of this Request For Proposal (hereinafter referred to as "solicitation") is to obtain proposals from qualified Bidders to provide the Department of Cannabis Control (DCC) and the State of California (hereinafter referred to as the "State") with Cloud Software as a Service (SaaS) and Implementation Services for the Laboratory Information Management System Replacement project (hereinafter referred to as "LIMSR").

This solicitation follows submissions and evaluations to determine the most qualified Bidder to Design, Develop, and Implement (DD&I) the LIMSR solution (hereinafter referred to as "the Solution").

The Contract Award, if made, will be to the single Bidder in accordance with the methodology defined in [SECTION 6. EVALUATION](#).

1.2. BACKGROUND

The Cannabis Testing Laboratory Office (CTLO), a office within the Compliance Division, receives and tests cannabis and cannabis product samples submitted for analytical evaluation. Samples may be provided by internal Department programs or external customers, and CTLO's testing offerings, methodologies, and quality standards are applied consistently regardless of the source of the sample.

The CTLO supports the Department's compliance, enforcement, and regulatory functions and

collaborates with other divisions as well as with other State laboratories to review testing standards and develop new analytical methods as the science in this area continues to evolve. Sample testing is conducted in accordance with standard industry laboratory workflows.

The CTLO is staffed by Research Scientists with expertise in microbiology and chemistry, under the direction of Research Scientist Supervisors who oversee laboratory operations and activities. All cannabis samples are received, stored, and analyzed in compliance with applicable California regulations and Drug Enforcement Administration (DEA) requirements. The CTLO maintains a DEA registration and is accredited to ISO/IEC 17025 standards.

The DCC is seeking to acquire a LIMS solution to support the functional and non-functional needs identified in [ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK](#). These needs include, but are not limited to, accepting sample logins for tests, assigning tests to the sample(s), creating analytical batches, adding quality controls (QC) to batches, entering results, reviewing data, rejecting and approving runs, generating reports and QC charts, search, query, add analytes, add new instruments, auto-verify, import and export data, and interface with partner laboratories, instruments, and other systems. These efforts protect public safety and the environment to ensure that products sold legally on the market are safe for the consumers.

1.3. TERM OF CONTRACT

See ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK for the contract term for software licensing and implementation services.

1.4. CURRENT AND PROPOSED ENVIRONMENTS

See ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK , 3. Description of Proposed New System or Service for the description of the product and services the DCC is seeking from a Contractor.

1.4.1. CURRENT ENVIRONMENT

Currently, the DCC CTLO utilizes a legacy laboratory management system that is maintained and designed for use by another State agency, which does not conduct cannabis testing. The current system supports sample login, data entry and generating reports but was built for blood testing and other human products and is not optimized for cannabis testing. A new LIMS is necessary that is geared towards cannabis product testing and will offer automated improvements in both the tracking as well as the reporting of testing results. ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK provides additional background and the current needs to support the LIMS solution.

1.4.2. PROPOSED ENVIRONMENT

A detailed description of the proposed environment and overall project requirements for Cloud Software as a Service (SaaS) and Implementation Services are included in ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK , including, but not limited to, 3. Description of Proposed New System or Service , [SECTION 11. Contractor's Roles and Responsibilities](#) , SECTION 26. COMPATIBILITY AND INTERFACE. Details of the solicitation requirements are included in EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS.

1.5. AMERICANS WITH DISABILITIES ACT (ADA)

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

For persons with a disability needing a reasonable accommodation to participate in the procurement process or for persons having questions regarding reasonable accommodations of the procurement process, you may contact the Procurement Officer identified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#). You may also contact the State of California at the telephone numbers listed below.

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

The California Relay Service Telephone Numbers

RELAY SERVICE DESCRIPTION	LANGUAGE	TELEPHONE NUMBER
TTY/VCO/HCO to Voice	English	1-800-735-2929
	Spanish	1-800-855-3000
Voice to TTY/VCO/HCO	English	1-800-735-2922
	Spanish	1-800-855-3000
From or to Speech-to-Speech	English & Spanish	1-800-854-7784

2. BIDDING INSTRUCTIONS

2.1. BIDDER ADMONISHMENT

This procurement will follow an approach designed to increase the likelihood of a successful proposal and Bidder eligibility for an invitation to negotiation.

The Bidder should refer to [SECTION 2.5. BIDDING STEPS](#) to understand the solicitation and [SECTION 6. EVALUATION](#) to understand the evaluation process. It is the Bidder's responsibility to:

1. Carefully read the entire solicitation.
2. Submit questions in a timely manner.
3. Submit all required responses by the required dates and times specified in [SECTION 2.3. KEY ACTION DATES](#).
4. Abide by all procedures and requirements of the solicitation.
5. Not include conditional statements, assumptions, or exception language with proposals.
6. Carefully review the solicitation requirements prior to submission of a proposal to ensure nothing has been overlooked.

2.2. COMMUNICATIONS AND CONTACTS

The State uses an online procurement system known as *Cal eProcure* to communicate with prospective Bidders and suppliers. Information and ongoing communications for this solicitation will be posted by the State on the *Cal eProcure* website, www.caleprocure.ca.gov.

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

2.2.1. PROCUREMENT OFFICERS

The Procurement Officers are the State's designated authorized representatives regarding this procurement and are the sole point of contact.

Bidders are directed to communicate all correspondence regarding this procurement to both the Procurement Officer and the Secondary Procurement Officer at the contact information below.

Table 2-1: Procurement Officers

DESCRIPTION	CONTACT INFORMATION
Department Name:	California Department of Technology (CDT), Office of Statewide Technology Procurement (OSTP)

DESCRIPTION	CONTACT INFORMATION
Procurement Officer:	Vaibhav Srivastava
Email:	vaibhav.srivastava@state.ca.gov
Phone:	+1 916-639-9252
Secondary Procurement Officer:	Hashmat Mohmand
Email:	Hashmat.Mohmand@state.ca.gov
Phone:	+1 916-413-3522

2.2.2. QUESTIONS REGARDING THE SOLICITATION DOCUMENT

Bidders requesting clarification of the intent, terms and conditions, content of this solicitation, or on procedural matters regarding the competitive bid process should submit [ATTACHMENT 1: TEMPLATE FOR QUESTION SUBMITTAL/REQUEST FOR CHANGES](#) via email addressed to the Procurement Officers listed in [SECTION 2.2.1. PROCUREMENT OFFICERS](#).

If the Bidder believes that one or more of the solicitation requirements is onerous, unfair, or imposes unnecessary constraints on the Bidder, the Bidder may request a change to the solicitation by submitting, in writing, the recommended change(s) and the facts substantiating this belief and reasons for making the recommended change using [ATTACHMENT 1: TEMPLATE FOR QUESTION SUBMITTAL/REQUEST FOR CHANGES](#). Such request must be submitted to the Procurement Officers by the date specified in [SECTION 2.3. KEY ACTION DATES](#).

Written questions and requests for changes must be submitted, using Microsoft Excel or Word, by email to the Procurement Officers identified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#), using [ATTACHMENT 1: TEMPLATE FOR QUESTION SUBMITTAL/REQUEST FOR CHANGES](#).

The email must include the solicitation identification information from the solicitation title page in the subject line. To ensure a response, questions and/or requests for changes must be received in writing by the date(s) specified in [SECTION 2.3. KEY ACTION DATES](#). Question and answer sets will be posted to Cal eProcure and will not identify the submitters. At the sole discretion of the State, questions may be paraphrased by the State for clarity.

If a Bidder desires clarification or further information on the content of the solicitation, but whose questions relate to the proprietary aspect of its proposal and disclosure exposes its proposal to other Bidders, the question may be submitted using the same criteria above with the notation,

“CONFIDENTIAL.” The Bidder must explain why the question is sensitive in nature. If the State concurs that the disclosure of the question or the answer would expose the proprietary nature of the proposal, the question will be answered and both the question and answer will be confidentially maintained. If the State does not concur with the proprietary nature of the question, the Bidder will be notified and may withdraw the question. If the question is not withdrawn, the question and response will not be confidentially maintained.

Only questions submitted in writing and answered in writing by the Procurement Officer shall be binding and official.

2.2.3. INTENT TO BID

Bidders that wish to participate in the solicitation should submit a completed [ATTACHMENT 2: INTENT TO BID FORM](#) by the date specified in [SECTION 2.3. KEY ACTION DATES](#) .

This document shall be sent by email to the Procurement Officers identified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#).

It shall be the Bidder’s responsibility to notify the Procurement Officers regarding any change to its Intent to Bid or the contact information. The State shall not be responsible for proposal correspondence not received by the Bidder if the Bidder fails to notify the State, in writing, of any change pertaining to the designated contact person.

2.2.4. REQUEST INVITATION TO STATE'S FILE-SHARING SITE

The Bidder must email the Procurement Officers by the due date specified in [SECTION 2.3. KEY ACTION DATES](#) , no more than two (2) contacts who will have access to the State's file sharing site to electronically upload Bidder’s proposal. Once provided, an invitation to the State's file sharing site will be sent to those individuals. It is the Bidder's responsibility to confirm receipt of the invitation with the Procurement Officers.

The email should include the names, titles, phone numbers, and email addresses of no more than two (2) contacts.

Access to the file- sharing site will be granted within three (3) working days after receiving the email request and [ATTACHMENT 6: CONFIDENTIALITY STATEMENT FORM](#)

Please refer to [SECTION 6.3. DELIVERY OF SUBMITTALS](#) for further instructions on how to submit your firm's proposal and instructions for the file--sharing site

2.2.5. CLOUD COMPUTING SERVICES

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

2.3. KEY ACTION DATES

Key Action Dates provides the key action dates and times by which actions must be taken or completed. If the State finds it necessary to change these dates or times, it will be accomplished via an addendum to this solicitation with the exception of dates listed after the Bidder's submission of proposal. Dates listed after the Bidder's submission of proposal are estimated and may be adjusted without addendum to this solicitation. All times listed are for Pacific Time. Unless otherwise specified, all times are 5:00 PM Pacific Time.

Table 2.3: Key Action Dates (KAD) estimated dates

ITEM	ACTION	DATE AND TIME
1.	Release of Solicitation	1/16/26
2.	Last day to submit questions and request for changes prior to proposal using ATTACHMENT 1: TEMPLATE FOR QUESTION SUBMITTAL/REQUEST FOR CHANGES	2/10/26
3.	State's response to Bidder's questions, and release of potential addendum ¹	2/18/26
4.	Addendum 1 Release	2/23/2026
5.	Submit:	2/24/26

ITEM	ACTION	DATE AND TIME
	ATTACHMENT 2: INTENT TO BID FORM and ATTACHMENT 6: CONFIDENTIALITY STATEMENT FORM	
6.	Last Day to submit questions related to Addendum 1	03/02/2026
7.	State responds to bidder Questions	03/06/2026
8.	Addendum 2 Release	03/13/2026
9.	Addendum 3 Release	03/23/2026
10.	Last Day for Bidders to request an invitation to the State's file-sharing site to submit a proposal (Refer to SECTION 2.2.4. REQUEST INVITATION TO STATE'S FILE-SHARING SITE)	3/10/2026
11.	State declared all proposals "draft"	04/23/2026
12.	Release of Addendum 4 (after draft proposal discussions)	05/01/2026
13.	Last Day to submit questions related to Addendum 4.	05/07/2026
14.	State responds to bidder Questions (Q&A set 2)	05/11/2026
15.	Last day to submit proposal and be deemed eVAQ approved by OSTP. ²	05/18/26
16.	Proposal Evaluation Period	05/19/2026-06/17/2026

ITEM	ACTION	DATE AND TIME
17.	Demonstrations	06/18/2026-07/03/2026
18	Invitation to Negotiate	07/06/2026-07/07/2026
19.	Negotiations	07/08/2026-07/28/2026
20.	BAFO submission	08/04/2026
21.	BAFO evaluations	08/05/2026-08/06/2026
22.	Notification of Award/Contract Execution	09/08/2026
23.	Contract Start	09/09/2026

¹ Or five (5) working days following the last addendum that changes the requirements of the solicitation.

² If Bidder does not have an approved eVAQ application on file with OSTP, it is recommended that Bidders allow a minimum of four weeks prior to proposal due date for the State to process and approve Bidder's eVAQ application.

2.4. RULES GOVERNING COMPETITION

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

2.4.1. IDENTIFICATION AND CLASSIFICATION OF SOLICITATION REQUIREMENTS

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

Non-compliance with any mandatory requirement will disqualify a Bidder from further participating in Evaluation, Negotiations and Contract Award.

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

2.4.2. SOLICITATION DOCUMENTS

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

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this solicitation document, the Bidder shall immediately notify the Procurement Officer identified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#), of such error in writing and request clarification or modification of the document.

If the solicitation document contains an error known to the Bidder, or an error that reasonably should have been known, the Bidder shall bid at its own risk. If the Bidder fails to notify the State of the error prior to the date fixed for submission of proposals, and is awarded the Contract, the Bidder shall not be entitled to additional compensation or time by reason of the error or its later correction. Modifications will be made by addenda issued pursuant to [SECTION 2.4.7. ADDENDA](#) .

2.4.3. EXAMINATION OF THE WORK

The Bidder should carefully examine the entire solicitation document and any addenda thereto, and all related materials and data referenced in the solicitation document or otherwise available to the Bidder, and should become fully aware of the nature and location of the work, the quantities of the work, and the conditions to be encountered in performing the work.

2.4.4. EXCLUSION FOR CONFLICT OF INTEREST

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

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

The Bidder must complete and submit ATTACHMENT 3: FOLLOW-ON CONTRACT DISCLOSURE FORM with its proposal.

2.4.5. CONFIDENTIALITY

Bidder material becomes public only after the Notification of Award is released. If material marked “confidential,” “proprietary,” or “trade secret” is requested pursuant to the Public Records Act, the State will make an independent assessment whether it is exempt from disclosure. If the State disagrees with the Bidder, the State will notify the Bidder and give them a reasonable opportunity to justify their position or obtain a court order protecting the material from disclosure.

The Bidder should be aware that marking a document “confidential” or “proprietary” in a proposal may exclude it from consideration for award and will not keep that document from being released after notice of award as part of the public record, unless a court has ordered the State not to release the document.

The content of all working papers and discussions relating to the Bidder’s proposal shall be held in confidence indefinitely, unless the public interest is best served by an item’s disclosure because of its direct pertinence to a decision, agreement or the evaluation of the proposal.

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

2.4.6. BONDS

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

2.4.7. ADDENDA

The State may modify the solicitation at any time prior to submission of the proposal by issuing an addendum. Addenda will be numbered consecutively and released to all Bidders via Cal eProcure.

The Bidder is allowed five (5) working days to submit written questions regarding the addendum according to the instructions contained in [SECTION 2.2.2. QUESTIONS REGARDING THE SOLICITATION DOCUMENT](#) .

2.4.8. COST FOR DEVELOPING PROPOSAL

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

2.4.9. SIGNATURE OF PROPOSAL

A cover letter shall be considered an integral part of the Final Proposal and any proposal form requiring signature, must be signed by an individual who is authorized to bind the bidding firm contractually. The signature block must indicate the title or position that the individual holds in the firm. An unsigned Final Proposal may be rejected.

The draft proposal, if applicable, must also contain the cover letter, including the title of the person who will sign, but need not contain the signature.

2.4.10. IRREVOCABLE OFFER

Bidder's response to this solicitation shall constitute a firm offer, which shall remain irrevocable for not less than 120 calendar days following the Contract Award date specified in [SECTION 2.3. KEY ACTION DATES](#) . In the event of a delay in Contract Award, a Bidder may extend the expiration date of its firm offer an additional 30 calendar days by written notice to the State.

This expiration date may be further extended by mutual agreement between the State and the Bidder, in order to accommodate processing time for required approvals and other solicitation-related reviews.

2.4.11. FALSE OR MISLEADING STATEMENTS

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

2.5. BIDDING STEPS

The following instructions provide the steps to submit a response to this solicitation by interested Bidders. Details surrounding proposals are described further in [SECTION 3. PROPOSAL REQUIREMENTS](#) .

The Bidder is expected to follow the format requirements and utilize all forms included in this solicitation necessary for its response. This solicitation also addresses the Bidder responsibilities and requirements it must meet to be eligible for consideration. If the Bidder fails to follow the provided instructions, the Bidder may be disqualified from the solicitation process.

Refer to [SECTION 2.3. KEY ACTION DATES](#) to determine which phases and mandatory steps are included in this solicitation. [SECTION 2.3. KEY ACTION DATES](#) lists milestones, mandatory steps, and due dates for deliverables in this solicitation. Bidders must submit a pre-qualified Electronic Vendor Application of Qualifications (eVAQ) as detailed in [SECTION 3.1.1. ELECTRONIC VENDOR APPLICATION OF QUALIFICATIONS \(EVAQ\)\(M\)](#).

2.5.1. BAFO

The final phase consists of a proposal (Mandatory) and, if requested by the State, a Best and Final Offer (BAFO).

The purpose of the BAFO is to obtain proposals that are responsive in every respect. The proposal is a mandatory step for all Bidders; all other steps are optional unless otherwise stated in [SECTION 2.3. KEY ACTION DATES](#).

The proposal must be complete, and include all cost information, required signatures, contract changes issued by the State via an addendum and corrections made to those defects noted by the State in its review of the draft proposal, if any. Bidders that submitted proposals meeting the criteria identified in [SECTION 7. NEGOTIATIONS](#), will be eligible to receive an invitation to negotiate with the State.

The State, at its sole discretion, may request a BAFO from those Bidders that participated in the Negotiation Process as identified in [SECTION 7. NEGOTIATIONS](#).

2.5.2. WITHDRAWAL AND RESUBMISSION/MODIFICATION OF PROPOSALS

A Bidder may withdraw its conceptual proposal, detailed technical proposal or draft proposal at any time by written notification. A Bidder may withdraw its proposal at any time prior to the proposal submission date by submitting a written notification of withdrawal signed by an authorized representative of the Bidder in accordance with [SECTION 3.2.1. COVER LETTER \(M\)](#). The Bidder may thereafter submit a new or modified proposal prior to the submission date and time specified in [SECTION 2.3. KEY ACTION DATES](#). Modification offered in any other manner, oral or written, will not be considered. Other than as allowed by law, proposals cannot be changed after the deadline date and time designated for receipt, except as provided in the solicitation.

2.5.3. DISPOSITION OF PROPOSALS

All materials submitted in response to this solicitation will become the property of the State of California. All phases of the proposal shall be retained for official files and will become a public record after the Notification of Award is posted.

2.6. ALTERNATIVE PROTEST PROCESS

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

3. PROPOSAL REQUIREMENTS

This section contains the mandatory, mandatory scored, mandatory optional, desirable scored and optional proposal requirements that must be met in order to be considered responsive to this solicitation.

The documents that must be submitted with the Bidder's proposal are noted as "Mandatory" "(M)", "Mandatory Scored" "(MS)", or "Mandatory Optional" "(MO)" in this section. Items labeled "Desirable Scored" "(DS)" or "Optional" "(O)" are optional.

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

1. (M) Sections labeled as "Mandatory" or "M" are not negotiable. To be considered responsive to these requirements, all requirements identified as (M) must receive a response from the Bidder. Failure to respond to any (M) requirements where indicated shall result in a "fail" and disqualification of the proposal.
2. (MS) Sections labeled "Mandatory Scored" or "MS" are not negotiable. To be considered responsive to these requirements, all requirements identified as (MS) must receive a response. Failure to respond to any (MS) requirement where indicated shall result in a "fail" and disqualification of the proposal. The State's evaluation team will review responses to (MS) requirements and award points, if applicable, per criteria stated in [SECTION 6. EVALUATION](#).
3. (MO) Sections labeled "Mandatory Optional" or "MO" are not negotiable. To be considered responsive to these requirements, all requirements identified as (MO) must receive a response. Failure to respond to any (MO) requirement where indicated shall result in a "fail" and disqualification of the proposal. It is at the State's option/discretion on whether to utilize the option in the Contract.
4. (DS) Sections labeled "Desirable Scored" or "DS" are not required to be offered by the Bidder in order to be responsive with the solicitation requirements. The Bidder may choose whether to meet requirements labeled as (DS). However, if a Bidder offers any of these (DS) requirement, the Bidder must meet the minimum requirements as stated in the section. The State will review responses to (DS) requirements and apply points, if applicable, per criteria stated in [SECTION 6. EVALUATION](#).
5. (O) Sections labeled as "Optional" or "O" are not required to be offered by the Bidder in order to be responsive to the solicitation requirements. A Bidder may choose whether to meet administrative requirements labeled as (O) such as those relating to preference points. However, if a Bidder offers any of these (O) requirements, the Bidder must meet the minimum requirements

as stated in the section. The State will review responses to optional requirements and apply points, if applicable, in accordance with [SECTION 6. EVALUATION](#).

3.1. PREQUALIFICATION REQUIREMENTS

This section details the requirements necessary for Bidders to qualify for contract award. Failure to complete or comply will disqualify Bidder(s) and the State will not move forward with evaluating the proposal, conducting negotiations and contract award. The State will not seek modifications or clarifications after proposal submission due date for any prequalification requirements.

3.1.1. ELECTRONIC VENDOR APPLICATION OF QUALIFICATIONS (EVAQ)(M)

It is the responsibility of the Bidder to ensure they have an OSTP-approved eVAQ and all applicable requirements and provisions for this solicitation are met. Failure to have an OSTP-approved eVAQ prior to proposal submission due date will disqualify Bidder(s) and the State will not move forward with evaluating the proposal, conducting negotiations and contract award. The State will not seek eVAQ modifications or clarifications after proposal submission due date.

The State's eVAQ is an external process to this solicitation. The intent of the pre-qualification is to process as much of the administrative requirements required to do business in the State of California in advance to streamline the solicitation process. **Bidders are required to have an OSTP-approved eVAQ application on file prior to the Key Action Date for the Last day to submit proposal (refer to [SECTION 2.3. KEY ACTION DATES](#)) in order for your proposal to be accepted for evaluations.**

The application can be accessed at <https://cadtprod.service-now.com/vendor>.

If the Bidder's firm is new to the eVAQ process, account registration is necessary and free of charge.

If a Bidder has an approved eVAQ on file, it is the Bidder's responsibility to ensure:

1. The eVAQ is a CDT OSTP-approved eVAQ (not a Department of General Services (DGS) eVAQ)).
2. All information required to be submitted with the eVAQ is up to date and valid.

All questions related to the eVAQ should be addressed to the Procurement Officers.

3.1.1.1. INCORPORATION OF EVAQ REQUIREMENTS

The Contract awarded as a result of the solicitation shall incorporate by reference all the requirements of the solicitation and the terms and conditions of the eVAQ. The Bidder's eVAQ shall remain in effect

throughout the life of the Contract, including all optional years.

In the event there is inconsistent requirements between the solicitation and the Bidder's OSTP approved eVAQ documents, the solicitation documents shall take precedence.

3.2. ADMINISTRATIVE REQUIREMENTS

This section contains the mandatory and optional administrative requirements that must be met in order to be considered responsive to this solicitation. Additional administrative requirements for this solicitation are being processed through the electronic Vendor Application of Qualifications (eVAQ). Please refer to [SECTION 3.1.1. ELECTRONIC VENDOR APPLICATION OF QUALIFICATIONS \(EVAQ\)\(M\)](#) for more information.

3.2.1. COVER LETTER (M)

The Bidder must complete and submit [ATTACHMENT 4: COVER LETTER FORM](#) with their proposal.

A cover letter shall be considered an integral part of the proposal and any proposal form requiring signature, must be signed by an individual who is authorized to bind the bidding firm contractually. The signature block must indicate the title or position that the individual holds in the firm. An unsigned proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

The draft proposal, if applicable, must also contain the cover letter, including the title of the person who will sign, but need not contain the signature.

3.2.2. ADMINISTRATIVE REQUIREMENTS DOCUMENT (M)

The Bidder must complete and submit [ATTACHMENT 5: RESPONSE TO ADMINISTRATIVE REQUIREMENTS FORM](#). The Bidder must indicate its willingness and ability to satisfy these requirements by responding "Yes" in the "Bidder Agrees Yes/No" column. A "No" response to any of the mandatory administrative requirements may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

3.2.3. CONFIDENTIALITY STATEMENT (M)

The Bidder must agree to the State's confidentiality requirements by submitting a signed [ATTACHMENT 6: CONFIDENTIALITY STATEMENT FORM](#), for the Bidder's company. The completed confidentiality statement must be submitted as indicated in [SECTION 2.3. KEY ACTION DATES](#).

The Bidder engaging in services pertaining to this solicitation, requiring contact with confidential State information or State customer information will be required to exercise security precautions for all such data that is made available and must accept full legal responsibility for the protection of this confidential

information. This includes all statistical, personal, technical, and/or other confidential personal data and information relating to the State's operations that are designated confidential by the State.

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

3.2.4. ABILITY TO PERFORM

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

3.2.5. PRIMARY BIDDER

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

3.2.6. SUBCONTRACTORS

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

The Contractor shall not change subcontractor(s) and/or DVBE subcontractor(s) if such changes conflict with the work to be performed under this Contract. For DVBE subcontractor changes, the Contractor shall utilize another DVBE subcontractor. The State recognizes that changes to subcontractor(s) may be necessary and in the best interests of the State, however, advance notification of a contemplated change

and the reasons for such change must be made to the State no less than seven (7) working days prior to the existing subcontractor's termination. If this should occur, the Contractor should be aware that the State Contract administrator or designee must approve any changes to the subcontractor(s) prior to the termination of the existing subcontractor(s). This also includes any changes made between submittal of the proposal and actual start of the Contract.

Contractor understands and agrees to comply with the requirements set forth in Military and Veterans Code, Section 999 et seq. that should award of this contract be based in part on their commitment to use the Disabled Veteran Business Enterprise (DVBE) subcontractor(s) identified in their bid or offer, per Military and Veterans Code, Section 999.5(f), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by both the awarding department and the Department of General Services (DGS) prior to the commencement of any work by the proposed subcontractor. Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment.

Failure of Contractor to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination, recovery of damages under rights and remedies due to the State, and penalties as outlined in MVC, Section 999.9; Public Contract Code (PCC), Section 10115.10.

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

The Contractor's obligation to pay its subcontractors is independent of the State's obligation to make payments to the Contractor. Contractor is solely responsible for any payments to or claims made by subcontractors. As a result, the State shall have no obligation to pay or to enforce the payment of any monies to any subcontractor.

3.2.6.1. BIDDER DECLARATION FORM (M)

The Bidder must complete and submit [ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105](#), with its proposal. When completing the declaration, the Bidder must identify all subcontractors proposed for participation in the Contract. The Bidder awarded the Contract is contractually obligated to use the subcontractors for the corresponding work identified, unless the Agency/state entity agrees to a substitution and it is incorporated, in writing. If the Bidder is not using subcontractors, the Bidder must still complete [ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105](#) answering the applicable questions on the form, and submit it with its proposal. The form is available at:

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

3.2.7. AMENDMENT

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

3.2.8. FINANCIAL RESPONSIBILITY INFORMATION

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

The State must be assured that the Contractor continues to have the financial resources to sustain its operations during the term of the Contract.

3.2.8.1. FINANCIAL STABILITY

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

The State must be assured that the bidder continues to have the financial resources to sustain its operations during system development and implementation phases including the time required for the State to pay the Contractor after system acceptance.

3.2.8.2. RESPONSIBILITY CERTIFICATION (M)

The bidder must certify in writing, to the best of its knowledge and belief that the bidder, the bidder's subcontractor(s) or any personnel related to the Contract to be awarded are not presently debarred, suspended, proposed for debarment or declared ineligible for the award of Contracts by any state or federal agency.

The bidder must certify it complies with this requirement as part of its Final Response, and if the bidder is selected, again, each time their awarded contract is renewed.

3.2.9. INCORPORATION OF EVAQ REQUIREMENTS

Bidders are advised that the Contract awarded as a result of this solicitation shall automatically incorporate by reference all Requirements as well as Terms and Conditions of the eVAQ. The Bidder's eVAQ, in its entirety, shall be incorporated into any Contract awarded as a result of this solicitation, and shall remain in effect after eVAQ expiration, and throughout the life of the Contract awarded as a result of this solicitation, including all optional years.

3.2.10. GENERAL PROVISIONS

The Contract awarded as a result of this solicitation shall automatically incorporate by reference the following:

- [Information Technology General Provisions - Cloud](#) (Revised 2/20/2025)

As a condition of submitting a response to this solicitation, the Bidder agrees to abide by all terms and conditions of the solicitation as written. The Bidder is advised that deviations from the State-approved Terms and Conditions may be the basis for rejection of the Bidder's proposal.

The State may consider limited negotiations around its standard terms, including the General Provisions, during the negotiation phase of the solicitation. Any negotiation of the General Provisions shall be limited to those provisions of the General Provisions that explicitly allow for changes by adding terms and conditions to the Statement of Work. Any changes to the State's standard terms, including the General Provisions, shall be at the sole and absolute discretion of the State.

3.2.11. WORKERS' COMPENSATION/EMPLOYER'S LIABILITY (M)

The Prime Contractor shall maintain statutory workers' compensation and employer's liability coverage for all its employees who will be engaged in the performance of the Contract, including special coverage extensions where applicable. Employer's liability limits of \$1,000,000 shall be required.

3.2.12. ADMINISTRATIVE REQUIREMENTS DOCUMENT (M)

The bidder must indicate its willingness and ability to satisfy these requirements by marking "Yes" on the "Bidder Agrees Yes/No" column on ATTACHMENT 5: RESPONSE TO ADMINISTRATIVE REQUIREMENTS FORM. Answering "No" to any of the mandatory administrative requirements or not submitting the required documents with its Final Proposal may result in the proposal being deemed non-responsive.

3.2.13. GENERATIVE ARTIFICIAL INTELLIGENCE (GENAI) DISCLOSURE NOTIFICATION

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

Bidder 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](#).

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

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

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.

The Bidder must complete and submit as part of the proposal response, ATTACHMENT 4: COVER LETTER FORM , notifying the State if it intends to provide or utilize GenAI by responding "Yes" or "No" in the "Bidder Agrees Yes/No" column

3.2.14. STATEMENT OF WORK

[ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK](#) identifies and describes the tasks and responsibilities of the Contractor and the responsibilities of the State during the term of the Contract.

The Bidder is advised that deviations to the SOW may be the basis for rejection of the Bidder's proposal. Refer to Part 2, Bidder Response [ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK](#).

3.2.14.1. INSURANCE COVERAGE

In accordance to the [ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK](#), [SECTION 34. Insurance Requirements](#), the Contractor must furnish insurance certificate(s) evidencing required insurance coverage acceptable to the State, including endorsements showing the State as an "additional insured" if required under the Contract. Any required endorsements requested by the State must be separately provided; merely referring to such coverage on the certificates(s) is insufficient for this purpose. When performing work on State-owned or controlled property, Contractor shall provide a waiver of subrogation in favor of the State for its workers' compensation policy.

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

3.2.15. PRODUCTIVE USE REQUIREMENTS

The productive use requirements protect the State from new equipment and software having no record of

proven consistent performance. The State will only accept proven technology products.

The proposed solution must include only equipment and off-the-shelf software that is currently supported by its manufacturer for at least the time specified in Table 3.2, Productive Use Timeframes. No equipment and/or software may be proposed, specified, or employed if the manufacturer has announced an end to support. The productive use requirements defined in this section do not apply to any portion of the custom software developed for the State or to modifications to custom software that was developed for the State under this Contract prior to submittal and throughout Contract duration.

3.2.15.1. CUSTOMER IN-USE

The State requires each equipment and software component proposed as part of an automated system adhere to the following:

1. Must have been installed and in productive use;
2. For a paying customer external to the Bidder's organization; and
3. For at least the number of months shown in Table 3.2 below and prior to the bid proposal response date.

Table 3.2: Productive Use Timeframes

PRODUCT	PROJECT COST	PROPOSAL SUBMISSION
Category 1 - Critical Software Software that is required to control the overall operation of a computer system or peripheral equipment. Included in this category are operating systems, database management systems, language interpreters, assemblers and compilers, communications software, and other essential system software.	More than \$100,000	6 months

Design changes in required system control modules or in components critical to the processing requirements of the State's workload are also subject to the In-Use Requirement. Increases or decreases in numbers of components or minor alteration in equipment or minor modifications or updates to software to provide improvements or features, to correct errors, or to accommodate hardware changes may be exempt from the In-use requirement by CDT OSTP, if no changes in logic, architecture or design are involved.

3.2.15.2. CUSTOMER REFERENCES FOR PRODUCTIVE USE REQUIREMENTS (M)

The purpose of the customer reference requirement is to provide the State the ability to verify the claims made in the proposal by the Bidder.

The State has the option to request the Bidder to provide a list of customers who presently have the bid equipment and/or software installed and operating. If requested, the list must include at least one (1) customer meeting that requirement. However, at least one customer reference must be included for each type of machine and feature bid that is subject to the requirements of that section (i.e., one customer having the specific CPU).

The State has the option to request from the Bidder supporting evidence of compliance to the customer in-use requirements. Supporting evidence could include, but is not necessarily limited to, one or more of the following:

- Customer purchase order or Contract showing installation dates for subject equipment or software;
- Acceptance document containing verification of installation by a paying customer;
- Customer invoice for subject equipment or software;
- Shipping invoice or bill of lading;
- Dated maintenance records;
- Sworn notarized statement from an officer of the bidding firm and/or a paying customer;
- State visit to the site of a paying customer.

The State will not consider exceptions to productive use requirements for this solicitation.

3.2.16. SOCIOECONOMIC PROGRAMS

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

Completed Small Business and Disabled Veteran Business Enterprise certification applications and required support documents must be submitted to the Department of General Services Office of Small

Business and DVBE Services (OSDS) no later than 5:00 p.m. on the proposal due date, and the OSDS must be able to approve the application as submitted. Questions regarding certification should be directed to the OSDS at

Office of Small Business and DVBE Services
707 Third Street, 1st Floor, Room 400
West Sacramento, CA 95606
Receptionist: (916) 375-4940 Fax (916) 375-4650

3.2.16.1. BIDDER'S PREFERENCE AND INCENTIVE DECLARATION (M)

The Bidder must complete and submit [ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES](#), with its proposal. The Bidder must indicate on [ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES](#) whether it is or is not claiming each preference and/or incentive.

3.2.16.2. DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM

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

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

Information regarding the DVBE Program Requirements may be viewed at:

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

The Bidder who has been certified by California as a DVBE (or who has obtained the participation of subcontractors certified by California as a DVBE) must submit a completed form(s) STD.843 Disabled Veteran Business Declarations for each DVBE. All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign a form for each DVBE and submit as ATTACHMENT 9: DVBE DECLARATIONS.

3.2.16.2.1. DVBE INCENTIVE (O)

In accordance with Military and Veterans Code §999.5(a), an incentive will be given to all Bidders who claim DVBE participation. For Contract award evaluation purposes only, the State shall apply the incentive amount based on the amount of DVBE participation obtained.

If the Bidder is claiming a DVBE incentive, the Bidder must complete the following with its proposal for each DVBE:

1. ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105;
2. ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES;
3. ATTACHMENT 9: DVBE DECLARATIONS; and,
4. ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION (CUF) CERTIFICATION.

3.2.16.3. SMALL BUSINESS PREFERENCE (O)

The California Government Code §14835 et seq. requires that a five percent (5%) preference be given to Bidders who qualify as a Small Business (SB). The rules and regulations of this law, including the definition of a SB, or qualifying non-small business, are contained in Title 2, California Code of Regulations, §1896 et seq. The definition of nonprofit veteran service agencies qualifying as a SB is contained in §999.50 et seq. of the Military and Veterans Code.

If the Bidder is claiming a Small Business Preference, the Bidder must complete and submit the following with its proposal for each SB:

1. [ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105](#);
2. [ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES](#); and,
3. [ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION \(CUF\) CERTIFICATION](#).

More information regarding the Small Business Preference may be found at:

<https://www.dgs.ca.gov/PD-OSDS>

3.2.16.4. NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCE (O)

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

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

If the Bidder is claiming a non-small business using small business subcontractors, the Bidder must complete and submit the following with its proposal for each SB Subcontractor:

1. [ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105](#);
2. ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES; and,
3. ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION (CUF) CERTIFICATION.

3.2.16.5. COMMERCIALLY USEFUL FUNCTION (M)

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

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

The Bidder must complete [ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION \(CUF\) CERTIFICATION](#) for each Small Business and/or DVBE (prime and/or subcontractor(s)). All Bidders and subcontractors identified in the proposal response to fulfill the requirements for one (1) or more of the socio-economic programs (DVBE and small business) must perform a commercially useful function (CUF) in the resulting Contract. CUF is defined pursuant to Military and Veterans Code §999(b)(5)(B) and Government Code §14837(d)(4)(A) for the DVBE and small business programs, respectively.

Bidder(s) may be required to submit additional written clarifying information regarding CUF on [ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION \(CUF\) CERTIFICATION](#). Failure to submit the requested written information as specified may be the basis for rejection of the Bidder's proposal.

3.2.16.6. TARGET AREA CONTRACT PREFERENCE ACT (TACPA) (O)

Target Area Contract Preference Act (TACPA) will be granted to California-based firms in accordance with Government Code §4530 whenever contracts for goods or services are in excess of \$100,000 and the Bidder meets certain requirements as defined in the California Administrative Code (Title 2, §1896.30 et seq.) regarding labor needed to produce the goods or provide the services being procured. The TACPA is optional on the part of the Bidder (not mandatory), is for proposal evaluation purposes only, and does not alter the amount of the awarded Contract.

Bidders wishing to take advantage of this preference will need to review the website below and submit the required applications/forms listed with its proposal as ATTACHMENT 11: TACPA PREFERENCE REQUEST FORMS. The Bidder's proposal may omit these if there is no intention to claim this preference.

The required applications/forms are as follows:

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

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

3.3. QUALIFICATION REQUIREMENTS

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

The Bidder must meet the mandatory Bidder Qualification and Key Staff Qualification Requirements. Failure to meet any of the mandatory requirements may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

3.3.1. BIDDER QUALIFICATIONS (M)

The Bidder must complete and submit as part of its response, [ATTACHMENT 13: BIDDER QUALIFICATIONS FORM](#) , to confirm that the Bidder's experience meets the mandatory requirements. It is incumbent upon the Bidder to provide enough detail in its Proposal to evaluate the Bidder's ability to meet the requirements and perform the services as described in this solicitation. Refer to [ATTACHMENT 12: BIDDER QUALIFICATIONS FORM - INSTRUCTIONS](#) for further requirements and instructions.

3.3.2. BIDDER REFERENCES (M)(MS)

The Bidder must complete and submit [ATTACHMENT 15: BIDDER REFERENCE FORM](#) for each of the projects cited on the corresponding [ATTACHMENT 14: BIDDER QUALIFICATIONS FORM](#) .

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

[ATTACHMENT 15: BIDDER REFERENCE FORM](#) must be completed in its entirety and dated by a reference that performed a management or supervisory role on the referenced project to be considered responsive. The [ATTACHMENT 15: BIDDER REFERENCE FORM](#) must be returned to the Bidder for submission with the proposal. No information corrections or changes may be made on the reference form by the Bidder. Forms with alterations or changes to the entered information may deem the Bidder non-

responsive and may be the basis for rejection of the proposal.

References may be contacted to validate submitted responses based on customer satisfaction in accordance with [SECTION 7. EVALUATION](#). References must be external to a Bidder's organization and corporate structure. Failure to provide verifiable references may cause the proposal to be rejected.

References must meet the following criteria:

- Must be from the company (customer) or Agency for which the project was developed and/or services provided.
- Must be someone who performs a management or supervisory role on the referenced project.
- Must be external to the Bidder's organization and corporate structure.
- Must not be from employees or individuals who have or are currently working for the Bidder.
- Amendments to contracts shall not be considered separate and distinct contracts and cannot be used as separate projects.
- Must be able to provide an objective evaluation of the proposed Bidder and/or staff's performance.

If the reference is not allowed either legally or by company/organization policy to sign the reference form, the reference must type in its full name.

Prior to the Bidder using a current State employee as a reference, the Bidder shall contact the State Procurement Officers identified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#) , to ensure the current State employee is not a member of the Evaluation Team. In addition, only one (1) reference from the DCC is permitted.

3.3.3. KEY STAFF QUALIFICATIONS (M)(DS)

The Bidder is fully responsible for all necessary staffing resources to successfully implement LIMSR solution within the agreed upon schedule and to perform to the standards set forth in the ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK. The Bidder's staff may be comprised of Key Staff, and Non-Key Staff that the Bidder requires to implement the Solution. A minimum of three Contractor key staff are required to fill the roles required in the SOW. Additional Contractor staff may also be necessary, at no additional cost to the State.

The Bidder must complete and submit Key Staff Qualification forms. The Bidder must provide complete information to confirm that each of the three (3) proposed Key Staff possess the experience and qualifications as specified for their project role. Refer to ATTACHMENT 15: KEY STAFF QUALIFICATIONS FORM – INSTRUCTIONS for further requirements and instructions.

Each cited project for each Key Staff must be submitted separately on the appropriate form. It is incumbent upon the Bidder to provide enough detail in the response for the State to evaluate the Bidder's

proposed Key Staff's ability to meet the requirements and perform the services as described in this solicitation and the SOW.

The following key staff are required to perform the services as described in ATTACHMENT 26:
APPENDIX A - STATEMENT OF WORK :

- Project Manager
- Implementation Services Lead
- Integration Analyst

3.3.3.1. FULL-TIME/PART-TIME MONTH EQUIVALENTS DEFINITION

For each experience requirement (marked by "x") that is met or partially met on the referenced project, specify the number of full-time month equivalent (FTE) experience that the Staff accrued on the referenced project. For each period in which the Staff performed work applicable to the claimed experience for a minimum of twenty (20) workdays of a minimum total of one hundred sixty (160) hours (the minimum required to represent working full-time), the Staff accrues one (1) full-time month equivalent experience.

To calculate and report the full-time month equivalents experience for Staff who worked part-time (partial) on a referenced project, use the following calculation:

If the Staff worked half ($\frac{1}{2}$) time on a referenced project, experience should be pro-rated to one-half ($\frac{1}{2}$) or 0.5 month full-time month equivalent experience for each period in which the staff person worked a minimum of eighty (80) hours over twenty (20) State Business Days in a month.

For each experience requirement that the Staff's work on a referenced project addresses, report the total number of full-time month equivalents' experience the Staff's work represents using the calculations as previously described in this section, which depend upon the time period (calendar period) during which the Staff worked on the referenced project and whether he/she worked on a full-time or some other basis.

Refer to the details in [SECTION 6. EVALUATION](#) on how the requirements will be scored as part of the overall evaluation.

3.3.4. KEY STAFF REFERENCES (M)(MS)

The Bidder must complete and submit a minimum of two (2) completed reference form for each proposed key staff. The Key Staff Reference Form must be from any two (2) projects that were cited and submitted from each respective staff's qualification forms. In cases where a key staff met all its respective experience qualifications on one (1) project, submission of only one key staff reference form is acceptable.

The purpose of the Key Staff reference requirement is to provide the State the ability to evaluate the proposed staff's experience in providing similar or relevant services to other organizations through a satisfaction rating provided by the staff's previous clients. The description of their projects must be detailed and comprehensive enough to permit the State to evaluate the work performed on the project meets the requirement(s).

Key Staff Reference Form must be completed in its entirety, and dated by a reference. The Key Staff Reference Form must be returned to the Bidder for submission with proposal.

No information corrections or changes may be made on the reference form by the Bidder. Forms with alterations or changes to the entered information may deem the Bidder non-responsive and may be the basis for rejection of the Bidder's proposal.

References may be contacted to validate submitted responses based on customer satisfaction in accordance with SECTION 6. EVALUATION. Failure to provide verifiable references may cause the proposal to be rejected.

References must meet the following criteria:

- Must be from the company (customer) for Agency for which the project was developed and/or services provided.
- Must be someone who performs a management or supervisory role on the referenced project.
- Must be external to the Bidder's organization and corporate structure.
- May not be from employees or individuals who have or are currently working for the Bidder.
- A contract and all amendments to it are considered as one project. Amendments to a contract cannot be submitted as separate projects.
- Must be able to provide an objective evaluation of the proposed staff's performance.

If the reference is not allowed either legally or by company/organization policy to sign the reference form, the reference must type in its full name.

Prior to the proposed staff person using a current State employee as a reference, the Bidder shall contact the State Procurement Officer identified in [SECTION 2.2.1. PROCUREMENT OFFICER](#), to ensure the current State employee is not a member of the Evaluation Team. In addition, only one (1) reference from the DCC is permitted.

3.4. SOLUTION REQUIREMENTS

This section contains the detailed functional and non-functional requirements, deliverables and milestones requirements, and narrative response requirements pertaining to the proposed system that must be met in order to be considered responsive to this solicitation. In addition to meeting these requirements, the

Bidder must adhere to ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK.

3.4.1. FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS (M)(MS)

The Bidder must complete and submit EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS

Refer to SECTION 6. EVALUATION for details on how the requirements will be scored as part of the overall evaluation. In addition to meeting these requirements, the Bidder must adhere to EXHIBIT A: STATEMENT OF WORK.

The State reserves the right to require a demonstration of any Solution Requirement the Bidder specifies will be met "Out of the Box."

3.4.2. DELIVERABLES AND MILESTONES TABLE (M)

The Bidder must complete and submit as part of its proposal, EXHIBIT C: DELIVERABLES AND MILESTONES TABLE. The Bidder must indicate compliance and confirmation to each of the deliverables by marking "Yes" or "No" in the column labeled "Bidder Agrees to Meet? Yes/No." A blank or "NO" answer in this column may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

The Bidder must not alter the structure or the content of EXHIBIT C: DELIVERABLES AND MILESTONES TABLE.

Refer to the details in [SECTION 6. EVALUATION](#) on how the requirements will be scored as part of the overall evaluation.

3.4.3. NARRATIVE REQUIREMENTS (MS)

The Bidder must complete and submit ATTACHMENT 16: NARRATIVE RESPONSE as part of their response, in accordance with the instructions and requirements specified in the Attachment.

Failure to submit the Narrative Responses in the format specified in [SECTION 5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS](#) may result in the response being considered non-responsive.

Refer to the details [SECTION 6. EVALUATION](#) on how the requirements will be scored as part of the overall evaluation.

3.5. DEMONSTRATIONS (MS)

Demonstrations provide the State validation of the Bidder's ability to meet the requirements of this RFP. The top three (3) Qualified Bidders will be required to perform a demonstration to validate their ability to meet both functional and technical requirements for the solution as specified in EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS. The State will notify Bidders of the dates and times of their demonstrations no fewer than five (5) calendar days prior to the scheduled demonstrations.

A demonstration is defined as a live presentation or display of a software application's features, functionality, or capabilities. The purpose of demonstrations is to show how the solution functions and how it meets the functional and non-functional requirements. The goal is to determine if the solution meets the State's overall needs.

The cost to the Bidder for preparing and conducting the demonstration shall not be reimbursed by the State.

3.5.1. CONDUCT OF DEMONSTRATION

The Bidder demonstrations must be conducted as follows:

1. The Bidder must host the Demonstration using a web conferencing tool such as WebEx, BlueJeans, MS Teams, Zoom, or a similar tool that provides for multiple participants and screen sharing.
 - a. No recording devices or transcription services of demonstrations are allowed.
2. The Bidder must transmit the Demonstration online meeting information by email to the Procurement Officer specified in [SECTION 2.2.1. PROCUREMENT OFFICERS](#) no fewer than three (3) calendar days prior to the demonstration date. The Procurement Officer will distribute the meeting information to the Evaluation Team.
3. The Bidder is fully responsible for all aspects of Bidder Demonstrations. Costs for developing and providing the demonstration are entirely the responsibility of the Bidder and shall not be reimbursed by the State.
4. The State reserves the right to reschedule or propose a new demonstration time(s) based on unforeseen circumstances.
5. Bidders must provide their own technical staff and equipment resources, as necessary, for the demonstrations.
6. Demonstrations must be a live, interactive presentation of the software solution, where the presenter engages with the software in real-time, rather than using static slides, images, or PowerPoint presentations.

3.5.2. FUNCTIONAL REQUIREMENTS DEMONSTRATION

The Functional Requirements Demonstration will consist of a demonstration where Bidder shall demonstrate a subset of functional requirements that will be met by the system “out of the box” as indicated by Bidder in EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS. Failure to demonstrate the "out of the box" functionality will result in Bidder disqualification.

Each Bidder will be allotted sixty (60) minutes for the Functional Requirements Demonstration. Demonstrations will be hosted by Bidder and take place between the hours of 8:00 a.m. – 5:00 p.m., Pacific Time. It is Bidder’s responsibility to determine how to best present its products and materials within the allotted time. Bidder is fully responsible for all aspects of Bidder Demonstration.

Demonstration of Requirements may be presented in any order, however, the demonstrator must clearly identify the requirement number to which the demonstration is related.

Refer to [SECTION 6. EVALUATION](#) for details on how the requirements will be scored as part of the overall evaluation.

4. COST

Cost is a primary evaluation criterion weighted at 40% of the total points.

This section contains the **Mandatory Scored (MS)** and **Mandatory Optional (MO)** cost requirements that must be met in order to be considered responsive to this solicitation. All proposed costs for all line items must be all-inclusive, thereby including the cost of any and all services required in this solicitation.

The intent is to structure the pricing format to facilitate a straightforward comparison among all Bidders and foster competition. Therefore, the Bidder is advised that failure to comply with the instructions listed in [SECTION 5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS](#), such as submission of an incomplete proposal, use of alternative pricing structures or different formats than the one requested, may be the basis for rejection of the Bidder’s proposal.

It is imperative that no cost information be included in the body of the proposal. Cost information must only be submitted in accordance with [SECTION 5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS](#).

COST CONSIDERATIONS

One-Time Costs:

One-time costs are those costs paid by the State for deliverables, tasks, and responsibilities necessary for the acquisition, design, development, and implementation (DD&I) of the proposed solution. These costs

are usually fixed costs. The following are examples of one-time costs:

- Business Analysis - perform an analysis of the business processes for the CTLO to understand and deliver a solution that meets process needs.
- Design and Development - utilizing EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS REQUIREMENTS configure a solution to support mandatory requirements.
- Implementation and training - testing, defect resolution, go-live planning, implementation, and training to affect an operational system.

The Bidder shall identify one-time costs separate from SaaS subscription service costs on EXHIBIT D: COST WORKBOOK

On-Going Costs:

On-going continuing costs are those costs that are projected to be paid by the State to the successful Bidder on an annual basis or some other reoccurring basis. For evaluation purposes and contract value determination, continuing costs include any costs that are applied on a reoccurring basis during the term of the Contract. The following are examples of continuing costs:

- Help Desk Support
- Maintenance and Operations
- Hardware and Software maintenance and operational costs
- Licensing and Associated Annual Subscription Costs

The Bidder shall identify on-going SaaS subscription service costs on EXHIBIT D: COST WORKBOOK

4.1. COST WORKBOOK (MS)

The Bidder must submit a completed EXHIBIT D: COST WORKBOOK separately in Volume 2, as part of their response, in accordance with the requirements specified in this section/exhibit.

Services, features, equipment, and costs included in EXHIBIT D: COST WORKBOOK are those that the Bidder must provide for the term of the Contract as identified in the ATTACHMENT 24: APPENDIX A - STATEMENT OF WORK, which includes all optional years.

4.2. COST WORKBOOK INSTRUCTIONS

The cost workbook includes multiple cost worksheets that must be completed by the Bidder and submitted with its Final Cost Proposal to be considered responsive. The cost workbook lists all cost elements required.

The Bidder is required to enter all cost data in the format prescribed by the cost workbook, even if there

are no costs for the item indicated on the worksheet(s). In these instances the Bidder must indicate the cost as a zero (\$0). In addition, if any character other than a numeral is used (e.g., a dash), the State will assume the cost of the item to be zero (\$0). Items submitted with no price will be considered as offered at no cost. Costs cannot exceed two (2) decimal places.

The Bidder's completed cost workbook must be submitted separately with its proposal no later than the date and time identified in [SECTION 2.3. KEY ACTION DATES](#) to be considered responsive. The cost workbook shall list all cost elements required to implement, maintain, and operate the proposed services in support of the LMSR.

See [SECTION 5.3. DELIVERY OF SUBMITTALS](#) for details surrounding the cost workbook submission.

Unless specified, all other fields must not be modified. If the cost workbook is modified or cells are left blank, the State may be considered non-responsive and may be the basis for rejecting the Bidder's proposal. The cost workbook must be filled out completely or the State may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

The State has populated some of the cells with formulas, however it is the responsibility of the Bidder to ensure worksheets and calculations are correct and accurate. The State will not assume responsibility for any cost figures that do not calculate properly. Cells highlighted in yellow, indicate the cells in which the Bidders must enter its cost.

A detailed description of each worksheet is provided in the EXHIBIT D: COST WORKBOOK.

Tab 1: Cover Page

- Tab 2: Summary
- Tab 3: SaaS Software
- Tab 4: Deliverables Payment Milestones
- Tab 5: Unanticipated Tasks (UT) Hourly Rates

Refer to the EXHIBIT D: COST WORKBOOK for additional cost workbook instructions.

5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS

These instructions identify the mandatory proposal format and the approach for the development and presentation of proposals. The format instructions must be followed, all requirements and questions in the solicitation must be completed, and all requested data must be supplied. The Bidder shall carefully examine the solicitation and be satisfied with the compliance conditions prior to submittal.

Bidder shall upload an electronic copy of its proposal, including the cost workbook, as specified in [SECTION 5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS](#) . It is important that

Bidder's electronic files that comprise its proposal are clearly labeled, or they may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

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

5.1. PREPARATION

Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this solicitation document. High-definition graphics, multi-colored content, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the solicitation document instructions, responsiveness to the solicitation document requirements, and completeness and clarity of content.

5.2. COMPLETION OF PROPOSALS

Proposals must be complete in all respects as required. A proposal may be rejected if it is conditional, includes assumptions, includes exceptions that conflict with requirements or the intent of the effort, includes modifications to requirements, or if it contains any alterations of form or other irregularities of any kind. A proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal if any such defect or irregularity from the solicitation document requirements. The proposal must contain all costs as required in [SECTION 4. COST](#) and [SECTION 5. PROPOSAL/BID FORMAT AND SUBMISSION REQUIREMENTS](#).

5.3. DELIVERY OF SUBMITTALS

The Bidder must email the Procurement Officers by the due date specified in [SECTION 2.3. KEY ACTION DATES](#), no more than two (2) contacts who will have access to the State's file-sharing site to electronically upload Bidder's proposal. Once provided, an invitation to the State's file-sharing site will be sent to those individuals. It is the Bidder's responsibility to confirm receipt of the invitation with the Procurement Officers.

A separate file location will be created for each Bidder accessible only to the Bidder Contact(s).

The file sharing site does not allow access from outside the Continental United States.

It is highly recommended that Bidders upload a test MS Word, MS Excel, and PDF file to each folder at least five (5) calendar days prior to the due date to test access to the State's file-sharing site. Upon successful upload, notify the Procurement Officers and the test file will be deleted. It is the Bidder's

responsibility to gain access to the file-sharing site to submit their proposal.

The file sharing site will provide a primary folder for each Bidder to submit their proposal. Each Bidder's folder will contain subfolders: Volume 1, Volume 2.

The Bidder contacts will be required to upload a complete copy of the Bidder's proposal to the appropriate folders.

If a Bidder fails to request access to the file sharing site by the due date specified in the Key Action Dates, the State cannot guarantee access to the site prior to the proposal submittal due date and no other submissions outside of the file sharing site will be considered.

COST:

- The Bidder Contacts will be required to upload a complete copy of the Bidder's EXHIBIT D: COST WORKBOOK in the appropriate cost folder.
- The Bidder's EXHIBIT E: COST WORKBOOK file shall be titled with the [*Bidder's Name*] and Project Name, and deposited in the folder labeled "Cost".
- The Bidder's cost workbook shall be in MS Excel format (version 2019 or higher).
- Prior to submission, Bidders MUST apply an encryption password to the cost workbook.
- The Bidder will be required to email the encryption password to the Procurement Officer and Secondary Procurement Officer at the same time the Bidder uploads their cost workbook.

If a file is uploaded in error to a file sharing site folder, the Bidder may submit a request by email to the Procurement Officers prior to the last day to submit responses. **Do not upload compressed files (.zip files) onto the file-sharing site.**

Proposals must be received no later than the date and time specified in [SECTION 2.3. KEY ACTION DATES](#) . **Late receipt of a proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.**

5.4. PROPOSAL CONTENT AND STRUCTURE

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

1. Show the following on each page of the proposal:
 - a. Solicitation #

- b. Name of Bidder
 - c. Attachment/Exhibit Number
 - d. Page number (Page # of ##)
2. Response components shall be submitted electronically using the Century Gothic typeface no smaller than twelve (12) points, with headers/footers and table/figures no smaller than ten (10) point font.
 3. Documents must be formatted to fit, if printed, on 8.5" x 11" letter-size paper and have a perimeter margin no less than one-half inch (0.5").
 4. Electronic copies of the proposal must be in Microsoft Office version 2019 or higher (e.g., MS Word, MS Excel, MS Visio, etc.). The Bidder may include a PDF version of its proposal; however, the Bidder must ensure PDF versions are identical in content and pagination. **The content of all PDF files must be searchable.** OR Soft copies of the proposal must be submitted in one (1) PDF document to the file-sharing site.
 5. PDF versions of documents shall be used for those submissions of the proposal that require signature.
 6. The Bidder must ensure that no cost information of any type is included outside of the cost workbook. The inclusion of cost in any part of the proposal, except for Volume 2, may be the basis for rejection of the Bidder's proposal.
 7. Bidders must ensure their proposal is submitted in the applicable file-sharing site folder.
 8. As stated in [SECTION 2.4.5. CONFIDENTIALITY](#), proposals marked "confidential" or "proprietary" may exclude the Bidder from consideration for award.

5.4.1. VOLUME 1: RESPONSE TO ADMINISTRATIVE AND TECHNICAL REQUIREMENTS

Volume 1 submission must contain the following in this order:

[Table of Contents](#)

1. [ATTACHMENT 2: INTENT TO BID FORM](#)
2. [ATTACHMENT 3: FOLLOW-ON CONTRACT DISCLOSURE FORM](#)
3. [ATTACHMENT 4: COVER LETTER FORM](#)
4. [ATTACHMENT 5: RESPONSE TO ADMINISTRATIVE REQUIREMENTS FORM](#)
5. [ATTACHMENT 6: CONFIDENTIALITY STATEMENT FORM](#)
6. [ATTACHMENT 7: BIDDER DECLARATION GSPD 05-105](#)
7. ATTACHMENT 8: BIDDING PREFERENCES AND INCENTIVES
8. ATTACHMENT 9: DVBE DECLARATIONS
9. [ATTACHMENT 10: COMMERCIALLY USEFUL FUNCTION \(CUF\) CERTIFICATION](#)
10. ATTACHMENT 11: TACPA PREFERENCE REQUEST FORMS

11. ATTACHMENT 13: BIDDER QUALIFICATIONS FORM
12. ATTACHMENT 14: BIDDER REFERENCE FORM
13. ATTACHMENT 15.1: PROJECT MANAGER - QUALIFICATIONS FORM
14. ATTACHMENT 15.2: IMPLEMENTATION SERVICES LEAD - QUALIFICATIONS FORM
15. ATTACHMENT 15.3: INTEGRATION ANALYST - QUALIFICATIONS FORM
16. ATTACHMENT 15.4: PROJECT MANAGER - REFERENCE FORM
17. ATTACHMENT 15.5: IMPLEMENTATION SERVICES LEAD - REFERENCE FORM
18. ATTACHMENT 15.6: INTEGRATION ANALYST - REFERENCE FORM
19. ATTACHMENT 16: NARRATIVE RESPONSE
20. ATTACHMENT 25: CUSTOMER REFERENCE FOR PRODUCTIVE USE REQUIREMENTS CERTIFICATION
21. EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS
22. EXHIBIT C: DELIVERABLES AND MILESTONES TABLE

5.4.2. VOLUME 2: COST

This volume must contain: EXHIBIT D: COST WORKBOOK

6. EVALUATION

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

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

6.1. EVALUATION TEAM

This procurement is being conducted under the guidance of a Procurement Officers from CDT OSTP (refer to [SECTION 2.2.1. PROCUREMENT OFFICERS](#)). The Procurement Officers will serve as the Bidder's point of contact for questions and clarification, and will identify the rules governing this procurement.

The State will establish an evaluation team consisting of Department of Cannabis Control State employees only, including management and staff, to review and evaluate proposals. The State Procurement Officers will provide guidance and oversight to the evaluation team. The State may engage additional qualified individuals or subject matter experts (SME) during the evaluation process to assist the State in gaining a better understanding of technical, financial, legal, contractual, or program issues. These individuals/SME do not have voting privileges or responsibility for the evaluation process and will serve

solely in an advisory capacity.

6.2. PROPOSAL EVALUATION

This section identifies how the State will evaluate and award points for each proposal in a manner that preserves the integrity of the competitive procurement process.

Proposals will be based on compliance with all requirements, with points allocated **sixty percent (60%)** for scored administrative, qualifications, and solution requirements. The remaining forty percent (40%) will be allocated for Cost. The evaluation methodology and distribution and allocation of maximum points possible for each proposal component is provided in Table 6-1: Evaluation Scoring and Point Distribution.

Proposals will be evaluated using a combination of mandatory Pass/Fail and numerically scored criteria. All Bidders should read this section carefully to understand how points and scores are assigned.

A proposal may be rejected if it is conditional or incomplete, contradicts the requirements, contains alterations of any form, or contains other irregularities of any kind, including alterations to any terms and conditions.

Evaluation scoring will be made by consensus of the Evaluation Team members.

Total points are identified below, excluding preferences and incentives. All point calculations will be rounded to the nearest hundredth (two (2) decimal places).

Table 6-1: Evaluation Scoring and Point Distribution

SCORING PROCESS AND POINT DISTRIBUTION	SCORING METHOD	MAX SCORE
REVIEW OF BIDS FOR ADMINISTRATIVE COMPLIANCE		
EVAQ Approval Validation	Pass/Fail	N/A
Opening and Submission Validation	Pass/Fail	N/A
Administrative and Technical Review for Compliance	Pass/Fail	N/A

EVALUATION OF BIDDER QUALIFICATIONS AND REFERENCES		
Mandatory Qualifications for Bidder	Pass/Fail	N/A
Desirable Qualifications for Bidder	Scored	300
Bidder Mandatory Reference Requirements	Pass/Fail	N/A
Bidder Reference Scoring Points (Average)	Pass/Fail	N/A
EVALUATION OF BIDDER NARRATIVES AND DELIVERABLES		
Narrative Requirement Response (Understanding & Approach)	Scored	400
Mandatory Deliverables Requirements (Exhibit G)	Pass/Fail	N/A
EVALUATION OF SOLUTION REQUIREMENTS		
Mandatory Functional & Non-Functional Requirements (Exhibit E)	Scored	1,100
EVALUATION OF KEY STAFF QUALIFICATIONS AND DEMONSTRATIONS		
Mandatory Requirements for Proposed Key Staff	Pass/Fail	N/A
Desirable Requirements for Proposed Key Staff		
1. Project Manager	Scored	200
2. Implementation Services Lead	Scored	200
3. Integration Analyst	Scored	200
Key Staff – Reference Forms Scoring (Average)	Pass/Fail	100
Demonstrations	Scored	600

EVALUATION OF COST		
Cost Evaluation	Scored	2,100
TOTAL POSSIBLE POINTS		5,200

Preference/Incentive Points	
	Max Score
Small Business Preference Points (O)	130
DVBE Incentive (O)	TBD
TACPA Preference (O)	TBD
TOTAL POSSIBLE POINTS + PREFERENCES AND INCENTIVES	TBD

6.2.1. VALIDATION AGAINST REQUIREMENTS

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

During the Proposal evaluation, the State may request the Bidder clarify any area of the proposal that the State determines to be unclear in accordance with [SECTION 6. EVALUATION](#).

If a Bidder's proposal fails to meet a mandatory requirement, it will be considered a deviation in accordance with [SECTION 2.4.1. IDENTIFICATION AND CLASSIFICATION OF SOLICITATION REQUIREMENTS](#).

6.2.2. ERRORS IN THE FINAL PROPOSAL

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

corrected in accordance with the following:

1. If the Bidder's intent is clearly established based on review of the complete proposal submittal, the State may at its sole option correct an error based on that established intent.
2. If the State discovers obvious clerical or arithmetic errors, the State may, at its sole option, correct such errors. If the mathematical correction results in significant changes to the Bidder's response, the State will provide the Bidder the opportunity to validate the resulting correction.
3. It is essential that Bidders carefully review the cost elements in their proposals since they may not be provided the opportunity to correct errors after submission.
4. In the event an ambiguity or discrepancy between any of the State's solicitation documents, is detected after review of the bids, the State reserves the right to seek clarification and acceptance from the Bidder.
5. The Bidder is required to thoroughly review the solicitation to ensure that its proposal is fully responsive with the solicitation requirements and thereby avoid the possibility of being ruled non-responsive. It is the Bidder's responsibility to utilize the question and answer process to clarify any ambiguities in the solicitation requirements to ensure that the Bidder is submitting a responsive proposal.
6. At the State's sole discretion, it may declare all proposals to be Draft Proposals. Bidders may not protest the State's determination of all Proposals being declared Draft Proposals. If all proposals are declared to be Draft Proposals, the State may issue an addendum to this solicitation. Should this occur, confidential discussions may be held with Bidders that wish to remain under consideration. Each Bidder will be notified of the due date for the submission of a new Proposal to the State. This submission must conform to the requirements of the original RFP or as modified by an addendum. The new proposals will be evaluated as required by [SECTION 6. EVALUATION](#).

6.2.2.1. BIDDER RESPONSE CLARIFICATION

The State may request that a Bidder clarify any area of their response that the State determines to be unclear. The State may also request clarification for areas that may render the proposal non-responsive to the requirements and provide Bidders the opportunity to resubmit a responsive proposal by the date and time specified by the State. However, if the Bidder does not resubmit a responsive proposal to the areas identified by the date and time specified by the State, the Bidder's proposal will be rendered non-responsive, and ineligible to proceed to the next phase of the solicitation process. Clarifications may be requested via writing or confidential discussion.

6.2.3. ADMINISTRATIVE REQUIREMENTS EVALUATION

All [SECTION 3.2. ADMINISTRATIVE REQUIREMENTS](#) labeled with (M) are mandatory, with the exception of those Administrative Requirements in [SECTION 3.2. ADMINISTRATIVE REQUIREMENTS](#) labeled with (O) which are optional and Bidders are not required to respond. Review of the proposals will

begin with ensuring that the Bidder has responded to all administrative requirements, in [SECTION 3.2. ADMINISTRATIVE REQUIREMENTS](#) that require proposal submittal documents.

Only proposals that pass the evaluation of the mandatory [SECTION 3.2. ADMINISTRATIVE REQUIREMENTS](#) and [SECTION 3. PROPOSAL REQUIREMENTS](#) will proceed to cost opening. If a proposal fails to meet any mandatory requirement specified in [SECTION 3.2. ADMINISTRATIVE REQUIREMENTS](#), or [SECTION 3. PROPOSAL REQUIREMENTS](#), the State will determine if the deviation(s) is material. If the deviation is determined to be material, the Bidder will be deemed non-responsive and will be the basis for rejecting the Bidder's proposal.

6.3. QUALIFICATION EVALUATION

All [SECTION 3.3. QUALIFICATION REQUIREMENTS](#) labeled with (M), (MS), and (MO) are mandatory, whereas Qualification Requirements labeled with (DS) are optional. Bidders are not required to respond to optional requirements. Review of the proposals will begin with ensuring that the Bidder has responded to all mandatory Qualification Requirements.

Qualification Requirements will be evaluated as a Pass/Fail and, if applicable, points will be awarded. If a proposal fails to meet any mandatory requirement specified in [SECTION 3.3. QUALIFICATION REQUIREMENTS](#), it may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

6.3.1. BIDDER QUALIFICATIONS EVALUATION

The State will evaluate Bidder qualifications using the information contained in the completed ATTACHMENT 13: BIDDER QUALIFICATIONS FORM. Descriptions of experience must be clear, concise, and apply directly to the requirements.

To aid the State in evaluating Bidder qualifications, the Bidder should use a MM/DD/YYYY format when indicating project start and end dates. If a Bidder submits a proposal using any other date format, the State will count only the whole months or years between the start and end dates specified. For example, Bidder "A" cites start and end dates for a project as 01/19/2023 and 07/25/2024. The Bidder or Key Staff member would only be credited with eighteen (18) months of experience.

If a project end date is ongoing or exceeds the proposal due date, then the Bidder will receive credit for only the experience acquired up to the proposal due date specified in [SECTION 2.3. KEY ACTION DATES](#). In this instance, Bidders are instructed to use the proposal due date as the end date of ongoing projects. Concurrent project timeframes (overlapping dates) will only count once for calculating the number of years and months of qualification experience.

If the number of years and months for a project was not indicated on the Bidder Qualification form

“Experience gained on this cited Project” and the Bidder checked “yes” to meeting the total experience on the project cited, then the Bidder will only receive experience credit for the minimum number of years required for that requirement **OR** will receive the number of years indicated on the start/end date of the Bidder Qualification form, whichever is less.

Bidders that do not complete and submit all required Bidder qualification forms with their proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

6.3.2. BIDDER REFERENCES EVALUATION

The State will evaluate the Bidder's references using the information provided in each ATTACHMENT 14: BIDDER REFERENCE FORM.

Bidders that do not return the required reference forms may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

Each question must have a rating of 5 (satisfactory) or higher to PASS, based upon the ratings provided by the reference(s). Any conflicting information may result in the offer being deemed non-responsive. If any of the reference questions on any of the forms contain a rating of 5 or less, the State may deem the Bidder non-responsive and may be the basis for rejection of the Bidder's proposal. If a question is not answered, the Bidder will receive zero (0) points for that question.

If the State wishes to validate the claimed information and experience listed on a Bidder Reference Form, the State will make two (2) attempts via email or phone to the reference contact identified on the Bidder Reference Form. The Bidder should ensure that its Bidder Reference Form contacts are available for validation during the evaluation period identified in [SECTION 2.3. KEY ACTION DATES](#) .

If the State has not received a response from the reference contact after the first contact attempt, a second attempt will be made. If no response is received after the second contact attempt, the State will seek assistance from the Bidder requesting the reference to respond to the State within forty-eight (48) hours of the second contact attempt.

If the State remains unable to contact the reference, the Bidder's proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal for failure to provide a verifiable reference.

6.3.3. KEY STAFF QUALIFICATIONS EVALUATION

The State will evaluate Key Staff Qualifications and experience using the information contained in the Bidder's Key Staff qualification forms.

To aid the State in evaluating Key Staff qualifications, the Bidder should use a MM/DD/YYYY format when

indicating project start and end dates on the Key Staff Qualification forms. If a Bidder submits a response using any other date format, the State will count only the whole months or years between the start and end dates specified.

If a project end date is ongoing or exceeds the proposal due date, then the Key Staff member will receive credit for only the experience acquired up to the proposal due date, as shown on [SECTION 2.3. KEY ACTION DATES](#) .

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

Bidders that fail to submit a completed Key Staff Qualification form together with all required completed corresponding Key Staff reference forms may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

For each Key Staff, the Evaluation Team will first evaluate the completed ATTACHMENT 15: KEY STAFF QUALIFICATIONS FORM – INSTRUCTIONS for compliance with the instructions specified in the form and in [SECTION 3.3.3. KEY STAFF QUALIFICATIONS \(M\)\(DS\)](#). The State will evaluate Key Staff experience and award points as applicable using the Bidder's response to the mandatory and desirable requirements.

If the State is unable to validate that the information supplied qualifies for any desirable scored experience points, no points will be awarded for such experience.

6.3.4. KEY STAFF REFERENCES EVALUATION

The Bidder must submit as part of its response, a minimum of two (2) completed Key Staff Reference Form from each proposed key staff. The Key Staff Reference Forms must be from any two (2) projects that were cited and submitted from each respective staff's qualification forms. In cases where a key staff met all its respective experience qualifications on one (1) project, submission of only one key staff reference form is acceptable.

Each Key Staff reference form must be from a reference contact who performed a management or supervisory role on the cited project.

All Key Staff Reference Forms must be returned with the proposal response. Proposals that do not include the required Key Staff reference forms may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

The Evaluation Team will validate claimed Key Staff experience specified in the Key Staff Qualification Forms using the corresponding Key Staff Reference Form to meet the mandatory (M) experience and if

applicable, Desirable Scored (DS) experience. If the State is unable to validate the claimed experience meets the (M) requirement, the response may be considered non-responsive and may be the basis for rejecting the Bidder's proposal. If the State is unable to validate the claimed experience meets the Desirable Scored (DS) experience, points will not be awarded.

References will be scored based upon the ratings provided by the reference(s). Any conflicting information may result in the offer being deemed non-responsive.

Reference scores will be calculated by totaling the Satisfaction Ratings from each reference form submitted. The aggregate rating for all reference forms submitted will be divided by the number of reference forms submitted to determine the Key Staff's average rating score. This figure will then be multiplied by the total maximum points available (100) and divided by the maximum points possible per reference form (80). This figure will be rounded to the nearest whole number to determine the Bidder's final evaluated total score for Key Staff references. For example, if three (3) references are submitted with total rating scores of 30, 50, and 80 from three (3) projects, the aggregate rating scores equal 160. The aggregate score (160) will be divided by the number of reference forms submitted (3) to determine the average rating of 53.33 points. $53.33 \text{ (average rating)} \times 100 \text{ (total points possible)} / 80 = 67 \text{ (rounded)}$ total points for Key Staff references

References that are returned with an unsatisfactory rating for any question may, at the State's discretion, may be considered non-responsive and may be the basis for rejecting the Bidder's proposal

If a question is not answered, the Bidder will receive a 0 rating score for that question.

If the State validates a Key Staff qualification, the State will make two (2) attempts to the reference contact identified on the Key Staff Reference Form to validate the claimed information and experience. The Bidder should ensure that its Reference Form contacts are available for validation during the evaluation period identified in [SECTION 2.3. KEY ACTION DATES](#). Reference Contacts listed on the Reference Forms must be the same contact person listed on each Bidder Qualification Form.

If the State has not received a response from the reference contact after the first contact attempt, a second attempt will be made. If no response is received after the second contact attempt, the State will seek assistance from the Bidder requesting the reference to respond to the State within forty-eight (48) hours of the second contact attempt.

If the State remains unable to contact the reference, the Bidder's proposal may be considered non-responsive and may be the basis for rejecting the Bidder's proposal for failure to provide a verifiable reference.

6.4. SOLUTION REQUIREMENTS EVALUATION

All [SECTION 3.4. SOLUTION REQUIREMENTS](#) labeled with (M), (MS), and (MO) are mandatory, whereas Solution Requirements labeled with (DS) are optional. Bidders are not required to respond to optional requirements. Review of the proposals will begin with ensuring that the Bidder has responded to all mandatory Solution Requirements.

Solution Requirements will be evaluated as a Pass/Fail and, if applicable, points will be awarded. If a proposal fails to meet any mandatory requirement specified in [SECTION 3.4. SOLUTION REQUIREMENTS](#), it may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

6.4.1. FUNCTIONAL AND NON-FUNCTIONAL EVALUATION

The functional and non-functional requirements identified in [EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS](#) will be scored for evaluation. The Bidder must provide complete responses to each requirement.

For Functional Requirements the Bidder must complete the appropriate columns to indicate how the requirement will be met (e.g., out-of-the-box, minor configuration, major configuration, or through customization) by placing a '1' in the Response Code column. Only one column may contain a response code. The Bidder must further indicate the solution's ability to meet the requirement by selecting "Yes" or "No" in the column titled "Met (Y/N)"

For Non-Functional Requirements the Bidder must complete the appropriate columns by selecting "Yes" or "No" in the column titled "Met (Y/N)".

Failure to indicate how the solution will be met, via the Response Codes columns and Bidder Approach Response may be the basis for rejection of the bid.

The Bidder must not modify the format, add columns or include explanatory text to its response or otherwise change the format or content of EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS

The Requirements Workbook provides a description of each column and the instructions for completing EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS

The state reserves the right to require a demonstration of any Solution Requirement the Bidder specifies will be met "Out of the Box."

6.4.2. DELIVERABLES AND MILESTONES EVALUATION

The State will evaluate the EXHIBIT C: DELIVERABLES AND MILESTONES TABLE, which lists deliverables. A “Yes” response in the “Yes/No” column indicates the Bidder agrees to produce and meet each deliverable and milestone identified therein. The Evaluation Team will evaluate the Bidder’s responses to confirm compliance.

A “No” response to any of the Mandatory or Mandatory Optional items may be considered non-responsive and may be the basis for rejecting the Bidder’s proposal.

The Bidder must not modify the format, add columns, or include explanatory text to its response or otherwise change the content of EXHIBIT C: DELIVERABLES AND MILESTONES TABLE.

6.4.3. NARRATIVE RESPONSE(S) EVALUATION

The State will evaluate the narrative responses using the information contained in the completed ATTACHMENT 16: NARRATIVE RESPONSE.

Points will be awarded for the narrative responses as detailed in Table 6.5.3: Narrative Scoring Criteria. Points will be awarded based on percentages of the total possible points for each Narrative Requirement.

Table 6.5.3: Narrative Scoring Criteria

SCORING CRITERIA	RATING	PERCENTAGE OF POINTS POSSIBLE
• Responsive to all of the areas listed in the requirement; • Demonstrates a thorough understanding by providing such detail that the State is confident that Bidder understands and has the ability to meet the criteria listed; • Provides a detailed description of how Bidder will meet critical aspects of the requirement; • Demonstrates major strengths and few, if any, minor weaknesses.	Excellent	100%

• Responsive to all of the areas listed in the requirement; • Demonstrates an acceptable understanding of the requirement, though minor ambiguities exist; • Provides sufficient description of how Bidder will meet critical aspects of the requirement; • Response strengths outweigh weaknesses.	Acceptable	50%
• Responsive to a majority of the areas listed in the requirement; • Demonstrates a minimal understanding of the requirement and includes ambiguities or inaccuracies; OR • Provides insufficient detail of how Bidder will meet the requirement; OR • Response weaknesses outweigh strengths.	Inadequate	25%
• Response lacks an understanding of the requirement; OR • No response provided OR • Failed to respond to the question OR • Included exceptions and/or conditions OR • Conflicted with a mandatory requirement.	Deficient	0%

Any Narrative response receiving zero (0) points will not result in the proposal being deemed non-responsive.

6.5. DEMONSTRATIONS

The top three (3) Qualified Bidders will be required to perform a demonstration to validate their ability to meet both functional and technical requirements for the solution as specified in [EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS](#). The State will notify Bidders of the date and time of their demonstration no fewer than five (5) calendar days prior to the scheduled demonstration.

Demonstrations will occur over a day-long period for each of the Bidders and will **permit sixty (60) minutes for the demo**. Forty-five (45) minutes will be allocated to the Bidder for its demonstration and fifteen (15) minutes will be allocated for State follow-up questions and/or clarifications. Bidders are advised to fully prepare in advance of the demonstrations to ensure each use case is fully demonstrated. Demonstration times may be adjusted at the discretion of the States.

Bidders will be required to demonstrate its solution for a subset of the [EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS](#). The presentation must be a live demonstration delivered with the proposed solution provided for this project showcasing operational functionality in real-time. A non-operational demonstration of the solution or static slide show of the solution is not allowed. In this scenario, the State may deem the Bidder non-responsive and may be the basis for rejection of the Bidder's proposal. Bidder demonstrations must contain solution components developed by the Bidder that are functional, feasible, and usable by Department of Cannabis Control upon contract execution. The cost to the Bidder for preparing and conducting the demonstration shall not be reimbursed by the State.

The Bidder demonstrations must be conducted as follows:

1. The Bidder must host the Demonstration using a web conferencing tool such as WebEx, BlueJeans, MS Teams, Zoom, or a similar tool that provides for multiple participants and screen sharing.
2. The Bidder must transmit the Demonstration online meeting information by email to the Procurement Officer specified in SECTION 2.2.1. PROCUREMENT OFFICER no fewer than three (3) calendar days prior to the demonstration date. The Procurement Officer will distribute the meeting information to the Evaluation Team.
3. The Bidder is fully responsible for all aspects of Bidder Demonstrations. Costs for developing and providing the demonstration are entirely the responsibility of the Bidder and shall not be reimbursed by the State.
4. The Bidder must ensure any materials it wishes Evaluators to have on-hand during the demonstration are submitted to the Procurement Officer no fewer than twenty-four (24) hours prior to the Bidder's demonstration.
5. The State reserves the right to reschedule or propose a new demonstration time(s) based on unforeseen circumstances.
6. Bidders must provide their own technical staff and equipment resources, as necessary, for the demonstrations.

6.5.1. FUNCTIONAL REQUIREMENTS DEMONSTRATION EVALUATION

The Functional Requirements Demonstration will focus on functional requirements where the Bidder indicated in their response that the system can be met with "out of the box" in [EXHIBIT A: FUNCTIONAL](#)

AND NON-FUNCTIONAL REQUIREMENTS.

If the Bidder's response indicates that a requirement will be met "out of the box", as defined in the instructions included with [EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS](#), such functionality must be demonstrated. Demonstrations will be scored as Pass or Fail. Demonstrations meeting the "out of the box" requirement will receive a Pass score. **Failure to demonstrate the "out of the box" functionality will result in the Bidder's disqualification.**

6.5.2. DEMONSTRATION EVALUATION

The State will observe and evaluate the effectiveness and outcome of each demonstration. Demonstrations will be evaluated using the criteria specified in Table 6.5.2-1: Demonstration Evaluation Criteria. The maximum points available for demonstrations is six hundred (600) points as specified in Table 6-1: Scoring and Point Distribution [SECTION 6.2. PROPOSAL EVALUATION](#).

Table 6.5.2 -1: Demonstration Evaluation Criteria

1. Ease-of-Use	Possible Score
Does the demonstration show solution components that are user-friendly? This includes, but is not limited to, an intuitive structure, consistent layouts, clear navigation across screens, tabbing from field to field, simple language for enhanced usability.	300
2. Workflow Automation	
Does the demonstration show workflow automation in the solution that reduces manual/paper tasks and activities? Include a general overview of the case management lifecycle and showcase the rules and logic that will reduce human input and intervention.	300
3. Functional Completeness of Demo	
Each of the requirements are fully addressed in the demonstration*	Meets/Does Not meet

Table 6.5.2-2: Demonstration Scoring Key

The requirements will be evaluated using the ratings listed in Table 6.5.2-2: Demonstration Scoring Key.

A Bidder's response to a Demonstration Requirement that is awarded a score of zero (0) points will not result in disqualification.

POINTS (AS %)	RATING	SCORING KEY FOR 1 & 2
100%	Fully Meets	The demonstrated element fully meets the expectations of the Evaluation Team and demonstrates aspects exceeding the fulfillment of the requirement(s).
		The Bidder has demonstrated a complete understanding of the requirement(s) and has provided a complete approach to meeting the requirement(s).
75%	Mostly Meets	The demonstrated element mostly addresses the requirement evaluation factor.
		The Bidder has demonstrated more than partial, but less than full understanding of the requirement(s). The omission(s), flaw(s), or defect(s), if any, are inconsequential.
50%	Partially Meets	The demonstrated element partially addresses the requirement evaluation factor.
		The Bidder has demonstrated a partial understanding of the requirement(s). The omission(s), flaw(s), or defect(s), if any, are inconsequential.
25%	Minimally Meets	The demonstrated element minimally addresses the requirement evaluation factor. The Bidder has demonstrated a minimal understanding of the requirement(s). The omission(s), flaw(s), or defect(s) are consequential.
0%	Does Not Meet	The Bidder has demonstrated no understanding of the requirement(s). The omission(s), flaw(s), or defect(s), result in the Evaluation Team being unable to deduce an overall competency.

The requirements will be evaluated separately using the ratings listed in Table Table 6.5.2-1: Demonstration Scoring Key. A Bidder's response to a Demonstration Requirement that is awarded a score of zero (0) points will not result in disqualification.

		Scoring Criteria for 3 of table Table 6.5.2-1 (Functional Completeness of Demo)
Zero points	Meets	All requirements were demonstrated.
Zero points	Does not meet	All requirements could not be demonstrated. *If the Functional Requirements that the Bidder marked as Out of the Box in the EXHIBIT A: FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS cannot be demonstrated, points will be removed from Exhibit E.

6.6. COST EVALUATION

After [SECTION 3. PROPOSAL REQUIREMENTS](#) have been evaluated, the evaluation team will evaluate the cost workbook (Bidder's response to Volume 2) for those Bidders whose proposals have been deemed responsive. If a Bidder is determined non-responsive, its cost workbook will remain unopened.

If a Bidder's cost workbook fails to meet the password protection requirement, the State may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

The Total Cost points are weighted at forty percent (40%) of the maximum available points for this solicitation.

All proposed costs for all line items must be all-inclusive, thereby including the cost of any and all associated services and deliverables required in this solicitation to implement and maintain the full solution through the term of the Agreement.

The intent is to structure the pricing format to facilitate a straightforward comparison among all Cost submissions and foster competition to obtain the best market pricing. Consequently, Department of Cannabis Control requires that each Bidder's cost information be in the format identified in EXHIBIT D:

COST WORKBOOK. Bidders are advised that failure to comply with the instructions listed, such as submission of incomplete proposals or use of alternative pricing structures or different formats than the one requested, may result in the rejection of Bidder's proposal.

Any elements not specifically priced or identified in the Bidder's Cost Workbook, or those that are identified after Contract Award as necessary to meet the requirements of this solicitation, will be at no additional cost to the State.

NOTE: It is imperative that no cost information be included anywhere outside of EXHIBIT D: COST WORKBOOK may be considered non-responsive and may be the basis for rejecting the Bidder's proposal.

6.6.1. COST SCORE CALCULATION

All cost worksheets will be validated to verify completeness and mathematical accuracy. If appropriate, errors will be corrected in accordance with [SECTION 6.2.2. ERRORS IN THE FINAL PROPOSAL](#) . After costs have been verified for accuracy, the Bidder with the lowest proposed Total Cost will receive the maximum score of two thousand nine hundred (2,100) points. All other Bidders will receive a proportionally lower score using the ratio of the lowest proposed Total Cost to the Bidder's proposed Total Cost applied to the maximum of 2,100 points, as shown in Table 6.6-1 below:

Table 6.6-1: Bidder Total Cost Score Formula

$\frac{(\text{Lowest proposed Total Cost})}{(\text{Bidder's proposed Total Cost})}$	X 2,100 points = Bidder Total Cost score
---	--

The total evaluated cost score calculation in Table 6.6-2, Example of Bidder Total Cost Score Calculation illustrates that Bidder C proposed the lowest Total Cost and received the maximum points possible.

Table 6.6-2: Bidder Total Cost Score Calculation

BIDDER	BIDDER'S TOTAL COST	CALCULATION				BIDDER'S TOTAL COST SCORE
A	\$500,000	(\$300,000 / \$500,000)	X	2,100 points	=	1,260 points
B	\$400,000	(\$300,000 / \$400,000)	X	2,100 points	=	1,575 points
C	\$300,000	(\$300,000 / \$300,000)	X	2,100 points	=	2,100 points

NOTE: Point values in this example explain the calculations and have no other significance.

6.7. SOCIOECONOMIC PROGRAMS EVALUATION

Bidders who claim preference points will be evaluated to determine whether they submitted the required forms, documents, exhibits, and/or the responses necessary to validate their qualification and eligibility for the claimed preference(s). If the State determines that the submitted information is insufficient or that the required documents do not otherwise validate the eligibility for points in any of the claimed programs, then the points for that program will not be added to the Bidder's final overall proposal score. If the State is able to validate the Bidder's claim, the qualified preference points will be applied to the Bidder's final overall proposal score as illustrated in Table 6.9-1 Final Score and Rank Determination provided that the Bidder's proposal is not otherwise determined to be non-responsive to any mandatory requirements.

The total proposal score calculation is shown in Table 6.7-1, Example of Bidder Total Proposal Score Calculation.

Table 6.7-2: Bidder Total Proposal Score Calculation

BIDDER	BIDDER'S TOTAL NON-COST SCORE		BIDDER'S TOTAL COST SCORE		BIDDER'S TOTAL PROPOSAL SCORE
A	2,200.00 points	+	1,700.00 points	=	3,900.00 points
B	2,750.00 points	+	2,000.00 points	=	4,750.00 points
C	2,900.00 points	+	2,100.00 points	=	5,000.00 points

NOTE: Point values in this example explain the calculations and have no other significance.

6.7.1. DVBE INCENTIVE EVALUATION

In accordance with §999.5(a) of the Military and Veterans Code, for evaluation purposes only, the State shall provide an incentive to Bidders who provide California-certified DVBE participation that exceeds the mandatory California-certified DVBE participation goal in the amounts shown in Table 6.7.1-1 DVBE Participation Incentive Formula.

The State will verify DVBE and apply the incentive accordingly. The DVBE Incentive points are a percentage of the total possible points. The maximum incentive for this procurement is five percent (5%) of the total points available, and is based on the amount of DVBE participation confirmed. Table 6.7.1-1 below is an illustration of this calculation:

Table 6.7.1-1: DVBE Incentive Formula

CONFIRMED DVBE PARTICIPATION	DVBE INCENTIVE PERCENTAGE	DVBE INCENTIVE POINTS
≥ 5%	5%	255.00 (5,100 x .05)
4% - 4.99%	4%	204.00 (5,100 x .04)
3.% - 3.99%	3%	153.00 (5,100 x .03)
<3%	0%	0.00

6.7.2. SMALL BUSINESS PREFERENCE EVALUATION

The State will verify Small Business/Non-Small Business preference claim and apply the five percent (5%) preference accordingly. Refer to [SECTION 3.2.16.3. SMALL BUSINESS PREFERENCE \(O\)](#) and [SECTION 3.2.16.4. NON-SMALL BUSINESS SUBCONTRACTOR PREFERENCE \(O\)](#) for more information.

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

This five percent (5%) small business preference is also available to a non-small business claiming 25% California certified small business subcontractor participation. The five percent (5%) preference is calculated on the total number of points awarded to the highest scoring non-small business that is responsive to the proposal requirements and that is not subcontracting a minimum of 25% to a small business. Non-small business Bidders claiming the five percent (5%) small business preference must commit to subcontract at least 25% of the net proposal price with one (1) or more California certified small businesses.

Completed certification applications and required support documents must be submitted to the Department of General Services Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the proposal due date, and the OSDS must be able to approve the application as submitted.

Questions regarding certification should be directed to the OSDS at (916) 375-4940.

For an illustration of this process, refer to the example in Table 6.7.2-1, Small Business Preference Points Calculation. Points in this example explain the calculations and have no other significance.

The preference points for Bidders A and B are based on five percent (5%) of the Bidder proposal score of Bidder C, the highest scorer of a non-small business, which is $(5,000.00 \text{ points}) \times (.05) = 250.00 \text{ points}$ (rounded). Bidder C, which is neither a small business nor a non-small business subcontracting a minimum of 25 percent (25%) to a small business, receives no small business preference points.

Table 6.7.2-1: Small Business Preference Points Calculation

BIDDER	BIDDER TOTAL PROPOSAL SCORE	SMALL BUSINESS PREFERENCE CLAIM?	NON-SMALL BUSINESS PREFERENCE CLAIM?	SMALL BUSINESS PREFERENCE POINTS AWARDED
A	3,900.00 points	Yes	No	250.00 points
B	4,750.00 points	No	Yes	250.00 points
C	5,000.00 points	No	No	0.00 points

NOTE: Calculation is based on 5% of the Bidder with the highest “Bidder proposal score” that is a non-small business. In the example Table 6.7.2-1, Bidder C has the highest non-small business score.

6.7.3. TACPA PREFERENCE EVALUATION

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

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

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

6.8. BIDDER FINAL SCORE CALCULATION

The evaluation team will calculate the Bidder's final score. Table 6.8-1, Bidder Final Score Calculation, illustrates the Bidder's final score that incorporates both preference and incentive points:

Table 6.8-1: Bidder Final Score Calculation

BIDDER	BIDDER TOTAL PROPOSAL SCORE	SMALL BUSINESS PREFERENCE POINTS AWARDED	VERIFIED DVBE %	DVBE INCENTIVE POINTS AWARDED	BIDDER FINAL SCORE
A	3,900.00 points	250.00 points	3%	153.00 points	4,303.00 points
B	4,750.00 points	250.00 points	4%	204.00 points	5,204.00 points
C	5,000.00 points	0.00 points	5%	255.00 points	5,255.00 points

NOTE: Bidder's final score calculation in Table 6.8-1 is an example that explains the calculations and has no other significance.

6.9. PROPOSAL RANK DETERMINATION

The State will determine which Bidder has the highest combined score for the bid requirements and cost, up to the maximum points, plus any preference and/or incentive points. The State will rank all qualified proposals by the Bidder's final score. Table 6.9-1 demonstrates how the final ranking determination is made:

Table 6.9-1: Example of Final Score and Rank Determination

REQUIREMENT	MAX SCORE	BIDDER A	BIDDER B	BIDDER C
Administrative Requirements	Pass/Fail	Pass	Pass	Pass

Bidder Qualifications - Mandatory	Pass/Fail	Pass	Pass	Pass
Bidder Qualifications - Desirable	300.00	100.00	300.00	300.00
Bidder Reference	Pass	Pass	Pass	Pass
Bidder Narrative	400.00	200.00	400.00	400.00
Requirements for Proposed Key Staff - Mandatory	Pass/Fail	Pass	Pass	Pass
Requirements for Proposed Key Staff - Desirable	600.00	200.00	500.00	500.00
Key Staff Reference Forms	100.00	50.00	60	90.00
Demonstrations	600.00	300.00	440.00	510.00
Deliverables Requirements	Pass/Fail	Pass	Pass	Pass
Functional & Non-Functional Requirements	1,100	650	1,050	1,100
Total Non-Cost Score	3,100.00	2,200.00	2,750.00	2,900.00
Total Cost Score	2,100.00	1,700.00	2,000.00	2,100.00
TOTAL PROPOSAL SCORE	5,200.00	3,900	4,750.00	5,000.00
Initial Rank (Before preferences and incentives)		3	2	1
DVBE Incentive Points	255.00	153.00	204.00	255.00
Small Business claimed	Yes/No	Yes	Yes	No
Small Business Preference Points	250.00	250.00	250.00	0.00

BIDDER FINAL SCORE	5,705.00	4,303.00	5,204.00	5,255.00
FINAL RANK		3	2	1

7. NEGOTIATIONS

This solicitation is being conducted under the authority of CDT pursuant to Public Contract Code (PCC) §6611, which provides the authority to use a competitive negotiation process when the State's business needs or the purpose of a procurement or contract is known, but negotiation is necessary to ensure the State receives the best value or the most cost-efficient goods, services, information technology, and telecommunications technology.

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

The State may discuss any aspect of the Bidder's proposal that could, in the opinion of the State, be altered or explained to enhance the proposal's potential for award. However, the State is not required to discuss every area where the Bidder's proposal could be improved. The scope and extent of negotiation exchanges are the matter of the State's judgment. The State reserves the right to modify or cancel this Solicitation in its entirety or in part at any time.

At the State's discretion, the State will determine the topics for negotiation and reserves the right to revise the scoring criteria for Best and Final Offer evaluation to obtain a value effective solution.

Award of a contract, if made, will be to the Bidder that meets and/or exceeds the State's requirements and provides the best value to the State. All aspects of the Bidder's proposal are confidential until after the issuance of the notification of award.

7.1. PROCEEDING TO NEGOTIATIONS

At the discretion of the State, the State may invoke negotiations under PCC §6611. The purpose of the negotiation process is to maximize the State's ability to obtain a value-effective solution.

Option 1

At the discretion of the State, the highest scoring responsive Bidder will be determined eligible to participate in the negotiation process. If the State cannot come to an agreement with the highest scoring

responsive Bidder, the State will invite and proceed with negotiations with the next highest scoring responsive Bidder. This Bidder negotiation selection process will continue until the State completes negotiations with the final selected Bidder.

At the State's discretion, the State will determine the topics for negotiation and reserves the right to revise the scoring criteria for Best and Final Offer evaluation to obtain a value effective solution.

Option 2

At the discretion of the State, up to the top three (3) highest scoring, responsive Bidders will be determined eligible to participate in the negotiation process.

NOTE: In the event no responsive bids are received, the State at its discretion may proceed to negotiations with all Bidders that submitted a bid.

The negotiations may or may not result in a Contract award.

At the State's discretion, the State will determine the topics for negotiation and reserves the right to revise the scoring criteria for Best and Final Offer evaluation to obtain a value effective solution.

7.2. NEGOTIATION INVITATION

Bidder(s) invited to participate in negotiations will receive an Invitation to Negotiate with the following information:

1. The general purpose and scope of the negotiations;
2. The anticipated schedule for the negotiations;
3. The procedures to be followed for negotiations; and
4. Confirmation of negotiation attendance within two (2) working days of invitation.

The Bidder(s) must submit any additional information requested by the State by the due date specified in the Invitation to Negotiate letter.

7.3. BEST AND FINAL OFFER SUBMISSION (BAFO)

At the conclusion of negotiations, the State may request a best and final offer (BAFO) submission. The intent of the BAFO is to clarify and document understandings reached during negotiations. The State will include a date and time for submission of the BAFO. A Bidder's BAFO is an irrevocable offer for one hundred and twenty (120) calendar days following the Contract Award date specified in [SECTION 2.3. KEY ACTION DATES](#). A Bidder may extend the offer in the event of a delay in the Contract Award.

7.4. EVALUATION OF BAFO SUBMISSION

The State will evaluate the BAFO submission based on topics negotiated. BAFOs will be evaluated using the criteria and methodologies described in [SECTION 6. EVALUATION](#) or a BAFO addendum, if issued for purposes of this solicitation's negotiations.

8. CONTRACT AWARD

Contract Award, if made, will be to the Bidder that meets and/or exceeds the State's requirements and provides the best value to the State and will occur pursuant to the Key Action Dates of the solicitation document specified in [SECTION 2.3. KEY ACTION DATES](#) . However, the State, at its sole option, may change the Contract Award date.

The State will publish a Notification of Award to all Bidders that have submitted a proposal in response to this solicitation. Notification of Award will be sent at the time of Agreement execution.

All aspects of the Bidder's proposal are confidential until after the issuance of the Notification of Award

9. DEBRIEFING

A debriefing may be held within fifteen (15) calendar days following Contract award at the request of any Bidder for the purpose of receiving specific information concerning the evaluation. The discussion will be based primarily on the qualifications, solution requirements and cost evaluations of the Bidder's proposal. A debriefing is not the forum to challenge the solicitation specifications or requirements. Statements made during the debrief are non-binding on the State and are intended for informational purposes only.

10. PROTESTS

This procurement process does not include any provisions to protest either the process or resulting contract award(s). However, pursuant to PCC § 6611(d), an unsuccessful Bidder may file a petition for a writ of mandate in accordance with Section 1085 of the Code of Civil Procedure. The venue for the petition for a writ of mandate will be Sacramento, California.