

**California Health and Human Services Agency**

**Office of Systems Integration**

**REQUEST FOR PROPOSAL (RFP)**

**RFP# 33962**

**PART 1 – BIDDER INSTRUCTIONS**

**FOR**

**California's Electronic Visit Verification (EVV) Phase II**

**11/19/2020**

Issued by:

**STATE OF CALIFORNIA**

The California Department of Technology

On the behalf of

California Health and Human Services Agency,

Office of Systems Integration

2535 Capitol Oaks, Suite 120

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

Part 2 of the solicitation contains all forms a bidder must complete and return with its Final Proposal, including TECH 213, Statement of Work (SOW), administrative forms, qualification forms, requirement responses, and all mandatory exhibits/attachments.

**Disclaimer: The original version and any subsequent solicitation addenda released by the Procurement Official of this solicitation remain as the official version. In the event of any inconsistency between the bidder's versions, articles, attachments, specifications or provisions (which constitute the Contract), the State official version of the solicitation in its entirety shall take precedence.**

**RFP 33962**

**PART 1 – BIDDER INSTRUCTIONS**

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## **1 INTRODUCTION**

### **1.1 INTRODUCTION**

This solicitation is for the Office of Systems Integration (OSI) Electronic Visit Verification (EVV) Phase II Project (hereafter referred to as the “EVV Phase II Project” or “Project”). It is being conducted under the policies and procedures developed by the California Department of Technology (CDT), Statewide Technology Procurement (STP) as provided under Public Contract Code section 6611 et seq. This solicitation contains the instructions governing the requirements for a fixed price to be submitted by interested Bidders. The format that bid information is to be submitted and the material to be included therein follows. This solicitation also addresses the requirements that Bidders must meet to be eligible for consideration, as well as addressing Bidder's responsibilities before and after award.

### **1.2 PURPOSE OF THIS REQUEST FOR PROPOSAL**

The purpose of this Request for Proposal (RFP) is to obtain proposals from qualified Bidders to configure, design, deploy, operate, maintain, and support California's EVV Phase II solution for Medicaid Personal Care Services (PCS) and Home Health Care Services (HHCS) programs not already addressed by EVV Phase I. Subsection (l) of Section 1903 of the Social Security Act (SSA) (42 U.S.C. 1396b) requires states use an EVV system for all Medicaid PCS and HHCS that require an in-home visit by a provider. This applies to PCS provided under SSA sections 1905(a)(24), 1915(c), 1915(i), 1915(j), 1915(k), or a waiver under section 1115; and HHCS provided under section 1905(a)(7) of the SSA or a waiver of the State Plan. In California (hereafter referred to as “State” or “the States”), EVV will impact all PCS and HHCS provided under the Medi-Cal State Plan and under several Medicaid waiver programs. To meet these requirements, EVV system must electronically verify:

- (i) The type of service performed;
- (ii) The individual receiving the service;
- (iii) The date of the service;
- (iv) The location of service delivery;
- (v) The individual providing the service; and
- (vi) The time the service begins and ends.

In California, PCS and HHCS are provided through programs managed by the Department of Health Care Services (DHCS), the California Department of Social Services (CDSS), the California Department of Developmental Services (DDS),

the California Department of Public Health (CDPH), and the California Department of Aging (CDA). These programs support Medicaid Information Technology Architecture (MITA) business processes within Operations Management, Care Management, Provider Management, and Plan Management.

States must require EVV use for all Medicaid-funded PCS by January 1, 2020 and HHCS by January 1, 2023 in order to avoid increasing Federal Medical Assistance Percentage (FMAP) penalties. The State has an approved "good faith effort" exemption for penalties in Calendar Year 2020 for PCS. In order to minimize federal penalties in future years the State is seeking a qualified Bidder to expeditiously implement a cost-effective, commercial-off-the-shelf (COTS) EVV solution through a Software-as-a-Service (SaaS) delivery model.

For further detail, refer to Section 1.5.2, Proposed Environment for the State's technical and business objectives resulting from this solicitation.

Responses to this solicitation will be evaluated based on the Bidder's total points of the proposal in response to the requirements of this solicitation. The Contract award, if made, will be to the single Bidder with the highest points as calculated in accordance with the methodology defined in Section 7, Evaluation.

### **1.3 BACKGROUND**

Pursuant to the SSA, states must require EVV use for all Medicaid-funded PCS by January 1, 2020 and HHCS by January 1, 2023. Otherwise, the State is subject to incremental FMAP reductions up to one percent, unless the State has made a "good faith effort" to comply and has encountered "unavoidable delays." The State's good faith effort exemption request for PCS received federal approval in October 2019. As such, EVV use is required for all Medicaid-funded PCS by January 1, 2021 and HHCS by January 1, 2023.

Due to the size and complexity of California Medicaid-funded programs, the State is implementing EVV in two (2) separate, concurrent phases:

- EVV Phase I: This Phase addresses the self-directed model for PCS provided by the In-Home Supportive Services (IHSS) program and Waiver Personal Care Services (WPCS) program. This Phase includes programs serving a total population of approximately 600,000 recipients and over 530,000 individual care providers. EVV Phase I data will not be uploaded to the Phase II Aggregator but will be sent directly to the State data warehouse for analysis and reporting purposes. Additional information about EVV Phase I is available on the CDSS website at: <http://www.cdss.ca.gov/inforesources/IHSS/EVV>

- EVV Phase II: This Phase is for planning, identifying, configuring, and implementing a COTS product as a SaaS delivery model to implement an EVV solution that addresses the Agency Model for PCS and HHCS provided through several programs across multiple state departments that were not addressed in EVV Phase I. This phase includes programs serving a total population of approximately 180,000 recipients and an estimated 7,000 Provider Agencies/ Individual Providers, which have diverse business processes, data systems, provider types to data flows, providers, beneficiaries, and advocates. This complexity leads to further challenges in developing solution(s) for compliance with the SSA. The scope of this solicitation is confined to EVV Phase II.

To implement EVV Phase II timely and efficiently, California is following the guidance suggested in federal technical assistance for states which can be found at:

<http://www.medicaid.gov/medicaid/home-community-based-services/guidance/electronic-visit-verification-evv/index.html>

#### 1.4 TERM OF CONTRACT

The Contract awarded as a result of this RFP shall become effective upon approval by the CDT and shall remain effective through the following five (5) years.

The State reserves the option to extend the term of the Contract at its sole discretion for up to two (2) two-year optional terms for a maximum contract term of nine (9) years.

#### 1.5 CURRENT AND PROPOSED ENVIRONMENT

##### 1.5.1 CURRENT ENVIRONMENT

EVV is a new federal requirement and as such, the current environment reflects the various departments, programs, systems, data flows, and other entities impacted by EVV requirements.

**Table 1 – EVV Phase II Programs**

State Dept.	Program	Agency Model	PCS	HHCS
DHCS	1915 (c) Home and Community-Based Alternatives (HCBA) Waiver, including Waiver Personal Care Services (WPCS) Agency Model	✓	✓	✓

State Dept.	Program	Agency Model	PCS	HHCS
DHCS	Home Health Care Services	✓		✓
DDS	1915 (c) Home and Community-Based Services Waiver	✓	✓	✓
DDS	1915 (i) State Plan Home and Community-Based Services	✓	✓	✓
DDS	1915 (c) Waiver Self-Determination Program	✓	✓	✓
CDA/ DHCS	Multipurpose Senior Services Program 1915 (c) and 1115 Waivers	✓	✓	
CDPH/ DHCS	1915 (c) AIDS Medi-Cal Waiver Program (MCWP)	✓	✓	✓
CDSS	IHSS Agency Model (Self-Directed in Phase I)	✓	✓	

### 1.5.1.1 DHCS

Medi-Cal recipients receive Medicaid State Plan PCS and HHCS from Home Health Agencies, Waiver Agencies, and Individual Providers through the Medi-Cal Fee-for-Service (FFS) or through the Managed Care delivery system. DHCS, CDA, and CDPH waiver agencies and State Plan agencies/providers submit claims to DHCS to be processed by California’s Medicaid Management Information System (CA-MMIS). DHCS utilizes the Post-Adjudicated Claims and Encounters System (PACES) to track Managed Care encounter data submitted by Medi-Cal Managed Care Plans (MCPs), including PCS and/or HHCS encounters. Adjudication data for all delivery systems is collected and stored in the DHCS Management Information System/Decision Support System (MIS/DSS). The data is also used to submit monthly Transformed Medicaid Statistical Information System (T-MSIS) data to Centers for Medicare & Medicaid Services (CMS). MIS/DSS is a subsystem of the CA-MMIS and serves as DHCS’ Medi-Cal data warehouse. The following are impacted programs that DHCS administers:

- DHCS Medi-Cal Home Health Care Services, including Fee-For-Service and Managed Care, and California Children’s Services (CCS)
- DHCS HCBA 1915(c) Waiver, including 1915(c) WPCS Agency Model
- DHCS Early Discharge Follow-Up

The Provider Agencies manage and track individual PCS and HHCS providers’ time and services and submit claims for payment to the DHCS Fiscal

Intermediary (FI) or through Medi-Cal MCPs. DHCS uses two separate and distinct information systems to process claims and encounters for Medi-Cal PCS and HHCS: FFS claims processed by CA-MMIS FI or MCP encounter data processed by PACES. DHCS uses CA-MMIS, including Children's Medical Services Network (CMS-Net), for CCS to process claims and MedCompass, a component of CA-MMIS, for case management for the HCBA waiver.

#### **1.5.1.2 DDS**

Under federal 1915(c) Medicaid Home and Community-Based Services (HCBS) Waiver programs, and a section 1915(i) State Plan Amendment (SPA) program, DDS administers Medicaid PCS and HHCS for individuals with developmental disabilities (consumers) to assist them with living independent and productive lives. DDS serves most of its consumers in community settings through contracts between twenty-one (21) non-profit regional centers and the service providers. DDS reimburses these regional centers for the cost of service for consumers and seeks federal funding reimbursement from CMS (via DHCS) for the services that are provided to consumers eligible for Medicaid Funding. Regional centers contract with service providers, who are reimbursed for their services via the following process:

- The service provider completes an invoice in a web-based system (eBilling/eAttendance) and submits it to the regional center for payment.
- The regional center receives the invoice in this web-based system, imports it into their billing system (Uniform Fiscal System [UFS]), pays the provider, and submits a claim to DDS.
- DDS then forwards the claim data for Medi-Cal services to DHCS for reimbursement.

#### **1.5.1.3 CDSS**

In California, most Medicaid PCS are managed by CDSS and administered by all fifty-eight (58) counties through the following four (4) programs, collectively called the IHSS program:

- Personal Care Services Program (PCSP) – for people with full-scope Medi-Cal who are adults who get care services from a parent or who don't have a spouse to provide services, or children under age eighteen (18) who do not have a parent to provide services.
- IHSS Plus Option (IPO) – for people who get services from a spouse or parent (if under age eighteen [18]), or who get restaurant meal allowance or advance pay.

- Community First Choice Option (CFCO) – an alternative for PCSP and IPO recipients that provides home and community-based attendant services and support.
- IHSS Residual (IHSS-R) – for people who are not eligible for full-scope Medi-Cal.

CDSS manages the IHSS program, which provides PCS to more than 600,000 recipients through the self-directed mode. Additionally, in San Francisco and Contra Costa counties, the county contracts with agencies to provide IHSS services for a small portion (approximately 1,000) of their IHSS recipients. CDSS uses Case Management Information and Payrolling System (CMIPS) to support the IHSS and WPCS programs. The IHSS Agency Model business process is as follows:

- The counties subcontract with agencies responsible for hiring, firing, and training personnel to provide PCS.
- The IHSS agencies provide the services and bill the counties.
- The counties pay the agencies and submit claims to CDSS for reimbursement.
- The county contractor claim information is included in CMIPS and transmitted to DHCS along with self-directed model claim data.

#### **1.5.1.4 CDPH**

The AIDS Medi-Cal Waiver Program (MCWP) is a federal 1915(c) HCBS Waiver program for Medi-Cal recipients with a diagnosis of HIV/AIDS, and whose health status qualifies them for nursing facility level of care or hospitalization. The MCWP provides case management, PCS and HHCS as an alternative to institutionalization. CDPH administers this waiver through an Interagency Agreement with DHCS and has contracts with 19 MCWP Agencies that provide case management and oversee direct care to Waiver participants via the following process:

- The Subcontractors perform these services and bill MCWP Agencies.
- The MCWP Agencies bill the Medi-Cal FI based on an FFS reimbursement.
- The MCWP Agencies reimburse their Subcontractors for services rendered.
- CDPH staff conduct comprehensive onsite compliance reviews to assure adequate documentation exists to validate MCWP Agency billings. The MCWP Agencies maintain systems to track services ordered, billed, and delivered.

#### **1.5.1.5 CDA**

Under a federal 1915(c) HCBS Waiver program, CDA administers the Multipurpose Senior Services Program (MSSP), which provides PCS to assist frail, elderly Medi-Cal recipients to remain at home. CDA contracts with thirty-eight (38) local MSSP sites who provide services via the following process:

- The local MSSP sites subcontract with vendors who provide PCS and bill MSSP sites.
- The MSSP sites submit claims to the DHCS Medi-Cal FI for FFS reimbursement.
- The sites also submit a monthly report to CDA which indicates which services are being provided to participants, including PCS.

### **1.5.2 PROPOSED ENVIRONMENT**

This section is intended to present an overview of the proposed system and, as such, will not specify any detailed technical requirements. The Bidders' requirements and solution requirements supporting this overview are to be included in Section 4, Bid Requirements.

The State's EVV Phase II vision is to deliver and maintain a COTS system delivered as a SaaS EVV solution to be used by PCS and HHCS providers and program staff that effectively, efficiently, promptly, and economically meets the state and federal EVV requirements.

The State is following an Open Vendor Model, which will allow Provider Agencies with EVV systems that meet state requirements to continue using them. These Provider Agencies or their EVV vendors will be required to send EVV data to the State's EVV Solution Aggregator, which will be used to consolidate and provide access to the aggregated visit data.

The concepts presented in this section frame the State's vision but should not constrain the Bidder's proposal. This section describes the State's objectives and high-level outcomes the proposed solution should achieve but does not prescribe the design, architecture, technologies, or approach. The State expects a clear and comprehensive response that demonstrates how the Bidder's solution will help the State achieve its vision and meet or exceed the State's functional and non-functional requirements in Part II of this solicitation.

California intends to implement EVV requirements for PCS and HHCS in an iterative approach, first implementing for PCS by December 31, 2021 and then implementing for HHCS by December 31, 2022. Providers which use both PCS and HHCS services will transition to the EVV Solution during the PCS implementation period.

#### **1.5.2.1 BUSINESS VISION**



The State's business vision is to establish a solution, which helps enable the State to obtain federal certification and meet federal requirements, which states in section 1903(l)(2) that each state shall:

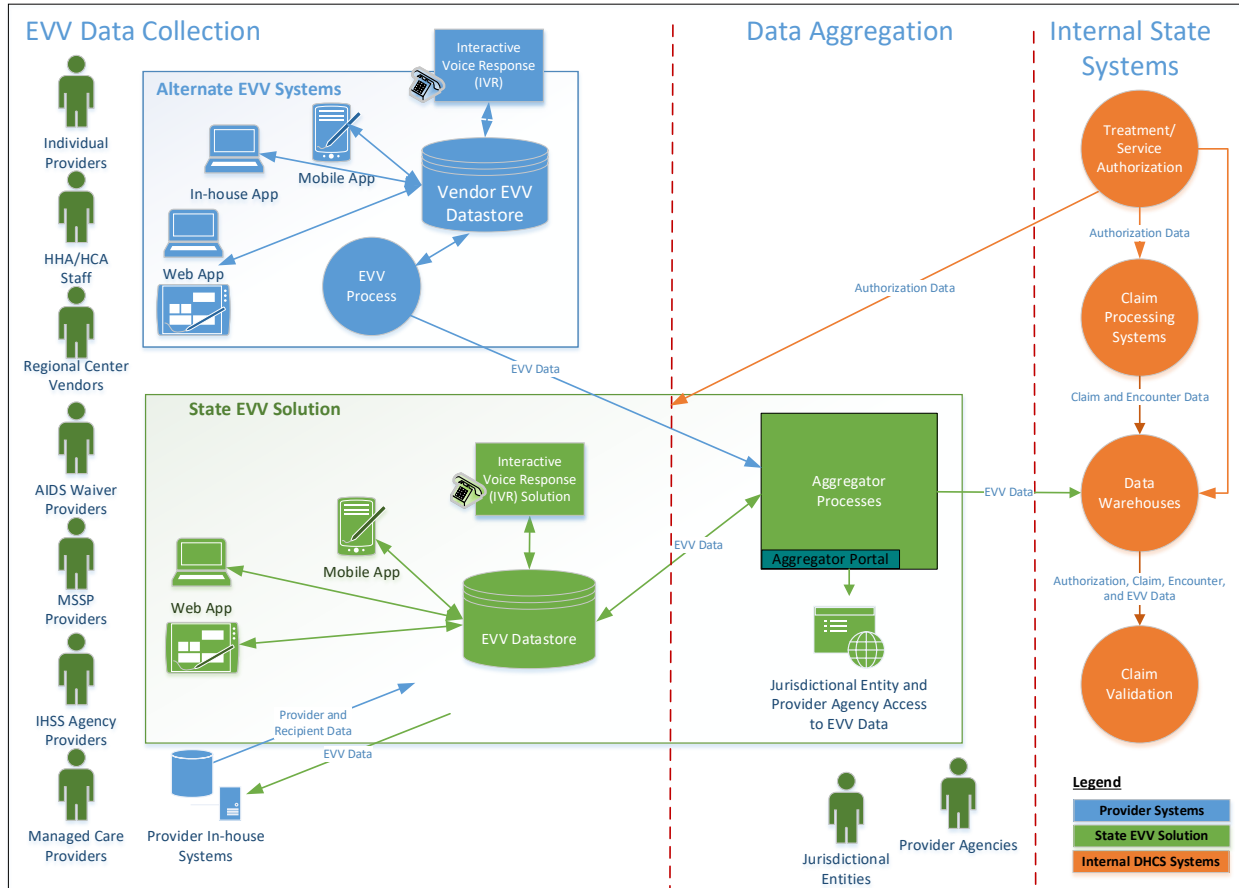
- (A) consult with agencies and entities that provide personal care services, home health care services, or both under the State plan (or under a waiver of the plan) to ensure that such system—
  - (i) is minimally burdensome;
  - (ii) takes into account existing best practices and electronic visit verification systems in use in the State; and
  - (iii) is conducted in accordance with the requirements of HIPAA privacy and security law (as defined in section 3009 of the Public Health Service Act);
- (B) take into account a stakeholder process that includes input from beneficiaries, family caregivers, individuals who furnish personal care services or home health care services, and other stakeholders, as determined by the State in accordance with guidance from the Secretary of Health and Human Services; and
- (C) ensure that individuals who furnish personal care services, home health care services, or both under the State plan (or under a waiver of the plan) are provided the opportunity for training on the use of such system.

#### **1.5.2.2 TECHNICAL VISION**

The State's technical vision is to procure a configurable COTS system through a SaaS delivery model that can facilitate PCS and HHCS visit data collection and provide aggregation of data collected by alternate EVV systems.

The State's EVV Solution is envisioned to include EVV data collection components, such as web application, mobile application, and interactive voice recognition (IVR) services; data integration and management services; and data aggregation, data access, and reporting services. Figure 1- Conceptual EVV Solution shows the components of the State's EVV Solution in the context of existing impacted systems.

**Figure 1 – Conceptual EVV Solution**



In Figure 1, the **green** components pertain to the State’s EVV Solution and are the focus of this solicitation:

- Web Application – Used primarily by Provider Agency office staff to enter or import and export Recipient and Provider data before and after the visit and to monitor and manage In-Home Provider<sup>1</sup> services. May also be used to capture and verify in-home visit data when other methods (e.g., IVR or mobile application) are unavailable.
- Mobile Application – Used by In-Home Providers to capture and electronically verify in-home visit data (the six federally required EVV data

<sup>1</sup> In-Home Provider is the individual providing the service. Refer to the Attachment 4, Glossary of Key Terms and Acronyms, for more details.

elements) at the beginning and end of the visit using a user-supplied mobile device.

- IVR – Used by In-Home Providers to capture and electronically verify in-home visit data at the beginning and end of the visit using the Recipient's telephone.
- Aggregator Processes – Used by Provider Agencies with alternate EVV solutions to upload visit data. Consolidates visit data from alternate sources with the visit data captured directly by the State's EVV Solution.
- Aggregator Portal – Used by Jurisdictional Entities and Provider Agencies to provide read-only access to aggregated EVV data for metrics, analysis, reporting, and auditing.

The **orange** components in Figure 1 depict existing State systems that are related to EVV processes or will need to integrate directly or indirectly with the State's EVV solution or EVV data, including the following:

- Authorization Systems – For some programs, Provider and Recipient data in the form of Treatment or Service Authorizations will be exported from current departmental or Jurisdictional Entity information systems and imported into the State's EVV Solution via a standardized interface.
- Claim Processing Systems – All programs use existing information systems to process claims and encounters and provide paid claim and encounter data to the State and departmental data warehouses for analysis, auditing, and reporting. California will not use EVV data to deny claims.
- Data Warehouse – All programs will be able to access EVV data imported into departmental data warehouses from the EVV Solution to include the data elements needed to support analysis and reporting requirements, including federal EVV certification metrics reporting and claim validation.
- Claim Validation – All State departments will be able to match post-payment claims/encounters against EVV data that have been imported into the applicable data warehouse. This may require modification or creation of departmental automated solutions. Any changes to existing State systems are not part of the EVV Solution contract scope.

The **blue** components in Figure 1 depict existing Provider Agency systems that will need to integrate with the State's EVV solution, including the following:

- Alternate EVV System – Provider Agencies using alternate EVV systems will upload EVV data to the state's EVV Solution in a standardized format. The EVV Solution will validate the data against configurable business rules and return an acknowledgement or error message(s) as applicable.

- Provider In-house Systems – Provider Agencies using the State's EVV Solution to capture visit data may be required to enter Provider and Recipient data in the form of Treatment or Service Authorizations into the EVV Solution prior to the visit for some programs. Provider Agencies will have the option to automatically upload this data from their existing in-house care management systems to the EVV Solution and download visit data after the visit in standardized formats.

## 1.6 AMERICANS WITH DISABILITIES ACT (ADA)

To comply with the nondiscrimination requirements of the 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 solicitation process or for persons having questions regarding reasonable accommodations of the solicitation process, you may contact the Procurement Official identified in Section 2.2.1. You may also contact the State of California at the numbers listed below.

Important: To ensure that we can meet your need, 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 solicitation documents.

### The California Relay Service Telephone Numbers are:

Type	Language	Phone Numbers
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 solicitation is designed to increase the likelihood that Final Proposals will be received without disqualifying defects. The additional steps:

- Ensure that the Bidder clearly understands the State's requirements before attempting to develop its Final Proposal

- Ensure that the State clearly understands what each Bidder intends to propose before those proposals are finalized

Specific information regarding such steps is found in Section 2.5, Bidding Steps and Section 7, Evaluation, of the solicitation.

The Bidder should refer to Section 2.5, Bidding Steps, to understand the information applicable to this solicitation. It is the Bidder's responsibility to:

1. Carefully read the entire solicitation.
2. Ask appropriate questions in a timely manner, if clarification is necessary.
3. Submit all required responses by the required dates and times as indicated by the Key Action Dates table in Section 2.3.
4. Make sure that all procedures and requirements of the solicitation are accurately followed and appropriately addressed.
5. Carefully re-read the entire solicitation before submitting a Final Proposal.

## **2.2 COMMUNICATIONS AND CONTACTS**

The State uses an online solicitation 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 at: [www.caleprocure.ca.gov](http://www.caleprocure.ca.gov).

Only questions submitted in writing and answered in writing by the Procurement Official shall be binding and official. Written questions must be submitted by email to the Procurement Official identified in Section 2.2.1, Procurement Official, using Attachment 1, Template for Question Submittal. All written questions submitted by the deadline specified in Section 2.3, Key Action Dates, will be responded in accordance to the timeline established in the Key Action Dates. All questions and answers will be posted to Cal eProcure in the form of a question and answer set.

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 OFFICIAL**

The Procurement Official is the State's designated authorized representative regarding this solicitation.

Bidders are directed to communicate and submit all correspondence regarding this solicitation to the Procurement Official in Table 2 below.

**Table 2 – Procurement Official Contact Information**

Type	Content
Name	Binh Thai
Department	California Department of Technology (CDT)
Address	10860 Gold Center Drive Rancho Cordova, CA 95608
Telephone	916-431-3287
E-mail:	osi-evvphaseii33962@state.ca.gov

The Final Proposal must be delivered electronically to the Procurement Official's email address at OSI-[EVVPhaseii33962@State.ca.gov](mailto:OSI-EVVPhaseii33962@State.ca.gov). For procurement purposes, emailed responses will be considered properly "sealed" if received prior to the time and date specified in Section 2.3, Key Action Dates. Solicitation responses sent to any other email will not be considered. If necessary, multiple emails can be submitted as long as the subject of the email contains, "Part X of Y" (X identifies the number assigned to this email, and Y identifies the total number of emails expected). All submissions are considered final.

### **2.2.2 QUESTIONS REGARDING THE SOLICITATION DOCUMENT**

Bidders requiring clarification of the intent, terms and conditions, content of this solicitation, or on procedural matters regarding the competitive bid process may request clarification by submitting questions using Attachment 1, Template for Question Submittal, in an email (using the solicitation identification information from the solicitation title page) to the Procurement Official listed in Section 2.2.1. To ensure a response, questions must be received in writing by the scheduled date(s) specified in Section 2.3, Key Action Dates. Question and answer sets will be provided to all Bidders without identifying the submitters. At the sole discretion of the State, questions may be paraphrased by the State for clarity.

If a Bidder who 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" in the subject line of the email. The Bidder must explain why the question is sensitive in nature. If the State concurs that the disclosure of the question or 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 aspect of the question, the question and answer will not be confidentially maintained, and the Bidder will be so notified.

If the Bidder believes that one or more of the solicitation requirements is onerous, unfair, or imposes unnecessary constraints on the Bidder proposing a less costly or an alternate solution, 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 2, Template for Request for Change Submittal. Such requests must be submitted to the Procurement Official by the date specified in Section 2.3, Key Action Dates for submitting a request for change. Oral responses shall not be binding on the State. Bidders must submit all requests for changes by the date specified in Section 2.3, Key Action Dates.

### **2.2.3 INTENT TO BID**

Bidders that want to participate in the solicitation should submit a completed Exhibit 2: Intent to Bid by the date specified in Section 2.3, Key Action Dates. This document shall be emailed to the Procurement Official identified in Section 2.2.1. Only those Bidders acknowledging interest in this solicitation will receive correspondence applicable to the solicitation throughout this solicitation. Correspondence to a Bidder regarding this solicitation will only be given to the Bidder's designated contact person.

It shall be the Bidder's responsibility to immediately notify the Procurement Official identified in Section 2.2.1, in writing, regarding any revision to the contact person 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, about any change pertaining to the designated contact person.

### **2.2.4 BIDDERS' LIBRARY**

The State will make available a Bidders' Library containing reference and supporting documentation that the Bidder may review and use to prepare its Final Proposal. The Bidder is encouraged to review the information in the Bidders' Library to gain a thorough understanding of the EVV Phase II Project. It is each Bidder's responsibility to check for updates to the Bidders' Library.

To obtain Bidders' Library access, Bidders must sign and electronically submit the Exhibit 3: Confidentiality Statement to the Procurement Official. It is the Bidder's responsibility to provide the Procurement Official the required documentation (i.e., Exhibit 2 and Exhibit 3) to obtain the User ID, password, and URL for access to the Bidders' Library. The Bidder's authorized representative or corporate officer identified on Exhibit 3 will be assigned the Bidder's single point of contact

for the Bidders' Library. The Bidders' Library access information will be emailed back to the Bidder's single point of contact within three (3) business days after receipt of both Exhibits are received by the Procurement Official. Bidders are encouraged to review the information in the Bidders' Library to gain a thorough understanding of EVV Phase II Project and the Project solution requirements in which it operates. Bidders are not allowed to share or provide their User ID, password, and URL to anyone else. Bidders will be granted a second User ID and password if needed, and requests should be made to the Procurement Official via email when submitting Exhibits 2 and/or 3 if the Bidder would like a second User ID and password.

Items in the Bidders' Library may be updated at any time without issuance of an addendum to this solicitation.

**2.2.5 BIDDER'S CONFERENCE (NOT APPLICABLE)**

**2.2.6 SITE VISIT (NOT APPLICABLE)**

**2.2.7 CLOUD COMPUTING SERVICES**

Refer to Section 3.7.1, Cloud Computing – Software as a Services (SaaS) General Provisions, revised and effective July 30, 2019.

**2.3 KEY ACTION DATES**

Table 3 – 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 Final Proposal. Dates listed after the Bidder's submission of Final Proposal are estimated and may be adjusted without addendum to this solicitation. All times listed are for California Pacific Time/Pacific Standard Time.

**Table 3 – Key Action Dates (KAD)**

Item	Key Action	Date and Time
1.	Release Pre-solicitation	11/20/20
2.	Pre-solicitation due date	12/23/20
3.	Release of Solicitation	(TBD)
4.	Last day to submit Exhibit 2: Intent to Bid and Exhibit 3: Confidentiality Statement (signed)	(TBD)
5.	Last day to submit written questions using Attachment 1 and request changes to requirements using Attachment 2	(TBD)



Item	Key Action	Date and Time
6.	Last day for the State's response to Bidder's questions, Bidder's request for changes to the requirements.	(TBD)
7.	Last day to submit Final Proposal	(TBD)
8.	Request for Clarification	(TBD)
9.	Negotiations begin	(TBD)
10.	Notification of Intent to Award	(TBD)
11.	Anticipated Contract Execution	(TBD)

\*Note: Dates after final submission are subject to change without addendum.

## 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, regulations, and laws as they relate to the solicitation of IT goods and services 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 Bidders. The use of “shall,” “must,” or “will” (except to indicate simple futurity) in the solicitation indicates a requirement or condition that is mandatory.

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

This solicitation document includes, in addition to an explanation of the State's requirements which must be met, instructions that 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 Official identified in Section 2.2.1 of such error in writing and request clarification or modification of the document.

Modifications will be made by addenda issued pursuant to Section 2.4.5, Addenda. Such modifications shall be given by written notice to all parties who have identified themselves as Bidders to the Procurement Official without divulging the source of the request. Insofar as practicable, the State will give

such notices to other interested parties, but the State shall not be responsible, therefore.

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.

#### **2.4.2 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. Specific conditions to be examined may be listed in Section 3, Administrative Requirements and/or Section 4, Bid Requirements.

#### **2.4.3 EXCLUSION FOR CONFLICT OF INTEREST**

No consultant shall be paid out of State funds for developing recommendations on the acquisition of information technology (IT) products or services or assisting in the preparation of the project approval lifecycle documents (stages 2, 3, or 4) or feasibility study, 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) or feasibility study. 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.

#### **2.4.4 CONFIDENTIALITY**

Bidder material becomes public only after the notice of Intent to 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,” “proprietary,” or “trade secret” in a Final 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 is a 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 section 19570 et seq. Total confidentiality is paramount; it cannot be over emphasized.

#### **2.4.5 ADDENDA**

The State may modify the solicitation at any time prior to submission of Final Proposal by issuing an addendum. Addenda will be numbered consecutively.

#### **2.4.6 BIDDER’S COST**

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

#### **2.4.7 DISCOUNTS**

In connection with any discount offered, except when a provision is made for a testing period preceding acceptance by the State, time will be computed from the date of delivery of the supplies or equipment as specified, or from date correct invoices are received in the office specified by the State if the latter date is later than the date of delivery. When a provision is made for a testing period preceding acceptance by the State, the date of delivery shall mean the date the supplies or equipment are accepted by the State during the specified testing period. Payment is deemed made, for the purpose of earning the discount, on the date of mailing the State warrant or check.

Cash discounts offered by Bidders for the prompt payment of invoices will not be considered in evaluating offers for award purposes; however, all offered discounts will be taken if the payment is made within the discount period, even though not considered in the evaluation of offers.

#### **2.4.8 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.

#### **2.4.9 IRREVOCABLE OFFER**

A Bidder's Final Proposal is an irrevocable offer for 180 calendar days following the scheduled date for submission of the Contract Award Date specified in Section 2.3, Key Action Dates. A Bidder may extend the offer in the event of a delay of Contract award.

#### **2.4.10 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 rejected. 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, it will be the basis for rejection of the Bidder's proposal.

#### **2.4.11 JOINT BIDS (NOT APPLICABLE)**

#### **2.4.12 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.

#### **2.4.13 UNFAIR PRACTICES ACT AND OTHER LAWS**

Bidder warrants that its proposal complies with the Unfair Practices Act (Business and Professions Code section 17000 et seq. and all applicable state and federal laws and regulations).

#### **2.4.14 FAIR EMPLOYMENT AND HOUSING COMMISSION REGULATIONS**

California Government Code section 12990 requires all State contractors to have implemented a Nondiscrimination Program before entering into any contract with the State. The Department of Fair Employment and Housing (DFEH) randomly selects and reviews state contractors to ensure their compliance with the law. DFEH periodically disseminates a list of contractors who have not

complied. Any contractor so identified is ineligible to enter into any State contract.

#### **2.4.15 PLASTIC TRASH BAG CERTIFICATION VIOLATIONS**

Public Resources Code section 42290 et seq. prohibits the State from contracting with any supplier, manufacturer, or wholesaler, and any of its divisions, subsidiaries, or successors that have been determined to be noncompliant to the recycled content plastic trash bag certification requirements. This includes award of a State contract or subcontract or renewal, extension, or modification of an existing contract or subcontract. Prior to award, the State shall ascertain if the intended awardee or proposed Subcontractor is a business identified on the current California Department of Resources Recycling and Recovery (CalRecycle) noncompliant list(s). In the event of any doubt of the status or identity of the business in violation, the State will notify the CalRecycle of the proposed award and afford the CalRecycle the opportunity to advise the State. No award will be made when either the Bidder or a Subcontractor has been identified either by published list or by advice from the CalRecycle to be in violation of certification requirements.

#### **2.4.16 AIR OR WATER POLLUTION VIOLATIONS**

Unless the Contract is less than \$25,000 or with a non-competitively bid contractor, Government Code section 4477 prohibits the State from entering into any contract for the purchase of supplies, equipment, or services from any person, including a corporation or other business association who is in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district, or is subject to a cease and desist order not subject to review issued pursuant to Water Code section 13301 for violation of waste discharge requirements or discharge prohibitions, or is finally determined to be in violation of provisions of federal law relating to air or water pollution.

### **2.5 BIDDING STEPS**

The solicitation process to be used in this solicitation is composed of at least one (1) phase of proposal development. Refer to Section 2.3, Key Action Dates to determine which phases and mandatory steps are included in this solicitation.

#### **2.5.1 COMPLIANCE PHASE (NOT APPLICABLE)**

#### **2.5.2 FINAL PHASE**

The purpose of the final phase is to obtain proposals that are responsive in every respect. The Final Proposal is a mandatory step for all Bidders; all other steps are optional unless otherwise stated in Section 2.3, Key Action Dates.

The Final 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. Cost, as identified in Section 6, Proposal/Bid Format and Submission Requirements, must be in its designated Volume 3 folder that is separate from Volumes 1, 2, and 4 folders.

### **2.5.3 WITHDRAWAL AND RESUBMISSION/MODIFICATION OF PROPOSALS**

A Bidder may withdraw its Final Proposal at any time prior to the Final Proposal submission date and time specified in Section 2.3, Key Action Dates, by submitting a written notification of withdrawal signed by an authorized representative of the Bidder in accordance with Section 2.4.8, Signature of Proposal. The Bidder may thereafter submit a new or modified proposal prior to the respective proposal 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, Final Proposals cannot be changed or withdrawn after the deadline date and time designated for receipt, except as provided in the solicitation.

### **2.5.4 DISPOSITION OF PROPOSALS**

All materials submitted in response to this solicitation will become the property of the State of California and will be returned only at the State's option and at the Bidder's expense. At a minimum, the master copy of the Final Proposal shall be retained for official files and will become a public record after the Notification of Intent to Award is posted. However, materials the State considers as confidential information (such as confidential financial information submitted to show Bidder responsibility) will be returned upon request of the Bidder.

## **2.6 PROTESTS OF AWARD**

This solicitation process does not include any provisions to protest either the process or resulting contract award(s). However, pursuant to Public Contract Code section 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 shall be Sacramento, California.

## **2.7 NEGOTIATIONS**

The State will conduct negotiations under Public Contract Code section 6611. The purpose of the negotiation process is to maximize the State's ability to obtain a value effective solution based on the requirements and the evaluation factors set forth in the Solicitation.

At the State's discretion throughout the entire solicitation, the State may negotiate with firms and notify firms of areas where their responses would render

the submission non-compliant and/or non-responsive to the requirements. This notice will provide an opportunity for the firm to resubmit compliant responses by the date and time specified by the State in the notice.

In the event of a tie score between two (2) or more Bidders, the State will select all tying Bidders into negotiations.

### **3 ADMINISTRATIVE REQUIREMENTS**

#### **3.1 MANDATORY AND OPTIONAL ADMINISTRATIVE REQUIREMENTS**

Section 3 contains the mandatory administrative requirements that must be met in order to be considered responsive to this solicitation.

Unless designated otherwise, all of the requirements in this section are mandatory. The documents that must be submitted with the Bidder's Final Proposal are noted as "Mandatory" or "(M)" in this section.

Additionally, Section 3 contains optional requirements noted as "Optional" or "(O)" that may require documents to be submitted with the Bidder's proposal. The administrative requirements listed in this section are denoted as follows:

1. (M) – All sections labeled as "Mandatory" or "M" are not negotiable. To be considered responsive and responsible to these requirements, all requirements identified as (M) must be responded to. A "fail" in a mandatory section will result in a proposal being deemed non-responsive and; therefore, will be disqualified. Failure to respond to any mandatory requirements shall result in disqualification of the proposal. The responses will be evaluated in accordance with Section 7, Evaluation.
2. (O) – All sections labeled as "Optional" or "O" are not required to be offered by the Bidder in order to be compliant 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, per criteria stated in Section 7, Evaluation.

#### **3.2 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 numbers 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) state business days to submit the information requested in writing. Examples of the type of financial responsibility information requested may include, but are not limited to, annual reports and current audited balance sheets for the Bidder's firm.

### **3.3 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.

### **3.4 SUBCONTRACTORS**

It is the Bidder's responsibility to ensure any Subcontractor that the Bidder chooses to use in fulfilling the requirements of this solicitation, and which is expected to receive more than ten percent (10%) of the value of the Contract, also meets all administrative and bid requirements of the solicitation, as applicable to the services provided by the Subcontractor.

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

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) business 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 Final Proposal and actual start of the Contract.

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 Bidder's obligation to pay its Subcontractors is an independent obligation from the State's obligation to pay or to enforce the payment of any money to any Subcontractor. Contractor is solely responsible for any payments to or claims made by Subcontractors.

### **3.4.1 BIDDER DECLARATION FORM (M)**

The Bidder must complete and submit Exhibit 5: Bidder Declaration GSPD-05-105, with its Final 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 Exhibit 5 answering the applicable questions on the form and submit it with its Final Proposal.

### **3.5 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 Statewide Technology Procurement under Public Contract Code section 6611.

### **3.6 FINANCIAL RESPONSIBILITY INFORMATION**

#### **3.6.1 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 contract identified payment milestones and system acceptance.

#### **3.6.2 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 submit its certification as Exhibit 24: Responsibility Certification with its Final Proposal.

The Bidder shall be deemed non-responsive if certification is not submitted with its Final Proposal, as specified in this section.

### **3.7 GENERAL PROVISIONS**

The Bidder is advised that deviations from the State-approved Terms and Conditions may be the basis for rejection of the Bidder's proposal.

#### **3.7.1 CLOUD COMPUTING – SAAS GENERAL PROVISIONS ACKNOWLEDGEMENT**

The Contract awarded as a result of this solicitation shall automatically incorporate by reference Exhibit A, Attachment 4: Cloud Computing SaaS General Provisions, effective 6/18/2020.

By signing the Response Cover Page, the Bidder certified that they have read Exhibit A, Attachment 4: Cloud Computing SaaS General Provisions effective 7/30/19 and agree to them.

#### **3.7.2 CLOUD COMPUTING SPECIAL PROVISIONS ACKNOWLEDGEMENT**

##### **3.7.2.1 SAAS SPECIAL PROVISIONS**

The Contract awarded as a result of this solicitation shall automatically incorporate by reference Exhibit A, Attachment 5: Cloud Computing Services Special Provisions for Software as a Service (SaaS), revised 3/1/18 and effective 3/15/18.

By signing the Response Cover Page, the Respondent certifies that they have read Exhibit A, Attachment 5: Cloud Computing Services Special Provisions for Software as a Service (SaaS), revised 3/1/18 and effective 3/15/18, and agree to them.

##### **3.7.2.2 IAAS AND/OR PAAS SPECIAL PROVISIONS**

If the Respondent includes commercial Infrastructure as a Service (IaaS) and/or Platform as a Service (PaaS) as part of their Technical Approach to this RFP, the Respondent shall comply with and the Contract awarded as a result of this solicitation shall automatically incorporate by reference Exhibit A, Attachment 5: Cloud Computing Services Special Provisions for IaaS and/or PaaS.

By signing the Response Cover Page, the Respondent certifies that they have read and agree to the current Cloud Computing Services Special Provisions for IaaS and/or PaaS.

### **3.8 COMMERCIAL GENERAL LIABILITY**

Refer to EVV Phase 2 Solution – Part 2 Exhibit A – SOW, Section 2 General Requirements.

### **3.9 WORKERS' COMPENSATION/EMPLOYER'S LIABILITY (M)**

Refer to EVV Phase 2 Solution – Part 2 Exhibit A – SOW, Section 2 General Requirements.

### **3.10 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 Exhibit 4: Response to Administrative Requirements. Answering “No” to any of the mandatory administrative requirements or not submitting the required documents with its Final Proposal will result in the proposal being deemed non-responsive.

### **3.11 COVER LETTER (M)**

The Bidder must submit a cover letter containing the following:

- On company letterhead.
- Include the legal name of the Bidder's company.
- Include the address of the Bidder's company.

The body of the cover letter must include the following:

- A statement the proposal response is the Bidder's binding offer, good for 180 calendar days from scheduled Contract award date, as noted in Section 2.3, Key Action Dates.
- A statement indicating the Bidder agrees to the terms and conditions of this solicitation and accepts responsibility as the prime Contractor if awarded the Contract resulting from this solicitation.
- A statement indicating the Bidder has available staff with the appropriate skills to complete the Contract for all services and provide all deliverables as described in this solicitation and SOW.
- Be signed by an individual who is authorized to bind the bidding firm contractually. The individual's name must also be typed and include the title or position that the individual holds in the firm. An unsigned cover letter in the Bidder's Final Proposal may deem a Bidder non-responsive and may be the basis for rejection of the Bidder's Final Proposal.

- The email and phone number of the person signing the letter.
- The date signed.

### **3.12 TECH 213, STANDARD AGREEMENT SAMPLE**

Once the contract award is complete, the State will enter all required information prior to moving forward to the signature process step. The Bidder will be contacted to designate the name and title of the party authorized to bind the Bidder contractually. The State will send the completed finalized TECH 213, Standard Agreement, to the Bidder for signing and return to the State for signature and approval.

### **3.13 STATEMENT OF WORK (M)**

Appendix A: Statement of Work (SOW) identifies and describes the tasks and responsibilities of the Contractor and the responsibilities of the State during the term of the Contract. The Bidder must submit Appendix A: SOW with its Final Proposal.

### **3.14 CONFIDENTIALITY STATEMENT (M)**

The Bidder must agree to the State's confidentiality requirements by submitting a signed Exhibit 3: Confidentiality Statement<sup>2</sup>, for the Bidder's company. The completed confidentiality statement must be submitted with Exhibit 2: Intent to Bid, 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.

### **3.15 SECRETARY OF STATE CERTIFICATION (M)**

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<sup>2</sup> Exhibit 3: Confidentiality Statement must be included in the Final proposal and/or prior to Bidder's access to the Bidders' Library.

If required by law, the Bidder must submit a certificate of status from the California Secretary of State, showing that the Bidder is certified with the California Secretary of State to do business in the State of California. If the Bidder does not currently have this certification, the firm must be certified before a Contract award can be made and must provide information in the Final Proposal to support the status of its application to be certified to do business in the State of California.

Domestic and foreign corporations, Limited Liability Companies (LLCs), Limited Liability Partnerships (LLPs) and Limited Partnerships (LPs) must be registered with the California Secretary of State to be awarded the Contract. The California Secretary of State Certificate of Status must be included with the proposal. The required document(s) may be obtained through the California Secretary of State, Certification and Records Unit at (916) 657-5448 or through the following website: <https://www.sos.ca.gov>. The Bidder must complete and submit the required documentation as Exhibit 6: Secretary of State Certification, with its Final Proposal.

### **3.16 SELLER'S PERMIT (M)**

This proposal is subject to all requirements set forth in Revenue and Taxation Code sections 6452, 6487, 7101 and 18510 and Public Contract Code section 10295, which require the Bidder to provide a copy of its retailer's seller's permit or certification of registration and, if applicable, the permit or certification of all participating affiliates issued by the State of California's Board of Equalization. The Bidder must complete and submit its documentation as Exhibit 8: Seller's Permit Certification, with their Final Proposal. For more information on seller's permit or certification of registration, refer to the following links:

<https://www.cdfra.ca.gov/industry/permit-holders.htm>

### **3.17 PAYEE DATA RECORD (STD 204) (M)**

The Payee Data Record (STD 204) indicates the Bidder is subject to state income tax withholdings pursuant to California Revenue and Taxation Code section 18662.

The Bidder must complete and submit the Payee Data Record (STD 204) with its Final Proposal as Exhibit 9. The Bidder must provide the company's Federal Employer Identification Number (Business IRS Number) on this form. The form can be located at the following website:

<http://www.documents.dgs.ca.gov/dgs/fmc/pdf/std204.pdf>

### **3.18 IRAN CONTRACTING ACT OF 2010 (M)**

Division 2, Part 1, Chapter 2.7 of the Public Contract Code is the Iran Contracting Act of 2010. Public Contract Code section 2203 requires that no one shall submit a proposal for a Contract, or enter into or renew a contract, with a public entity for goods or services valued at \$1,000,000 or more if that person (i.e., Bidder or contractor) engages in investment activities of \$20,000,000 or more as described in Public Contract Code section 2202.5 pursuant to all provisions of the Iran Contracting Act of 2010. The Iran Contracting Act of 2010, at Public Contract Code section 2204 requires Bidders to certify at the time the proposal is submitted or the contract is renewed, that the person is not identified on a list created pursuant to subdivision (b) of Public Contract Code section 2203 as a person engaging in investment activities in Iran described in subdivision (a) of Public Contract Code section 2202.5, or as a person described in subdivision (b) of Public Contract Code section 2202.5, as applicable.

The Bidder must complete and submit Exhibit 10: Iran Contracting Act of 2010, with its Final Proposal, and, if the Bidder is selected, again each time their awarded contract is renewed.

### **3.19 CALIFORNIA CIVIL RIGHTS LAWS (M)**

For contracts over \$100,000 executed or renewed after January 1, 2017, the Bidder certifies compliance with the Unruh Civil Rights Act (section 51 of the Civil Code) and the Fair Employment and Housing Act (section 12960 of the Government Code); and

For contracts over \$100,000 executed or renewed after January 1, 2017, if a Bidder has an internal policy against a sovereign nation or peoples recognized by the United States government, the Bidder certifies that such policies are not used in violation of the Unruh Civil Rights Act (section 51 of the Civil Code) or the Fair Employment and Housing Act (section 12960 of the Government Code).

The Bidder must complete and submit Exhibit 11: California Civil Rights Laws Certification, with its Final Proposal, and, if the Bidder is selected, again each time their awarded contract is renewed.

### **3.20 BONDS AND OTHER SECURITY DOCUMENTS (M)**

The Bidder must submit as Exhibit 12: Bond and Other Security Documents, with its Final Proposal as described below in Table 4 1a. A Final Proposal submitted without the required documents will be considered non-responsive and will be the basis for rejection of the Bidder's proposal. For this requirement, the length of time for surety consideration shall be through the term of this Contract, including any amendments.

**Table 4 – Bond Requirements Table**

<b>Item</b>	<b>Financial Protection for Guarantee of Performance (Bid process)</b>  <b>Required at Final Proposal Submittal</b>	<b>Item</b>	<b>Surety Bond and Letter of Credit and Other Forms of Guarantee (at Intent to Award stage)</b>  <b>Required within 21 days after Contract Award and Aligns with Performance Start Date</b>
1a	Letter of Bondability	b	Bidder's Bond

**Definitions:**

**1a Letter of Bondability (Required at Final Proposal Submittal)**

The Letter of Bondability shall be from an admitted surety insurer which states the surety unconditionally offers to guarantee to the extent of thirty percent (30%) of the contract price for service contracts the Bidder's performance in all respects of the terms and conditions and provisions of the Contract, and that within 21 calendar days of contract execution, the surety will execute the Performance Bond or Bidder's Bond requirement.

**3.21 SOCIOECONOMIC PROGRAMS**

**3.21.1 BIDDER'S PREFERENCE AND INCENTIVE DECLARATION (M)**

The Bidder must complete and submit Exhibit 14: Bidding Preference and Incentives, with its proposal. The Bidder must indicate on Exhibit 14 whether it is or is not claiming each preference and/or incentive. Refer to Section 7, Evaluation, for details on the amount and application of preference and incentive points during proposal evaluation.

**3.21.2 DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PROGRAM (M)**

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

Information regarding the DVBE Program Requirements may be viewed at:

[https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Small\\_Business\\_and\\_Disabled\\_Veteran\\_Business\\_Enterprise\\_Best\\_Practices](https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Small_Business_and_Disabled_Veteran_Business_Enterprise_Best_Practices)

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 Enterprise 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 Exhibit 13: Disabled Veteran Business Enterprise Declaration. The form is available at:

[https://www.documents.dgs.ca.gov/dgs/fmc/gsp/pd/pd\\_843.pdf](https://www.documents.dgs.ca.gov/dgs/fmc/gsp/pd/pd_843.pdf)

The Office of Business and Acquisition Services offer program information and may be reached at:

Office of Business and Acquisition Services  
707 Third Street, Second Floor  
West Sacramento, CA 95606

<https://www.dgs.ca.gov/OBAS/Resources/Page-Content/OBAS-Resources-List-Folder/DGS-SB-DVBE-First-Policy>

Receptionist: (916) 375-4940

PLEASE READ THESE REQUIREMENTS CAREFULLY. FAILURE TO COMPLY WITH THE MINIMUM DVBE PARTICIPATION REQUIREMENT WILL CAUSE YOUR SOLICITATION RESPONSE TO BE DEEMED NONRESPONSIVE AND YOUR FIRM INELIGIBLE FOR AWARD OF THE PROPOSED CONTRACT.

### **3.21.3 DVBE PARTICIPATION REQUIREMENT (M)**

The Bidder must fully comply with DVBE Participation Program requirements in the Final Proposal. Failure to submit a complete response with the Bidder's Final Proposal may deem the Bidder non-responsive and may be the basis for rejection of the Bidder's proposal. The Bidder's response must include a minimum DVBE participation goal of three percent (3%) of the Bidder's net proposal price with one (1) or more DVBE.

The Bidder must complete the Bidder Declaration GSPD-05-105 form and submit as Exhibit 5: Bidder Declaration GSPD 05-105, with Final Proposal. This form and completion instructions is available at:

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

### **3.21.4 SMALL BUSINESS PREFERENCE (O)**

California Government Code section 14835 et seq. requires that a five percent (5%) preference be given to Bidders who qualify as a small business. The rules and regulations of this law, including the definition of a small business, or qualifying non-small business, are contained in Title 2, California Code of Regulations, section 1896 et seq. The definition of nonprofit veteran service agencies qualifying as a small business is contained in Military and Veterans Code section 999.50 et seq. The Bidder must complete and submit Exhibit 14: Bidding Preferences and Incentives, and the Bidder Declaration GSPD-05-105



form and submit as Exhibit 5: Bidder Declaration GSPD-05-105, with Final Proposal. If the Bidder is not using subcontractors, the Bidder must complete the Bidder Declaration GSPD-05-105 form answering the applicable questions on the form and submit it as Exhibit 5: Bidder Declaration GSPD-05-105, with Final Proposal. More information regarding the Small Business Preference may be found at:

<https://www.dgs.ca.gov/OBAS/Resources/Page-Content/OBAS-Resources-List-Folder/DGS-SB-DVBE-First-Policy>

### **3.21.5 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 percent (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 percent (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 sections 14838(b)(1)-(2).

Bidders claiming the five percent (5%) preference must commit to subcontract at least 25 percent (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 Office of Business and Acquisition Services (OBAS) no later than 5 p.m. of the proposal due date, and the OBAS must be able to approve the application as submitted. Questions regarding certification should be directed to the OBAS at (916) 375-4940.

The preference to a non-small business firm that commits to small business or microbusiness subcontractor participation of 25 percent (25%) of its net proposal price shall be given five percent (5%) of the highest responsive, responsible 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 claiming a small business preference or using small business subcontractors, the Bidder must complete the Bidder Declaration GSPD-05-105 form and submit as Exhibit 5: Bidder Declaration GSPD-05-105, and Exhibit 14: Bidding Preferences and Incentives and submit with Final Proposal. If the Bidder is not using subcontractors, the Bidder must complete the Bidder Declaration GSPD-05-105 answering the applicable questions on the form and submit as Exhibit 5: Bidder Declaration GSPD-05-105 with Final Proposal.

### **3.21.6 COMMERCIALY 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 Small Business (SB)), Military and Veterans Code section 999 (for DVBE), and Title II California Code of Regulations, sections 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 Exhibit 15: 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 socioeconomic 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 section 999(b)(5)(B) and Government Code section 14837(d)(4)(A) for the DVBE and small business programs, respectively.

Bidders claiming one (1) or more of the socioeconomic programs must complete and submit Exhibit 5: Bidder Declaration GSPD-05-105 form with its Final Proposal. If the Bidder is not using subcontractors, the Bidder must complete and submit Exhibit 5: Bidder Declaration GSPD-05-105 form answering the applicable questions on the form and submit with the Final Proposal. The Bidder Declaration GSPD-05-105 is available at:

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

Bidder(s) may be required to submit additional written clarifying information regarding CUF on Exhibit 15: Commercially Useful Function Certification. Failure to submit the requested written information as specified may be the basis for rejection of the Bidder's Final Proposal.

### **3.21.7 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 section 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, section 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 appropriate response forms as Exhibit 16: TACPA Preference Request Forms, with its Final Proposal.

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-a-Target-Area-Contract-Preference>

### **3.22 PRODUCTIVE USE REQUIREMENTS**

The productive use requirements protect the State from being an experimentalist for 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 5, Productive Use Timeframes, or as specified in the SOW, whichever period is greater. 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 proposed submittal and throughout Contract duration.

#### **3.22.1 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 prior to the proposal due date or in accordance with the solicitation requirements, whichever period is greater;
2. For a paying customer external to the Bidder's organization; and
3. For at least the number of months shown in Table 5 below or prescribed in the SOW, whichever period is greater, and prior to the Final Proposal submission.

**Table 5 – Productive Use Timeframes**

<b>Product</b>	<b>Project Cost</b>	<b>Final Proposal Submission</b>
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, data base management systems, language interpreters, assemblers and compilers, communications software, and other essential system software.	Less than \$10,000	One (1) month
	\$10,000 up to \$100,000	Three (3) months
	More than \$100,000	Six (6) months
Category 2 - All Information Technology Equipment and Non-critical Software. Information technology equipment is defined in SAM section 4819.2.	Less than \$10,000	One (1) month
	\$10,000 up to \$100,000	Three (3) months
	More than \$100,000	Four (4) 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 STP, if no changes in logic, architecture, or design are involved.

**3.22.2 HARDWARE/EQUIPMENT**

All equipment offered must be new and the latest model in current production. Used, shopworn, refurbished, demonstrator, prototype, or discontinued models are not acceptable.

**3.22.3 LAWS TO BE OBSERVED (NOT APPLICABLE)**

**4 BID REQUIREMENTS**

This section lists the mandatory qualifications together with the functional and non-functional requirements referenced in Section 4.2.1: Functional and Non-Functional Requirements (M) that must be met by Bidder to be considered responsive to and responsible for this solicitation. In addition to meeting the Bid Requirements, the Bidder must adhere to the SOW, attached in Appendix A.

Unless designated otherwise, all requirements in this section are mandatory. The documents that must be submitted with Bidder's Final Proposal are noted as Mandatory (M) or Mandatory Scored (MS). This section may also contain optional requirements noted as Desirable Scored (DS) that may call for documents to be submitted with the Final Proposal.

The State has determined that it is best to define its own needs, desired operating objectives, and desired operating environment. The State will not tailor these needs to fit a solution a Bidder may have available; rather, the Bidder shall propose to meet the State's needs as defined in this solicitation.

The Bidder qualifications and solution requirements listed in this section are denoted as follows:

- Items labeled "Mandatory" or (M) are not negotiable. To be considered responsive to and responsible to this solicitation, the Bidder and its proposed solution must comply with all mandatory requirements. Failure to respond to any (M) requirement shall result in the proposal being deemed non-responsive and will result in disqualification.
- Items labeled "Mandatory Scored" or (MS) are not negotiable. To be considered responsive to and responsible to this solicitation, all requirements identified as (MS) require a response and will be scored. Failure to respond to any (MS) requirement shall result in the proposal being deemed non-responsive and will result in a "fail" and disqualification of the proposal. The State's Evaluation Team will review responses to (MS) requirements and score each response pursuant to the criteria specified in Section 7: Evaluation.
- Items labeled "Desirable Scored" or (DS) are non-compulsory to Bidder's response. Bidder responses will not be disqualified for failing to respond to (DS) requirements. Bidders that attempt to meet requirements labeled as (DS) must meet the minimum requirements as stated. The Evaluation Team will review responses to (DS) requirements and score each response pursuant to the criteria specified in Section 7: Evaluation.

#### **4.1 QUALIFICATION REQUIREMENTS**

The Bidder is expected to have a proven record of success and maintain responsibility for all aspects of the solution, including the Contractor project team and any subcontractors.

The Bidder must meet the Bidder Mandatory Qualifications and proposed Key Staff who meet all Key Staff Mandatory Qualification requirements. Proposals that fail to meet any of the mandatory qualifications may be deemed non-responsive and disqualified.

#### **4.1.1 BIDDER MANDATORY QUALIFICATIONS (M)**

The Bidder must submit Exhibit 19.1 through 19.3, Bidder Qualification Forms, listing all relevant experience that meets the Bidder mandatory qualifications. It is incumbent on the Bidder to provide sufficient detail in its Final Proposal to permit the State Evaluation Team to evaluate the Bidder's ability to meet the qualifications, provide the solution, and perform the services as described in this solicitation.

Unless otherwise specified, experience for all projects must have been completed in the United States and must have occurred within seven (7) years of the Last Day to Submit Proposals as specified in Section 2.3, Key Action Dates. Points will be awarded for desirable qualifications in accordance with Section 7: Evaluation.

References identified on Exhibit 19.1, Bidder Project Form, and 19.3, Bidder Past Performance Form, may be contacted to validate any submitted information in accordance with Section 4.1.1: Bidder Qualifications.

#### **4.1.2 BIDDER PAST PERFORMANCE FORMS (M)**

The Bidder must complete and submit as part of its Final Proposal, Exhibit 19.3, Bidder Past Performance Forms. The Bidder must submit one Exhibit 19.3, Bidder Past Performance Form, for each project cited in the Exhibit 19.1, Bidder Project Form. Instructions for completing the Bidder Past Performance Form are included at the top of the Exhibit.

To be considered responsive, the Bidder Past Performance Form must be completed in its entirety, electronically signed, and dated by a client who performed a management or supervisory role on the cited project. These clients must be external to a Bidder's organization and corporate structure. The Bidder Past Performance Forms must be submitted as part of the Bidder's proposal. The State and its sponsor partners of this solicitation may not be used to satisfy this requirement. Legible photocopies may be accepted. No information corrections or changes may be made to the Bidder Past Performance Form and any forms that have been altered will be rejected.

Clients may be contacted to validate any submitted information in accordance with this Section 4.1.2: Bidder Past Performance Forms. The State will make two (2) attempts via phone and/or email to validate Bidder past performance using the information provided on the Bidder Past Performance forms. Bidder references will be evaluated pursuant to this Section 4.1.2 Bidder Past Performance Forms. If the State is not able to verify the Bidder's experience after 2 attempts, the Bidder must complete the verification within a timeframe directed by the State and carbon copy the Procurement Official throughout the correspondence.

The purpose of the Bidder past performance 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.

#### **4.1.3 KEY STAFF MANDATORY QUALIFICATIONS (M)**

The Bidder must propose a staffing model that ensures the success of the EVV Phase II Project, while meeting, at a minimum, the mandatory qualifications of Key Staff specified by the State. The specified qualifications are considered the minimum required to ensure success.

The Bidder is fully responsible for all necessary staffing resources to successfully configure and deploy the Contractor's EVV solution within the agreed upon schedule, cost, and performance requirements identified in the SOW, Exhibit A, Attachment 1: Service Level Agreements (SLAs) and Liquidated Damages.

The State is not prescribing a staffing model, but rather is allowing the Bidder to propose an appropriate staffing model based on the tasks and objectives set forth in this solicitation. However, the State has identified a limited number of Key Staff which, in the opinion of the State, are critical for the success of the Project.

The Bidder must complete and submit, as part of its Final Proposal, Exhibit 20.1, Key Staff Qualification Form listing all relevant experience that meets the Key Staff mandatory qualifications for each Key Staff. It is incumbent on the Bidder to provide sufficient detail in its Final Proposal to permit the State to evaluate the Key Staff's ability to meet the qualifications, provide the solution, and perform the services as described in this procurement. Each Key Staff shall be qualified and fulfilled by a single resource.

Unless otherwise specified, experience for all projects must have been completed in the United States and must have occurred within ten (10) years of

the Last Day to Submit Proposals as specified in Section 2.3, Key Action Dates. Points will be awarded for desirable qualifications in accordance with Section 7: Evaluation.

References identified on Exhibit 20.1, Key Staff Qualification Form, may be contacted to validate any submitted information in accordance with Section 4.1.3 Key Staff Mandatory Qualifications. The State will make two (2) attempts via email to the contact identified on the Staff Qualification Forms to validate the claimed information and experience. If the State is not able to verify the Bidder's experience after 2 attempts, the Bidder must complete the verification within a timeframe directed by the State and carbon copy the Procurement Official throughout the correspondence.

#### **4.1.3.1 FULL-TIME/PART-TIME MONTH EQUIVALENTS DEFINITION**

For each experience requirement that is met or partially met on the cited project, specify the number of full-time month equivalents experience that the Staff person accrued on the referenced project. For each period in which the Staff person performed work applicable to the claimed experience for a minimum of twenty (20) workdays of a minimum total of 140 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 cited project, experience should be prorated 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 seventy (70) 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 they worked on a full-time or some other basis.

#### **4.1.4 KEY STAFF PAST PERFORMANCE (NOT APPLICABLE)**

### **4.2 SOLUTION REQUIREMENTS**

This section discusses the State's Functional and Non-Functional requirements and narrative proposal requirements that must be met to be considered responsive and responsible to this solicitation. In addition to meeting these requirements, the Bidder must also adhere to all requirements identified in the SOW.



#### 4.2.1 FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS (M)

Exhibit 21, Functional and Non-Functional Requirements Workbook contains the detailed solution requirements to which the Bidder must respond. The Bidder shall not modify any of these requirements and doing so may result in the Bidder's proposal being rejected.

The Bidder must respond and submit as part of its Final Proposal, Exhibit 21, Functional and Non-Functional Requirements.

Exhibit 21, Functional and Non-Functional Requirements is comprised of the following worksheets:

- **Instructions:** Instructions on how to complete all required fields
- **Functional and Non-Functional Requirements:** Lists the functional and non-functional requirements for the EVV Phase II Project and provides fields for the Bidder to respond.

Responses are to be submitted in accordance with Section 4: Bid Requirements and Section 6: Proposal/Bid Format and Submission Requirements.

The following provides a description of each column in Exhibit 21 and the instructions for completing this Exhibit:

- **Req. ID** (Column 1): Specifies a unique numeric identifier.
- **Category Name & Requirement** (Column 2): Specifies the business process area associated with the requirement (indicated by bolded text) and the Requirement language.
- **Requirement Type** (Column 3): Identifies the requirement as functional or non-functional. For details on Requirement Types, see RFP Part 2, Section 6.1, System Requirements.
- **Classification** (Column 4): Identifies if the requirement is Mandatory (M), Mandatory Optional (MO) or Desirable Scored (DS). Final Proposals that fail to meet any of the Mandatory and Mandatory Optional requirements will be deemed non-responsive and therefore may be disqualified.
- **Bidder Response** (Column 5): Specifies how the Bidder's EVV Solution will meet the requirement. Proposals that fail to meet any of the Mandatory or Mandatory Optional requirements will be deemed non-responsive and therefore disqualified.
- **Bidder Response Comments** (Column 6): Bidder comments (optional).

#### 4.2.2 NARRATIVE RESPONSE REQUIREMENTS (MS)

The State requires that each Bidder proposes a best value solution which meets the State's requirements in the most effective, efficient, and economic manner. The Bidder will be required to address the specific requirements identified in the Exhibit 25, Narrative Response Requirements, with a written response for each item. All narrative requirements are mandatory and scored. The Bidder's responses to these requirements should focus on how the proposed solution will address and satisfy the Project's vision, goals, requirements, and objectives.

Although the State has identified many specific functional and non-functional requirements, it is not the State's intent to unduly restrict proposals. The Bidder's solution may have innovative capabilities that provide business benefit with additional functionality, features, or components not covered in the requirements. Should the Bidder propose innovative, value-added approaches that go beyond their responses to functional and non-functional requirements, the Bidder must describe the components and explain how they provide value to the State and EVV users.

The Narrative Response requires the Bidder to address specific topics that are of interest or concern to the State. Bidder proposals must thoroughly address each narrative response requirement in sufficient detail for the evaluation team to understand and to score the response in an accordance with the criteria identified in Section 7: Evaluation and include with its Final Proposal in accordance with Section 6: Proposal/Bid Format and Submission Requirements.

## **5 COST**

Cost is a primary evaluation criterion weighted at 40% of the total points available prior to application of any incentive or preference points (400 of 1,000). Evaluation in this category will be based on the lowest total estimated net cost for the Total Base Contract Price calculated on the Cost Summary tab (worksheet #2) according to the methodology in this section and Section 7, Evaluation.

All proposed costs for all line items must be all inclusive, thereby including the cost of any and all services required including travel in this solicitation.

The intent is to structure the pricing format in order to facilitate a straightforward comparison among all Bidders and foster competition to obtain the best market pricing. Consequently, the CDT/ STP on behalf of OSI requires that each Bidder's cost be in the format outlined in this section. Therefore, the Bidder is advised that failure to comply with the instructions listed in this section, 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.

**Important Note:** It is imperative that no cost information is included in the body of the proposal. Cost information must only be submitted in the Bidder's Response, Volume 3, Cost in accordance with Section 6, Proposal/Bid Format and Submission Requirements.

## **5.1 COST WORKBOOK (M)**

Services, features, and costs included in the Exhibit 23, Cost Worksheets are those that the Bidder must provide for the term of the Contract as identified in the SOW as five (5) years core term with two (2) 2-year optional M&O years (Worksheet #6). All Bidders must provide individual costs as indicated in the cost worksheets and submit with the Bidder's Final Proposal. Items submitted with no price will be considered as offered at no additional cost.

The Cost Workbook for this solicitation contains the following worksheets:

- Worksheet 1. Instructions
- Worksheet 2. Cost Summary
- Worksheet 3. Base Contract Payment
- Worksheet 4. Implementation
- Worksheet 5. Maintenance and Operations (M&O)
- Worksheet 6. Optional M&O Years
- Worksheet 7. Close-Out and Transition-Out
- Worksheet 8. Staff Rate Sheet
- Worksheet 9. Projected Staff Hours
- Worksheet 10: Mandatory Optional

## **5.2 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 worksheets list all cost elements required to implement, maintain, operate, and close out the proposed EVV Solution and services. The Bidder must include the completed cost worksheets sealed in Volume 3 Final Proposal.

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). All other fields must not be modified. If the

cost worksheet is modified or cells are left blank, the State may reject the Bidder's proposal. The cost worksheets must be filled out completely or the State may reject 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. Clear white cells indicate the cells in which the Bidder must enter its required information. All other cells will be password protected so that the Bidder is unable to modify the cell data.

### 5.2.1 WORKSHEET 1. INSTRUCTIONS

The Instructions tab provides general instructions for the overall workbook.

### 5.2.2 WORKSHEET 2. COST SUMMARY

The Cost Summary worksheet is a calculated worksheet that brings forward all subtotals from the individual worksheets and calculates the base Contract price and the Bidder's proposed total cost for evaluation. The Bidder must enter its company name where indicated on the Cost Summary (Worksheet #2), which will auto-populate in all subsequent worksheets.

The base Contract price includes the following costs: (2) Total Implementation Cost (Worksheet #4); (3) Total Maintenance and Operations (M&O) Cost (Worksheet #5); (4) Total Close-Out Cost and Transition-Out (Worksheet #7); and Unanticipated Tasks. The cost allocated for unanticipated tasks is ten percent (10%) of the total Base Contract Cost Items.

For evaluation purposes only, the Bidder's Proposed Total Cost will include the costs for the Optional M&O Years.

**Table 6 – Cost Summary Worksheet Instructions**

Nbr	Line Item Instructions in Worksheet
1	Bidder shall enter the Bidder's name in the box specified. No other entries are required as all other cost amounts are populated automatically from the tab indicated.
2	Total Implementation cost accounts for implementation services costs for PCS and HHCS.
3	The Maintenance & Operations cost calculation assumes 4.5 years within the base 5-year Contract and accounts for maintenance and operational costs for the EVV Solution.
4	Total proposed costs for Mandatory Operational requirements.
5	Total Closeout cost accounts for Project Close-Out and Transition Out of work at the end of the base Contract or Optional Years, whichever is later.
6	Optional M&O Years costs will be used for evaluation purposes only and are not accounted for within the Total Base Contract Price. Unanticipated Tasks (10%) have been calculated for each optional term.

### **5.2.3 UNANTICIPATED TASKS**

The State expects that during the Contract term period, legislative and/or program changes may necessitate modifications to scope, schedule and/or cost. Modifications may result in unanticipated tasks and be structured based on the Bidder's proposed hourly labor rates identified in the Staff Rate Sheet (worksheet #8). These rates will be used to support change requests or modifications to the Contract.

The 10% Unanticipated Tasks cost is additional work that must be performed and is within scope, but was not identified in the State's solicitation document or SOW. Both the State and the Contractor must agree upon the work that needs to be performed which will result in unanticipated costs through the State-approved Change Control process. No work can be performed in advance of State's agreement of unanticipated tasks.

### **5.2.4 WORKSHEET 3. BASE CONTRACT PAYMENT**

The Base Contract Payment worksheet is a calculated worksheet that brings forward all subtotals from the individual worksheets and calculates Contractor payments by monthly costs and deliverable-based payment milestones.

Refer to Section 5.3 Project Payment Terms for invoicing and payment terms.

### **5.2.5 WORKSHEET 4. IMPLEMENTATION**

The Implementation worksheet accounts for all activities required for the awarded Bidder to implement its EVV Solution for both PCS and HHCS, including initial onboarding of Provider Agencies, which includes both Provider Agencies and Individual Providers.

The Bidder should enter data as indicated in Table 7 – Implementation Worksheet Instructions below. Total Bid Amounts in the worksheet are calculated based on either Bidder proposed hourly and/or per unit rates.

Onboarding and training of Provider Agencies is not based on the Bidder's blended hourly rates, but instead on the Bidder's proposed per Provider Agency onboarding fee, which will remain the same for all Provider Agencies throughout initial onboarding during Implementation. The number of actual hours spent onboarding have no bearing on the onboarding fee paid.

#### **Assumptions**

For evaluation purposes only, the State has provided an estimated number of Provider Agencies required to onboard, i.e., the number of Provider Agencies using the EVV Solution and Aggregator. The State estimates the initial number of Provider Agencies/ Individual Providers is 7,037. The State assumes

approximately sixty percent (60%) of Provider Agencies will choose to use the State's EVV solution versus an alternate EVV system. This percentage is applied to both PCS and HHCS Onboarding. Payments will be based on the actual number of Provider Agencies onboarding in each category. The State assumes that 2/3 of Provider Agencies will be subject to PCS Onboarding and assumes this will include many of the Provider Agencies that also provide HHCS. This allocation will not affect the total bid amount.

Where applicable, the Bidder will enter its proposed cost and hours.

**Table 7 – Implementation Worksheet Instructions**

Nbr	Line Item Instructions in Worksheet
1	Bidder shall enter their proposed total cost for initial planning and project management activities and Deliverables outlined in Task Group #1 of the RFP Part 2, Section 7.3.1.2 thru 7.3.1.4.
2	Bidder shall enter their proposed total cost for Technical Configuration, outlined in Task Group #2 of the RFP Part 2, Section 7.3.2, which consists of Hosting, Technical Provisioning, Installation, Configuration, Performance Testing, and Operation of the Bidder's base COTS product and Aggregator, sized for California, in all required environments that meets SLAs prior to PCS Go Live. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.
3 - 6	Bidder shall enter their proposed total cost for Analysis and Design, Functional Configuration, Testing, and Deployment services for PCS, outlined in Task Groups #3-#6 of the RFP Part 2, Section 7.3.3. Services include onboarding all PCS Jurisdictional Entities and their users and establishing all standard interfaces. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.
7	Bidder shall enter their proposed total cost for initial Outreach and Training Support services for PCS Jurisdictional Entities and Provider Agencies, outlined in Task Group #7 of the RFP Part 2, Section 7.3.3. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.
8	<p>Bidder shall enter a fixed dollar amount for initially onboarding a Provider Agency to the Bidder's EVV Solution. The amount should reflect the average price for implementing each Provider Agency. Refer to Task Group #8 of the RFP Part 2, Section 7.3.3. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.</p> <p><u>For evaluation purposes only:</u> The number of Provider Agencies is an estimate. The State does not know in advance how many Provider Agencies will use the procured solution vs. an alternate EVV solution.</p>

Nbr	Line Item Instructions in Worksheet
9	<p>Bidder shall enter a fixed dollar amount for initially onboarding a Provider Agency to the Bidder's EVV Aggregator solution. The amount should reflect the average price for implementing each Provider Agency. Refer to Task Group #8 of the RFP Part 2, Section 7.3.3. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.</p> <p><u>For evaluation purposes only:</u> The number of Provider Agencies is an estimate. The State does not know in advance how many Provider Agencies will use the procured solution vs. an alternate EVV solution.</p>
10 - 13	<p>Bidder shall enter their proposed total cost for Analysis and Design, Functional Configuration, Testing, and Deployment services for HHCS, outlined in Task Groups #10-#13 of the RFP Part 2, Section 7.3.4. Services include onboarding all HHCS Jurisdictional Entities and their users and establishing all standard interfaces. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.</p>
14	<p>Bidder shall enter their proposed total cost for initial Outreach and Training Support services for HHCS Jurisdictional Entities and Provider Agencies, outlined in Task Group #14 of the RFP Part 2, Section 7.3.4. This Task Group must also meet the Global Project Management task requirements outlined in RFP Part 2, Section 7.3.1.1.</p>
15	<p>Bidder proposed fixed dollar amount for initially onboarding a Provider Agency to the Bidder's EVV Solution will be calculated based on Bidder entry from Item 8.</p>
16	<p>Bidder proposed fixed dollar amount for initially onboarding a Provider Agency to the Bidder's EVV Aggregator solution will be calculated based on Bidder entry from Item 9.</p>

### 5.2.6 WORKSHEET 5. MAINTENANCE AND OPERATIONS

The Maintenance and Operations (M&O) worksheet accounts for all activities required for the Bidder to maintain and operate the EVV Solution after initial PCS Go Live (projected for 10/1/2021). Base Contract Year One (1) is calculated at six months, accounting for the time between the projected October 2021 PCS Go Live through March 2022, which would be the end of the first year after Contract execution (assuming the Contract is executed on April 1, 2021), leaving four (4) full years until Contract end. M&O activities run in parallel with PCS onboarding and HHCS implementation and onboarding.

This worksheet incorporates both fixed-price and variable costs. Variable costs for the EVV Solution and Aggregator assume a Per Member Per Month (PMPM) rate for recipients and a customer service monthly service fee per Provider Agencies/Individual Providers.

Onboarding and training of new Provider Agencies, which includes Individual Providers, after the Implementation Phase is complete (post December 31, 2021) should be calculated into the Bidder's proposed Customer Service rates for Jurisdictional Entities and Provider Agencies for M&O (Worksheet #5).

To support the variable cost calculations, and for evaluation purposes only, the State has provided estimated numbers of Recipients and Provider Agencies, which includes Individual Providers. The State estimates the initial number of PCS and HHCS recipients is 182,875, and an estimated three percent (3%) annual growth has been applied to each of the following years. The State estimates the initial number of Provider Agencies is 7,037, and an estimated three percent (3%) annual growth has been applied to each of the following years. The State assumes approximately sixty percent (60%) of Provider Agencies will choose to use the State's EVV solution versus an alternate EVV system. Customer Service payments will be based on the actual number of Provider Agencies using the EVV Solution in each category. The State assumes fifty percent (50%) of PCS and HHCS Recipients will be served by Provider Agencies using the EVV Solution directly versus the Aggregator. This estimate is based on the 60/40 split noted for Provider Agencies, and the idea that Provider Agencies using an alternate EVV Solution will be larger and will serve proportionately more Recipients. EVV Solution payments will be based on the actual number of Recipients with visit data entering the EVV Solution via check in and check out versus the Aggregator.

Where applicable, the Bidder will enter its proposed cost and hours.

**Table 8 – Maintenance & Operations Worksheet Instructions**

Nbr	Line Item Instructions in Worksheet
1	Bidder shall enter a fixed dollar amount for the monthly cost of the Bidder's delivered, operational solution inclusive of all hardware, software, staffing, license, hosting, maintenance, and other costs, excluding customer services and configuration changes. The fixed portion of Bidder solution costs should account for base system costs such that, combined with the variable portion, accounts for scaling the solution if the number of Recipients or Provider Agencies should increase or decrease over the term of the Contract.
2	Bidder shall enter a dollar amount to cover the variable monthly incremental cost associated with scaling the Bidder's delivered, operational EVV Solution and services depending on the number of Recipients with visits directly captured by the system during the month.  <u>For evaluation purposes only:</u> The estimated number of Recipients is indicated in the Estimated Unit Total column.
3	Bidder shall enter a dollar amount to cover the variable monthly incremental cost associated with scaling the Bidder's delivered, operational Aggregator solution and services depending on the number of Recipients with visits directly uploaded to the system from Provider Agencies using alternate EVV solutions during the month.  <u>For evaluation purposes only:</u> The estimated number of Recipients is indicated in the Estimated Unit Total column.



Nbr	Line Item Instructions in Worksheet
4	Bidder shall enter a fixed dollar amount for Customer Service supporting the State's Jurisdictional Entities and statewide interfaces.
5	<p>Bidder shall enter a dollar amount to cover the variable effort for Customer Service supporting Provider Agencies of the EVV Solution.</p> <p><u>For evaluation purposes only:</u> The estimated number of Provider Agencies is indicated in the Estimated Unit Total column.</p>
6	<p>Bidder shall enter a dollar amount to cover the variable effort for Customer Service supporting Provider Agencies of the EVV Aggregator.</p> <p><u>For evaluation purposes only:</u> The estimated number of Provider Agencies is indicated in the Estimated Unit Total column.</p>
7	<p>Configuration Changes account for standard maintenance and configuration changes required after initial configuration is complete as requested by the State.</p> <p><u>For evaluation purposes only:</u> The estimated number of hours is indicated in the Estimated Unit Total column.</p>
1-7	Base Contract Years 2 and 5 - Bidder shall enter amounts following the instructions for lines 1-7 above for the second and fifth years of service.

### 5.2.7 WORKSHEET 6. OPTIONAL M&O YEARS

The State may elect to purchase optional M&O support by executing up to two (2) two-year extensions to the base Contract term. M&O tasks that occur during the optional two-year extensions will be billed using the Bidder proposed Monthly Service Fee Per Unit rates on this worksheet, up to a maximum Contract amount per year in each cost category identified on the worksheet. The rates quoted by the Bidder on this worksheet do not constitute a commitment by the State to offer M&O support work to the successful Bidder in any of the two (2) two-year optional extensions.

The Optional M&O Years worksheet accounts for all activities required for the Contractor to maintain and operate the EVV Solution after base Contract term ends. This worksheet follows the model, format, and instructions outlined in the Maintenance and Operations Worksheet (#5). Refer to Section 5.2.6 and Table 8 – Maintenance & Operations Worksheet Instructions above for line item instructions.

### 5.2.8 WORKSHEET 7. CLOSE-OUT AND TRANSITION-OUT

The Close-Out worksheet accounts for all activities required for the Contractor to close out the Contract and Transition-Out.

**Table 9 – Close-Out and Transition-Out Worksheet Instructions**

Nbr	Line Item Instructions in Worksheet
1	Bidder shall enter their proposed staff total hours and staff cost per hour for services supporting close-out of the Contract performed within the final year of the Contract period.

**5.2.9 WORKSHEET 8. STAFF RATE SHEET**

The Staff Rate Sheet worksheet accounts for staff classifications and FTE counts required for the awarded Bidder to implement, manage, maintain, and operate the EVV Solution.

**Table 10 – Staff Rate Sheet Worksheet Instructions**

Nbr	Line Item Instructions in Worksheet
1 - 30	<p>Bidder shall enter all staff classifications, the hourly rate per classification, and the total FTEs required per classification. The Bidder shall enter hourly rates for each of the six (6) key staff classifications. The key staff classification titles and FTEs have already been entered.</p> <p>Hourly rates will be used to calculate costs for change requests. The Bidder has been provided thirty-five (35) lines for staff classifications, including the six (6) Key Staff, but should only use as many lines as is needed.</p>

**5.2.10 WORKSHEET 9. PROJECTED STAFF HOURS**

The Projected Staff Hours worksheet accounts for all FTEs throughout the projected Implementation timeframe. This worksheet is for evaluation purposes only.

**Table 11 – Projected Staff Hours Instructions**

Nbr	Line Item Instructions in Worksheet
Columns H-AW	Bidder shall enter their proposed number of key and non-key staff FTEs per month throughout Implementation by each key activity, e.g., Project Management, Technical Configuration, Analysis and Design, etc. Bidder can enter FTEs as decimals (e.g., 2, 1.5, 0.5) and should only enter FTE numbers in the cells for months the Bidder plans to have staff working on the project.

**5.2.11 WORKSHEET 10. MANDATORY OPTIONAL REQUIREMENTS**

This worksheet accounts for costs associated with meeting the Mandatory Optional requirements.

**Table 12 – Mandatory Optional Instructions**

Nbr	Line Item Instructions in Worksheet
1	The Bidder shall enter their proposed cost for requirement 1.3 Visit Scheduling, which represents the cost to analyze, design, configure, test, deploy, maintain and operate.

Nbr	Line Item Instructions in Worksheet
2	The Bidder shall enter their proposed cost for requirement 2.3 Fixed Device Installation and Support, which represents the cost to purchase, install, maintain and support one device. The Est. Unit Total column estimates one percent (1%) of all EVV Solution recipients who could elect for this Fixed Device option. The Est. Unit Total does not include the recipients under Provider Agencies using the Aggregator.
3A	The Bidder shall enter their proposed cost for Spanish language support provided by the Contractor's Help Desk Interactive Voice Response (IVR) system and live agents servicing end users of the EVV Solution.
3B	The Bidder shall enter their proposed cost for Spanish language translations of the Contractor's Outreach and Training Materials, which the Contractor plans and is required to provide to Jurisdictional Entities and Provider Agencies during outreach and training activities.

### 5.3 PROJECT PAYMENT TERMS

#### 5.3.1 PAYMENTS

The payment schedule for EVV Phase II Project implementation and maintenance and operations services are paid in arrears at the rates, and within the payment timeframes, indicated in the Project schedule, as defined in Exhibit 22, Deliverables.

This is a fixed rate contract. As indicated in the Base Contract Payment tab (Worksheet #3), each Cost Category has a Total Contractor Payment amount, which is calculated based on the Bidder's proposed costs. Not including the Mandatory Optional requirements, there are a total of sixteen (16) deliverable-based milestones payments and ten (10) monthly invoice payments, which are spread across six major areas of Project activities:

- Project Management:** The Global Project Management task requirements shall be part of the payments associated with Task Group #1 through Task Group #16, and must be met throughout project implementation, or unless the State determines that the task requirements, or a subset thereof, have been met in full. The awarded Bidder will submit reports monthly (Monthly Status Report, ID: DEL-10), which will document project management work completed and services delivered within a given month. Task Group #1 is a deliverable-based milestone payment for the initial planning and project management activities, applicable task requirements, and Deliverables associated with Task Group #1. Refer to SOW Section 7.3.1, Project Management.
- Technical Configuration:** This is a deliverable-based milestone payment. The awarded Bidder will submit an invoice when all requirements and deliverables associated with Task Group #2 have been met and

accepted by the State. Refer to Task Group #2 in SOW Section 7.3.2, Technical Configuration.

- **PCS Implementation:** PCS Implementation includes six (6) deliverable-based milestone payments and two (2) monthly service fee payments. The awarded Bidder will submit an invoice for each deliverable-based milestone payment (e.g., Task Group #3 for PCS Analysis and Design) once all requirements and deliverables associated with each given Task Group have been met and accepted by the State. Refer to SOW Section 7.3.3, PCS Implementation, for Task Group #3 through Task Group #9. For the two monthly service fee payments, see section 5.3.5 Counting Initial Onboarding of Provider Agencies below.
- **HHCS Implementation:** HHCS Implementation includes six (6) deliverable-based milestone payments and two (2) monthly service fee payments. The awarded Bidder will submit an invoice for each deliverable-based milestone payment (e.g., Task Group #10 for HHCS Analysis and Design) once all requirements and deliverables associated with each given Task Group have been met and accepted by the State. Refer to SOW Section 7.3.4, HHCS Implementation, for Task Group #10 through Task Group #16. For the two (2) monthly service fee payments, see Section 5.3.5, Counting Initial Onboarding of Provider Agencies, below.
- **Maintenance and Operations:** The awarded Bidder will submit monthly invoices indicating service fee costs by cost category, number of recipients and agencies, and total monthly costs, which will have rates based on the Maintenance and Operations tab (Worksheet #5). Refer to SOW Section 7.3.5, Maintenance & Operations, for Task Group #10 through Task Group #19.
- **Close-Out:** This is a deliverable-based milestone payment. The awarded Bidder will submit an invoice when all requirements and deliverables associated with Task Group #11 have been met and accepted by the State. Refer to SOW Section 7.3.6, Close-Out and Transition-Out, for Task Group #20.
- **Mandatory Optional:** This is a deliverable-based milestone payment based upon the State's discretion to exercise the option to include one or more of the MO requirements in the Contract and the Contractor's completion of such work, including work associated with any impacted work products resulting from the completion of an MO requirement, such as deliverables which were previously approved but later require updates due to the MO requirement.

### 5.3.2 INVOICING

Invoices will not be paid until all deliverables have been accepted by the State and associated requirements have been met for the given Task Group.

Refer to SOW Section 7.3, for Task Group descriptions.

Refer to SOW Section 4, regarding submitting deliverables and obtaining State Acceptance.

### **5.3.3 TEN PERCENT (10%) STATE WITHHOLD**

In accordance with Public Contract Code section 12112, the State will withhold, from each Implementation Phase invoiced payment amount identified on the Base Contract Payment (Worksheet #3), an amount equal to ten percent (10%) of the payment per the Acceptance milestone. The withhold from each payment milestone under PCS and HHCS Implementation will be paid to the awarded Bidder as two separate milestone payments after each respective implementation and in accordance with the requirements outlined in this RFP.

For example, the ten percent (10%) withhold during PCS Implementation will be paid to the awarded Bidder after the PCS Acceptance milestone has been accepted by the State, which will occur no less than three (3) months after PCS deployment, require that the EVV Solution is stable, the associated deliverables have been accepted by the State, and the associated requirements have been met.

### **5.3.4 ACCOUNTING FOR HOURS**

The awarded Bidder will submit reports monthly (Monthly Status Report, ID: DEL-10) to account for work completed, services delivered, and total hours worked by staff member.

### **5.3.5 COUNTING INITIAL ONBOARDING OF PROVIDER AGENCIES**

EVV Provider Onboarding will account for the total number of new Provider Agencies onboarded to, and successfully using, the Bidder's EVV Solution and Aggregator within that billing month. The State and the awarded Bidder will agree to the definition of "successful usage" prior to initial onboarding. The definition will be memorialized in the Implementation Plan (ID: DEL-06) and the Operational Readiness Report (ID: DEL-12).

As an example, if ten (10) Provider Agencies onboard to the EVV Solution in April, and only eight (8) successfully transact visit data, the monthly invoice for April will reflect that eight (8) providers onboarded successfully. Furthermore, if during the next month, in May, an additional ten (10) onboard and transact successfully, and the two from April also transact successfully, the monthly invoice for May will show twelve (12) Provider Agencies onboarded successfully.

Across the two (2) months, the invoice will show a total of twenty (20) new Provider Agencies have successfully onboarded (i.e., 8 + 12).

Furthermore, if a Provider Agency is already using PCS functionality in the EVV Solution, that Provider Agency will not be counted as a new Provider Agency under the HHCS onboarding payment. Each Provider Agency will have a unique identification as defined in the EVV Solution requirements.

### **5.3.6 MAINTENANCE AND OPERATIONS**

The M&O payments will reflect both fixed and variable costs. The EVV Solution (Fixed) and Customer Service Jurisdictional Entities (Fixed) will be a flat monthly fee. Whereas the EVV Solution (Variable PMPM), EVV Aggregator (Variable PMPM), and EVV Solution and Aggregator Customer Service Provider Agencies (Variable) will be variable costs based on the number of Recipients and Provider Agencies actively using the EVV Solution within that billing month.

### **5.3.7 CLOSE-OUT AND TRANSITION-OUT**

The Close-Out and Transition-Out payment will represent an allotted number of hours occurring at Contract end and will be paid once all associated deliverables are accepted by the State and requirements are met. Refer to SOW Section 7.3.6, Close-Out and Transition-Out.

## **5.4 COST LIMITATION**

The Total amount of this Contract shall not exceed the amount specified on the Standard Agreement and any amendments thereafter.

## **5.5 SALES TAX (NOT APPLICABLE)**

## **6 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 submitting a proposal.

It is important that all proposals be submitted electronically to the Procurement Official identified in Section 2.2.1, in accordance with Section 6, Proposal/Bid Format and Submission Requirements.

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.

## **6.1 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. Colored displays, 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.

## **6.2 COMPLETION OF PROPOSALS**

Proposals must be complete in all respects as required by this section. A Final Proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The Final Proposal must contain all costs as required in Section 5, Cost, and Section 6, Proposal/Bid Format and Submission Requirements.

## **6.3 DATE, TIME, AND ADDRESS OF SUBMITTALS**

Bidders shall submit their proposals to the Procurement Official identified in Section 2.2.1.

Proposals must be received no later than the date and time specified in Section 2.3, Key Action Dates. A proposal not received by the due date and time specified in Section 2.3, Key Action Dates, shall be rejected.

## **6.4 PACKAGING AND LABELING**

The Bidder should provide all of its Final Proposal documents at the same time, and each volume must have its own folder. Each document in each of the folder must be labeled with:

1. The Bidder's name
2. The solicitation number "RFP 33962"
3. Identification of the submittal, e.g., Final Proposal
4. Volume number and title as appropriate:
  - a. Volume 1 - Response to Section 3, Administrative Requirements, and Section 4, Bid Requirements
  - b. Volume 2 - TECH 213 and SOW

- c. Volume 3 – Cost (Cost Workbook must be locked/protected in its entirety)
- d. Volume 4 - Literature (Optional)

The Volume number and title may be abbreviated. For example:

- “EVV Company – RFP 33962 Final Proposal V1-AdminBidRequirements”
- “EVV Company – RFP 33962 Final Proposal V2 TECH 213 and SOW”

If cost information is not submitted in its own separate cost folder and not locked/protected in its entirety, the proposal may be rejected.

## **6.5 FORMATTING**

It is the Bidder’s responsibility to ensure its Final Proposal is submitted in a manner that enables the State to easily locate all response descriptions and exhibits for each requirement of this solicitation. Page numbers should be located in the same page position throughout the Final 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.

Proposals must be submitted in electronic file format (soft copy) as follows:

1. All copies must be formatted in Century Gothic 12pt. font, on standard 8.5" x 11" paper, except for charts, diagrams, and similar materials, which may be formatted in landscape orientation.
2. Soft copies of the proposals must be in Microsoft Word and Excel as appropriate, or a compatible application, except electronic files of drawings which must be compatible with Microsoft Visio. All versions of MS Office files must be at least version 2013 or later. If not MS Office files, then files must be compatible with at least MS Office 2013 or later.

The Bidder should be sure that no pricing information of any type is shown in its Final Proposal, except in Volume 3, Cost. The inclusion of pricing in any fashion or format in any other place in the Final Proposal may be the basis for immediate rejection of the Bidder’s proposal.

As stated in Section 2.4.4, Confidentiality, the Bidder should be aware that marking the Final Proposal “confidential” or “proprietary” may exclude it from consideration for award.

### **6.5.1 VOLUME 1: RESPONSE TO ADMINISTRATIVE REQUIREMENTS**

1. Table of Contents



This section must contain a Table of Contents. All parts of the proposal, including forms, must be identified by volume and page number. The Table of Contents must identify all figures, charts, graphs, etc.

2. Cover Letter (Refer to Section 3.11)
3. Required solicitation exhibits, in the following order:
  - a. Exhibit 2: Intent to Bid form (same copy that already submitted)
  - b. Exhibit 3: Confidentiality Statement (same copy that already submitted)
  - c. Exhibit 4: Response to Administrative Requirements
  - d. Exhibit 5: Bidder Declaration, GSPD 05-105
  - e. Exhibit 6: Secretary of State Certification
  - f. Exhibit 7: Workers' Compensation Certification
  - g. Exhibit 8: Seller's Permit Certification
  - h. Exhibit 9: Payee Data Record
  - i. Exhibit 10: Iran Contracting Act of 2010
  - j. Exhibit 11: California Civil Rights Laws Certification
  - k. Exhibit 12: Bond and Other Security Documents
  - l. Exhibit 13: DVBE Declarations
  - m. Exhibit 14: Bidding Preferences and Incentives
  - n. Exhibit 15: Commercially Useful Function Certification Form
  - o. Exhibit 24: Responsibility Certification

**RESPONSE TO QUALIFICATION REQUIREMENTS, SOLUTION REQUIREMENTS, AND THE REQUIRED EXHIBITS, IN THE FOLLOWING ORDER:**

- p. Exhibits 19.1 through 19.3: Bidder's Qualification Form and Bidder Past Performance Form(s)
- q. Exhibits 20.1 through 20.2: Key Staff Qualifications Form(s)
- r. Exhibit 21: Functional and Non-Functional Requirements
- s. Exhibit 22: Deliverables
- t. Exhibit 25: Narrative Response Requirements

**6.5.2 VOLUME 2: CONTRACT**

1. Exhibit 1: STANDARD AGREEMENT, TECH 213
2. Exhibit A, SOW (Refer to Section 3.13)

**6.5.3 VOLUME 3: COST**

This volume must be in its designated folder, containing Exhibit 23: Cost Worksheets 1 – 10. This workbook must be locked/protected in its entirety prior to submission, and the Bidder shall have the password available upon the State requests.

#### **6.5.4 VOLUME 4: LITERATURE**

This volume must contain all technical and other reference which supports the response and other requirements in this solicitation. Volume 4 must be organized in the same sequence as requirements in Section 4, Bidder Requirements, of this RFP, labeled accordingly, and must not contain promotional materials. The State evaluation team will not refer to or consider of the literature submission if instructions above are not followed.

### **7 EVALUATION**

This section presents the evaluation process and scoring procedures the State will follow when evaluating proposals submitted in response to this solicitation. The evaluation process is multi-step, comprised of a thorough review of each Bidder's proposal response to determine that it is responsive and responsible, and provides "best value" to the State. The best value proposal is the proposal that meets all requirements set forth in this solicitation and offers the State the best combination of administrative, qualification, solution, and cost value as determined through the evaluation process specified in this section.

Final selection will be based on compliance with all requirements, sixty percent (60%)-scored administrative, qualifications, and solution requirements, and forty percent (40%) cost, among the proposals that are responsive and responsible to the solicitation requirements. Responsiveness is indicated by meeting the Administrative Bid Requirements, and Cost Requirements, and complying with Section 2.4, Rules Governing Competition. Proposals that do not comply with the mandatory components stipulated in this solicitation may be deemed non-responsive and the Bidder disqualified. The State reserves the right to modify or cancel this procurement in its entirety or in part at any time prior to executing the resulting contract agreement.

The Bidder is required to thoroughly review the solicitation to ensure that its proposal is fully compliant with the solicitation requirements and thereby avoid the possibility of being ruled non-responsive or non-responsible.

#### **7.1 EVALUATION TEAM**

This procurement is being conducted under the guidance of a Procurement Official from CDT STP (refer to Section 2.2.1, Procurement Official). The

Procurement Official 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 State managers and staff to review and evaluate proposals. The State Procurement Official will provide guidance to the evaluation team and provide oversight of the evaluation process. 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 other individuals do not have voting privileges or responsibility for the evaluation process and will serve solely in an advisory capacity.

## **7.2 EVALUATION STEPS**

### **7.2.1 EVALUATION OF REQUIRED INFORMATION AND REQUIREMENTS**

Proposals must be complete and meet all format and submission requirements as identified in Section 6 Proposal/Bid Format and Submission Requirements. A Final Proposal may be rejected if it is conditional or incomplete, contradicts the requirements, contains any alterations of form, or contains other irregularities of any kind, including alterations to any terms and conditions.

### **7.2.2 RECEIPT AND PRELIMINARY REVIEW**

All proposals received by the time and date specified in Section 2.3, Key Action Dates, will be acknowledged as having been received on time. Each proposal will be date and time marked as it is received and will be verified that it was all uploaded in its designated folder.

Proposals will remain unopened until the designated time for opening. Bidder's Response, Volume 3 Cost, shall remain unopened and in the possession of the Procurement Official listed in Section 2.2.1, until the evaluations of all Bidder response Volumes 1 and 2 have been completed for all Bidders that submitted a proposal.

The Procurement Official will check all proposals for the proper identification and ensure that required information conforms to the proposal format and submission requirements of Section 6, Proposal/Bid Format and Submission Requirements. Absence of required information may make the proposal non-responsive and may result in Bidder disqualification.

### **7.2.3 MANDATORY REQUIREMENTS EVALUATION**

The State will review each proposal to determine its compliance with all of the requirements set forth in Section 3, Administrative Requirements, and Section 4, Bid Requirements.

The evaluation team will evaluate and score each submitted proposal by consensus for compliance with the requirements designated in Section 3 and Section 4. If a Proposal fails to meet any requirement specified in Section 3 or Section 4, the State may request clarification from the Bidder to better understand the response.

#### **7.2.4 VALIDATION AGAINST REQUIREMENTS**

The State will check each proposal in detail to determine its compliance with the solicitation requirements. The State reserves the right to determine if the Bidder's response to a requirement, as detailed in its description and/or supporting documentation, supports or contradicts the Bidder's claim of intended compliance.

If the State determines an area of the Final Proposal is unclear during the evaluations, the State may request that the Bidder clarify. However, this request for clarification will not be an opportunity for the Bidder to change its proposal.

### **7.3 FINAL PROPOSAL EVALUATION**

#### **7.3.1 SCORING AND POINT DISTRIBUTION**

This section outlines how the State will evaluate a Final Proposal and award points in a manner that preserves the integrity of the competitive procurement process. During Final Proposal evaluation, failure to respond to a mandatory requirement is considered non-responsive.

Proposals will be evaluated according to the procedures contained in this solicitation section.

The maximum points available for this solicitation are 1,100 points. All point calculations will be rounded to two (2) decimal places (the nearest hundredth).

To minimize the risk of unqualified Bidders earning the best value score based on an unreasonably low cost, this solicitation incorporates minimum scoring thresholds to qualify for cost opening. A scoring threshold is a minimum score a Bidder's Final Proposal must achieve to proceed to cost opening. For this solicitation, there are two (2) minimum scoring thresholds within Section 4, Bid Requirements: one for Bidder Past Performance Forms (35 points) and one for narrative response requirements (245 points). See Section 7.4.7, Scoring Threshold Evaluation.

The Bidder’s cost will only be opened if it complies with Section 3, Administrative Requirements, and Section 4, Bid Requirements. The distribution and allocation of maximum points possible for each proposal element is provided in Table 13 – Scoring and Point Distribution, which identifies each evaluation component, the scoring methodology, and the maximum points available for scored components.

**Table 13 – Scoring and Point Distribution**

<b>Evaluation Component</b>	<b>Maximum Points Available</b>	<b>Percentage</b>
<b>Section 3, Administrative Requirements</b>	<b>Pass / Fail</b>	<b>N/A</b>
Section 3, Administrative Requirements	Pass / Fail	N/A
<b>Section 4, Bid Requirements (Qualification and Solution Requirements)</b>	<b>600</b>	<b>60%</b>
Bidder Qualification Forms (Exhibit 19.1-19.2)	Pass / Fail	N/A
Bidder Qualification Forms (Exhibit 19.1-19.2) – Desirables Score	50	5%
Bidder Past Performance Forms (Exhibit 19.3) <i>(*Minimum Bidder Scoring Threshold to proceed to Cost opening is 35 points)</i>	50	5%
Staff Qualification Forms (Exhibit 20.1)	Pass / Fail	N/A
Staff Qualification Forms (Exhibit 20.1) – Desirables Score	50	5%
Functional and Non-Functional (Exhibit 21)	Pass / Fail	N/A
Functional and Non-Functional (Exhibit 21) – Desirables Score	100	10%
Deliverables Table (Exhibit 22)	Pass / Fail	N/A
Narrative Response Requirements (Exhibit 25) <i>(*Minimum Bidder Scoring Threshold to proceed to Cost opening is 245 points)</i>	350	35%
DVBE Participation Requirement	Pass / Fail	N/A
<b>Section 7, Cost</b>	<b>400</b>	<b>40%</b>
Cost Worksheets (Exhibit 23)	400	40%
<b>Total Score</b>		
Maximum Total Score	1,000	100%
<b>Incentives and Preference</b>	<b>100</b>	
DVBE Incentive	50	
Small Business Preference	50	
<b>RANKING</b>		
<b>Maximum Total Score (with Incentives and Preferences)</b>	<b>1,100</b>	

### **7.3.2 ERRORS IN THE FINAL PROPOSAL**

An error in the Final 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.

1. If the Bidder's intent is clearly established based on review of the complete Final Proposal submittal, the State may at its sole option correct an error based on that established intent.
2. The State may, at its sole option, correct obvious clerical errors.
3. The State may, at its sole option, correct discrepancy and arithmetic errors on the basis that, if intent is not clearly established by the complete proposal submittal, the master copy shall have priority over additional copies, the proposal narrative shall have priority over the Contract, and the Contract shall have priority over the cost sheets.

Within each of these, the lowest level of detail will prevail. If necessary, the extensions and summary costs will be recomputed accordingly, even if the lowest level of detail is obviously misstated. The total price of unit-price items will be the product of the unit price and the quantity of the item. If the unit price is ambiguous, unintelligible, uncertain for any cause, or omitted, it shall be the amount obtained by dividing the total price by the quantity of the item.

4. The State may, at its sole option, correct errors of omission. In the following four situations, the State will take the indicated actions if the Bidder's intent is not clearly established by the complete proposal submittal:
  - a. If an item is described in the narrative but omitted from the Contract and cost data provided in the proposal for evaluation purposes, it will be interpreted to mean that the item will be provided by the Bidder at no cost.
  - b. If an item is not mentioned at all in the Final Proposal and is essential to satisfactory performance, the proposal will be interpreted to mean that the item will be provided at no cost.
  - c. If a major item is not mentioned at all in the Final Proposal, the proposal will be interpreted to mean that the Bidder does not intend to supply that item. Major is defined as a mandatory requirement that the Bidder did not submit.

- d. If a major item is omitted, and the omission is not discovered until after Contract award, the Bidder shall be required to supply that item at no cost. The determination of whether an item is minor or major is the responsibility of the State.
5. If a Bidder does not follow the instructions for computing costs not related to the Contract, if any, (e.g., State personnel costs), the State may reject the proposal, or at its sole option, re-compute such costs based on instructions contained in the solicitation.
6. If the re-computations or interpretations, as applied in accordance with this section, result in significant changes in the amount of money to be paid to the Bidder (if awarded the Contract) or in a requirement of the Bidder to supply a major item at no cost, the Bidder will be given the opportunity to promptly establish the grounds legally justifying relief from its proposal.
7. It is absolutely essential that the Bidder carefully review the cost elements in the Final Proposal, since they will not have the option to correct errors after the time for submittal of the Final Proposals.
8. The State may request clarification of items in the Bidder's proposal if the meaning is not clear to the State. Responses to requests for clarification must be confirmed in writing by the Bidder as instructed by the State's Procurement Official at the time of the request.
9. At the State's sole discretion, it may not declare all Final Proposals to be Draft Proposals in the event that the State determines that Final Proposals from all Bidders are non-responsive. The State may request for clarifications from Bidders and at the State's sole discretion, up to three (3) highest scoring Bidders will be determined eligible to participate in the negotiations.

### **7.3.3 REJECTION OF PROPOSALS**

The State's waiver of any defect shall in no way modify the solicitation documents or excuse the Bidder from full compliance with the solicitation specifications if awarded the Contract.

### **7.3.4 ADMINISTRATIVE REQUIREMENTS EVALUATION**

All Section 3, Administrative Requirements labeled with (M) are mandatory, with the exception of those Administrative Requirements in Section 3, 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, that require proposal submittal documents.

Only proposals that pass the evaluation of the mandatory Section 3, Administrative Requirements, and Section 4, Bid Requirements, will proceed to cost opening. If a proposal fails to meet any mandatory requirement specified in Section 3, Administrative Requirements, or Section 4, Bid Requirements, the State may request clarification from the Bidder to better understand the response.

### **7.3.5 QUALIFICATION REQUIREMENTS EVALUATION**

The evaluation team will consider all information in the Bidder's proposal to evaluate the Bidder and Staff Qualifications. Narrative descriptions on the Bidder and Staff Qualification forms must be clear and apply directly to the solicitation requirements. Narrative descriptions may be used to validate other information provided on any form. Any conflicting information may result in the proposal being deemed non-responsive and may result in the Bidder being disqualified.

The State will evaluate Bidder and staff qualifications using the information contained in the completed Exhibits 19.1-19.2: Bidder Qualification Forms, Exhibit 19.3: Bidder Past Performance, and Exhibits 20.1-20.2: Staff Qualification Forms, that the Bidder submits with the Final Proposal. Reference contacts may be contacted to verify Bidder and Staff information and claimed experience.

To aid the State in evaluating Bidder and staff qualifications, the Bidder should use a MM/DD/YYYY format when indicating project start and end dates. If a Bidder submits a proposal in any other date format, the State will count only the whole months or years between the start and end dates. For example, Bidder "A" cites start and end dates for a project as 6/2019 to 12/2019. Since the actual days are not indicated and can therefore not be determined, the Bidder or staff member would only be credited with five (5) months of experience, which assumes the last day in June through the first day in December.

If a project end date is ongoing or exceeds the Final Proposal due date, then the Bidder or staff member will receive credit for only the experience acquired up to the Final Proposal due date. Concurrent project timeframes (overlapping dates) will only count once for calculating the number of years and months of qualification experience for the staff.

If the number of years and months for a project was not indicated on the Bidder or staff qualification form "Experience gained on this cited Project" and the Bidder or staff checked "yes" to meeting the total experience on the project cited, then the Bidder or staff 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 header of the Bidder or staff qualification form, whichever is less.



Bidders that do not return all required completed and signed Bidder and staff qualifications and reference forms with the Final Proposal shall be deemed non-responsive and the Bidder may be disqualified.

### **7.3.6 BIDDER QUALIFICATIONS (PASS/FAIL AND MAXIMUM DESIRABLE SCORE (DS) OF 50 POINTS)**

The evaluation team will evaluate the completed Exhibit 19.1-19.2: Bidder Qualification Form and all Exhibit 19.3 Bidder Past Performance Forms for compliance with the mandatory requirements specified in Section 4.1.1, Bidder Qualifications. The evaluation team will validate claimed experience on the associated Bidder Reference Form for each project Bidder identifies to meet the requirements. If the completed Bidder Qualification and Reference Forms fails to document the Bidder experience sufficiently for the evaluation team to determine if the Bidder meets a requirement, the State may request clarification from the Bidders' Reference.

The Bidder must provide for a minimum of two (2) Exhibit 19.1 forms (and no more than five [5]) to meet the minimum mandatory and, if needed, desirable, Bidder qualification requirements. The Bidder must submit one (1) completed Exhibit 19.1 Bidder Project Form for each of the projects cited which will range between two (2) to five (5) forms depending on how many projects the Bidder uses to meet the mandatory and desirable requirements. The Bidder must submit one (1) completed Exhibit 19.2 Bidder Qualifications Form indicating how the Bidder meets the Bidder qualifications. Bidders who do not return the required qualification forms shall be deemed non-responsive. Refer to Exhibit 19, Bidder Qualifications Form.

The evaluation team will also evaluate the Bidder qualifications and reference forms to ascertain whether the Bidder qualifies for any of the Desirable Scored (DS) experience points, in accordance with the criteria specified in Exhibit 19.

If the State is unable to validate that the information supplied by the Bidder qualifies for DS experience points, no points will be awarded for such experience. Any desirable scored experience points awarded will be added to the Bidder's qualification score. The contacts listed on the Exhibits 19.1 forms may be contacted to verify information provided by the Bidder. The contacts listed should be same individuals listed on Exhibit 19.3, Bidder Past Performance Form.

### **7.3.7 BIDDER PAST PERFORMANCE FORM (MAXIMUM 50 POINTS)**

The State will evaluate the Bidder's past performance using the information provided in each Exhibit 19.3, Bidder Past Performance Forms. The Bidder must submit one (1) Exhibit 19.3 form for each project cited on Exhibit 19.1, Bidder

Project Form. Each Bidder Past Performance Form must be signed by a contact who performed a management or supervisory role on the cited project.

All Past Performance Forms must be returned with the proposal in order to meet the Bidder minimum experience requirements. Bidders who do not return the required reference forms shall be deemed non-responsive.

If the reference contact for the Past Performance Form is not allowed either legally or by the entity/organization policy to sign the form(s), the contact must type in their full name with a brief statement on the form outlining the reason they are not permitted to sign the State's Past Performance Form, but they are permitted to provide reference via telephone and/or email. If needed, the State may contact the contact to validate the past performance form submitted. The State will make two (2) attempts via phone and/or email to validate Bidder experience using the information provided in the Bidder Past Performance Form, as applicable. If the State is not able to verify the Bidder's experience after two (2) attempts, the Bidder must complete the verification within a timeframe directed by the State and carbon copy the Procurement Official throughout the correspondence.

The Bidder will receive points based on its past performance scores. Each Bidder Past Performance Form has eight (8) questions that the Bidder's contact must rate from "0" to "3." If any of the reference questions contain a rating of 0=Unsatisfactory, the proposal shall be deemed non-responsive and the Bidder may be disqualified.

Past Performance Form scores will be calculated by totaling the ratings from each form submitted. Each total rating for all forms submitted will then be summed and divided (averaged) by the number of forms submitted to determine the Bidder's final evaluated total rating score.

The ratio of the total score to the maximum score for a Bidder Past Performance Form is known as the Bidder's Past Performance Rating Factor. To get the Past Performance Rating Factor for each form, divide the Total Score by the Maximum Score. All point calculations will be rounded to two (2) decimal places (the nearest hundredth). This process is shown in Table 14 – Bidder Past Performance Rating Factor Calculation Example.

For this example, a Bidder cited four (4) projects to meet their mandatory and desirable qualifications and therefore was required to submit four (4) past performance forms (i.e., one per project). The Total Score (16, 16, 24, 14) divided by the Max Score (24) is 0.67 for the first two, 1.00 for the third, and 0.5 for the fourth.

The number of past performance forms and values included in this example are for demonstration purposes only and have no other significance.

**Table 14 – Bidder Past Performance Rating Factor Calculation Example**

Past Performance	QR 1	QR 2	QR 3	QR 4	QR 5	QR 6	QR 7	QR 8	Total Score*	Max Score**	Total Score Max Score	Reference Rating Factor
Reference 1	2	2	2	2	2	2	2	2	16	24	16/24	0.67
Reference 2	2	2	2	3	3	2	1	1	16	24	16/24	0.67
Reference 3	3	3	3	3	3	3	3	3	24	24	24/24	1.00
Reference 4	2	2	1	1	1	1	3	3	14	24	14/24	0.50

QR = Question Rating

\* Total Score is the sum of all ratings provided by Bidder's confirmed form contact.

\*\* Max Score is the sum of the maximum score (3) for all questions on the form.

Note: Values in this example explain the calculations and have no other significance.

A Bidder's Average Past Performance Rating Factor is calculated by dividing the total of the Bidder's Past Performance Rating Factors by the number of forms the Bidder submitted. The Bidder's Average Past Performance Rating Factor is then multiplied by the maximum number of points available for Bidder Past Performance Forms (50 points) to determine the points the Bidder will earn for its references. To proceed to cost opening, the Bidder must achieve a minimum score of thirty-five (35) points awarded to meet the required scoring threshold for Bidder references. This process is shown in Table 15 – Bidder Past Performance Scoring Example.

Building on the example above, Bidder A submitted four (4) references for the four (4) projects they cited to meet their bidder qualifications. Bidder A's Average Reference Rating Factor, which is the sum of its Past Performance Rating Factors (i.e.  $0.67+0.67+1.0+0.5$ ), is 2.84. Bidder A's Average Past Performance Rating Factor divided by the four forms submitted is  $2.84/4$  or 0.71. Points awarded to Bidder A is 0.71 multiplied by 50 (the maximum points available), which equals 35.5 points.

Similar calculations are performed to determine points awarded to Bidder B, which cited five (5) projects and submitted five (5) past performance forms, and to Bidder C, which cited four (4) projects and submitted four (4) forms.

Note: The number of references and values included in this example are for demonstration purposes only and have no other significance.

**Table 15 – Bidder Past Performance Scoring Example**

Bidder	RF 1	RF 2	RF 3	RF 4	RF 5	Total of Past Performance Rating Factors	Number of Past Performance Forms	Average Past Performance Rating Factor*	Max Points Available	Total Points Awarded
Bidder A	0.67	0.67	1.00	0.5	-	2.84	4	0.71	50	<b>35.5</b>
Bidder B	0.67	0.67	0.67	0.67	1.00	4.68	5	0.94	50	<b>46.8</b>
Bidder C	1.00	1.00	1.00	1.00	-	4.00	4	1	50	<b>50</b>

RF = Past Performance Rating Factors

\* Average Past Performance Rating Factor = Total of Past Performance Rating Factors divided by Number of References.

Note: Values in this example explain the calculations and have no other significance.

### **7.3.8 KEY STAFF QUALIFICATIONS (PASS/FAIL AND MAXIMUM DS OF 50 POINTS)**

For each Key Staff, the evaluation team will first evaluate the completed Exhibit 20.1 and 20.2 Staff Qualification Forms for compliance with the mandatory requirements specified in Section 4.1.3, Key Staff Mandatory Qualifications, and Exhibit 20. The State will evaluate the Bidder's key staff experience using the information provided in Exhibits 20.1 and 20.2. Key Staff mandatory qualifications are rated as a pass/fail.

If the completed Staff Qualifications fail to document the staff member's experience sufficiently for the evaluation team to determine if the Bidder meets a mandatory requirement, the State may request clarification from the Bidder.

The evaluation team will then evaluate the completed Staff Qualification forms to ascertain whether any proposed staff qualifies for any of the desirable scored (DS) experience points for the specific staff member. If the State is unable to validate that the information supplied qualifies for any (DS) experience points,

no points will be awarded for such experience. Any desirable scored experience points awarded will be added to the staff's qualification score.

Contacts listed on Exhibits 20.2 forms may be contacted to verify key staff information provided by the Bidder.

**7.3.9 KEY STAFF PAST PERFORMANCE (NOT APPLICABLE)**

**7.3.10 BIDDER AND STAFF QUALIFICATIONS AND CONTACT VERIFICATION**

If needed to verify either the Bidder or key staff's qualifications or the Bidder past performance, the State will make two (2) attempts via phone or email to the reference contact identified on the Qualification or Past Performance Form, to validate the claimed information and experience. The Bidder should ensure that the contacts listed on the forms 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 attempt, a second attempt will be made. If the State is not able to verify the Bidder's experience after two (2) attempts, the Bidder must complete the verification within a timeframe directed by the State and carbon copy the Procurement Official throughout the correspondence.

**7.3.11 SOLUTION REQUIREMENTS EVALUATION**

**7.3.11.1 FUNCTIONAL AND NON-FUNCTIONAL REQUIREMENTS  
 (MAXIMUM DS OF 100 POINTS)**

The functional and non-functional requirements identified in Exhibit 21: Functional and Non-Functional Requirements, consist of (M), (MO), and (DS) requirements. The Bidder must provide complete responses to each (M), and (MO) requirements, as described in Section 4.2.1, Functional and Non-Functional Requirements.

**Table 16 – Functional and Non-Functional Requirements Scoring**

<b>Requirement Classification</b>	<b>Classification Definition</b>	<b>Scoring</b>
<b>Mandatory (M) Not Scored</b>	A Mandatory (M) requirement MUST be met by the proposed solution and is ranked on Pass/Fail.	Pass/Fail
<b>Mandatory Optional (MO) Not Scored</b>	A Mandatory Optional (MO) requirement MUST be met by the proposed solution and is ranked on Pass/Fail.	Pass/Fail
<b>Desirable Scored (DS)</b>	A Desirable Scored (DS) requirement MUST be met by the proposed solution to receive points and points are awarded if the requirement is met.	Scored (100 Points Total)

The State will evaluate each functional and non-functional requirement, including any reference materials to which the State is specifically directed for additional information to determine whether the requirements are met.

**7.3.11.2 DELIVERABLE EVALUATION (PASS/FAIL)**

Bidders must respond “Yes” that it agrees to produce each deliverable identified in Exhibit 22, Deliverables. The evaluation team will evaluate Bidder’s responses to every deliverable listed in Exhibit 22 to confirm compliance. If the Bidder responds with a “No” response to any deliverable, the proposal will be deemed non-responsive and the Bidder disqualified.

**7.3.11.3 NARRATIVE RESPONSE(S) REQUIREMENTS**

The Evaluation Team will evaluate and score the Bidder’s narrative response to Exhibit 25.1, Narrative Response Requirements. All narrative requirements are mandatory and scored. Each requirement will be evaluated and scored in accordance with Table 17 – Narrative Response Requirements Scoring Key. To proceed to Cost Opening, the Bidder must score a minimum of two-hundred and forty-five (245) points.

Table 17 below provides the criteria the evaluation team will use when evaluating each Narrative requirement response.

**Table 17 – Narrative Response Requirements Scoring Key**

Narrative Response Evaluation Criteria	Score	% Max Points Awarded
Response meets <b>ALL</b> criteria: <ul style="list-style-type: none"> <li>• Response demonstrates a thorough understanding with no ambiguities.</li> <li>• Response provides such detail that the State is confident that the Bidder fully understands and has the ability to comply with the requirement.</li> <li>• Response demonstrates major strengths and few, if any, minor weaknesses.</li> </ul>	Exceeds Acceptable (“E”)	100%
Response meets <b>ALL</b> criteria: <ul style="list-style-type: none"> <li>• Response demonstrates an acceptable understanding of the requirement, even if some minor ambiguities are present.</li> <li>• Response provides sufficient detail to understand how the Bidder will meet critical aspects of the requirement.</li> <li>• Response strengths outweigh weaknesses.</li> </ul>	Acceptable (“A”)	75%

Narrative Response Evaluation Criteria	Score	% Max Points Awarded
Response meets <b>ANY</b> criteria: <ul style="list-style-type: none"> <li>• Response includes ambiguities or inaccuracies that demonstrate a minimal understanding of the requirement; <b>OR</b></li> <li>• Response contains insufficient detail to understand how the Bidder will meet the requirement; <b>OR</b></li> <li>• Response weaknesses outweigh strengths.</li> </ul>	Insufficient ("I")	25%
Response meets <b>ANY</b> criteria: <ul style="list-style-type: none"> <li>• Bidder did not respond to the requirement; <b>OR</b></li> <li>• Response includes exceptions and/or conditions; <b>OR</b></li> <li>• Response conflicts with a narrative requirement.</li> </ul>	Fail ("F")*	0
*A "Fail" score may result in Bidder's disqualification.		

Note that for a Bidder to receive an "E," their response must meet all the evaluation criteria associated with the "E" score. If a requirement has multiple elements, each element must meet the "E" evaluation criteria to earn this score.

The Bidder's response to some bulleted items may meet the "E" criteria, but still only achieves an "A" score because the requirement response in its entirety does not meet the "E" criteria.

In addition, the Bidder's response to some requirement elements may meet the "E" or "A" criteria, but still only achieves an "I" score because all requirement elements do not meet the "E" or "A" criteria. The "I" means the Bidder provided a response that gives the State little confidence in the Bidder's ability to meet the requirement.

Likewise, the Bidder's response to some requirement elements may meet the "E," "A," or "I" criteria, but still receives an "F" score because any "F" on a requirement element supersedes all other scores on other requirement elements.

### 7.3.12 CALCULATE BIDDER PROPOSAL NON-COST SCORE

The Bidder's non-cost (or requirements) score is the sum of the Bidder's qualification requirements score plus the Bidder's solution requirements score from the Bidder's Final Proposal. For an illustration of this process, see the example provided in Table 22 – Bidder Final Score Calculation below.

### 7.3.13 SCORING THRESHOLD EVALUATION

Before Bidder's sealed Cost Proposal may be opened, the Evaluation Team will evaluate the Bidder's scores for Past Performance Forms and Narrative Response Requirements to determine if Bidder qualifies for Cost opening, as identified in Table 13 – Scoring and Point Distribution. If the Bidder's references

score is at least thirty-five (35) and Bidder's narrative response requirements score is at least two-hundred and forty-five (245), the Bidder's Final Proposal may proceed to Cost opening. If one or more scores do not meet the minimum scoring threshold based on achieving seventy percent (70%) of the maximum points available for each of the respective proposal content sections, the Evaluation team may deem the Bidder's Final Proposal to be non-responsive, and the Bidder will be disqualified, and the Bidder's Cost Proposal will not be opened.

### 7.3.14 COST EVALUATION

After Section 3, Administrative Requirements and Section 4, Bid Requirements have been evaluated, the evaluation team will open Volume 3, Cost, for those Bidders whose proposals have been deemed responsive and responsible. If a Bidder was determined to be non-responsive and/or not responsible during the evaluation of the administrative and bid requirements, Volume 3, Cost, will remain unopened for that Bidder.

NOTE: If a Bidder's Volume 3, Cost, fails to meet the requirement to be submitted under a separate document submission and uploaded to the required folder, the State may immediately deem the Bidder non-responsive and may discontinue evaluation of the proposal.

All cost worksheets will be validated to verify completeness and mathematical accuracy. If appropriate, errors will be corrected in accordance with Section 7.3.2. After costs worksheets have been verified for accuracy, the Bidder with the lowest proposed total cost will receive the maximum score of four hundred (400) 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 points of four hundred (400) as shown in the Bidder cost score formula Table 18 below:

**Table 18 – Bidder Cost Score Formula**

<b>Bidder Cost Score Formula</b>		
$\frac{\text{(Lowest proposed total cost)}}{\text{(Bidder's proposed total cost)}} \times 400 \text{ points}$	=	<b>Bidder cost score</b>

The cost score calculation example in Table 19 – Bidder Cost Score Calculation example illustrates that Bidder C proposed the lowest cost and received the maximum points possible.



**Table 19 – Bidder Cost Score Calculation**

Bidder	Bidder's Proposed Total Cost	Calculation	Bidder Cost Score
A	\$300,000	$\frac{\$300,000}{\$300,000} \times 400$ points	400 points
B	\$500,000	$\frac{\$300,000}{\$500,000} \times 400$ points	240 points
C	\$400,000	$\frac{\$300,000}{\$400,000} \times 400$ points	300 points

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

**7.3.15 SOCIOECONOMIC PROGRAMS**

The Bidder shall meet the DVBE requirement and receive the associated incentive points if the Bidder exceeds the three percent (3%) DVBE mandatory participation. 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 Bidder does not meet the DVBE requirement, the Bidder's proposal will be found non-responsive. 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 22 – Bidder Final Score Calculation, provided that the Bidder's proposal is not otherwise determined to be non-responsive to any mandatory requirements.

**7.3.15.1 DVBE PARTICIPATION REQUIREMENT**

The DVBE Participation Goal Program for State contracts is established in Public Contract Code section 10115 et seq., Military and Veterans Code section 999 et seq., and California Code of Regulations, Title 2, section 1896.60 et seq. The DVBE participation requirement is three (3%) percent that firms must meet or exceed.

The State will verify Disabled Veteran Business Enterprise (DVBE) participation requirement is met and rate the Bidder as either Pass or Fail.

The rules and regulations of the law, including the definition of the DVBE can be found in section 999.5(a) of the Military and Veterans Code.

**7.3.15.2 DVBE INCENTIVE**

In accordance with section 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 20- DVBE Participation Incentive Points.

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 50 total points available and is based on the amount of DVBE participation confirmed. The below table is an illustration of this calculation:

**Table 20 – DVBE Participation Incentive Points**

<b>Confirmed DVBE Participation</b>	<b>DVBE Incentive Percentage</b>	<b>DVBE Incentive Points*</b>
≥ 5%	{5%}	(1,000 x .05)=50 pts
4% - 4.99%	{4%}	(1,000 x .04)= 25 pts
3.1% - 3.99%	{3%}	Met Requirement
<3%	{0%}	Requirement Not Met (Fail)

**7.3.15.3 SMALL BUSINESS PREFERENCE**

The State will verify Small Business/Non-Small Business preference claim and apply the five percent (5%) preference accordingly.

In accordance with Government Code section 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 bidder that is responsible and 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 twenty-five percent (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 bidder that is

responsible and responsive to the proposal requirements. Non-small business Bidders claiming the five percent (5%) small business preference must commit to subcontract at least twenty-five percent (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 Final 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 21, Small Business Preference Points Calculation. Points in this example explain the calculations and have no other significance.

As demonstrated in Table 21 below, the preference points for Bidders A and B are based on five percent (5%) of the Bidder proposal score of Bidder B, the highest scorer, which is (1,000 points) x (.05) = 50 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 21 – 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	780 pts	Yes	No	50 pts
B	1,000 pts	No	Yes	50 pts
C	850 pts	No	No	0.00 pts

NOTE: Calculation is based on 5% of the Bidder with the highest “Bidder proposal score”. In the example Table 22, Bidder B has the highest score.

**7.3.16 BIDDER FINAL SCORE CALCULATION AND RANK DETERMINATION**

The evaluation team will calculate the Bidder's final score. See the example provided in Table 22 – Bidder Final Score Calculation example.

**7.3.17 SELECTING THE PROPOSED AWARDEE**

Award of Contract, if made, will be to the responsible Bidder whose Final Proposal complies with all the requirements of the solicitation and any addenda thereto, except for such immaterial defects as may be waived by the State and

whose proposal achieves the highest number of total points for requirements, references, cost, and any preferences and/or incentives.

The State will determine which Bidders are responsive and responsible. 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 final score and then recommend the Bidder with the highest Bidder final score to be the proposed awardee. Table 22 demonstrates how the final ranking determination is made:

**Table 22 – Bidder Final Score Calculation**

Maximum possible Scores for each Evaluation Area			Bidder Proposals		
Evaluation Component	Maximum Points Available	%	Bidder A	Bidder B	Bidder C
<b>Section 3, Administrative Requirements</b>	Pass/Fail	N/A	Pass	Pass	Pass
Section 3, Administrative Requirements	Pass/Fail	N/A	Pass	Pass	Pass
<b>Section 4, Bid Requirements (Qualification and Solution Requirements)</b>	<b>600</b>	<b>60%</b>	<b>540</b>	<b>600</b>	<b>550</b>
Bidder Qualification Forms (Exhibit 19.1-19.2)	Pass/Fail	N/A	Pass	Pass	Pass
Bidder Qualification Forms (Exhibit 19.1-19.2) – Desirables Score	50	5%	50	50	25
Bidder Past Performance Forms (Exhibit 19.3) <i>(*Minimum Bidder Scoring Threshold to proceed to Cost opening is 35 points)</i>	50	5%	50	50	45
Staff Qualification Forms (Exhibit 20.1)	Pass/Fail	N/A	Pass	Pass	Pass
Staff Qualification Forms (Exhibit 20.1) – Desirables Score	50	5%	50	50	45
Functional and Non-Functional (Exhibit 21)	Pass/Fail	N/A	Pass	Pass	Pass
Functional and Non-Functional (Exhibit 21) – Desirables Score	100	10%	90	100	85
Deliverables Table (Exhibit 22)	Pass/Fail	N/A	Pass	Pass	Pass
Narrative Response Requirements (Exhibit 25) <i>(*Minimum Bidder Scoring Threshold to proceed to Cost opening is 245 points)</i>	350	35%	300	350	350
DVBE Participation Requirement	Pass/Fail	N/A	Pass	Pass	Pass
<b>Section 7, Cost</b>	<b>400</b>	<b>40%</b>	<b>240</b>	<b>400</b>	<b>300</b>
Cost Worksheets (Exhibit 23)	400	40%	240	400	300
<b>Total Score</b>					
<b>Maximum Total Score</b>	<b>1,000</b>	<b>100%</b>	<b>780</b>	<b>1,000</b>	<b>850</b>

Maximum possible Scores for each Evaluation Area			Bidder Proposals		
Evaluation Component	Maximum Points Available	%	Bidder A	Bidder B	Bidder C
<b>Incentives and Preferences</b>	<b>100</b>				
DVBE Incentive	50		50	40	30
Small Business Preference	50		50	50	0
<b>RANKING</b>					
<b>Maximum Total Score (with Incentives &amp; Preferences)</b>	<b>1,100</b>		<b>875</b>	<b>1,085</b>	<b>880</b>
<b>Final Ranking</b>	<b>N/A</b>		<b>3</b>	<b>1</b>	<b>2</b>

**Note:** The Bidder proposal points and percentages in the table above are for example only.

## 7.4 NEGOTIATIONS

The State of California reserves the right to negotiate. Should it be determined that it is in the State's best interest, the State will conduct negotiations under Public Contract Code section 6611. The purpose of the negotiation process is to maximize the State's ability to obtain the best value based on the requirements and the evaluation factors set forth in the solicitation.

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 their proposal. The negotiations are exchanges between the State and the Bidder, which are undertaken with the intent of allowing the Bidder to revise their Final Proposal only in areas determined by the State during the negotiation process. Negotiations will be conducted either orally or in writing. These negotiations may include bargaining, such as persuasion, and alteration of assumptions and positions.

The State may discuss any aspect of the Bidder's proposal that could, in the opinion of the State, be altered or explained to materially 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.

All aspects of the Bidder's proposal are confidential until after the issuance of the notification of award.

### 7.4.1 PROCEEDING TO NEGOTIATIONS

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

The State will invite and proceed into negotiations with compliant Bidders individually. At the conclusion of the negotiations, the Bidders will submit a best and final offer (BAFO), which the State will evaluate based on the same evaluation criteria used during the Bidder proposal evaluations and award to the highest scoring Bidder. See Section 7.4.3 below.

The State, at its sole discretion, may require bidders to make a presentation of their proposal to the evaluation team and other applicable staff. In such event, the State will notify the Bidder if presentations will be done virtually or in-person.

#### **7.4.2 NEGOTIATION INVITATION**

Once compliant Bidders are determined, those Bidders will be notified in writing: (1) that the State is initiating negotiations pursuant to Public Contract Code section 6611(a); (2) the general purpose and scope of the negotiations; (3) the anticipated schedule for the negotiations; and (4) the procedures to be followed for negotiations.

At the discretion of the State, the State may invite Bidder(s) to participate in the negotiation process stated previously in negotiations Section 7.4.1:

Confirmation of Attendance: Bidder(s) who have been invited to participate in negotiations must confirm attendance, in accordance with the invitation instructions, within two (2) State business days of invitation.

#### **7.4.3 BEST AND FINAL OFFER (BAFO) SUBMISSION**

The intent of the BAFO is to clarify and document understandings reached during negotiations. The State will establish a date and time for receipt of the BAFOs based on when the Bidder's BAFO negotiations occur. A Bidder's BAFO is an irrevocable offer for one-hundred and eighty (180) calendar days following the scheduled date for submission of a final accepted BAFO. A Bidder may extend the offer in the event of a delay in Contract award.

BAFOs must be electronically submitted to the Procurement Official identified in Section 2.2.1, by the specific date and time that will be communicated to each Bidder individually in writing.

The BAFO submission must address the following:

1. A supplemental proposal containing all negotiated/revised section(s) of the Bidder's original Final Proposal, any other revised area specifically required by the State to be included in the BAFO, and revisions made necessary in accordance therewith.
2. The supplemental proposal must include all changes made to negotiated section(s) of the Bidder's original Final Proposal in tracked changes. Changes to the Bidder's original Final Proposal that are not tracked in the

supplemental proposal or otherwise identified may result in rejection of the proposal or cause for termination of the Contract.

3. An executive summary must accompany the supplemental proposal, identifying a list of all changes (other than non-substantive changes to formatting, punctuation and grammar) that have been made to the Bidder's original Final Proposal. The Bidder must include and attest to the following statement within the Executive Summary:

"This Best and Final Offer (BAFO) is in response to RFP 33962 and the changes identified in this executive summary represent all changes made to {Bidder's name} Proposal previously submitted to the State. Any substantive change not included in this list is non-operative, non-binding, and will not be considered a part of the {Bidder's name} BAFO."

#### **7.4.4 EVALUATION OF BAFO SUBMISSION**

The State will evaluate the BAFO submissions, based on topics negotiated. The State will document the evaluation process in accordance with the evaluation selection criteria outlined in the negotiation invitation letter.

#### **7.4.5 SELECTION**

Upon completion of evaluation of the BAFOs, final selection will be determined based on the responsive and responsible Bidder submitting the highest scoring (after preferences and incentives) supplemental proposal. The State reserves the right at any time to reject any or all proposals.

#### **7.4.6 DEBRIEFING**

A debriefing may be held within three (3) months after 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 Final Proposal. A debriefing is not the forum to challenge the solicitation specifications or requirements.

### **8 INFORMATIONAL ATTACHMENTS**

The following attachments to this solicitation are informational for use in the solicitation process and do not need to be submitted with the Bidder's proposal response. They can be found in Part 2 – Bidder Response:

1. Attachment 1: Template for Question Submittal. This attachment provides the format for a Bidder to submit questions regarding this solicitation.

2. Attachment 2: Template for Request for Changes Submittal. This attachment provides the format for a Bidder to submit requests for changes to this solicitation.
3. Attachment 3: Proposal Submission Checklist. This attachment references items to be submitted as part of the Final Proposal submission but is not guaranteed to include all necessary items.
4. Attachment 4: Glossary of Terms. This attachment includes definitions, acronyms and abbreviations for terms used in the solicitation and in the SOW.
6. Attachment 5: Bidders' Library.