

Solicitation RFQ 10-02

Controlled Substance Schedules

State of California

Bid RFQ 10-02 Controlled Substance Schedules

Bid Number	RFQ 10-02
Bid Title	Controlled Substance Schedules
Bid Start Date	Jul 6, 2010 2:14:25 PM PDT
Bid End Date	Aug 3, 2010 2:00:00 PM PDT
Question & Answer End Date	Jul 13, 2010 2:00:00 PM PDT
Bid Contact	Diana Mercado 916-227-2711 Diana.Mercado@doj.ca.gov

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Description

This RFQ is to obtain a vendor to provide controlled substance Schedules II-IV electronic data collection services to the Department of Justice, Bureau of Narcotic Enforcement CURES program.

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

**Request for Quotation
for Information Technology
Goods and/or Services**

QUOTE DUE DATE: 08/03/2010		Quotes must be delivered to diana.mercado@doj.ca.gov before 2:00 p.m. (PST) on the due date.	
Supplier name and address:		SOLICITATION NO. RFQ 10-02	REQUISITION OR CONTROL # _____
Contact:		For further information contact:	ARE YOU CLAIMING PREFERENCE AS A SMALL BUSINESS: YES _____ NO _____
Phone: _____ Fax: _____		Ship To:	IF YES, MANUFACTURER? YES _____ NO _____
			ARE YOU A NON-SMALL BUSINESS CLAIMING AT LEAST 25% SMALL BUSINESS SUBCONTRACTOR PREFERENCE? YES _____ NO _____
Name (Print): 4 _____		Return RFQ response to:	SECTION 14838 ET SEQ. OF THE CALIFORNIA GOVERNMENT CODE REQUIRES THAT A 5% PREFERENCE BE GIVEN TO BIDDERS WHO QUALIFY AS A SMALL BUSINESS AS A NON-SMALL BUSINESS CLAIMING AT LEAST 25% CALIFORNIA CERTIFIED SMALL BUSINESS PARTICIPATION FOR REQUIREMENTS SEE TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 1896 ET SEQ. THE REQUIREMENTS FOR NONPROFIT VETERAN SERVICE AGENCIES QUALIFYING AS A SMALL BUSINESS ARE CONTAINED IN SECTION 999.50 ET SEQ. OF THE MILITARY AND VETERANS CODE.
Title: 4 _____		Department of Justice Office of the Chief Information Officer 4949 Broadway, Room J231 Sacramento, CA 95820-1528 Attention: Diana Mercado	
Signature: 4 _____ Date: _____		or	
Federal Employer Identification Number: 4 _____		Diana.mercado@doj.ca.gov	

Bidder offers and agrees if this response is accepted within 45 calendar days following the date the response is due to furnish all the items upon which prices are quoted, at the prices set opposite each item, delivered at the designated point(s) by the method of delivery and within the times specified and subject to the attached General Provisions. DECLARATIONS UNDER PENALTY OF PERJURY; By signing above, with inclusion of the date of signature, the above signed bidder DECLARES UNDER PENALTY OF PERJURY under the laws of the State of California as follows: (1) (STATEMENT OF COMPLIANCE). The above signed as complied with the non-discrimination program requirements of Government Code 12990 and Title 2, California Administrative Code Section 8103, and such declaration is true and correct. (2) The National Labor Relations Board declaration set forth in Paragraph 48 of the General Provisions is true and correct. (3) If a claim is made for the Small Business or Disabled Veterans Business preference, the information set forth within is true and correct.

DESCRIPTION

The purpose of this Request for Quote (RFQ) is to provide controlled substance Schedules II-IV electronic data collection services to the Department of Justice (DOJ), Bureau of Narcotic Enforcement (BNE), CURES Program.

Be advised, your response will become public record once the award becomes final.

The following Attachment is incorporated as part of this RFQ:

- Attachment 1: Requirements, including quote details, cost proposal, and all Exhibits.

The following documents are incorporated by reference and made part of this RFQ:

- Bidders Instructions (GSPD-451), Effective 07/01/10
<http://www.pd.dgs.ca.gov/modellang/ModelSolicitation.htm>.
- General Provisions-Information Technology, Revised and Effective 06/08/10
<http://www.documents.dgs.ca.gov/pd/modellang/GPIT060810.pdf> GSPD-401IT), Effective 06/08/10
- Information Technology Personal Services Special Provisions, Effective 02/08/07
<http://www.documents.dgs.ca.gov/pd/modellang/PersonalServiceSpecial020807.pdf>

ATTACHMENT 1**Requirements**

You are invited to review and respond to this RFQ for services, entitled DOJ RFQ # 10-02. In submitting your quote, you must comply with the instructions found herein. The services required are delineated in the Scope of Work (SOW). Please read the enclosed document carefully.

Quotes must be received no later than the date and time specified on the face of this RFQ and in Section I.F. Key Action Dates.

I. General Information**A. Purpose**

The State of California, DOJ requires the services of a Contractor to provide one hundred percent (100%) of controlled substance Schedules II-IV electronic data collection services to the DOJ, BNE in support of the CURES Program.

The collection of controlled substances data is mandated by Health and Safety Code 11165. The Contractor will be required to perform a variety of compliance validation processes on the data before acceptance, as determined by the BNE, CURES Supervisor and Prescription Drug Monitoring Program (PDMP) Application Support. Due to the nature of the services required, the electronic data collection services require a reliable and effective Contractor that has the ability to capture this data, while working with over 8,146 pharmacies (which includes out-of-state and mail order pharmacies) and their software vendors.

Any hardware costs related to this transaction is the responsibility of the vendor.

B. Availability

The selected Contractor must be able to meet the requirements of this RFQ and be ready to begin work within ten (10) business days of the contract award date specified in Section I.F. Key Action Dates. If personnel offered by the selected Contractor leave the contractor's firm or are otherwise unable to participate in this contract, they must be replaced with comparably qualified personnel who meet the minimum qualifications as stated within this RFQ. All replacement personnel are subject to approval by the State.

C. Background Check

The selected Contractor must submit and pass a DOJ fingerprint security background check.

D. Amendments

The Vendor will allow amendment(s) for this contract to increase time or quantity for an additional cost at the same hourly rate or lower for unanticipated tasks. For evaluation purposes, the State has established an approximate number of hours for unanticipated work. These hours are in no way binding and are not intended to commit the State to actual amounts of work required in the future, nor does it commit or limit the State to a specific number of hours per year. These hours will be used to calculate an estimated cost for unanticipated work that will be included in the evaluation of your response.

E. Period of Performance

The term of this Agreement is 36 months beginning upon contract execution with the option for the State to extend the term for up to two years, one year at a time at the rates specified in Exhibit 1, Cost Sheet. The option to modify the period of performance must be changed by a written Amendment to the Agreement if the State exercises its option.

The Contractor shall not be authorized to deliver or commence performance of services as described in the SOW until written approval has been obtained from all entities. No delivery or performance of services may commence prior to the execution of the Agreement.

F. Key Action Dates

Listed below are the Key Action Dates and times by which the actions must be taken or completed. If the State finds it necessary to change any of these dates, it may be accomplished via an addendum to this RFQ.

Key Action Dates	Date
1. Release of RFQ	July 6, 2010
2. Submission of Written Questions by 2:00 (PST)	July 13, 2010
3. Submission of Quotes	August 3, 2010 by 2:00 PM PST
4. Notice of Intent to Award	August 19, 2010
5. Estimated Contract Award (date PO is issued to Contractor)	October 1, 2010

All dates after the Submission of Quotes (date and time) are approximate and may be changed if needed to allow the State additional time for evaluation and contract execution.

G. Written Questions

All questions regarding the content of this RFQ must be submitted in writing by email to diana.mercado@doj.ca.gov and must be received by the Key Action Date identified above. Questions not submitted in writing by the Key Action Date for Submission of Written Questions shall be answered at the State's option.

When the State has completed its review of the questions, all of the questions and answers will be distributed in writing by email to all bidders or posted on the California State Contracts Register.

H. RFQ Response Guidelines

This RFQ and the Contractor's quote in response to this document will be made a part of the contract. Responses to this RFQ must contain all data/information requested and must conform to the format described in this RFQ. It is the Contractor's responsibility to provide all required data and any other information deemed necessary for the State's evaluation team to determine and verify the Contractor's ability to perform the tasks and activities defined in the Contractor's RFQ response.

Responses may be submitted via email to diana.mercado@doj.ca.gov.

I. RFQ Response Content

The following documents must be submitted in the RFQ response.

- RFQ Cover Page**
Bidder must complete, sign and return the RFQ cover page with their response.
- Cost Sheet – Exhibit 1**
Bidder must complete Exhibit 1, Cost Sheet that identifies total cost per month.
- Payee Data Record, STD. 204 – Exhibit 2**
Bidder's are required to submit a Payee Data Record, STD. Form 204 listing their Taxpayer Identification Number with their RFQ response.

4. Bidder Declaration Form – Exhibit 3

The bidder must complete Exhibit 3 and submit with their RFQ response.

5. Confidentiality Statement – Exhibit 4

The Confidentiality Statement must be signed and dated by the bidder, and submitted with the bidder's RFQ response. Once the contract is issued, the BNE, CURES Supervisor may require the Contractor to submit a Confidential Statement for each of its employees and subcontractor employees working on this project within 10 days of contract award.

6. Customer Experience References Form – Exhibit 5

The bidder must submit a minimum of three (3) references to validate experience providing services for projects with similar scope, size, schedule, resources, and types of goods and/or services as specified in this RFQ.

The bidder shall complete one (1) Customer Experience Reference Form, Exhibit 5 for each reference. The descriptions of these projects must be detailed and comprehensive enough to permit the State to assess the similarity of those projects to the work anticipated in the award of the contract resulting from this procurement.

The State may contact customer references during the week following submission of RFQ responses to validate the information provided by the bidder and to determine the customer's overall satisfaction with the goods and/or services provided. Therefore, it may prove beneficial to the bidder to contact its referenced customers to ensure their contact information provided on the Customer Experience Reference Form is up-to-date and that the reference will be available during the period of time that the State may be validating references.

7. CA Disabled Veteran Business Enterprises (DVBE) Requirement – Exhibit 6

For the purposes of this RFQ, the DVBE participation goal requirement has been waived; however, this solicitation does provide an incentive for DVBE participation. The attached "CA DVBE Program Requirements" packet includes the information about the DVBE incentive.

8. TACPA/EZA/LAMBRA

If you qualify for more than one bidding preference (TACPA, EZA, LAMBRA, Small Business), the maximum preference allowed by law is 15% or \$100,000.

NOTE TO BIDDER: The Bidder's RFQ response need not contain the TACPA, EZA, LAMBRA forms if there is no intention to claim this preference.

If any of these "acts" apply complete the appropriate form and attach it to your RFQ response.

ENTERPRISE ZONE ACT PREFERENCE (EZA)

Government Code Section 7080, et. seq., provides that California based companies may be granted preferences when bidding on state contracts in excess of \$100,000 for goods and services (excluding construction contracts) if the business site is located within designated "Enterprise Zones" (see Std. Form 831). Bidders desiring to claim this preference must submit a fully executed copy of Std. Form 831 with their RFQ response. Bidders proposing to perform the contract in a designated enterprise zone are required to identify such site(s) on the Std. Form 831. Failure to identify a site(s), which qualifies as an enterprise zone, will result in denial of the claimed preferences. Refer to the following website link to obtain the appropriate form:

EZA Standard Form 831

<http://www.documents.dgs.ca.gov/osp/pdf/std831.pdf>

Manufacturer's Summary of Contract Activities and Labor Hours (Form DGS/PD 525)

<http://www.documents.dgs.ca.gov/pd/dispute/mfgsum1001.pdf>

Bidder's Summary of Contract Activities and Labor Hours (Form DGS/PD 526)

<http://www.documents.dgs.ca.gov/pd/edip/bidsum1001.pdf>

A bidder has claimed an EZA preference and is awarded the contract based on such preference(s) will be obligated to perform the contract in accordance with the Act.

TARGET AREA CONTRACT PREFERENCES ACT (TACPA)

(STD. 830S for Services)

Preference will be granted to California-based Contractors in accordance with Government Code Section 4530 whenever contract for goods and services are in excess of \$85,000 and the Contractor meets certain requirements as defined in the California Code (Title 2, Section 1896.30) regarding labor needed to produce the goods or provide the services being procured. Bidders desiring to claim Target Area Contract Preferences Act shall complete Std. Form 830 and submit it with their RFQ response. Refer to the following website link to obtain the appropriate form:

TACPA Standard Form 830

<http://www.documents.dgs.ca.gov/osp/pdf/std830.pdf>

Manufacturer's Summary of Contract Activities and Labor Hours (Form DGS/PD 525)

<http://www.documents.dgs.ca.gov/pd/dispute/mfgsum1001.pdf>

Bidder's Summary of Contract Activities and Labor Hours (Form DGS/PD 526)

<http://www.documents.dgs.ca.gov/pd/edip/bidsum1001.pdf>

LOCAL AGENCY MILITARY BASE RECOVERY AREA PREFERENCE (LAMBRA)

The LAMBRA bidding preference that you qualify for is used for RFQ solicitation purposes only, to a maximum of \$50,000. The preference does not alter the amount of the resulting contract (Government Code, Section 7118 et seq., and California Code of Regulations, Title 2, Section 1896, 100 et seq.). Bidders desiring to claim this preference must submit a fully executed copy of STD. Form 832 with their RFQ response. Refer to the following website link to obtain the appropriate form:

LAMBRA Standard Form 832

<http://www.documents.dgs.ca.gov/osp/pdf/std832.pdf>

Manufacturer's Summary of Contract Activities and Labor Hours (Form DGS/PD 525)

<http://www.documents.dgs.ca.gov/pd/dispute/mfgsum1001.pdf>

Bidder's Summary of Contract Activities and Labor Hours (Form DGS/PD 526)

<http://www.documents.dgs.ca.gov/pd/edip/bidsum1001.pdf>

9. Small Business Regulations

The Small Business regulations, located in the California Code of Regulations (Title 2, Division 2, Chapter 3, Subchapter 8, Section 1896 et. seq.), concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals are revised, effective 09/09/04. The new regulations can be viewed at (www.pd.dgs.ca.gov/smbus). Access the regulations by Clicking on "Small Business Regulations" in the right sidebar. For those without Internet access, a copy of the regulations can be obtained by calling the Office of Small Business and DVBE Services at (916) 375-4940.

10. Non-Small Business Subcontractor Preference

A 5% bid preference is now available to a non-small business claiming 25% California certified small business subcontractor participation. If applicable, claim the preference in the box on the right hand side of the first page of this RFQ solicitation.

11. Small Business Nonprofit Veteran Service Agencies (SB/NVSA)

SB/NVSA prime bidders meeting requirements specified in the Military and Veterans Code Section 999.50 et seq. and obtaining a California certification as a small business are eligible for the 5% small business preference. If applicable, claim the preference in the box on the right hand side of the first page of this RFQ solicitation.

12. Exhibit with Quote Required if Claiming the Small Business Preference

All bidders must complete and include the Bidder Declaration form GSPD-05-105. If claiming the non-small business subcontractor preference, the form must list all of the California certified small businesses with which you commit to subcontract in an amount of at least twenty-five percent (25%) of the net bid price. All certified small businesses must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4).

<http://www.documents.dgs.ca.gov/pd/delegations/GSPD105.pdf>

13. Small Business Certification

Bidders claiming the small business preference must be certified by California as a small business or must commit to subcontract at least 25% of the net bid price with one or more California certified small businesses. Completed certification applications and required support documents must be submitted to the Office of Small Business and DVBE Services (OSDS) no later than 5:00 p.m. on the RFQ due date, and the OSDS must be able to approve the application as submitted

Small business nonprofit veteran service agencies (SB/NVSA) claiming the small business preference must possess certification by California prior to the day and time RFQ responses are due.

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

14. Declaration Forms

All bidders must complete the Bidder Declaration GSPD-05-105 and include it with the RFQ response. When completing the declaration, bidders must identify all subcontractors proposed for participation in the contract. Bidders awarded a contract are contractually obligated to use the subcontractors for the corresponding work identified unless the State agrees to a substitution and it is incorporated by amendment to the contract.

15. Award of Contract

Award of contract, if made, will be in accordance with the RFQ information on Evaluation to a responsible bidder whose RFQ response complies with all the requirements of the RFQ documents and an addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within forty-five (45) days after the scheduled date for Contract Award as specified in the RFQ; however, a bidder may extend the offer beyond 45 days in the event of a delay of contract award.

The State reserves the right to determine the successful bidder(s) either on the basis of individual items or on the basis of all items included in its RFQ, unless otherwise expressly provided in the State's RFQ. Unless the bidder specifies otherwise in its RFQ response, the State may accept any item or group of items of any RFQ response. The State reserves the right to modify or cancel in whole or in part its RFQ.

Written notification of the State's intent to award will be made to all bidders. If a bidder, having submitted an RFQ response, can show that its RFQ response, instead of the RFQ response selected by the State, should be selected for contract award, the bidder will be allowed five (5) working days to submit a protest to the Intent to Award, according to the instructions contained in the paragraph titled "Protests" of this RFQ.

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Protests

Any bidder's issues regarding solicitation requirements must be resolved (or attempts to resolve them must have been made) before a protest may be submitted according to the procedure below. These issues will first be resolved by the contact for the solicitation or if they result in a protest, the protest will be submitted to DGS Procurement Division Deputy Director to hear and resolve issues and whose decision will be final.

If a bidder has submitted an RFQ response which it believes to be totally responsive to the requirements of the RFQ and to be the RFQ response that should have been selected according to the evaluation procedure in the solicitation section on Evaluation and the bidder believes the State has incorrectly selected another bidder for award, the bidder may submit a protest of the selection as described below. Protests regarding selection of the "successful Contractor" will be heard and resolved by the Victim Compensation and Government Claims Board whose decision will be final.

All protests of award must be made in writing, signed by an individual authorized to bind the bidder contractually and financially, and contain a statement of the reason(s) for protest; citing the law, rule, regulation or procedure on which the protest is based. The protester must provide facts and evidence to support the claim. Protests must be mailed or delivered to:

Street and Mailing Address:

Department of General Services
Deputy Director
Procurement Division
707 Third Street, Second Floor South
West Sacramento, CA 95605

Facsimile No.: (916) 375-4611

All protests to the RFQ or protests concerning the evaluation, recommendation, or other aspects of the selection process must be received by the DGS Procurement Division Deputy Director as promptly as possible, but not later than the date indicated in the Notification of Intent to Award. Certified or registered mail must be used unless delivered in person, in which case the protester should obtain a receipt of delivery.

16. At the State's option prior to award, bidders may be required to submit additional written clarifying information. Failure to submit the required written information as specified may be grounds for the RFQ response ejection.

II. Evaluation Information

Evaluation Process – For purposes of this RFQ, best value is defined as lowest cost.

III. Scope of Work

This SOW reflects the services to be provided by the Contractor for the DOJ.

Objective:

Contractor shall provide controlled substance Schedules II - IV electronic data collection services to the DOJ, BNE, CURES Program. Contractor shall electronically collect data from pharmacies and direct dispense prescribers throughout the State of California, as well as mail order pharmacies outside of California. Services shall include providing technical resources with data collection expertise for the purpose of providing data collection services for CURES, which contains information from pharmacy-processed and direct dispense prescriptions for Schedule II - IV Controlled

Substances. In addition, Contractor shall provide an Error Correction Application, which allows pharmacies and prescribers to correct record errors.

This agreement will overlap with the current Contractor's agreement to allow the awarded Contractor time to develop and implement its Prescription Data System, Direct Dispense Application, and Error Correction Application. It will also allow the awarded Contractor time to notify pharmacies and prescribers of any forthcoming reporting changes.

Summary of Services:

The Contractor's services shall include the following:

- A. Develop and maintain a Prescription Data System capable of capturing Schedule II - IV prescriptions filled and dispensed from all pharmacies in the State of California and mail order pharmacies outside of California using American Society for Automation in Pharmacies (ASAP) 2005 format or latest version identified by BNE, CURES Supervisor.
- B. Develop and maintain a Direct Dispense Application capable of capturing Schedule II - IV prescriptions filled and dispensed by prescribers, veterinarians, and pharmacies, if 25 or less prescriptions per month, in the State of California.
- C. Validate data against files provided by PDMP Application Support and regulatory boards (e.g., pharmacy license number, Drug Enforcement Administration (DEA) number, and drug information, such as Red Book or similar product).
- D. Apply data quality assurance techniques to ensure that all data is received and processed timely, efficiently, and accurately as determined by BNE, CURES Supervisor and PDMP Application Support.
- E. Develop and maintain an Error Correction Application, which allows pharmacies and prescribers to correct record errors through an automated process.
- F. Forward validated data on a daily basis to PDMP Application Support.
- G. Provide statistical reports to BNE CURES Supervisor and PDMP Application Support regarding accepted data, rejected data, zero-filled data, registered pharmacies, non-compliant pharmacies, and other reports as deemed appropriate, in a Microsoft Excel format (standardized report formats must receive BNE, CURES Supervisor and PDMP Application Support approval).
- H. Participate in weekly telecommunication with the BNE, CURES Supervisor and PDMP Application Support. Telecommunication may become monthly upon the discretion of the BNE, CURES Supervisor.

Collection and Validation of Data:

Contractor shall electronically capture one hundred percent (100%) of Schedule II - IV controlled substance data submitted by automated pharmacies and prescribers. Contractor may also be required to collect prescription data from prior years. Contractor shall accept data from automated pharmacies and prescribers via diskette, compact disk, magnetic tape, or electronic data transmission. The current volume of data collection averages between four and six million records per month.

Contractor will be required to provide data acceptance notifications to pharmacies and practitioners on any file submitted. Contractor will reject invalid ASAP file received via telecommunications that does not pass the ASAP file validation criteria or is submitted in an invalid file format. Unsuccessful or inaccurate submission of an invalid file format shall be immediately brought to the attention of the submitter, either by telephone, electronic notification, or by return of the media with a written explanation of why the submission did not meet standards. Contractor will forward a monthly report to BNE, CURES Supervisor and PDMP Application Support identifying the pharmacy or prescriber and the reason for return.

Contractor shall develop and implement a one hundred percent (100%) follow-up and error correction procedure which rejects only error records without rejecting the entire file (batch of records) submitted. Contractor shall contact the pharmacies and prescribers submitting rejected records, via telephone and in writing, identifying the reason for rejection. **All standardized error messages must receive BNE, CURES Supervisor and PDMP Application Support approval before dissemination.**

Pharmacies and prescribers are required to correct rejected data within fourteen (14) calendar days. Contractor shall track and monitor all rejected files and error records to ensure the data is correctly resubmitted and provide a weekly report each Thursday to the BNE, CURES Supervisor and PDMP Application Support identifying non-complying pharmacies and prescribers.

If the volume of incorrect data exceeds PDMP Application Support's established thresholds, the Contractor shall notify the pharmacy or prescriber with a written explanation of the problem and a request that the records be corrected via the Error Correction Application within fourteen (14) calendar days.

Contractor shall implement an acceptance process to review, validate, and approve test data submitted by a pharmacy or prescriber via a "test file" before a "production file" is accepted. Contractor must continue to monitor data received to ensure it is submitted in the proper file specification and format and with the appropriate file type (test vs. production). Contractor must follow up via telephone and in writing with pharmacies or prescribers that fail to submit properly. Contractor shall provide BNE, CURES Supervisor and PDMP Application Support with a weekly report each Thursday to identify pharmacies and prescribers that fail to submit properly.

Data received by Contractor shall be validated against data provided by PDMP Application Support and regulatory boards. Contractor shall create software procedures to examine the prescription record, store and retain critical information (pharmacy state license number, pharmacy and prescriber DEA number, and drug information i.e. Red Book). In addition, software procedure shall include validation processes in finding and matching corresponding pharmacy and prescriber information from data sources provided by PDMP Application Support and regulatory boards. If a valid match cannot be made, the Contractor shall mark the record as an error and provide the BNE, CURES Supervisor, and PDMP Application Support a weekly listing each Thursday of non-matching pharmacy and prescriber DEA numbers, pharmacy state license numbers, and National Drug Codes. Contractor shall retain all historical validation data as provided by PDMP Application Support and regulatory boards. This includes retaining DEA history for the life of the contract. Historical validation data shall be archived until the end of the contract, at which time it will be transferred to PDMP Application Support.

Contractor shall validate each file received from a pharmacy or prescriber for compliance with requirements, as determined by PDMP Application Support. Each required data field shall be checked and validated to ensure that submitted data is in correct data format and data types. Data files shall be audited one by one. Contractor shall perform a comparison against a minimum of twelve (12) months of records in order to reduce the possibility of duplicated records being processed. Contractor shall flag duplicate records before forwarding the production file to PDMP Application Support. If all criteria "pass" (within thresholds set by PDMP Application Support), the production file shall be forwarded to PDMP Application Support. Contractor shall identify Direct Dispense and Error Correction data with flags which allow PDMP Application Support to differentiate among Direct Dispense prescriptions versus prescriptions filled or originated from pharmacies. Contractor shall transmit processed data to PDMP Application Support each business day, no later than 4:00 PM (Pacific Standard Time); transmissions shall be made via telecommunication (file transfers).

Once pharmacies and prescribers begin submitting Schedule II - IV controlled substance data, the pharmacies and prescribers are required to continue to either submit prescription data or submit a Zero-Fill Report to the Contractor each week. Contractor shall process all data within twenty-four (24) hours of receipt, except files received between Friday afternoon and Sunday evening, which will be processed the next business day. Contractor shall provide the BNE, CURES Supervisor and PDMP

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Application Support a weekly summarized statistical report each Thursday that shall include, but not be limited to, the following: current database statistics, including size of file(s) by records and megabytes, number of transactions processed per month and year, number of pharmacies reporting, number of prescribers reporting, number of records collected, and a list of non-reporting automated pharmacies and prescribers.

The Contractor will not delete any records or files without first obtaining written authority from BNE, CURES Supervisor. Once files are received by the Contractor they become the property of the DOJ.

Availability:

Contractor's Prescription Data System, Direct Dispense Application, and Error Correction Application shall be available 24x7x365 to receive controlled substance data from pharmacies and prescribers via telecommunications. Contractor's systems shall be equipped with a back-up power supply and disaster recovery to ensure 24x7x365 access and system availability. Telephone line switching shall be used to reduce the possibility of busy signals.

Training:

Contractor will develop a Training Plan that will include procedures for performing and assisting with program changes and notifications. The Training Plan shall include Contractor's strategy for providing classroom and Internet training. Ongoing training and assistance shall be provided one-on-one via Contractor's pharmacy assistance "Help Desk." Contractor shall provide initial and on-going classroom and Internet training to pharmacies and prescribers on all areas associated with data submission and correction. Individual processes and training for submitting data shall be provided directly to the pharmacies' or prescriber's own software vendors.

Contractor will develop and maintain a User Manual both in writing and on-line. Contractor shall distribute the User Manual to all users of the system. The User Manual must be approved by the BNE, CURES Supervisor and PDMP Application Support prior to dissemination.

User Support:

Contractor shall provide a 24x7x365 Help Desk for users to contact in the event that problems with the Prescription Data System, Direct Dispense Application, or Error Correction Application should arise. The contractor shall diagnose the problem, determine the cause of the problem, and assist the user through the resolution. Issues determined to require Contractor action shall be corrected immediately. Problems that are determined to be from the pharmacy or prescriber shall be referred by the Contractor to the pharmacy's or prescriber's software vendor. Any problems that cannot be resolved via the Contractor's Help Desk shall be referred to the Contractor's department manager, who will determine the best resolution. Any technical specifications, compliance issues, and problems that cannot be resolved should be referred to the BNE, CURES Supervisor along with detailed documentation regarding the issue.

DOJ Business Contacts

DOJ representatives have been designated as the main point of contact for business responsibilities pertaining to data collection services for the CURES Program:

BNE, CURES Supervisor
PO Box 161089
Sacramento, CA 95816-1089
Phone: (916) 319-8472
Email: CURES@doj.ca.gov

PDMP Application Support
Name: Kelly Holtz
Phone: (916) 322-9285
Email: Kelly.Holtz@doj.ca.gov

Data Issues:

Contractor agrees to notify the DOJ by telephone and e-mail within twenty-four (24) hours of when a data issue(s) is known. Contractor support staff is expected to respond and resolve data issues that affect the integrity of the CURES data. Contractor shall send formal documentation within three (3) business days after the detection of the data issue detailing the issue and corrective actions taken or expected to be taken and the expected resolution date.

DOJ Data Issue Reporting Contacts:

BNE, CURES Supervisor
PO Box 161089
Sacramento, CA 95816-1089
Phone: (916) 319-8472
Email: CURES@doj.ca.gov

PDMP Application Support
Name: Kelly Holtz
Phone: (916) 322-9285
Email: Kelly.Holtz@doj.ca.gov

Data Back-up and Recovery:

Contractor shall securely keep all data on a server utilizing disk mirroring (all information is written to two disks at once). All prescription data shall be kept on site and backed up daily. Contractor shall update the Prescription Data System on a daily basis. Copies of weekly submissions and all software shall be kept in a secure, off-site location. In the event that recovery is needed, Contractor's personnel shall reload/reinstall any necessary software and/or data via electronic communications within twenty-four (24) hours. Data shall be archived until the end of the contract, at which time it will be transferred to PDMP Application Support. The Contractor shall also implement procedures to back up and archive copies of all original unprocessed source data received from pharmacies and prescribers and all historical validation data and shall provide PDMP Application Support with a copy for security purposes. Contractor shall provide a copy of its Back-up and Recovery Procedures to the BNE, CURES Supervisor and PDMP Application Support.

DOJ is the owner of the Software source code and shall retain ownership at the end of the contract period or if the contract is terminated, whichever comes first. The code shall be held in escrow until a new data collector is obtained. The Escrow Agent shall be selected at the DOJ's discretion and sole cost.

The Contractor agrees to provide all work products to the DOJ including, but not limited to, the programs and documentation, including all ideas, routines, object and source code, specifications, flow charts, and other materials, in whatever form, developed solely for the DOJ under the CURES Data Collection contract. The Contractor agrees that its work products become the sole and exclusive property of the DOJ, giving the DOJ the right to modify the work products as it deems necessary. The Contractor shall treat all work products on a confidential basis and not disclose it to any third party without the BNE, CURES Supervisor's written consent.

The Contractor shall deliver to PDMP Application Support the latest version of the software source code within two (2) months after the Contractor begins collecting Schedule II - IV Controlled Substance data. The Contractor shall deliver updated software source code to PDMP Application Support as updates are made, throughout the term of this agreement, but in any event, no less frequently than every twelve (12) months, so that the software source code in the custody of the DOJ will be the current version reflecting all changes and upgrades and all related documentation in the event this contract terminates.

System Requirements:

The system must be platform independent, portable, and scalable. The system shall be capable of capturing data from modern electronic data transmissions at a minimum of 128Kbps, using the ASAP 2005 (or latest version identified by the BNE, CURES Supervisor) telecommunications protocols, or at speeds up to 1.5 Mbps, using the Contractor's bulletin board, 3.5" PC formatted floppy diskettes, compact disks, or various magnetic tapes.

Security and Audit Criteria:

All work shall be done by personnel with experience in data collection that is highly confidential in nature. Contractor personnel providing data collection services for CURES are required to be fingerprinted and pass a DOJ background check. All services shall be subject to inspection by the DOJ at any and all times during the performance thereof. If through inspection it is determined that the services and/or materials furnished in connection therewith are not in accordance with the Scope of Work, the DOJ may, at its option, have the work performed elsewhere, charging the Contractor with any cost occasioned thereby. In addition, should the contractor continue to fail to meet the Scope of Work, the DOJ may invoke liquidated damages for up to 10% of the monthly support costs.

Contractor shall develop and maintain a physical, personnel, and data security plan that prohibits unauthorized access to the data, which includes the following:

- A. Physical - All computer equipment, paperwork, and data shall be kept in a secure area of Contractor's facility, accessible only by key personnel who have been fingerprinted and passed DOJ background checks. Backups shall be kept in a locked, fireproof container.
- B. Personnel - Contractor's personnel access shall be password protected and limited to those with an absolute need-to-know and shall include the project manager, project coordinator, software maintenance person, and the hardware maintenance person. Contractor personnel with access shall be fingerprinted and must pass a DOJ background check. Complete batch control, file accountability, and audit procedures shall be used to account for every prescription received. DOJ shall have the right to periodically audit to ensure that the Contractor's security systems are in place.
- C. Data - All files and directories shall be password protected on a network operating system. The network passwords shall be unique for each authorized individual so that access can be tracked. A system log shall be maintained defining all user access, by recording the date, time, file, record, and user ID of the individual accessing data.

Contractor shall develop and maintain a security plan that ensures confidentiality of patient data as required by Government, Civil, Evidence, and Business/Professions Codes and that safeguards data under any and all Right to Privacy Laws and any and all applicable laws in accordance with the Public Records Act. The release of patient data will result in disciplinary, civil, and/or criminal actions being taken by the DOJ and/or the appropriate regulatory board.

Contractor will not advertise its organization or its products on any written correspondence or Internet Website associated with the DOJ, BNE, CURES Prescription Data System, Direct Dispense Application, or Error Correction Application.

Security Incident Reporting:

Contractor shall immediately notify the DOJ by telephone and e-mail when a security incident(s) (e.g., unauthorized access to the CURES data) is known. Contractor support staff is expected to respond and resolve systems security issues that would include, but not be limited to, malicious code, policy violations, unauthorized access, intrusion, and misuse of the systems and/or data. Contractor shall send formal documentation within five (5) business days after the detection of the incident(s) detailing the incident and corrective actions taken to date.

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DOJ Security Incident Reporting Contacts:

Network Information Security Unit (NISU)
Phone: (916) 227-5406
Email: NISU@doj.ca.gov

With a CC to the CAL DOJ Information Security Officer:
DOJISO@doj.ca.gov

DOJ Operations Unit, Operations Supervisor
Phone: (916) 227-3000
Hours: 24x7x365

BNE, CURES Supervisor
PO Box 161089
Sacramento, CA 95816-1089
Phone: (916) 319-8472
Email: CURES@doj.ca.gov

PDMP Application Support
Name: Kelly Holtz
Phone: (916) 322-9285
Email: Kelly.Holtz@doj.ca.gov

Change Management and System Failure Reporting:

Contractor agrees to notify DOJ seven (7) days in advance of any technical or system changes that will affect its system and/or access to the data. This includes any scheduled maintenance periods, or emergency maintenance; disconnection or suspension of the Service; modifications to agreed upon configurations; or outages.

Contractor agrees to report system failures to DOJ by e-mail and by telephone within two (2) hours of the system failure. Contractor shall send formal documentation within five (5) business days after the system failure detailing the incident and corrective actions taken to date. Should the Contractor fail to comply with any of the above, then DOJ may invoke liquidated damages for up to 10% of the monthly support costs per incident.

DOJ Change Management and System Failure Reporting Contacts:

BNE, CURES Supervisor
PO Box 161089
Sacramento, CA 95816-1089
Phone: (916) 319-8472
Email: CURES@doj.ca.gov

PDMP Application Support
Name: Kelly Holtz
Phone: (916) 322-9285
Email: Kelly.Holtz@doj.ca.gov

Travel:

All travel costs for this contract will be the sole responsibility of the Contractor.

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Exhibit 1 - Cost Sheet

Note to Bidder: This cost sheet is an example of how the bidder should detail costs for the services detailed in this RFQ.

Year One	Monthly Support Costs
Month 1	
Month 2	
Month 3	
Month 4	
Month 5	
Month 6	
Month 7	
Month 8	
Month 9	
Month 10	
Month 11	
Month 12	
Year One Total	
\$ _____	
Year Two	Monthly Support Costs
Month 1	
Month 2	
Month 3	
Month 4	
Month 5	
Month 6	
Month 7	
Month 8	
Month 9	
Month 10	
Month 11	
Month 12	
Year Two Total	
\$ _____	
Year Three	Monthly Support Costs
Month 1	
Month 2	
Month 3	
Month 4	
Month 5	
Month 6	
Month 7	
Month 8	
Month 9	
Month 10	
Month 11	
Month 12	
Year Three Total	
\$ _____	

A. Total Contract Awarded Amount \$ _____

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Optional Year Four	Monthly Support Costs	
Month 1		
Month 2		
Month 3		
Month 4		
Month 5		
Month 6		
Month 7		
Month 8		
Month 9		
Month 10		
Month 11		
Month 12		
Optional Year Four Total		\$ _____
Optional Year Five	Monthly Support Costs	
Month 1		
Month 2		
Month 3		
Month 4		
Month 5		
Month 6		
Month 7		
Month 8		
Month 9		
Month 10		
Month 11		
Month 12		
Optional Year Five Total		\$ _____

B. Total Amount for Optional Years Four and Five \$ _____

C. Number of Amendment Hours: 500 \$ _____ = \$ _____
(for evaluation purposes)

Total amount to be evaluated including A, B, and C \$ _____
(for evaluation purposes only)

The Vendor will allow amendment(s) for this contract to increase time or quantity for an additional cost at the same hourly rate or lower for unanticipated tasks. For evaluation purposes, the State has established an approximate number of hours for unanticipated work. These hours are in no way binding and are not intended to commit the State to actual amounts of work required in the future, nor does it commit or limit the State to a specific number of hours per year. These hours will be used to calculate an estimated cost for unanticipated work that will be included in the evaluation of your response.

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Exhibit 2 - Payee Data Record, STD. 204

All Bidders must complete the Payee Data Record, STD. 204 and include it with their RFQ response. Refer to the following website link for more details:

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

Exhibit 3 – Bidder Declaration Form GSPD 05-105

All Bidders must complete the Bidder Declaration GSPD-05-105 and include it with their RFQ response.

<http://www.documents.dgs.ca.gov/pd/delegations/GSPD105.pdf>

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Exhibit 4 – Confidentiality Statement**California Department of Justice
Bureau of Narcotic Enforcement**

As an authorized representative and/or corporate officer of the company named below, who has the authority to bind the company, I warrant my company and its employees will not disclose any documents, diagrams, information and information storage media made available to us by the State for responding to RFQ # 10-02 or in conjunction with any Contract arising there from. I warrant that only those employees who are authorized and required to use such materials will have access to them.

I further warrant that all materials provided by the State will be returned promptly after use and that all copies or derivations of the materials will be physically and/or electronically destroyed. I will include with the returned materials, a letter attesting to the complete return of materials, and documenting the destruction of copies and derivations. Failure to so comply will subject this company to liability, both criminal and civil, including all damages to the State and third parties. I authorize the State to inspect and verify the above.

I warrant that if my company is awarded the contract, it will not enter into any agreements or discussions with a third party, excluding the subcontractor(s) participating on the project team, concerning such materials prior to receiving written confirmation from the State that such third party has an agreement with the State similar in nature to this one.

(Signature of Representative)

(Date)

(Typed Name of Representative)

(Typed Name of Company)

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Exhibit 5 – Customer Experience Reference Form

The bidder must provide three (3) client references for services it has performed within the past two (2) years that are similar in size, schedule, scope, resources, and type of goods and/or service as specified in this RFQ. Complete this form for each corporate reference.

Bidder's Name:
Subcontractor that provided the goods and/or services (if other than the bidder):
Company/Organization:
Contact:
Address:
Telephone:
Fax:
E-mail:
Project Name and/or Description:
Bidder or Subcontractor's involvement:
Start Date (mm/dd/yyyy):
End Date (mm/dd/yyyy):
Project Dollar Amount:

**CALIFORNIA DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)
PROGRAM REQUIREMENTS**

(Revision Date 07/29/2009)

Please read the requirements and instructions carefully before you begin.

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

The minimum DVBE participation percentage (goal) is 3% for this solicitation unless another percentage is specified in the solicitation.

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

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

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

PLEASE READ ALL INSTRUCTIONS CAREFULLY. These instructions contain information about the DVBE program requirements, bidder responsibilities, requirements for performing and documenting each of the two available options (Option A or Option B) as detailed below, and the DVBE Bid Incentive. Bidders are responsible for thorough review and compliance with these instructions. Complete and document your option selection and related information on the forms identified herein.

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

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

Option B - Business Utilization Plan - For a bidder using an annual plan (subject to pre-bid submission approval) to satisfy DVBE participation requirements. Applies only to solicitations for goods and information technology.

OPTION A – COMMITMENT -- Commit to meet or exceed the DVBE participation requirement in this solicitation by either Method A1 (bidder is a California certified DVBE) or A2 (bidder is not a California certified DVBE). Bidders must document DVBE participation commitment by completing and submitting the attached Documentation of Disabled Veteran Business Enterprise Program Requirements (STD. 840) and the Bidder Declaration (GSPD-05-105) located elsewhere within the solicitation document. Failure to complete and submit the required forms as instructed shall render the bid non-responsive.

At the State's option prior to award of the contract, a written confirmation from each DVBE subcontractor identified on the Bidder Declaration must be provided. As directed by the State, the written confirmation must be signed by the bidder and/or the DVBE subcontractor(s). The written confirmation may request information that includes but is not limited to the DVBE scope of work, work to be performed by the DVBE, term of intended subcontract with the DVBE, anticipated dates the DVBE will perform required work, rate and conditions of payment, and total amount to be paid to the DVBE. If further verification is necessary, the State will obtain additional information to verify the above requirements.

Method A1. Certified DVBE bidder:

- a. Commit to performing at least 3% of the contract bid amount (unless otherwise specified) with the prime bidder's firm or in combination with another DVBE(s).
- b. Document option intention on the STD. 840 (Section A) and document DVBE participation on the Bidder Declaration GSPD-05-105.
- c. At the State's option a DVBE bidder working in combination with other DVBEs shall submit proof of its commitment by submitting a written confirmation from the DVBE(s) identified as a subcontractor on the Bidder Declaration. When requested, the document must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the written confirmation as specified may be grounds for bid rejection.

Method A2. Non-DVBE bidder:

- a. Commit to using certified DVBE(s) for at least 3% (unless otherwise specified) of the bid amount.
- b. Document option intention on the STD. 840 (Section A) and document DVBE participation on the Bidder Declaration GSPD-05-105.
- c. At the State's option prior to contract award, a bidder is to submit proof of its commitment by submitting a written confirmation from each DVBE identified as a subcontractor on the Bidder Declaration GSPD-05-105. The awarding department contracting official named in the solicitation may contact each listed DVBE, by mail, fax or telephone, for verification of the bidder's submitted DVBE information. When requested, the document must be submitted to the address or facsimile number specified and within the timeframe identified in the notification. Failure to submit the written confirmation as specified may be grounds for bid rejection.

THE FOLLOWING STEPS MAY BE USED TO LOCATE DVBE SUPPLIERS:

Step 1: Awarding Department

Contact the department's contracting official named in this solicitation for any DVBE suppliers, if available, who may have identified themselves as potential subcontractors or to obtain suggestions for search criteria to possibly identify DVBE suppliers for the solicitation.

Step 2: Other State and Federal Agencies, and Local Organizations

- STATE:** Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), Office of Small Business and DVBE Services (OSDS) online certified firm database at www.eprocure.dgs.ca.gov. To begin your search, click on "SB/DVBE Search." You should search by "Keywords" or "United Nations Standard Products and Services Codes (UNSPSC)" that apply to the elements of work you want to subcontract to a DVBE. You should also check for subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may also access the CSCR at: www.eprocure.dgs.ca.gov. For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.
- FEDERAL:** Search the U.S. Small Business Administration's (SBA) Central Contractor Registration (CCR) on-line database at www.ccr.gov/ to identify potential DVBEs and click on the "Dynamic Small Business Search" button. Search options and information are provided on the CCR Dynamic Small Business Search site. First time users should click on the "help" button for detailed instructions.
- LOCAL:** Contact local DVBE organization to identify DVBEs. For a list of local DVBE organizations, please see the Resources & Information page provided herein.

Step 3: Advertisements

CONTENT RECOMENDATIONS: Include all of the following in your advertisement(s): (1) company name; (2) contact name; (3) address; (4) telephone and facsimile numbers (if applicable); (5) e-mail address (if applicable); (6) the State's solicitation number; (7) description of goods and/or services for which subcontractor participation is sought (Note: It must be goods and/or services for which the subcontractor will be performing a commercially useful function); (8) the location(s) of work to be performed; (9) the State's bid due date and/or your due date for receiving DVBE responses.

HOW MANY & WHERE TO PUBLISH: Bidders may publish ads in a trade paper and/or a DVBE focus paper. Please see the Resources & Information page provided herein for a list of trade and focus papers.

WHEN: Advertisements may be published after the solicitation's release date. Please allow sufficient time for DVBEs to respond.

Step 4: Invitations to Participate

WHO: Invite (solicit) DVBEs who can provide relevant goods and/or services to this solicitation to subcontract with you. Conducting Steps 1 through 3 produces a list of DVBEs from which you may choose potential DVBE subcontractors to contact. Bidders are advised to contact as many DVBEs (who provide relevant goods and/or services in the applicable location(s)) as possible. **Only California certified DVBEs should be contacted** -- please refer non-California certified DVBEs to the OSDS to learn about certification (see the Resources & Information page for contact information).

FOR WHAT: Solicit DVBEs for goods and/or services relevant to the State's solicitation. **HOW TO INVITE & CONTENT REQUIREMENTS:** Written invitations may include all of the following: (1) company name; (2) contact name; (3) address; (4) telephone and facsimile (if applicable) numbers; (5) return e-mail address (if applicable); (6) the State's solicitation number; (7) description of goods and/or services for which subcontractor participation is sought (Note: It must be goods and/or services for which the subcontractor will be performing a commercially useful function); (8) the location(s) of work to be performed; (9) the State's bid due date and/or your due date for receiving DVBE responses.

The invitation may also include the anticipated schedule for subcontractor performance and terms/conditions related to payment of the subcontractor.

WHEN: Provide DVBEs with a reasonable time period to receive and respond to your invitation, and to be considered by you for participation as described in Step 5 (below), prior to your bid submission.

Step 5: Consider all responding DVBEs for contract participation

Consideration should be based on business needs for this contract and the same evaluation criteria should be applied to each potential DVBE subcontractor offering the same goods and services. Any firm selected for participation must be documented on the Bidder Declaration GSPD-05-105. Bidders must commit to using the certified DVBEs in the capacity and for the amount identified on the GSPD-05-105.

OPTION B – THE DVBE BUSINESS UTILIZATION PLAN (BUP) option permits bidders to submit an approved DVBE BUP to satisfy DVBE participation solicitation requirements up to 3%. **DVBE BUPs apply only to solicitations for goods and Information Technology (IT) goods and services.** DVBE BUPs are a company's commitment to expend a minimum of 3% of its total statewide contract dollars with DVBEs -- this percentage is based on all of its contracts held in California, not just those with the State. DVBE BUPs must be submitted to and approved by the DGS-PD prior to the bid due date. Please call the DGS-PD, Office of Small Business and DVBE Services for assistance. Bidders choosing this option must properly complete and submit STD. 840 (Section A), the Bidders Declaration (GSPD-05-105), and include a copy of its approval letter with the bid; failure to submit these documents shall render your bid non-responsive.

DVBE BID INCENTIVE. Unless stated elsewhere in the solicitation that the DVBE incentive has been waived, in accordance with Section 999.5(a) of the Military and Veterans Code an incentive will be given to bidders who provide DVBE participation. For evaluation purposes only, the State shall apply an incentive to bids that propose California certified DVBE participation as identified on the Bidder Declaration GSPD-05-105 and confirmed by the State. The incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation. Unless a table that replaces the one below has been expressly established elsewhere within the solicitation, the following percentages will apply for awards based on low price.

Confirmed DVBE Participation of:	DVBE Incentive:
5% or Over	5%
4% to 4.99% inclusive	4%
3% to 3.99% inclusive	3%
2% to 2.99% inclusive	2%
1% to 1.99% inclusive	1%

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

(2) Awards based on highest score - the solicitation shall include an individual requirement that identifies incentive points for DVBE participation.

ATTACHMENT _____
Solicitation Number _____**RESOURCES AND INFORMATION**

For questions regarding bid documentation requirements, **contact the contracting official at the awarding department for this solicitation.** The Department of General Services, Procurement Division (DGS-PD) publishes a list of trade and focus publications to assist bidders in meeting contract requirements. To obtain this list, please go to www.pd.dgs.ca.gov/smbus and select:

- [DVBE Trade Paper Listing](#) (New 02/09) (pdf)
- [DVBE Focus Paper Listing](#) (New 02/09) (pdf)
- [DVBE Local Contacts](#) (New 02/09) (pdf)

U.S. Small Business Administration (SBA):
Use the Central Contractor Registration (CCR) on-line database.
Internet contact only –Database: www.ccr.gov/.

FOR:
Service-Disabled Veteran-owned businesses in California (Remember to verify each DVBE's California certification.)

Local Organizations (see the link provided above).

FOR:
List of potential DVBE subcontractors

DGS-PD EProcurement
Website: www.eprocure.dgs.ca.gov
Phone: (916)375-2000
Email: eprocure@dgs.ca.gov

FOR:

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

DGS-PD Office of Small Business and DVBE Services (OSDS)
707 Third Street, Room 1-400, West Sacramento, CA 95605
Website: www.pd.dgs.ca.gov/smbus
OSDS Receptionist, 8 am-5 pm: (916) 375-4940
PD Receptionist, 8 am-5 pm: (800) 559-5529
Fax: (916) 375-4950
Email: osdchelp@dgs.ca.gov

FOR:

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

ADVERTISEMENT FORMAT EXAMPLE

This example offers a suggested format that includes information outlined in Step 3. You can substitute the applicable information for the bolded, italicized words.

DVBEs are invited to participate as a potential subcontractor to perform a commercially useful function specific to **DGS' IFB No. 12345** for **fencing materials in Chowchilla.**

***DVBE responses due to me 1/1/02;
Bids due to the State 1/15/02.***

Contact: **ABC Company**
Jane Doe, General Manager
123 Main Street, Sacramento, CA 95814
voice: **555/555-5555**; fax: **555/555-5556**
or e-mail: ***jane.doe@abcco.com***

Commercially Useful Function Definition

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

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

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

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

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

STATE OF CALIFORNIA – GENERAL SERVICES PROCUREMENT DIVISION

**DOCUMENTATION OF DISABLED VETERAN BUSINESS ENTERPRISE PROGRAM
REQUIREMENTS**

STD. 840 (REV. 7/2009)

A. Designation Of Option – Check the appropriate box(es) to indicate the option(s) with which you choose to comply, complete the applicable sections and attach the required supporting documentation. You are advised to read all instructions carefully prior to completing this form. Remember that only California certified DVBEs who can provide related goods and/or services may be used to satisfy these program solicitation requirements. DVBEs must perform a commercially useful function. During contract performance, all requests for substituting DVBE subcontractors must be made in accordance with the provisions of California Code of Regulations, Title 2, §1896.64(c).

☐ **OPTION A – I commit to meeting the full DVBE Agreement participation requirement.**

Complete: STD. 840, Section A (check the box on this form) and
Bidder Declaration form GSPD-05-105 (located elsewhere in the solicitation)

☐ **OPTION B – I submit a copy of my firm's "Notice of Approved DVBE Business Utilization Plan."**

Complete: STD. 840, Section A (check the box on this form) and
Bidder Declaration form GSPD-05-105 (located elsewhere in the solicitation)

DVBE Program Requirements Supplier Checklist

This checklist is provided for your use only. Checking every box of your elected compliance option does not guarantee that your bid will be deemed compliant.

OPTION A: COMMITMENT TO DVBE AGREEMENT PARTICIPATION

STD. 840 included with bid

Designated the Commitment Option in Section A – Checked the first box of the form STD. 840

Bidder Declaration form GSPD-05-105 completed and included with bid

Proposed DVBE participation meets the 3% requirement (unless a different percentage is specified)

OPTION B: BUSINESS UTILIZATION PLAN (BUP)

Prior to the bid due date – Submitted a BUP to DGS-PD/OSDS and received approval

STD. 840 included with bid

Designated the BUP Option in Section A – Checked the second box of the form STD. 840

Attached a copy of the BUP Approval letter from DGS-PD/OSDS

Bidder Declaration form GSPD-05-105 completed and included with bid

DISABLED VETERAN BUSINESS ENTERPRISE DECLARATIONS

STD. 843 (Rev. 11/2005)

Instructions: The disabled veteran (DV) owner(s) and DV manager(s) of the Disabled Veteran Business Enterprise (DVBE) must complete this declaration when a DVBE contractor or subcontractor will provide materials, supplies, services or equipment [Military and Veterans Code Section 999.2]. Violations are misdemeanors and punishable by imprisonment or fine and violators are liable for civil penalties. All signatures are made under penalty of perjury.

SECTION 1

Name of certified DVBE: _____ DVBE Ref. Number: _____

PO/Contract Description (materials/supplies/services/equipment): _____

Solicitation/Contract Number: _____ SCPRS Ref. Number: _____
(FOR STATE USE ONLY)

SECTION 2

APPLIES TO ALL DVBEs. Check only one box in Section 2 and provide original signatures.

- ☐ I (we) declare that the DVBE is not a broker or agent, as defined in Military and Veterans Code Section 999.2 (b), of materials, supplies, services or equipment listed above. Also, complete Section 3 below if renting equipment.
- ☐ Pursuant to Military and Veterans Code Section 999.2 (f), I (we) declare that the DVBE is a broker or agent for the principal(s) listed below or on an attached sheet(s). *(Pursuant to Military and Veterans Code 999.2 (e), State funds expended for equipment rented from equipment brokers pursuant to contracts awarded under this section shall not be credited toward the 3-percent DVBE participation goal.)*

All DV owners and managers of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

(Printed Name of DV Owner/Manager) (Signature of DV Owner/ Manager) (Date Signed)

(Printed Name of DV Owner/Manager) (Signature of DV Owner/Manager) (Date Signed)

Firm/Principal for whom the DVBE is acting as a broker or agent: _____
(If more than one firm, list on extra sheets.) (Print or Type Name)

Firm/Principal Phone: _____ Address: _____

SECTION 3

APPLIES TO ALL DVBEs THAT RENT EQUIPMENT AND DECLARE THE DVBE IS NOT A BROKER.

- ☐ Pursuant to Military and Veterans Code Section 999.2 (c), (d) and (g), I am (we are) the DV(s) with at least 51% ownership of the DVBE, or a DV manager(s) of the DVBE. The DVBE maintains certification requirements in accordance with Military and Veterans Code Section 999 et. seq.
- ☐ The undersigned owner(s) own(s) at least 51% of the quantity and value of each piece of equipment that will be rented for use in the contract identified above. I (we), the DV owners of the equipment, have submitted to the administering agency my (our) personal federal tax return(s) at time of certification and annually thereafter as defined in *Military and Veterans Code 999.2, subsections (c) and (g)*. *Failure by the disabled veteran equipment owner(s) to submit their personal federal tax return(s) to the administering agency as defined in Military and Veterans Code 999.2, subsections (c) and (g), will result in the DVBE being deemed an equipment broker.*

Disabled Veteran Owner(s) of the DVBE (attach additional pages with signature blocks for each person to sign):

(Printed Name) (Signature) (Date Signed)

(Address of Owner) (Telephone Number of Owner) (Tax Identification Number of Owner)

Disabled Veteran Manager(s) of the DVBE (attach additional pages with sufficient signature blocks for each person to sign):

(Printed Name of DV Manager) (Signature of DV Manager) (Date Signed)

Page ____ of ____

Question and Answers for Bid #RFQ 10-02 - Controlled Substance Schedules

OVERALL BID QUESTIONS

There are no questions associated with this bid. If you would like to submit a question, please click on the "Create New Question" button below.

Question Deadline: Jul 13, 2010 2:00:00 PM PDT