

Bidder Instructions - SB/DVBE Option – (Non-IT Goods)

Caltrans – Request for Quotes

(Revised 4/2019)

- 1) Award will be conditional on providing the following information. Caltrans does not accept alternate or modified language or forms from a bidder. A quote with such changes will be considered a counter proposal and will be rejected. All quotes shall include the documents identified in the Required Documents Checklist (page 2). Quote submittals not including the required attachments shall be deemed non-responsive. Bidder may provide its quotes on the quote sheet or its own letterhead if quantities, unit of measure, Commodity or Product Code (if applicable), and Description/Specifications/Pallet Requirements are the same as the quote sheet – changes or incorrect information on the bidder's letterhead may be deemed non-responsive. A non-responsive quote is one that does not meet the basic quote requirements.
- 2) Method of Award: This solicitation shall be awarded to the lowest responsive responsible bidder as indicated by the checked box for Quotation Award on the quote sheet. The award of this request shall be determined by Caltrans, Division of Procurement and Contracts. The DVBE Incentive, SB preferences, and Recycle preference will be used for evaluation purposes.

Quote Requirements

- 3) **Delivery:** Final delivery, inspection, and acceptance shall be at the location indicated on the shipping address.
- 4) **Quotes:** Prices noted on the attached quote sheet(s) shall be all inclusive. Only the prices/charges submitted in the quote response shall be accepted and included in the awarded purchase order.
- 5) Contract, Agreement, and/or Purchase Order as referenced herein are used interchangeably and mean the same.
- 6) **Sales tax** is not to be included on the quote sheet. If awarded this bid, the Purchase Order will include applicable sales tax. Sales tax should be added at time of invoicing. The sales tax rate applied should be based on the rate of the area where the product is to be delivered, unless the deliverable is a vehicle, in which case the sales tax rate applied should be based on the rate where the vehicle will be registered with the California Dept. of Motor Vehicles (DMV). Unless otherwise required by law, the State of California is exempt from Federal excise taxes. The State will only pay for any State or local sales or use taxes on the services rendered or goods supplied to the State pursuant to this contract.
- 7) **Quotation Award:** For the purposes of this solicitation, contract award will be made as indicated on the Quote Sheet.

The Purchase Order, if awarded, shall be awarded to the responsible bidder who submits the lowest price quote and meets all of the specifications. A price quote meets the specifications if it complies with all of the requirements in this solicitation. In the event of a tie quote, Caltrans will draw lots to determine the successful contractor. Only one price quote may be submitted by an entity: individual, firm, partnership, corporation, joint venture or combination thereof. Receipt of more than one price quote from an entity will result in all quotes from that entity being rejected and returned to the bidder.

- 8) **Cash Discounts:** Cash discounts will not be considered when evaluating bid responses for award purposes. However, cash discounts may be offered and taken when processing invoices within the timeframe specified.
- 9) **Shipment:** For the purposes of this solicitation, only quotes with FOB Destination freight prepaid will be accepted. Freight cost shall be included in cost of commodity – no additional freight charges added by vendor. State does not own goods during shipment.
- 10) **Bidder's Instructions and General Provisions:** The referenced Bidder's Instructions (GSPD-451) and General Provisions (GSPD-401) have recently been revised. Please read carefully.
- 11) **Quotation attachments:** Bid responses that reference a supplier's own terms and conditions, or provisions will be considered non-responsive and will be rejected.
- 12) **Important Note:** Bids shall be submitted by the bid due date and time. If no time is stated for the quote submission due date and time, the time shall be by close of business on the date it's due.
- 13) Pursuant to Government Code Section 14838.5, Caltrans must receive at least two price quotes from a certified SB, MB or DVBE before it can make a contract award. Therefore, at Caltrans' discretion, if only one price quote is received, the timeframe for receipt of price quotes may be extended up to one month in order to receive the minimum number of quotes required by the Government Code. All prospective bidders will be notified via email, fax, or telephone of any extensions.
- 14) **Responsive Bidder:** A vendor provides a bid response that is compliant with solicitation requirements and indicates performance without material deviation from the terms and conditions of the proposed purchase order.
- 15) **Responsible Bidder:** Caltrans may require bidder(s) to submit evidence of their qualifications at such times and under conditions, as it may deem necessary. The question of whether a particular bidder is a responsible bidder may involve an evaluation of the bidder's experience, type of facility, expertise or financial resources regarding the particular items requested by the pertinent solicitation. If a bidder has been determined to be non-responsive, the quote shall be rejected.
- 16) A price quote may be rejected if it is conditional, incomplete, or if it contains any alterations of form or other irregularities of any kind. Caltrans may reject any price quote on the basis that it is not responsive or from a responsible bidder and may waive any immaterial deviation in a quote. Caltrans' waiver of an immaterial defect shall in no way modify the SB-DVBE Option document or excuse the bidder from full compliance with all requirements if awarded the Purchase Order.
- 17) Costs for developing price quotations and in anticipation of award of the purchase order are entirely the responsibility of the bidder and shall not be charged to the State.
- 18) A bidder may modify a price quote after its submission by first withdrawing the original price quote and then by resubmitting a new price quote prior to the price quote submittal deadline. Bidder modifications offered in any other manner, oral or written, will not be considered.
- 19) **Questions Regarding the Request for Quote:** Bidders requiring clarification of the intent or content of this RFQ or on procedural matters regarding the competitive RFQ process may request clarification by submitting questions in writing prior to the quote due date to the procurement official (Requester) identified in this RFQ (refer to page 1).

20) **Seller's Permit:** If applicable, please note that award will be conditional on providing the following document prior to award. You must provide your company's California retailer's seller's permit or certification of registration and, if applicable, the permit or certification of all participating affiliates, issued by California's State Board of Equalization (BOE), pursuant to all requirements as set forth in Sections 6487, 7101 and sections 6452.1, 6487.3, 18510 of the Revenue and Taxation Code, and Section 10295.1 of the Public Contract Code.

In order to expedite the process of verifying the validity of the permit, provide the BOE seller's permit number (or attach a copy of the permit with your proposal/quote).

21) **New Equipment:** All equipment to be provided in response to a State of California solicitation shall be new and latest model in current production. Used, shopworn, demonstrator, prototype or discontinued models are not acceptable.

22) **Standard Title VI/Nondiscrimination Assurances (Dot Order No. 1050.2A)** "The California Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively insure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

23) **California Civil Rights Laws Certification:** Any person that submits a bid or proposal to, or otherwise proposes to enter into or renew a contract with, a state agency with respect to any contract in the amount of one hundred thousand dollars (\$100,000) or more shall certify, under penalty of perjury, at the time the bid or proposal is submitted or the contract is renewed, that they satisfy all of the conditions set forth in California Public Contract Code section 2010, and they shall execute a [California Civil Rights Laws Certification](#).

24) **State Agency Buy Recycled Campaign (SABRC) Program:** Departments will consider Recycled Content Products (RCP) in conducting its purchasing activities. All departments are required to comply with the RCP requirements of the State Agency Buy Recycled Campaign contained in PCC Sections 12200-12217.

The SABRC reportable categories and requirements are located on the [CalRecycle](#) website.

- Paper Products
- Printing and Writing Papers
- Mulch, Compost, Co-compost
- Glass Products
- Paint
- Antifreeze
- Tires
- Tire-Derived Products
- Lubricating Oils
- Plastic Products
- Metal Products

25) **Recycled Content Products:** State agencies are required to report purchases in many product categories. In order to comply with those requirements, contractors are required to complete and return the attached Recycled Content Certification form with your quote response. Failure to complete and return the form may disqualify your bid from consideration.

26) **Recycle Certification:** Your signature affixed hereon and dated on the Bid/Bidder Certification Sheet shall signify that you are aware of the recycle materials, goods, and supplies program requirements of PCC sections 12200 and 12205, and that the Recycle Content Certification will be required for the successful contractor. The awarded bidder will be required to complete a Recycle Content Certification form,

ADM-2038, and provide the form with the signed Agreement. An incomplete form or failure to provide a completed form will result in cancellation of the Agreement.

27) **Caltrans Service Marks:** 

This is an example of the department's service marks. If requested in this solicitation, this is what will be displayed on the deliverable as detailed in the specifications. The original artwork and vendor's usage rights will be granted only to the awardee for the performance of these services. Vendor will use the Department's service marks only in connection with producing and/or manufacturing the deliverables and for no other purpose.

28) **Subcontracting Requirements:** Bidder shall list any subcontractor used in this procurement.

- A. Any subcontractor that the bidder chooses to use in fulfilling the requirements of this Contract/purchase order, and which is expected to receive more than ten (10) percent of value of the Contract/purchase order, must also meet all contractual, administrative, and technical requirements of the Contract/purchase order, as applicable.
- B. The bidder may subcontract portions of the work as defined in the Request for Quote (SB/DVBE RFQ). If a subcontractor is used, complete the **Bidder Declaration, GSPD-05-105**, as provided in SB/DVBE RFQ, Supplier Required Documents Checklist. Bidder must ensure that the subcontractor(s) will have all necessary licenses, permits, and/or certifications to accomplish its portion of the work. Failure of a subcontractor(s) to have the proper licenses, permits, and/or certifications, shall be cause for rejection of price quote.
- C. Bidder may **only** subcontract portions of the work to a qualified DGS-Certified Small Business (SB)/Microbusiness (MB), or Disabled Veteran Business Enterprise (DVBE), with the same status of the Bidder. No work may be subcontracted to any business not certified as a SB/MB or DVBE by DGS. Bidder must ensure that the Subcontractor(s) is/are DGS certified SB/MB or DVBE and have all necessary licenses, permits, and/or certifications to accomplish its portion of the work.

29) **Employment of Undocumented Workers:** No State agency or department, as defined in Public Contract Code (PCC) section 10335.7, that is subject to this code, shall award a public works contract to a bidder or contractor, nor shall a bidder or contractor be eligible to bid for or receive a public works contract, who has, in the preceding five years, been convicted of violating a state or federal law regarding the employment of undocumented workers (PCC section 6101).

30) **Labor Code/Workers' Compensation:** Bidder needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and bidder affirms to comply with such provisions before commencing the performance of the work of this Contract/Purchase Order (Labor Code Section 3700).

31) **Insurance:** When performing work on property in the care, custody or control of the State, bidder, if awarded the purchase order, shall maintain all commercial general liability insurance, workers' compensation insurance and any other insurance the State deems appropriate under the contract. Contractor shall furnish an insurance certificate evidencing required insurance coverage acceptable to the State. Upon

request by the buyer, the contractor may be required to have the State shown as an "additional insured" on selected policies.

32) Prevailing Wages: State General Prevailing Wage Rates must be paid to all workers employed on a public works contract/project when the public works (construction) total bid amount exceeds \$25,000.00, or public works (alteration, demolition, installation, repair or maintenance) total bid amount exceeds \$15,000.00. Rates will be applicable to the County(ies) identified via the delivery location(s) on the Purchase Order. The predetermined general prevailing wage rates published by the Department of Industrial Relations may be obtained via the [DIR](#) website or by contacting the Contract Analyst listed on the first page of this solicitation. It is the bidder's responsibility to use the correct classification determination published by the Department of Industrial Relations.

33) For more details, refer to the applicable statute and regulations regarding the payment of prevailing wages and general prevailing wage determination(s) including footnotes.

34) Contractor Registration Program

- A. No Contractor or Subcontractor may be listed on a bid proposal for a public works contract unless registered with the Department of Industrial Relations (DIR), pursuant to Labor Code (LC) section 1725.5 [with limited exceptions from this requirement for bid purposes only under LC section 1771.1(a)].
- B. No Contractor or Subcontractor may be awarded a public works contract unless registered with DIR pursuant to LC section 1725.5.
- C. Caltrans will verify each of the registration numbers provided by the bidder prior to contract award. Bidders that do not possess the required DIR registration will be deemed non-responsive and rejected from further consideration in the solicitation process.

35) Mandatory Organic Waste Recycling

The Contractor generating organic waste or commercial solid waste shall arrange for the recycling services required by this section in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of organic waste and commercial solid waste. This requirement does not modify, limit or abrogate the Contractors right to sell or donate its recyclable organic waste materials consistent with the requirements of Public Resources Code §42649.8 et. seq.