



REQUEST FOR PROPOSAL

For the

Statewide

Voter Registration System (VoteCal)

RFP SOS 0890 – 46

October 29, 2010

State of California
Secretary of State
1500 – 11th Street
Sacramento, CA 95814

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Glossary

SECTION I - INTRODUCTION AND OVERVIEW OF REQUIREMENTS

A. PURPOSE OF THIS REQUEST FOR PROPOSAL

The purpose of this Request for Proposal (hereafter called the RFP) is to solicit proposals that will provide the California Office of the Secretary of State (SOS) with a new Statewide Voter Registration System (VoteCal). This is a competitive solution-based procurement that will select a Bidder to develop and implement a single, centralized voter registration database that meets applicable Help America Vote Act (HAVA) of 2002 (42 U.S.C. 15301, et seq.) requirements.

The objective of this RFP is to provide a thorough understanding of the State's current Calvoter system, HAVA requirements, and VoteCal Statewide Voter Registration System and related needs.

The term of this contract is for implementation plus one (1) year warranty concurrent with one (1) year of maintenance and operations. Additionally, SOS may execute five (5) one-year options for hardware maintenance and operations and one (1) five-year option for software application support. The proposed solution implementation activities must be scheduled and managed so as to minimize the conflict with the conduct of elections.

Bidders' proposals will be evaluated across a number of categories, including business and technical experience, proposed Bidder staffing, ability to meet the business, technical and administrative requirements, project management approach, and cost. Responses to this RFP will be evaluated based on the total bid, and award, if made, will be to a single Bidder awarded the highest points as calculated in accordance with the methodology defined in Section IX - Evaluation and Selection.

B. SCOPE OF THE RFP AND BIDDER ADMONISHMENT

This RFP is being conducted under the policies developed by the Office of the Chief Information Officer (OCIO) and procedures developed by the Department of General Services (DGS) as provided under Public Contract Code (PCC) Section 12102 et seq. At any time, the State can invoke PCC 6611, which provides the State flexibility in negotiating issues with the Bidders or Contractor. This RFP contains instructions governing the requirements for a firm quotation to be submitted by interested Bidders. The format in which the proposal information is to be submitted and the material to be included are described in Section VIII - Proposal Format. Bidders may also refer to Exhibit I.B in completing their proposal. This RFP also addresses the qualifications that Bidder's proposed staff must meet to be eligible for consideration, as well as addressing Bidder's responsibilities before and after award.

This procurement will follow a phased approach designed to increase the likelihood that Final Proposals will be received without disqualifying defects. The additional step(s) will (1) ensure that the Bidders clearly understand the State's requirements before attempting to develop their final solutions; (2) ensure that the State clearly understands what each Bidder intends to propose before those proposals are finalized; and (3) give the State and each Bidder the opportunity to discuss weaknesses or potentially unacceptable elements of a Bidder's proposal and give the Bidder the opportunity to modify its proposal to correct such problems. Specific information regarding such steps is found in Section II - Rules Governing Competition, Section VIII - Proposal Format and Section IX - Evaluation and Selection.

IF A BIDDER EXPECTS TO BE AFFORDED THE BENEFITS OF THE STEPS INCLUDED IN THIS RFP, THE BIDDER MUST TAKE THE RESPONSIBILITY TO:

- **CAREFULLY READ THE ENTIRE RFP;**

- IF CLARIFICATION IS NECESSARY, ASK APPROPRIATE QUESTIONS IN A TIMELY MANNER;
- SUBMIT ALL REQUIRED RESPONSES, COMPLETE TO THE BEST OF BIDDER'S ABILITY, BY THE REQUIRED DATES AND TIMES;
- MAKE SURE THAT ALL PROCEDURES AND REQUIREMENTS OF THE RFP ARE ACCURATELY FOLLOWED AND APPROPRIATELY ADDRESSED; AND
- CAREFULLY REREAD THE ENTIRE RFP AND RESPONSE BEFORE SUBMITTING EACH BID.

C. AVAILABILITY

Bidders must be aware that all staff proposed for this solution must be available to commence work on this project within thirty (30) days of contract award, if an award is made.

D. DEPARTMENT OFFICIAL

~~The Procurement Official and the mailing address to send all questions, correspondence, Pre Qualification packages, copies of protests, draft and final proposals and any other proposal related material is:~~

~~Regina Weary
Department of General Services
Procurement Division
707 Third Street, 2nd Floor
West Sacramento, CA 95605
Phone (916) 375-4554 Fax (916) 375-4505
Regina.Weary@dgs.ca.gov~~

~~The Procurement Official and the mailing address to send all questions, correspondence, Pre Qualification packages, copies of protests or any other proposal related material is:~~

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707 Third Street, 2nd Floor
West Sacramento, CA 95605
Phone (916) 375-4554 Fax (916) 375-4505
Regina.Weary@dgs.ca.gov~~

~~The address to send draft and final proposals via hand delivery or standard US mail is:~~

~~Maria Harris
C/O Regina Weary
Office of the Secretary of State – Procurement
1500 11th Street
Sacramento, CA 95814
Phone: (916) 375-4554
Fax: (916) 375-4505
Maria.Harris@sosdgs.ca.gov~~

E. BIDDER'S LIBRARY DEPARTMENT CONTACT

SOS has compiled a set of documents for Bidders to reference while preparing their response to this RFP. The Bidder's Library is available at the Secretary of State website at the following link: [Department Contact person\(s\) for an appointment to view the Bidder's Library for those documents in hardcopy only is:](#)

Addendum 1
November 4, 2010~~October 29, 2010~~

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Field Code Changed

Regina Weary
Department of General Services
707 Third Street, 2nd Floor
West Sacramento, CA 95605
Phone: (916) 375-4554
Regina.Weary@dgs.ca.gov
<http://www.sos.ca.gov/elections/votecal/bidders-library/>

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F. KEY ACTION DATES

Listed below are the dates and times by which actions must be taken or completed. If the State finds it necessary to change any of these dates, it will be accomplished via an addendum to this RFP. **ALL DATES AFTER THE FINAL PROPOSAL SUBMISSION DEADLINE ARE APPROXIMATE AND MAY BE ADJUSTED AS CONDITIONS INDICATE, WITHOUT ADDENDUM TO THIS RFP.**

<u>EVENT</u>	<u>DATE/TIME</u>
1. Release of RFP	10/29/10
2. Last day to submit Bidder's Intention to Submit a Proposal (Exhibit I.A) and signed Confidentiality Statement (Exhibit V.1.)	11/12/10 By 5:00 PM, PST
3. Last day to submit questions for clarification of the RFP requirements	11/12/10 By 5:00 PM, PST
4. Last day to protest RFP requirements and request contract language changes prior to pre-qualification*	12/03/10
5. Bidder pre-qualification packages due	01/06/11 By 5:00 PM, PST
6. Pre-qualification decision announced	01/28/11
7. Confidential Discussions with Individual Bidders. Confidential Discussions to be held at the Secretary of State's Office	02/14/11 – 03/11/11 (Time TBD)
8. Last day to submit (1) requests for contract language changes, (2) questions for clarification, or (3) requests for changes to the RFP requirements	03/11/11 By 5:00 PM, PST
9. Last day to protest the RFP requirements*	03/25/11 By 5:00 PM, PST
10. Submission of Draft Proposals due to DGS	04/29/11 By 5:00 PM, PST
11. Confidential Discussions (and potentially demonstrations) concerning Draft Proposals. Confidential Discussions to be held at the Secretary of State's Office	07/08/11 – 08/05/11 (Time TBD)
12. Submission of Final Proposals due to DGS	09/02/11 By 5:00 PM, PST
13. Cost Proposal Opening ***	10/21/11 (Time TBD)
14. Notification of Intent to Award***	10/25/11
15. Last Day to Protest Selection****	10/28/11
16. Contract Award and Execution***	12/23/11

Additional action dates may be inserted as necessary.

* Or five (5) days following an Addendum that changes the requirements of the RFP.

***Date is subject to change.

* See Section II. E.2 – Alternative Protest Process.

G. INTENTION TO SUBMIT A PROPOSAL

Bidders that want to participate in the RFP steps should submit a Bidder's Intention to Submit a Proposal, Exhibit I.A., in accordance with Section II.D.4 - Bidder's Intention to Submit a Proposal.

H. AMERICANS WITH DISABILITIES COMPLIANCE

PROCUREMENT DIVISION (STATE DEPARTMENT OF GENERAL SERVICES) AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE POLICY OF NONDISCRIMINATION ON THE BASIS OF DISABILITY

To meet and carry out compliance with the nondiscrimination requirements of Title II of the Americans with Disabilities Act (ADA), it is the policy of the Procurement Division (within the State Department of General Services) to make every effort to ensure that its programs, activities, employment opportunities, and services are available to all persons, including persons with disabilities.

For persons with a disability needing reasonable accommodation to participate in the Procurement process, or for persons having questions regarding reasonable accommodation for the Procurement process, please contact the Procurement Division at (916) 375-4400 (main office); the Procurement Division TTY/TDD (telephone device for the deaf) and California Relay Service numbers are listed below. You may also contact directly the Department Official listed in Section 1.D.

IMPORTANT: TO ENSURE THAT WE CAN MEET YOUR ACCOMMODATION, IT IS BEST THAT WE RECEIVE YOUR REQUEST AT LEAST 10 WORKING DAYS BEFORE THE SCHEDULED EVENT (e.g., MEETING, CONFERENCE, WORKSHOP, etc.) OR THE DEADLINE DUE DATE FOR PROCUREMENT DOCUMENTS.

The Procurement Division TTY telephone number is:

Sacramento Office: (916) 376-1891

The California Relay Service Telephone Numbers are:

Voice: 1-800-735-2922

TTY: 1-800-735-2929

EXHIBIT I.A – BIDDER’S INTENTION TO SUBMIT A PROPOSAL

Department of General Services - Procurement
Attn: Regina Weary
707 3rd Street, Second Floor
West Sacramento, CA 95605

Reference: RFP SOS 0890-46

This is to notify you that it is our present intent to do the following regarding the above referenced RFP (Bidder shall specify):

- We intend to submit a proposal, and we have no problem with the RFP requirements.
- We intend to submit a proposal, but we have one or more problems with the RFP requirements for reasons stated in an attachment to this letter.
- We do not intend to submit a proposal for reasons stated in an attachment to this letter, and we have no problem with the RFP requirements.
- We do not intend to submit a proposal because of one or more problems with the RFP requirements for reasons stated in an attachment to this letter.

The following is the contact person for our company:

Name and Title: _____

Address: _____

City, State & Zip: _____

Phone Number: _____ Fax Number: _____

Email Address: _____

Sincerely,

Name (Signature)

Typed Name and Title

Company _____

Phone Number () _____ Fax Number () _____

EXHIBIT I.B - BIDDER'S FINAL PROPOSAL RESPONSE CHECKLIST

- DOES YOUR FINAL PROPOSAL SUBMITTAL DOCUMENTATION FOLLOW THE FORMAT SPECIFIED IN SECTION VIII - PROPOSAL FORMAT?
 - ⇒ COVER LETTER WITH ORIGINAL SIGNATURE INCLUDED?
 - ⇒ LABELED VOLUMES AS IDENTIFIED AND IN THE SPECIFIED NUMBER OF COPIES?
 - ⇒ NO COST DATA PROVIDED IN ANY VOLUMES EXCEPT VOLUME III?
- IS THE CONTRACT IN YOUR FINAL PROPOSAL AND IN ORDER?
 - ⇒ CONTRACT SIGNED BY AN INDIVIDUAL AUTHORIZED TO BIND THE FIRM?
 - ⇒ HAVE THE CALCULATIONS FOR COSTS BEEN CHECKED FOR ACCURACY?
 - ⇒ DO THE COSTS ENTERED ON THE COST SHEETS IN VOLUME III OF THE FINAL PROPOSAL SUBMITTAL CORRESPOND WITH THOSE COSTS IDENTIFIED IN THE CONTRACT EXHIBIT(S)?
- IS THE LETTER OF CREDIT REQUIREMENT SATISFIED?
- IN THE STATE'S "DISABLED VETERAN BUSINESS ENTERPRISE (DVBE) PARTICIPATION REQUIREMENT" (RFP SECTION V.F), IS THE REQUIRED DOCUMENTATION INCLUDED?

BIDDERS: THE STATE MAKES NO WARRANTY THAT THE CHECKLIST IS A FULL COMPREHENSIVE LISTING OF EVERY REQUIREMENT SPECIFIED IN THE RFP. CHECKING OFF THE ITEMS ON THE CHECKLIST DOES NOT ESTABLISH YOUR FIRM'S INTENT NOR DOES IT CONSTITUTE RESPONSIVENESS TO THE REQUIREMENT(S). THE CHECKLIST IS ONLY A TOOL TO ASSIST PARTICIPATING BIDDERS IN COMPILING THEIR FINAL PROPOSAL RESPONSE. BIDDERS ARE ENCOURAGED TO CAREFULLY READ THE ENTIRE RFP. THE NEED TO VERIFY ALL DOCUMENTATION AND RESPONSES PRIOR TO THE SUBMISSION OF FINAL PROPOSALS CANNOT BE OVEREMPHASIZED.

SECTION II – RULES GOVERNING COMPETITION

A. INTRODUCTION

The purpose of competitive bidding is to achieve public objectives in the most value-effective manner while avoiding the possibilities of graft, fraud, collusion, etc. Competitive bidding is designed to benefit the State and is not necessarily designed for the benefit of Bidders.¹ It is administered to accomplish its purposes with sole reference to the public interest. It is based upon full and free bidding to satisfy State specifications, or acceptance by the State of the most value-effective solution to the State's requirements, as determined by the evaluation criteria contained in the Request for Proposal (RFP).

B. IDENTIFICATION AND CLASSIFICATION OF RFP REQUIREMENTS

Section II of this RFP describes the entire procurement process. Specific guidelines for the submission of responses to this RFP are found in Section VIII - Proposal Format.

1. Mandatory Requirements

The State has established certain requirements with respect to Proposals to be submitted by prospective Bidders. The use of "shall," "must," or "will" in this RFP indicates a requirement or condition that is mandatory. Bidders must respond to every requirement. A deviation, if not material, may be waived by the State. A deviation from a requirement is material if the response:

- Is not in substantial accord with the RFP requirements,
- Provides an advantage to one Bidder over other Bidders, or
- Has a potentially significant effect on the delivery, quantity, or quality of items bid,² amount paid to the Bidder, or cost to the State.

Material deviations cannot be waived.

2. Desirable Items

The words "should" or "may" in this RFP indicate desirable attributes or conditions, but are not mandatory.

C. PROPOSAL REQUIREMENTS AND CONDITIONS

1. General

This RFP, the evaluation of responses, and the award of any resulting contract shall be made in conformance with current competitive bidding procedures related to the procurement of information technology goods and services by the State of California. A Bidder's Final Proposal is an irrevocable offer and is valid for 180 calendar days following the scheduled date for the Contract Award as set forth in Section I.F - Key Action Dates. A Bidder may extend the offer in the event of a delay of Contract Award.

¹ For the purposes of the instructions of this RFP, all entities that have identified their intent to be a Bidder to the Department Official are called "Bidder" until such time that the Bidder withdraws or other facts indicate that the Bidder has become nonparticipating.

² The word "bid," as used throughout this document, is intended to mean "proposed," "propose," or "Proposal" as appropriate.

2. Pre-qualifying bidders

The State will pre-qualify up to four (4) of the highest scoring responsive bidders based on select RFP administrative requirement criteria, as described in Section V – Administrative Requirements. All bidders must meet this mandatory requirement to proceed to confidential discussions.

3. RFP Documents

This RFP includes the State's requirements and instructions that prescribe the format and content of Proposals that are submitted in response to the RFP. The State's contract has been identified in Appendix A–State Contract.

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in this RFP, the Bidder shall immediately notify the Department Official identified in Section I.D - Department Official, of such error in writing and request modification of the document.

Modifications will be made by addenda issued pursuant to Section II.C.5.c - Addenda. Such modifications shall be provided to all parties that have identified themselves as Bidders to the Department Official for this RFP, without divulging the source of the request. Insofar as practicable, the State will give such notices to other interested parties.

If this RFP contains an error known to the Bidder, or an error that reasonably should have been known, the Bidder shall propose at its own risk. If the Bidder fails to notify the State of the error prior to the date specified 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.

4. Confidential Discussions for Pre-Qualified Bidders

The SOS shall enter into confidential discussions with pre-qualified bidders to ensure that the pre-qualified bidders understand the SOS's needs and are able to submit a responsive draft and final proposal. These sessions will provide an early opportunity for bidirectional feedback between the SOS and the vendor community. These sessions shall further serve to identify RFP requirement problems and misunderstandings. The Bidders are required to take full advantage of this opportunity to gain vital project insight that will support their project proposal planning efforts. These sessions shall jointly benefit the State and bidders by decreasing the risk of misunderstandings between the SOS and Contractor as development progresses under the resulting contract.

Following the selection of pre-qualified bidders as outlined in Section V – Administrative Requirements, the selected bidders will be required (in separate forums) to participate with State staff in these interactive confidential discussions to review, evaluate, and identify the functional and technical requirements as well as review the deliverable requirements in Attachment 1 – Statement of Work, Exhibit 2. The State shall conduct these collaborative confidential discussions with only those Bidders that met the pre-qualification requirements and procedures in Section V.

During these sessions, the State will facilitate the review of Section VI – Project Manager, Business, and Technical Requirements and Attachment 1 – Statement of Work, Exhibit 2, and will request feedback from bidders to ensure a common and complete understanding of the VoteCal requirements, and State and Contractor responsibilities for the project deliverables in order to maximize the State's ability to obtain the best value solution. THE FEEDBACK RECEIVED FROM BIDDERS DURING THESE SESSIONS MAY RESULT IN REQUIREMENTS CHANGES TO THE RFP. All changes to requirements will be in accordance with Section II.C.5.c - Addenda. Oral statements made by parties during these confidential discussions shall not be binding.

a. Rules and Expectations for Confidential Discussions

All selected pre-qualified bidders will be expected to participate in all sessions and provide feedback to the SOS regarding each requirement's uniqueness, normalization, consistency, boundaries, ambiguity, validity, measurability, testability, and feasibility to ensure the requirement represents a clear, concise well-formed statement of the fundamental business and/or technical need. Bidders MUST NOT attempt to steer the SOS towards a particular implementation approach.

Feedback from bidders shall be provided in a manner that is solution independent. Feedback must be focused on establishing a clear understanding of the VoteCal system requirements in terms of the business needs the system shall support.

The SOS anticipates that confidential discussions will be held in daily half-day/four (4) hour sessions for approximately seven (7) weeks to ensure that all can be adequately reviewed. Bidders must ensure that the confidential discussions are attended by the Bidder's staff proposed in accordance with Section V – Bidder Pre-Qualification. Bidder staff replacement will be permitted in accordance with the "Staffing Changes" provisions of Attachment 1 – Statement of Work. It is the State's expectation that Bidder staff participating in the confidential discussions would continue in the same role during the implementation contract. Each Bidder shall have no more than six (6) personnel in attendance at any one confidential discussion to ensure effective and productive communication.

In addition to the Bidder's proposed staff, the Bidder shall appoint one individual to be the main point of contact for the Bidder's team for the duration of the confidential discussions.

b. Confidential discussions Location and Equipment

All requirement confidential discussions will be conducted at the SOS headquarters in Sacramento, CA between the hours of 8:00AM and 5:00PM PST/PDT on State workdays.

The SOS will facilitate discussions for all confidential discussions and document critical feedback as needed. The SOS will provide bidders the necessary confidential discussion documents related to the session's topic of discussion.

The SOS will attempt to provide power receptacles for bidder staff to use in powering personal computing equipment.

The SOS will NOT be providing Internet access to bidder staff in any form. However, the SOS will make every attempt to schedule confidential discussions in conference rooms that have cellular reception so that bidders may use their own cellular modems for Internet access.

5. Examination of the Work

The Bidder should carefully examine the entire RFP and any addenda thereto, and all related materials and data referenced in this RFP or otherwise available to the Bidder, and should become fully aware of the nature and location of the work, the quantity of the work, and the conditions that affect the performance of the work. Specific conditions to be examined are listed in Section V - Administrative Requirements, Section VI - Project Management, Business, and Technical Requirements, and Attachment 1 Exhibit 2 – Statement of Work.

a. Questions Regarding the RFP

Bidders requiring clarification of the intent or content of this RFP or on procedural matters regarding the competitive proposal process may request clarification by submitting written questions, in an email or envelope clearly marked "Questions Relating to RFP SOS 0890-46" to the Department Official listed in Section I.D - Department Official. To ensure a response prior to submission of the Proposals, questions must be received by the Department Official,

in writing, by the scheduled date(s) in the Key Action Dates paragraph specified in Section I.F - Key Action Dates. If a Bidder submits a question after the scheduled date(s) the State will attempt to answer the question but does not guarantee that the answer will be provided prior to the Proposal due date. Question and answer sets will be provided to all Bidders. The State will publish the questions as they are submitted including any background information provided with the question; however, the State at its sole discretion may paraphrase the question and background content for clarity.

Answers to questions posted directly to the DGS eProcurement website using the Question and Answer website feature will not be posted as individual answers on that website. The answers will be included in a Question and Answer set which will then be posted at the DGS eProcurement website for all bidders to view without identifying the submitters.

Request to Change the Requirements of the RFP

If the Bidder believes that one or more of the RFP requirements is onerous, unfair, or imposes unnecessary constraints on the Bidder in proposing less costly or alternate solutions, the Bidder may request a change to this RFP by submitting, in writing, the recommended change(s) and the facts substantiating this belief and reasons for making the recommended change. Such request must be submitted to the Department Official by the date specified in Section I.F - Key Action Dates, for requesting a change in the requirements.

e.b. Addenda

The State may modify the RFP prior to the date fixed for Contract Award by issuing addenda. Addenda will be available to all Bidders that have identified their intent to be a Bidder to the Department Official. Addenda will be numbered consecutively. If a Bidder believes that an addendum unnecessarily restricts its ability to propose, the Bidder is allowed five (5) working days to submit a protest to the addendum according to the instructions contained in Section II.E.1 – Alternate Protests Process. If an addendum is issued after the date and time specified in Section I.F - Key Action Dates for the Last Day to Protest RFP, only those items that are in the RFP that are changed by the addendum may be protested.

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d.c. Letter of Credit

A Letter of Credit is required for this procurement, as specified in Section V - Administrative Requirements. The State reserves the right to require a Letter of Credit or other security document as specified in the RFP from the bidder in an amount not to exceed the amount of the contract.

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e.d. Follow-on Contracts (PCC 10365.5)

No person, firm, or subsidiary thereof who has been awarded a consulting services contract, or a contract that includes a consulting component, may be awarded a contract for the provision of services, delivery of goods or supplies, or any other related action that is required, suggested, or otherwise deemed appropriate as an end product of the consulting services contract. Therefore, any consultant who contracts with a State agency to develop formal recommendations for the acquisition of IT products or services is precluded from contracting for any work recommended in the formal recommendations (formal recommendations include, among other things, feasibility studies).

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D. BIDDING STEPS

1. General

The procurement process to be used in this acquisition is composed of at least one phase of bid development. The Final Proposal is a mandatory step for all bidders; all other steps are optional

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Addendum 1

for the State to require but mandatory for Bidders if the State requires the Draft Proposal or demonstration. **Cost submitted in any submission other than the Final Bid may preclude the Bidder from continuing in the process.**

2. **Preparation of Proposals**

Exhibit II.A - Competitive Bidding and Bid Responsiveness, located at the end of Section II, emphasizes the requirements for competitive bidding and contains examples of common causes for rejection of Proposals. Bidders are encouraged to review this exhibit. Proposals are to be prepared in such a way as to provide a straightforward, concise delineation of the Bidder's compliance with the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc., are not necessary or desired. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

Before submitting the Proposal, the Bidder should carefully read the Proposal for errors and adherence to the RFP requirements.

3. **Bidders' Conference**

A Bidders' Conference will not be held for this procurement.

4. **Bidder's Intention to Submit a Proposal**

Bidders who want to participate in the RFP process are encouraged to submit a Letter of Intent to Bid on this procurement in order to receive bid process notifications from the State. The Bidder's Intention to Submit a Proposal should identify the Bidder's contact person for the solicitation process and the contact person's phone number, fax number, and e-mail address. The State will notify one contact person per Bidder. It shall be the Bidder's responsibility to immediately notify the Department Official listed in Section I.D, in writing, regarding any revisions to the contact information. The State offers no assurances that correspondence regarding the Proposal will be given to a Bidder who fails to notify the State, in writing, of any revisions.

To ensure they remain on the State of California's official list of participating Bidders, Bidders should return the Bidder's Intention to Submit a Proposal (Exhibit I.A) to the Department Official listed in Section I.D - Department Official. If the Letter is not submitted by the date specified in Section I.F - Key Action Dates or the Bidder does not participate in a bid step, the State may drop the Bidder from the participating Bidder list. The Bidder should attach to the Bidder's Intention to Submit a Proposal (Exhibit I.A) and a completed Confidentiality Statement (Exhibit V.1.).

5. **Draft Proposals**

The State will require draft proposals. A cover letter (which shall be considered an integral part of the submission) shall be submitted as part of the Draft Proposal by an individual(s) who is authorized to bind the bidding firm contractually. The signature block must indicate the title(s) or position(s) that the individual(s) holds in the firm. The cover letter submitted with the Draft Proposal need not contain the signature(s).

The State will require and review each Draft Proposal received in the Key Action Dates specified in Section I.F. A Draft Proposal may not be fully reviewed if the State determines that it is so defective that issues cannot be corrected prior to the Final Proposal due date, or if the Bidder has placed conditions in the Draft Proposal that are unacceptable to the State. Bidders submitting Draft Proposals that are reviewed will be notified of areas that may not be fully compliant with the requirements of the RFP. Draft Proposals received late may be reviewed if the Department Official believes there is enough time and resources to do so.

The process of notifying the Bidder of defects in the Draft Proposal is intended to minimize the risk that the Final Proposal will be deemed non-compliant with the RFP; however, **the State will not provide any assurance that all defects have been detected and that such notification will not preclude rejection of the Final Proposal if such defects are later found.**

6. **Draft Proposal Confidential Discussions**

Draft proposals will be the basis for second round of confidential discussions. The State will conduct Confidential Discussions with Bidders submitting Draft Proposals. The State may discuss areas of the Bidder's Draft Proposal or demonstration that may not be fully compliant with the requirements of the RFP. As stated above, addenda to the RFP may result from the Confidential Discussions.

Oral statements made by any party during Confidential Discussions shall not be binding.

7. **Final Proposals**

a. Submission of Final Proposal

Proposals must be complete in all respects as required by Section VIII - Proposal Format. 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. A Final Proposal shall be rejected if any such defect or irregularity constitutes a material deviation from the RFP requirements.

The Final Proposal must contain all costs required by Section VII - Cost Tables and Section VIII - Proposal Format. Cost data, including any electronic copies (as identified in Section VIII - Proposal Format) must be submitted under separate, sealed cover. If the cost data are not submitted under separate sealed cover, the Proposal may be rejected.

Section II.D.7 - Final Proposals describes specific guidelines applicable to the submission of the Final Proposal to the RFP. If the Final Proposals are declared to be Draft Proposals as described in Section II.D.7.i - Flawed Final Proposals, then all guidelines described in these sections are also applicable to subsequent Final Proposals.

b. Bidder's Costs

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

c. Proposal Responsiveness

Exhibit II-A - Competitive Bidding and Bid Responsiveness emphasizes the requirements of competitive bidding and contains examples of common causes for rejection of Proposals. Bidders are encouraged to review this exhibit.

d. False or Misleading Statements

Proposals that contain false or misleading statements or that provide references that do not support an attribute or condition claimed by the Bidder may be rejected. If, in the sole 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 RFP, it will be the basis for rejection of the Proposal.

e. Proposal Signature

A cover letter (which shall be considered an integral part of the Final Proposal) and Standard Agreement Std. 213 shall 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 shall be rejected.**

f. Delivery of Proposals

The Final Proposal must be submitted no later than the date and time specified in the Key Action Dates in Section I.F. If mailed or delivered, Proposals must be received by the Department of General Services on, or before, the specified date and time. Proposals must be mailed or delivered to the Department of General Services Department Official listed in Section I.D. - Department Official. If mailed, it is suggested that the Bidder use certified or registered mail with "return receipt requested" as delivery of Proposals is done at the Bidder's own risk of untimely delivery, lost mail, etc. E-mailed or faxed proposals are not acceptable.

Proposals must be received in the number of copies stated in Section VIII - Proposal Format. One (1) copy must be clearly marked "Master Copy." All copies of Proposals must be under sealed cover, which is to be plainly marked "FINAL PROPOSAL for RFP SOS 0890-46." **Final Proposals not received by the date and time in the Key Action Dates specified in Section I.F shall be rejected.**

As required in Section VIII - Proposal Format, all cost data must be submitted under separate, sealed cover and clearly marked COST DATA for RFP SOS 0890-46. If cost data is not submitted separately and sealed, the Proposal may be rejected. Proposals that are submitted under improperly marked covers may be rejected. If discrepancies are found between two or more copies of the Proposal, the Proposal may be rejected. However, if not rejected, the Master Copy will be the basis for resolving discrepancies.

g. Withdrawal and Resubmission/Modification of Proposals

A Bidder may withdraw its Final Proposal at any time prior to the Proposal submission date and time specified in Section I.F - Key Action Dates by submitting a written notification of withdrawal signed by the Bidder authorized in accordance with Section II.D.7.e - Proposal Signature. The Bidder may, thereafter, submit a new or modified Proposal prior to the Proposal submission date and time specified in the Key Action Dates in Section I.F. Modification to the Proposal that are offered in any other manner, oral or written will not be considered. **Final Proposals cannot be changed or withdrawn after the date and time designated for receipt, except as provided in Section II.D.8.c - Errors in the Final Proposal.**

f.e. Flawed Final Proposals

The State's sole discretion it may declare all Final Proposals to be Draft Proposals in the event that the State Evaluation Team determines that Final Proposals from all Bidders contain material deviations. Bidder may not protest the State Evaluation Team's determination that all Proposals have material deviations. If all Proposals are declared noncompliant, and the State decides to continue with the procurement, the State will issue an addendum to the RFP and confidential discussions will be held with Bidders who are interested in submitting a Final Proposal. Each Bidder will be notified of the due date for the submission of a new Final Proposal to the State. This submission must conform to the requirements of the original RFP, and as amended by any subsequent addenda. The new Final Proposals will be evaluated as required by Section IX – Evaluation and Selection.

g.f. Confidentiality

Final Proposals are public upon opening; however, the contents of all Final Proposals, including correspondence, agenda, memoranda, or any other medium that discloses any aspect of a Bidder's Final Proposal shall be held in the strictest confidence by the State until the Notice of Intent to Award has been issued.

Bidders should be aware that marking any portion of a Draft or Final Proposal as "confidential," "proprietary," or "trade secret" may exclude it from evaluation or consideration for award. Such markings in a Proposal will not keep that document, after

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Notice of Intent to Award, from being released as part of the public record, unless a court of competent jurisdiction has ordered the State not to release the document.

Any disclosure of State confidential information by the Bidder is a basis for rejecting the Bidder's Proposal and ruling the Bidder ineligible to further participate. Maintaining the confidentiality of information that is designated as confidential by the State is paramount: it cannot be over emphasized.

h-g. Sealed Cost Openings

Final Proposals will not have their sealed cost envelopes opened until the State has evaluated and scored the technical and administrative submission. Cost Proposals will only be opened for responsive Proposals from responsible Bidders. On the date of the cost opening, the State will post a summary of the points awarded to each Bidder. This summary will be provided to all the Bidders and the public in attendance at the cost opening as well as persons who request the summary.

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8. Rejection of Proposals

The State may reject any or all Proposals and may waive any immaterial deviation or defect in a Proposal. The State's waiver of any immaterial deviation or defect shall in no way modify the RFP documents or excuse the Bidder from full compliance with the RFP specifications, if awarded the contract.

a. General

Final Proposals will be evaluated according to the procedures contained in Section IX - Evaluation and Selection.

b. Evaluation Questions

During the Proposal Evaluation process, the State may require a Bidder to answer specific questions and provide clarifications in writing.

c. Errors in the Final Proposal

An error in the Final Proposal may cause the rejection of that Proposal; however, the State, in its sole discretion, may 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 RFP, and any unusual complexity of the format and content required by the RFP.

The State, in its sole discretion, may correct obvious clerical errors. The State, in its sole discretion, may correct discrepancies 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 Master Copy narrative shall have priority over the cost sheets. If necessary, the extensions and summary will be recomputed from the lowest level of detail, even if the lowest level of detail is obviously misstated. The total cost of unit-price items will be the multiplication of the unit price times the quantity of the item. If the unit price is ambiguous, unintelligible, uncertain for any cause, or is omitted, it shall be the amount obtained by dividing the total cost by the quantity of the item.

If a Bidder does not follow the instructions for computing costs not related to the contract (e.g., State personnel costs), the State may reject the Proposal, or in its sole discretion, recompute such costs based on instructions contained in the RFP.

The State may, at its sole option, correct errors of omission and, in the following three situations the State will take the indicated actions if the Bidder's intent (as determined by the State) is not clearly established by the complete Proposal submittal:

1. If an item is described in the narrative and omitted from the 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.
2. If an item is not mentioned at all in the Proposal, the Proposal will be interpreted to mean that the Bidder does not intend to supply that item.
3. If an 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.

It is absolutely essential that Bidders carefully review the cost elements in their Final Proposals.

In the event that an ambiguity or discrepancy between the general requirements described in Section IV - Proposed System and Business Processes, and the specific functional and non-functional requirements set forth in Section VI - Project Management, Business and Technical Requirements, is detected after the opening of Proposals, Section VI - Project Management, Business and Technical Requirements, and the Bidder's response thereto, shall have priority over Section IV - Proposed System and Business Processes, and the Bidder's response thereto.

9. Contract Award

Award of contract, if made, will be in accordance with Section IX - Evaluation and Selection, to a responsible Bidder whose Final Proposal complies with the requirements of the RFP and any addenda thereto, except for such immaterial defects as may be waived by the State. Award, if made, will be made within 180 calendar days after the scheduled date for the Contract Award as set forth in Section I.F - Key Action Dates. If a protest is received, the Award, if made, may be made ~~within~~ concurrently with protest resolution process. Please see Section II.E, Alternative Protest Process.

The State reserves the right to modify or cancel, in whole or in part, its RFP prior to Contract Award.

10. Debriefing

A debriefing will be held after Contract Award at the request of any Bidder for the purpose of receiving specific information concerning the evaluation. The confidential debriefing will be based primarily on the technical and cost evaluations of the Bidder's Final Proposal. A debriefing is not the forum at which to challenge the RFP specifications or requirements.

E. OTHER INFORMATION

1. Requirement Protest

Requirement protest for key action number nine in Section I.F. shall be submitted according to the procedure below.

Protest regarding any issue other than selection of the successful Bidder are "requirements protest" and will be heard and resolved by the Deputy Director of the Department of General Services, Procurement Division, whose decision will be final. Before a requirements protest is submitted the bidder must fully and timely use of the procedures described in Section II.5.a Question Regarding the IFB, to resolve any outstanding issue(s) between the Bidder and the State. This procurement procedure is designed to give the Bidder and the State adequate

opportunity to submit questions and discuss the requirements, proposal and counter proposals before the Final Proposal is due. The protest procedure is made available in the event that a Bidder cannot reach a fair agreement with the State after exhausting these procedures.

All protest to the RFP requirements must be received by the Deputy Director of the Procurement Division as promptly as possible, but not later than the respective time and date in the Key Action Dates in Section I.F for such protests. Requirements protest must be mailed or delivered to:

Street Address:
Deputy Director
707 West Third Street
West Sacramento, CA 95605

Mailing Address:
Deputy Director
P.O. Bo 989052
Sacramento, CA 95798-9052

2. **Alternative Protest Process**

By submitting a bid, Bidder agrees to the Alternative Protest Process outlined below.

IMPORTANT NOTICE TO BIDDERS

RFP-#0890-046

This solicitation/acquisition is being conducted under the provisions of the Alternative Protest Process (Public Contract Code Section 12125, et seq.). By submitting a bid proposal to this solicitation, the Bidder consents to participation in the Alternative Protest Process, and agrees that all protests of the proposed award shall be resolved by binding arbitration pursuant to the California Code of Regulations, Title 1, Division 2, Chapter 5. The link to the regulations is:

<http://www.dgs.ca.gov/oah/GeneralJurisdiction/BidProtestRegs.aspxcoah.dgs.ca.gov/Laws/bidprotestRegs.htm#1400>

During the protest period, any participating Bidder may protest the proposed award on the following grounds:

1. For major information technology acquisitions – that there was a violation of the solicitation procedure(s) and that the protesting Bidder's bid should have been selected; or
2. For any other acquisition – that the protesting Bidder's bid or proposal should have been selected in accordance with the selection criteria in the solicitation document.

A Notice of Intent to Award for this solicitation will be publicly posted in the Procurement Division reception area and sent via facsimile to any Bidder who made a written request for notice and provided a facsimile number. Bidder is to send the notice of protest to:

Alternative Protest Process Coordinator
Dispute Resolution Unit
Department of General Services
Procurement Division
707 Third Street, 2nd Floor
West Sacramento, CA 95605
Voice: (916) 375-4587 Fax: (916) 375-4611

A written Notice of Intent to Protest the proposed award of this solicitation must be received (facsimile acceptable) by the Coordinator before the close of business 5 p.m. PST/PDT on the 3rd working day following public posting. Failure to submit a timely, written Notice of Intent to

Protest waives Bidder's right to file a protest. Within ~~seventythree~~ (73) working days after the last day to submit a Notice of Intent to Protest, the Coordinator must receive from the protesting Bidder, the complete protest filing to include the detailed written statement of protest, filing fee and deposit or small business certification as applicable. Untimely submission of the complete protest filing waives the Bidder's right to protest.

Protest bond requirement: Bond amount for this Alternative Protest Process Project shall be 10 percent of the Bidder's estimated contract value as submitted per Bidder's Section VII, Cost Table VII.1 Cost Worksheet. See California Code of Regulations, Title 1, Section 1418.

3. *Disposition of Proposals and Bids*

All materials submitted in response to this RFP 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 Bid shall be retained for official files and will become a public record after the Notification of Intent to Award as specified in Section I, F Key Action Dates. However, materials the State considers confidential information (such as confidential financial information submitted to show Bidder responsibility) will be returned upon request of the Bidder.

4. *Contacts for Information*

Bidders may contact the Department Contact listed in Section I.D for visits to the physical installation for purposes of familiarization and evaluation of the current processes. Visits shall be made by appointment only, during normal business hours, and will be limited to the Department Contact listed in Section I. Visits shall be permitted to the extent that they do not unduly interfere with the conduct of State business.

Oral communications of department officers and employees concerning this RFP shall not be binding on the State and shall in no way excuse the Bidder of any obligations set forth in this RFP.

5. *News Releases*

News releases or any publications relating to a contract resulting from this RFP shall not be made without **prior written approval** of the Department Official listed in Section I.D - Department Official.

EXHIBIT II.A - COMPETITIVE BIDDING AND BID RESPONSIVENESS

Competitive bidding is not defined in any single statute but is conducted based upon a compendium of numerous court decisions. From such court decisions, the following rules have evolved, among others:

1. The RFP must provide a basis for full and fair competitive bidding among Bidders on a common standard, free of restrictions that would tend to stifle competition.
2. The State may modify the RFP, prior to the date fixed for Contract Award, by issuance of an addendum to all parties who are Bidders.
3. To be considered a valid Proposal, the Proposal must respond and conform to the invitation, including all the documents that are incorporated therein. A Proposal that does not literally comply may be rejected.
4. In order for a bid to be rejected for a deviation, the deviation must be deemed to be of a material nature.
5. State agencies have the express or implied right to reject any and all Proposals in the best interests of the State. Proposals cannot, however, be selectively rejected without cause.
6. Proposals cannot be changed after the time designated for receipt and opening thereof. No negotiation as to the scope of the work, amount to be paid, or contractual terms is permitted. However, this does not preclude the State from clarifying the Bidder's intent by asking questions and considering the answers.
7. A competitive Proposal, once opened, is in the nature of an irrevocable option and a contract right of which the public agency cannot be deprived without its consent, unless the requirements for rescission are present. All Proposals become public documents.
8. Proposals cannot be accepted "in part," unless the invitation specifically permits such an award.
9. Contracts entered into through the competitive bidding process cannot later be amended, unless the RFP includes a provision, to be incorporated in the contract awarded, providing for such amendment.

Since competitive procurement became the required method for securing certain IT goods or services, the State has received a number of proposals that were deemed to be non-responsive to the requirements of a Request for Proposals (RFP) or that could not be considered valid proposals within the competitive bidding procedures. Non-responsive proposals or proposals that contain qualification statements or conditions must be rejected. Many of the causes for rejection arise from either an incomplete understanding of the competitive bidding process or administrative oversight on the part of the Bidders. The following examples are illustrative of additional common causes for rejection of proposals. These examples are listed solely to assist potential Bidders in submission of responsive proposals, and should not be considered an exhaustive list of all potential reasons for rejection.

1. A proposal stated, "The prices stated within are for your information only and are subject to change."
2. A proposal stated, "This proposal shall expire ninety (90) days from this date unless extended in writing by the _____ Company." (In this instance award was scheduled to be approximately 90 days after the proposal submittal date.)
3. A proposal for lease of IT equipment contained lease plans of a duration shorter than that requested in the RFP.
4. A personal services contract stated, "_____, in its judgment, believes that the schedules set by the State are extremely optimistic and probably unobtainable. Nevertheless, _____ will exercise its best efforts..."
5. A proposal stated, "This proposal is not intended to be of a contractual nature."

6. A proposal contained the notation "prices are subject to change without notice."
7. A proposal was received for the purchase of IT equipment with unacceptable modifications to the Purchase Contract.
8. A proposal for lease of IT equipment contained lease plans of a duration longer than that which had been requested in the RFP with no provision for earlier termination of the contract.
9. A proposal for lease of IT equipment stated, "...this proposal is preliminary only and the order, when issued, shall constitute the only legally binding commitment of the parties."
10. A proposal was delivered to the wrong office.
11. A proposal was delivered after the date and time specified in the RFP.
12. An RFP required the delivery of a performance bond covering 50 percent of the proposed contract amount. The proposal offered a performance bond to cover "x" dollars, which was less than the required 50 percent of the proposed contract amount.
- ~~13. A proposal did not meet the contract goal for Disabled Veterans Business Enterprise (DVBE) participation and did not follow the steps required by the proposal to achieve a "good faith effort."~~
- 14.13. A proposal appeared to meet the contract goal for DVBE participation with the dollars submitted, but the bidder had miscalculated the proposal costs. When these corrections were made by the State, the bidder's price had increased and the dollars committed for DVBE participation no longer met the goal. ~~The bidder had not followed the steps to achieve a "good faith effort."~~

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California Code of Regulations, Title 1, Division 2.

**Chapter 5. Procedures for Conducting Protests Under the Alternative
Protest Process**

Article 1. General Provisions

§1400. Purpose; Scope of Chapter.

Protests under the Alternative Protest Pilot Project (AB 1159, Chapter 762 of 1997 Statutes, Public Contract Code Division 2, Part 2, Chapter 3.6 (sections 12125-12130)) shall be resolved by arbitration as defined and established by this chapter.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New chapter 5 (articles 1-3), article 1 (sections 1400-1404) and section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1402. Definitions.

- (a) Arbitration, as used in this chapter, means a dispute resolution procedure in which the Department of General Services, Office of Administrative Hearings provides a neutral third party who decides the merits of a protest and issues a binding decision to the Parties.
- (b) Awardee includes Proposed Awardee and means the person or entity that was a successful bidder to a Solicitation and has been, or is intended to be, awarded the contract.
- (c) Close of Business, as used in this chapter, means 5p.m. Pacific Standard Time (PST) or Pacific Daylight Time (PDT), as applicable.
- (d) Contracting Department means either Procurement or the department which has applied and been approved by the Department of General Services to conduct the Solicitation under the Alternative Protest Pilot Project (Public Contract Code sections 12125-12130.).
- (e) Coordinator means the person designated as the Alternative Protest Pilot Project Coordinator by the Department of General Services, Procurement Division, to coordinate all aspects of the Solicitation under the Alternative Protest Pilot Project (Public Contract Code sections 12125-12130).
- (f) Estimated Contract Value means the value of Protestant's bid.
- (g) Frivolous means a protest with any or all of the following characteristics:
 - (1) It is wholly without merit.
 - (2) It is insufficient on its face.
 - (3) The Protestant has not submitted a rational argument based upon the evidence or law which supports the protest.
 - (4) The protest is based on grounds other than those specified in section 1410.
- (h) Major Information Technology Acquisition means the purchase of goods or services, or both, by a state agency, through contract, from non-governmental sources, that has

significant mission criticality, risk, impact, complexity, or value attributes or characteristics. Pursuant to subdivision (e) of Section 11702 of the Government Code, these purchases shall include, but not be limited to, all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications that include voice, video, and data communications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines.

- (i) OAH means the Department of General Services, Office of Administrative Hearings.
- (j) Party means the Procurement Division of the Department of General Services, the Contracting Department, the Awardee, and Protestants(s).
- (k) Procurement means the Procurement Division of the Department of General Services.
- (l) Protest means a person or entity that was an unsuccessful bidder to a Solicitation under the Alternative Protest Pilot Project (Public Contract Code sections 12125-12130) and that protests the award.
- (m) Small Business means a Certified California Small Business, pursuant to Government Code Division 3, Part 5.5, Chapter 6.5 (commencing with section 14835) and Title 2, California Code of Regulations, section 1896.
- (n) Solicitation means the document that describes the goods or services to be purchased, details the contract terms and conditions under which the goods or services are to be purchased, and establishes the method of evaluation and selection.
- (o) Solicitation File means the Solicitation and the documents used by the Contracting Department in the Solicitation process, including documents used to evaluate bidders and select a Proposed Awardee. The Solicitation File shall remain available to the public except information that is confidential or proprietary.

Authority cited: Section 12126, Public Contract Code. Reference: Section 11702, Government Code; and Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1404. Notice of Intent to Award Contract.

The Contracting Department shall post a Notice of Intent to Award Contract in a public place specified in the Solicitation, send rejection facsimiles to rejected bidders, and send Notice of Intent to Award Contract facsimiles to any bidder who made a written request for notice and provided a facsimile number. The Contracting Department shall indicate that the Solicitation File is available for inspection. The Contracting Department has the discretion to award a contract immediately, upon approval by the Director of the Department of General Services and, if the Solicitation was for a Major Information Technology Acquisition, the Director of the Department of Information Technology.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

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Article 2. Protest Procedure

§1406. Notice of Intent to Protest; Service List.

- (a) An unsuccessful bidder who intends to protest the awarded contract pursuant to this chapter must inform the Coordinator. The Notice of Intent to Protest must be in writing and must reach the Coordinator within the number of days specified in the Solicitation, which shall be not less than 1 working day and not more than 5 working days after the posting of the Notice of Intent to Award Contract, as specified in the Solicitation. Failure to give written notice by Close of Business on that day shall waive the right to protest.
- (b) On the day after the final day to submit a Notice of Intent to Protest, the Coordinator shall make a service list consisting of those bidders who did submit a Notice of Intent to Protest, the Awardee, and the Contracting Department. The Coordinator shall include addresses and facsimile numbers on this list and shall forward this service list to those bidders who submitted a Notice of Intent to Protest.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New article 2 (sections 1406-1418) and section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1408. Filing a Protest.

- (a) A protest is filed by the submission of: the Detailed Written Statement of Protest and any exhibits specified in section 1412; a check or money order made payable to the Office of Administrative Hearings for the OAH filing fee of \$50; and the arbitration deposit as specified in subsection (c) or (d) to the Coordinator by the Close of Business on the 7th working day after the time specified in the Solicitation for written Notice of Intent to Protest under section 1406. A copy of the Detailed Written Statement of Protest and exhibits must also be served on all Parties named in the service list as specified in section 1406. A Protester who fails to comply with this subsection waives Protester's right to protest.
- (b) Protester(s) must provide a FAX (facsimile) number. Notification by facsimile is sufficient for service. If the Detailed Written Statement of Protest is sent to the Coordinator by facsimile, Protester must:
- (1) Verify that the pages sent were all received by the Coordinator; and
 - (2) Remit the required deposit and filing fee to Coordinator by any reasonable means. If sending via carrier, the postmark date or equivalent shall be used to determine timeliness.
- (c) Each Protester not certified as a Small Business shall make a deposit of the estimated arbitration costs, by check or money order made payable to the Office of Administrative Hearings, as determined by the Estimated Contract Value.

- (1) For contracts up to \$100,000.00, the deposit shall be \$1500.00.
- (2) For contracts of \$100,000.00 up to \$250,000.00, the deposit shall be \$3,000.00.
- (3) For contracts of \$250,000.00 up to \$500,000.00, the deposit shall be \$5,000.00.
- (4) For contracts of \$500,000.00 and above, the deposit shall be \$7,000.00.
- (5) Failure to remit a timely required deposit waives the right of protest.
- (6) Any refund to Protestant(s) shall be made per section 1436.

(d) Each Protestant certified as a Small Business shall submit a copy of the Small Business Certification in lieu of the deposit specified in subsection (c). If Protestant is a Small Business and the protest is denied by the arbitrator, the Contracting Department shall collect the costs of the arbitration from Protestant. If Protestant does not remit the costs due, the Contracting Department may offset any unpaid arbitration costs from other contracts with Protestant and/or may declare Protestant to be a non-responsible bidder on subsequent solicitations.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1410. Grounds for Protest.

(a) The Public Contract Code, at section 12126(d) provides: Authority to protest under this chapter shall be limited to participating bidders.

(1) Grounds for Major Information Technology Acquisition protests shall be limited to violations of the Solicitation procedures and that the Protestant should have been selected.

(2) Any other acquisition protest filed pursuant to this chapter shall be based on the ground that the bid or proposal should have been selected in accordance with selection criteria in the Solicitation document.

(b) The burden of proof for protests filed under this chapter is preponderance of the evidence, and Protestant(s) must bear this burden.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1412. Detailed Written Statement of Protest.

(a) The Detailed Written Statement of Protest must include the grounds upon which the protest is made, as specified in 1410(a).

(b) The Detailed Written Statement of Protest shall contain reasons why Protestant should have been awarded the contract.

(1) For Major Information Technology Acquisition protests, the Detailed Written Statement of Protest must specify each and every Solicitation procedure which was violated and the manner of such violation by specific references to the parts of the

Solicitation attached as exhibits and why, but for that violation, Protestant would have been selected.

(2) For other acquisition protests, the Detailed Written Statement of Protest must specify each and every selection criterion on which Protestant bases the protest by specific references to the parts of the Solicitation attached as exhibits.

(3) For all protests, Protestant must specify each and every reason that all other bidders who may be in line for the contract award should not be awarded the contract.

(c) The Detailed Written Statement of Protest must be limited to 50 typewritten or computer generated pages, excluding exhibits, at a font of no less than 12 point or pica (10 characters per inch), on 8 1/2 inch by 11-inch paper of customary weight and quality. The color of the type shall be blue-black or black. In addition to a paper copy, the arbitrator may request that a Protestant submit such information on computer compatible diskette or by other electronic means if the Protestant has the ability to do so.

(d) Any exhibits submitted shall be paginated and the pertinent text highlighted or referred to in the Detailed Written Statement of Protest referenced by page number, section and/or paragraph and line number, as appropriate.

(e) The Detailed Written Statement of Protest shall not be amended.

(f) Protestant(s) may not raise issues in hearing which were not addressed in the Detailed Written Statement of Protest.

(g) A Protestant who fails to comply with this subsection waives Protestant's right to protest.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1414. Review by Coordinator.

(a) Within 2 working days after receipt of the Detailed Written Statement of Protest, the Coordinator shall notify the Contracting Department and the Awardee of a potential protest hearing.

(b) The Coordinator shall review the Detailed Written Statement of Protest within 5 working days after receipt to preliminarily determine if the protest is Frivolous and notify Protestant of the option to withdraw or proceed in arbitration.

(1) If Protestant withdraws the protest within 2 working days after the notification by the Coordinator of a preliminary determination of Frivolousness, the Coordinator shall withdraw the preliminary finding of Frivolousness and refund Protestant's deposit and filing fee.

(2) If the Protestant previously filed two protests under the Alternative Protest Pilot Project preliminarily determined Frivolous by the Coordinator but then withdrew or waived them before the arbitration decision, the Coordinator shall make final the preliminary determination of Frivolousness for the Department of General Services.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1416. Review and Response by Contracting Department and Awardee.

- (a) The Awardee shall have 7 working days after notification by the Coordinator to submit to the Coordinator and Protestant a response to the Detailed Written Statement of Protest.
- (b) The Contracting Department, in conjunction with the Coordinator, shall have 7 days after the filing of the Detailed Written Statement of Protest to send a response to Protestant and Awardee.
- (c) Responses shall follow the standards set forth in section 1412(c) and (d).

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1418. Bond Requirement.

- (a) If the Coordinator has determined that a protest is Frivolous and the Protestant does not withdraw the protest, the Protestant shall be required to post a bond in an amount not less than 10% of the Estimated Contract Value.
- (b) The percentage of the bond shall be determined by the Contracting Department and specified in the Solicitation.
- (c) Protestant shall post the bond, pursuant to Chapter 2 (commencing with section 995.010) of Title 14 of Part 2 of the Code of Civil Procedure, within 15 working days of the filing of the Detailed Written Statement of Protest or shall be deemed to have waived the right to protest.
 - (1) If the arbitrator determines that the protest is Frivolous, the bond shall be forfeited to Procurement and the Coordinator will impose Sanctions.
 - (2) If the arbitrator determines that the protest is not Frivolous, the bond will be returned to the Protestant and no Sanctions imposed.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 995.010 et. seq., Code of Civil Procedure; and Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

Article 3. Arbitration Procedure

§1420. Arbitration Process.

Within 19 calendar days after the Notice of Intent to Award has been posted, the Coordinator shall consolidate all remaining protests under the Solicitation, and send to OAH:

- (a) a copy of all Detailed Written Statements of Protest;
- (b) OAH filing fees;
- (c) arbitration deposits, and/or notice that any Protestant is a Small Business;
- (d) Awardee responses;
- (e) Coordinator/Contracting Department responses;
- (f) the Solicitation File; and
- (g) notice to OAH whether interpreter services will be needed for any Protestant or Awardee. OAH shall arrange interpreter services which shall be paid by the Contracting Department.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New article 3 (sections 1420-1440) and section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1422. Selection of Arbitrator.

(a) Within 2 working days after receipt of the protest from the Coordinator, OAH shall furnish the names of ten arbitrators to Protestant(s), the Awardee, and the Coordinator. The arbitrator list shall include administrative law judges who are employees of OAH and contract private arbitrators who are not employees of the State of California. Protestant(s), the Awardee, and the Coordinator may each strike two of the ten names and notify OAH within 2 working days. Protestant(s) may also indicate if they prefer a contract arbitrator or an OAH administrative law judge. OAH may then select as arbitrator any name not stricken and shall notify Protestant(s), the Awardee, and the Coordinator within 2 working days. If all names are stricken, the Director of OAH shall appoint an arbitrator.

(b) A proposed arbitrator shall be disqualified on any of the grounds specified in Section 170.1 of the Code of Civil Procedure for the disqualification of a judge.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1424. Authority of Arbitrator.

(a) Arbitrators are authorized to

- (1) Administer oaths and affirmations;
- (2) Make rulings and orders as are necessary to the fair, impartial, and efficient conduct of the hearing; and
- (3) Order additional deposits from Protestant(s) to cover additional estimated costs. If OAH does not receive the required deposit(s) in the time specified, the right to protest will be deemed waived.
- (b) The arbitrator shall have exclusive discretion to determine whether oral testimony will be permitted, the number of witnesses, if any, and the amount of time allocated to witnesses.
- (c) It shall be in the arbitrator's exclusive discretion to determine whether to
 - (1) Conduct a prehearing conference; and/or
 - (2) Permit cross-examination and, if so, to what extent; and/or
 - (3) Review documents alone for all or part of the protest.
- (d) It shall be in the arbitrator's exclusive discretion to determine whether additional responses and rebuttals are to be submitted, and the timelines and page limits to be applied.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1426. Decision Based in Whole or in Part on Documents Alone.

Any Party may request that the arbitrator base the arbitrator's decision on documents alone. It shall be the arbitrator's exclusive discretion to do so.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1428. Prehearing Conference.

- (a) If the arbitrator determines that a prehearing conference is necessary, OAH shall set the time and place and notify Protestant(s), the Awardee, and Procurement at least 5 working days prior to the prehearing conference.
- (b) The prehearing conference shall be held to identify and define issues in dispute and expedite the arbitration. The parties should be prepared to discuss, and the arbitrator may consider and rule on, any of the following matters applicable to the protest:
 - (1) Clarification of factual and legal issues in dispute as set forth in the Detailed Written Statement of Protest.
 - (2) The extent to which testimony shall be permitted and the extent to which cross-examination will be allowed.
 - (3) Identity of and limitations on number of witnesses, need for interpreters, scheduling and order of witnesses, etc.
 - (4) Any other matters as shall promote the orderly and efficient conduct of the hearing.

(c) At the prehearing conference, Protestant(s), the Awardee, and Procurement shall deliver a written statement which contains the name of each witness a party wishes to call at hearing along with a brief written statement of the subject matter of the witness's expected testimony. If the arbitrator, in his or her exclusive discretion, allows an expert witness to be called, the party calling the witness shall provide the name and address of the expert along with a brief statement of the opinion the expert is expected to give. The party shall also attach a statement of qualifications for the expert witness.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1430. Scheduling the Hearing.

The arbitrator shall schedule the date, time, and place of hearing and notify all Parties.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1432. Discovery.

The arbitrator has exclusive discretion to issue subpoenas and/or subpoena duces tecum. There shall be no right to take depositions, issue interrogatories, or subpoena persons or documents.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1434. Attendance at Hearings.

The Arbitration hearings shall be open to the public unless the arbitrator, in his or her exclusive discretion, determines that the attendance of individuals or groups of individuals would disrupt or delay the orderly conduct or timely completion of the proceedings.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1436. Arbitrator's Decision.

(a) The final decision shall be in writing and signed by the arbitrator. It shall include a Statement of the Factual and Legal Basis for the decision, addressing the issues raised

in the Detailed Written Statement(s) of Protest, and shall include an order upholding or denying the protest(s). The arbitrator's order shall not award a contract.

(b) A copy of the decision shall be sent by regular mail to Procurement, the Contracting Department, the Awardee, and Protestant(s) within 45 calendar days after the filing of the first Detailed Written Statement of Protest. In the arbitrator's exclusive discretion, this timeline may be extended for an additional 15 calendar days. The arbitrator's failure to issue a decision within the time specified by this section shall not be a ground for vacating the decision.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98: operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1437. Costs.

(a) For protests not determined Frivolous by Procurement:

(1) If the arbitrator denies the protest, Protestant(s) will be liable for all costs of the arbitration.

(2) If the arbitrator upholds the protest, the Contracting Department shall pay for all costs of the arbitration and Protestant(s) will be refunded the deposit by OAH.

(b) If Procurement determined that the protest was Frivolous and the arbitrator affirms that the protest is Frivolous, the bond shall be forfeited to Procurement, the protest will be denied, and Protestant(s) will be liable for all costs of the arbitration.

(c) If Procurement determined that the protest was Frivolous and the arbitrator determines that the protest is not Frivolous, any bond(s) posted by Protestant(s) shall be returned.

(1) If the arbitrator denies the protest, Protestant(s) shall be liable for half of the costs of the arbitration. The Contracting Department shall pay the remaining half of the arbitration costs.

(2) If the arbitrator upholds the protest, the Contracting Department shall pay for all costs of the arbitration and Protestant(s) will be refunded the deposit by OAH.

(d) A Protestant who withdraws his or her protest before the arbitrator's decision has been issued will remain liable for all arbitration costs up to the time of withdrawal. These costs include, but are not limited to, the arbitrator's time in preparation, prehearing conferences, and hearing the protest. If Procurement deemed the protest Frivolous, any bond posted shall be forfeited to Procurement.

(e) Except as provided in (f), if any costs are determined to be payable by Protestant(s), that amount shall be subtracted from deposit(s) of Protestant(s) as ordered by the arbitrator. Any additional costs shall be billed to Protestant(s) and any refunds shall be sent to Protestant(s) by OAH.

(f) If a Protestant is a Small Business, then the Contracting Department shall pay OAH all arbitration costs and collect the amount due from Protestant.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

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§1438. Judicial Review.

The grounds for judicial review shall be as set forth in Chapter 4 of Title 9 of Part III of the Code of Civil Procedure (commencing with section 1285).

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

§1440. Transcripts.

(a) A party desiring a transcript of the proceedings shall contact the OAH Transcript Clerk to make arrangements to pay for preparation of the transcript. Prior to preparation of the transcript, a deposit equal to the estimated cost of the transcript shall be paid. Preparation of the transcript will be arranged by the OAH Transcript Clerk. The deposit shall be applied to the actual cost and any excess shall be returned to the party that submitted the request. Any balance due shall be paid by the party or a representative on behalf of the party requesting the transcript before the transcript is released to the requesting party.

(b) Unless a record of a proceeding or any portion thereof was sealed, any person may request a transcript or a recording of the proceeding. If a record of a proceeding or any portion thereof was sealed, only parties to the proceeding may request a transcript of the sealed portions, and the sealed portions shall not be disclosed to anyone except in accordance with the order sealing the proceeding or subsequent order.

Authority cited: Section 12126, Public Contract Code. Reference: Sections 12125-12130, Public Contract Code.

1. New section filed 8-18-98; operative 8-18-98 pursuant to Government Code section 11343.4(d) (Register 98, No. 34).

SECTION V - ADMINISTRATIVE REQUIREMENTS

In addition to meeting all Requirements in Section VI of this RFP, Bidders must meet and adhere to all mandatory administrative requirements included in this RFP to be deemed responsive. These requirements include meeting the Key Action Dates specified in Section I – Introduction and Overview of Requirements; the rules as specified in Section II - Rules Governing Competition; the format instructions as specified in Section VIII – Proposal Format; completion of appropriate cost information as specified in Section VII – Cost Proposal; and the administrative requirements detailed in this section. Administrative Requirements must be acknowledged and accepted in the Cover Letter. Requirements that require a response from the Bidder in the Draft Proposal and Final Proposal include specific instructions within the requirement and are identified as “(Mandatory)”. The Bidder must include all required documentation in their response. Some of these same requirements must be submitted in the pre-qualification process. Please see Section V.B. – Bidder Pre-qualification for specific direction.

All requirements within Section V that include Contractor responsibilities will be incorporated into the resulting Contract.

The contract terms and conditions to be awarded are included in this solicitation document in its final form, and any alteration by a Bidder may result in rejection of its proposal.

A. GENERAL ADMINISTRATIVE REQUIREMENTS

1. Request for Additional Information Notice

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 ability to perform. 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 such information is required, the Bidder will be so notified and will be permitted five (5) working days to submit the information. Failure to provide the requested information within five (5) working days may be cause for rejection of the proposal.

If the information submitted by the Bidder, or available from other sources, is insufficient to satisfy the State as to the Bidder's ability to perform, the State may ask for additional information or reject the proposal. The State's determination of the Bidder's ability to perform, for the purpose of this RFP, shall be final.

2. Prime Contractor Responsibility

A Bidder submitting a proposal that results in the award of a contract will be considered the prime Contractor (“Contractor”). The Contractor accepts full responsibility for coordinating and controlling all aspects of the contract, including support or activities to be performed by any sub-contractors. The Contractor will be the sole point of contact with the SOS relative to contract performance.

If this performance involves the use of one or more products that are proprietary to another firm, the prime Contractor must hold the third-party license agreements until completion of Phase VII – First Year Operations and Closeout.

If any proposal includes equipment or services provided by other firms, the prime Contractor will be considered as Contractor for the delivery and operation of the entire solution.

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The Contractor will be responsible for compliance with all requirements under the contract, even if requirements are delegated to subcontractors.

3. Contractor Representation

The Contractor and all subcontractors shall not in any way represent themselves in the name of the SOS or the State of California without prior written approval.

4. Notice to Subcontractors (If applicable)

Upon award to a Contractor, notice shall be given by DGS to the certified DVBE/Small Business subcontractors listed in Exhibit V.2 - Subcontractor List, of their participation in the contract. Notification to the subcontractor(s) by the Contractor is encouraged immediately after award of a contract.

5. Contractor Owned Software

If the contractor proposes their own software, all required licenses shall transfer to the State at conclusion of Phase VII - First Year Operations and Closeout pursuant to the terms of this contract.

6. Third Party Licensing

The State recognizes that the Contractor may have integrated Third-Party Software into the proposed solution. All such software must be purchased and licensed to the successful Contractor. All required licenses purchased by the Contractor shall include written acceptance by the Third-Party Software provider of the State's Information Technology Third Party COTS General Provisions dated July 15, 2008 <http://www.documents.dgs.ca.gov/pd/TAS/SICOTSSWGPs071508.pdf> as agreed to by the State and the Contractor after contract execution.

Contractor agrees to provide to the State this written acceptance and copies of the software licensing agreement(s) no later than completion of Phase VII – First Year Operations and Closeout. Upon receipt, DGS will review the documents for approval. Software licensing terms and conditions provided by the Contractor which are not in conflict with the State's General Provisions - Third Party COTS General Provisions dated July 15, 2008 will be accepted by the State, provided however that any licensing clause, term or condition representing that the license is superior to or takes precedence over other articles, attachments, specification, provisions, contracts, terms or conditions shall be stricken and shall have no legal effect.

Contractor shall hold all licenses until completion of Phase VII – First Year Operations and Closeout. After the completion of Phase VII and approval by DGS of licenses, the licenses shall automatically pass to the State consistent with the Agreement and the State's Information Technology Third-Party COTS General Provisions. In the event that Contractor fails to perform on the contract, Contractor shall immediately grant all software licenses to the State upon request by the State.

The State reserves the right to waive this requirement on a case-by-case basis, at the State's sole discretion, if it is in the best interest of the State.

7. Confidentiality Statement (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The Bidder engaging in services pertaining to this project, requiring contact with confidential State voter 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 SOS's operations that are designated confidential by the SOS.

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All voter registration data must be encrypted in transit and at rest. Under no circumstances shall the Bidder sell or otherwise disclose to any unauthorized third party, or inappropriately use or publish the contents of any records.

In addition to the contractor submitting this form for the firm with the Pre-qualification Package and Final Proposal, the Contractor will be required, prior to starting the project, to submit a signed confidentiality statement from every staff member.

Requirement A1 For both Pre-qualification Package and Final Proposal. Bidder must provide a signed Exhibit V.1 - Confidentiality Statement.

8. General Liability Insurance Certificate (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The Bidder must furnish to the State a certificate of insurance stating that there is liability insurance presently in effect for the Bidder of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined. If the policy has an aggregate limit, that limit shall apply on a "per project or location" basis. The policy shall include coverage for liability arising out of premises/operations, products/completed operations, independent Contractors, personal/advertising injury and liability assumed under an insured Contract.

The certification of insurance must include the following provisions:

- The insurer will not cancel the insured's coverage without 30 days prior written notice to the State;
- The State of California, Department of General Services, and Secretary of State, their officers, agents and employees are included as additional insured.

Requirement A2 For both Pre-qualification Package and Final Proposal Bidder agrees to provide a certificate of insurance within thirty (30) days of contract signing, and at any time the State may request stating that there is liability insurance presently in effect for the Bidder of not less than \$1,000,000 per occurrence for bodily injury and property damage liability combined. If the policy has an aggregate limit, that limit shall apply on a "per project or location" basis. The certification of insurance must include the following provisions:

- **The insurer will not cancel the insured's coverage without 30 days prior written notice to the State;**
- **The State of California, Department of General Services, and Secretary of State, their officers, agents and employees are included as additional insured.**

9. Workers Compensation Liability Insurance Certificate (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The Bidder must furnish to the State a certificate of insurance stating that there is Workers' Compensation insurance with statutory limits and employers' liability with a limit of no less than \$1,000,000 on all of its employees who will be engaged in the performance of this agreement. The policies for the contractor and all staff working on State Owned or Controlled Property must include a waiver of subrogation in favor of the State of California, Department of General Services, and Secretary of State. The certificate of insurance must include the provision that the insurer will not cancel the insured's coverage without 30 days prior written notice to the State.

Requirement A3 For both Pre-qualification Package and Final Proposal Bidder must

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provide a proof of a valid Worker's Compensation Insurance Policy and completed Exhibit V.3

10. Professional Liability/Errors & Omissions Insurance (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The Bidder must furnish to the State a certificate of insurance stating that there is Professional Liability/Errors & Omissions Insurance covering the Bidder with a limit of no less than \$1,000,000 each claim, and \$3,000,000 annual aggregate.

Requirement A4 For both Pre-qualification Package and Final Proposal the Bidder agrees to furnish to the State a certificate of insurance within thirty (30) days of contract signing, and at any time the State may request stating that there is Professional Liability/Errors & Omissions Insurance covering the Bidder with a limit of no less than \$1,000,000 each claim, and \$3,000,000 annual aggregate.

11. Commercial Automobile Liability Insurance (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The Bidder must furnish to the State a certificate of Commercial Automobile Liability Insurance stating that there is Commercial Automobile Liability Insurance covering the Bidder with a limit of no less than \$1,000,000 each accident covering all owned, hired and non-owned autos. The policy shall include an endorsement naming the State of California, Department of General Services and Secretary of State, their officers, agents and employees as additional insureds.

Requirement A5 For both Pre-qualification and Final Proposal the Bidder must furnish to the State a certificate of Commercial Automobile Liability Insurance stating that there is Commercial Automobile Liability Insurance covering the Bidder with a limit of no less than \$1,000,000 each accident covering all owned, hired and non-owned autos. The policy shall include an endorsement naming the State of California, Department of General Services and Secretary of State, their officers, agents and employees as additional insureds.

12. Subcontractor List (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

Each participating Bidder shall submit a completed Exhibit V.2 - Subcontractor List, for each proposed subcontractor, with the pre-qualification package and Final Proposal, OR indicate on such form that none are to be used. Subcontractor changes after contract award must be accepted in writing by the State before they occur.

Commercially Useful Function

On January 1, 2004, Chapter 623, Statutes of 2003, became effective and required all small businesses, micro-businesses, and disabled veteran business enterprises to perform a "commercially useful function" in any contract they perform for the State.

A business that is performing a commercially useful function is one that does all of the following:

- Is responsible for the execution of a distinct element of work of the contract.
- Carries out its obligations by actually performing, managing or supervising the work involved.
- Performs work that is normal for its business, service, and function.

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- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices.

The Bidder must complete Section B of Exhibit V.2 by providing a written statement detailing the role, services and/or goods the small business, micro-business, and/or disabled veteran business enterprise will provide to meet the Commercially Useful Function requirement. If a small business, micro-business, or disabled veteran business enterprise is not being proposed, this written statement is not required.

Requirement A6 For both Pre-qualification Package and Final Proposal, each Bidder shall submit a completed Exhibit V.2 - Subcontractor List, for each proposed subcontractor with the proposal, OR indicate on such form that no subcontractors are to be used. The Commercially Useful Function section of the form must be completed if a subcontractor is being used.

13. Letter of Credit Intent (Mandatory for Pre-qualification and Final Proposal) – Pass/Fail

The State requires the Bidder to demonstrate financial resources necessary to perform under the Contract by securing an agreement to issue a Letter of Credit valued at twenty-five percent (25%) of contract from a financial institution. Bidders are required to submit with their pre-qualification package and Final Proposal, a signed letter on official letterhead from a financial institution stating that the financial institution intends to issue the Bidder the required Letter of Credit. The Secretary of State, State of California, must be identified as beneficiary. The letter must also state the financial institution issuing the Letter of Credit is insured by the Federal Deposit Insurance Corporation and is licensed to do business in the State of California.

When the Letter of Credit is provided to the State at contract signing, the Letter of Credit must further provide for honor of a draft on demand for payment presented with the State's written statement, signed by the Executive Officer of the Secretary of State, certifying that there has been loss, damage, or liability resulting from the Contractor's performance or nonperformance of duties and obligations under the VoteCal Contract, or from the negligence or act of omission by the Contractor or its agents, servants, and employees and that the amount of the demand or draft is, therefore, now payable.

The awarded Contractor is required to provide the State with a Letter of Credit that is acceptable to the State when the contract is signed by the vendor.

Requirement A7 For both Pre-qualification Package and Final Proposal, Bidder must submit a letter on letterhead from an FDIC-insured financial institution that it intends to issue a Letter of Credit to Bidder in the amount of 25% of the contract value. All cost information should be redacted from this letter.

14. Bidder Feedback Process

The primary vehicle for bidder feedback will be through informal bidirectional discussions between the SOS and selected pre-qualified bidders during the confidential discussions.

Any feedback submitted by a bidder will first be evaluated to determine if the initial intent of the requirement(s) is maintained. If there is no change in requirement intent, and the SOS agrees that the feedback further clarifies the requirement, the requirement may be modified based on bidder feedback. If it is determined that the bidder's feedback suggests a change to the initial intent of the requirement(s), the SOS will review the feedback to determine if incorporating the feedback would be in the best interest of the State while remaining solution independent. During their review, the SOS may utilize an independent verification and validation consultant and/or additional subject matter experts to ensure the revised intent is clearly understood,

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solution independent, and aligns with project goals. Bidder feedback that is incorporated into the RFP requirements, in whole or in part, will be amended to this RFP according to Section II.C.5.c - Addenda.

Should the SOS reject a Bidder's feedback and the Bidder believes that one or more of the RFP requirements is onerous, unfair, or imposes unnecessary constraints on the Bidder in proposing less costly or alternate solutions, the Bidder may request a change to this RFP following the release of the final system requirements via an RFP addenda. Bidder requests to change the RFP must be submitted in accordance with rules set forth in this RFP.

B. Bidder Pre-Qualification (Mandatory)

This procurement will consist of a pre-qualification phase. Only pre-qualified Bidders will be allowed to participate in the confidential discussions and submit Draft and Final Proposals. This solicitation will result in a single contract award to complete the VoteCal solution for the Office of the Secretary of State.

In order to be considered for pre-qualification, Bidders must submit their complete Pre-Qualification Package as outlined in this section to the Procurement Official listed in Section I.D. by the date and time identified in Section I.F - Key Action Dates.

During prequalification stage, the State will pre-qualify up to four (4) of the highest scoring bidders based on the selection criteria defined in this section. These four vendors will proceed to confidential discussions during which SOS will meet with Bidders individually to discuss their proposed concepts and the RFP requirements for the purpose of ensuring a greater mutual understanding of the requirements.

The Pre-qualification Package submission must follow the format defined below.

1. Pre-Qualification Package General Format

In order to be considered for prequalification, bidders must submit to the state one (1) master copy, ten (10) hard-copies, and one (1) softcopy in searchable PDF of the following items in the quantity, order and format listed. Reference numbers after each item refer to the sections in the RFP that describe the requirement.

Bidders must also adhere to applicable format components of Section VIII – Proposal Format. General Format Instructions for the Pre-qualification Package:

TAB – 1

- a) Signed Confidentiality Statement (Mandatory) (Requirement A1)
- b) General Liability Insurance Certificate (Mandatory) (Requirement A2)
- c) Workers Compensation Liability Insurance Certificate (Mandatory) (Requirement A3)
- d) Professional Liability/Error & Omissions Insurance (Mandatory) (Requirement A4)
- e) Commercial Automobile Liability Insurance (Mandatory) (Requirement A5)
- f) Letter of Credit Intent (Mandatory) (Requirement A7)

TAB – 2

- a) Financial Capacity/Responsibility (Mandatory) (Requirement A8)
- b) Bidder Qualifications and References (Mandatory) (Requirement A9)
- c) Bidder Qualifications and References (Desirable) (Requirement A10)
- d) Subcontractor List (Mandatory) (Requirement A6)
- e) Proposed Staff Experience (Mandatory) (Requirement A11)
 - A11 is demonstrated by completing Exhibit V.6 - Staffing Experience Matrix and Exhibit V.7 – Staff Resume for the following six Key Team Roles:
 - 1. Project Manager
 - 2. Business Lead

- 3. Technical Lead
- 4. Development Lead
- 5. Testing Lead
- 6. Data Integration Lead
- f) Proposed Staff Experience (Desirable) (Requirement A12)
A12 is demonstrated by completing Exhibit V.6 - Staffing Experience Matrix and Exhibit V.7 – Staff Resume for the six roles listed for Requirement A11.

All pre-qualification documents submitted by the Bidder shall not contain any cost information. Pre-qualification documents will be rejected as non-responsive if submitted with costs.

The review and assessment of the above materials is necessary to ensure Bidders selected from the pre-qualification process will be able to submit responsive Draft and Final proposals. The State will follow the evaluation process outlined below and in Section IX – Evaluation and Selection for evaluation of these pre-qualification items.

2. Pre-Qualified Bidders Scoring Approach

The State Evaluation Team will determine which Bidder’s Pre-qualification Packages are responsive and responsible. From these Pre-qualification Packages, the State Evaluation Team will identify up to four (4) Bidders that have the highest score for the evaluation factors. The State will pre-qualify up to four (4) of the highest scoring Bidders. If fewer than four Bidders are determined to be responsive and responsible Bidders, the State Evaluation Team may pre-qualify fewer than four Bidders. At any time the State Evaluation Team may reject any and all pre-qualified packages submitted in response to this section. In the event of a tie that would result in pre-qualification of more than four Bidders, the pre-qualifications will be granted to the Bidders with the highest Bidder Qualifications and References. See Table V-1 below for the pre-qualification scoring summary.

Table V - 1. Pre-Qualification Scoring Summary

Evaluation Criteria	RFP Section Reference	Maximum Points
Administrative Requirements	V.A	Pass/Fail
a) Signed Confidentiality Statements (Requirement A1)		
b) General Liability Insurance Certificate (Requirement A2)		
c) Workers Compensation Liability Insurance Certificate (Requirement A3)		
d) Professional Liability/Error & Omissions Insurance (Requirement A4)		
e) Commercial Automobile Liability Insurance (Requirement A5)		
f) Letter of Credit Intent (Requirement A7)		
Subcontractor List (Mandatory)	V.A.12	Pass/Fail
Financial Capacity/Responsibility (Mandatory)	V.B.3.A	Pass/Fail
Bidder Qualifications and References (Mandatory)	V.B.3.B	2300
See Section IX.E.8 for scoring criteria		

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Evaluation Criteria	RFP Section Reference	Maximum Points
Bidder Qualifications and References (Desirable) See Section IX.E.8 for scoring criteria	V.B.3.C	700
Staff Qualification Requirements (Mandatory) See Section IX.E.9 for scoring criteria	V.B.3.D	Pass/Fail
Staff Qualification Requirements (Desirable) See Section IX.E.9 for scoring criteria	V.B.3.E	800
Maximum Pre-Qualification Score		3800

3. Pre-Qualification Administrative Requirements

Below are requirements for the Pre-qualification process. Requirements for the Draft Proposal and Final Proposal are listed below in section V.C. – Draft and Final Proposal Administrative Requirements.

A. Financial Capacity/Responsibility (Mandatory) – Pass/Fail

The principal purpose for this request is to provide information to determine financial qualification. State policy and state and federal statutes authorize maintenance of this information. The State will treat all financial information submitted as confidential as provided by law when designated as such. This information will only be shared with personnel involved in the evaluation of this RFP. All financial data will be returned to the Bidder or destroyed upon request.

The Bidder must provide:

- i. audited financial statements or SEC 10K filings (including a balance sheet) that support average annual gross revenue of \$100,000,000 or more for each of the company's last three fiscal years or a letter from an established surety company stating their willingness to issue a Letter of Bondability for \$55,000,000.
- ii. information regarding any judgments, arbitrations, or ongoing litigation of a material nature that is not addressed in the audited financial statements that may otherwise impact the firm's going concern.
- iii. information to demonstrate an ability to sustain six months of expenses on this project without payment from the State during the first six months of this project. This would include a detailed statement/analysis from the Bidder identifying estimated costs for the first six months of work and evidence of sufficient capital resources to meet those costs without State payment. This analysis should include the cost of any financial instruments (e.g. Letter of Credit for project), and the estimated cost for all planned staffing, including anticipated new staffing, travel expenses, facility acquisition, etc., as well as any other expenses anticipated to be incurred during the first six months of work. If the analysis includes a line of credit, then attach a letter from a banking official attesting to that credit line and the credit-worthiness of the firm.

The State reserves the right to require submission of additional evidence of financial capacity and/or resources as necessary to clarify any questions or issues that arise from a review of the financial data supplied.

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Review of vendor financial documents and determination of qualification to bid on the VoteCal project and evaluation and scoring will be by a group decision. SOS may engage qualified individuals, including Certified Public Accountants or subject matter experts during the pre-qualification process to assist the Evaluation Team in assessing the financial stability of vendors. These other individuals do not have voting privileges or responsibility for the evaluation process, but they will serve in an advisory capacity.

This is a pass/fail requirement. The VoteCal Evaluation team will consider Bidder submissions to arrive at a decision as to whether the Bidder has presented satisfactory evidence of financial capacity. The team will particularly consider the degree of analysis and detail provided by the Bidder in response to the requirement to demonstrate an ability to sustain six months of expenses on this project without payment from the State.

Requirement A8 Bidder shall submit:

- o **Audited financial statements or SEC 10K filings (including a balance sheet) that support average annual gross revenue of \$100,000,000 or more for each of the company's last three fiscal years or a letter from an established surety company stating their willingness to issue a Letter of Bondability for \$55,000,000.**
- o **Information regarding any judgments, arbitrations, or ongoing litigation of a material nature that is not addressed in the audited financial statements that may otherwise impact the firm's going concern.**
- o **Information to demonstrate an ability to sustain six months of expenses on this project without payment from the State during the first six months of this project.**

B. Bidder Qualifications Requirements (Mandatory) – 2300 Points

The Bidder must describe three (3) projects that meet the following requirements using Exhibit V.5: Bidder Qualifications & References. The Bidder or qualifying subcontractor must have been the prime contractor for each of the referenced projects. A subcontractor's reference can be used if the subcontractor was the prime contractor for the referenced contract and the subcontractor is anticipated to perform at least twenty-five percent (25%) of the proposed implementation work effort by total staff resource hours applied as indicated on Exhibit V.2 - Subcontractor List. One project may meet multiple requirements, but at least three projects must be provided that meet at least one of the requirements below.

Mandatory qualification criteria:

- a. All references must be for projects successfully completed¹ within the past eight (8) years,
- b. All references must be for projects that implemented large complex data integration systems that required interfaces with three (3) or more external systems that were not under the control of the Bidder or the customer,
- c. At least one (1) reference must be for a successfully completed voter registration system implementation with similar scope provided in Section VI - Project Management, Business and Technical Requirements,

¹ "Successfully Completed" for purposes of this RFP is defined as: "the system (1) either is in production and is being utilized by the users as the system of record, or (2) is near completion of a successful pilot."

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- d. At least one (1) reference must be for a successfully completed statewide system (a reference for a project that implemented a statewide voter registration system will meet this criterion),
- e. At least one (1) of these references must be for an implementation where the total number of concurrent users² was 200 or greater, and
- f. At least one (1) of these references must be for a project that was completed within the past three (3) years.

All Exhibit V.5 - Bidder Qualifications & References forms must be signed by the referenced organization or company individual or designee.

References will be contacted and points will be awarded based on client satisfaction, as described in Section IX. Exhibit IX.2 details the questions that are to be asked of each of the references and will also be used to document the reference's responses.

Failure to provide verifiable references may cause the Proposal to be rejected. The purpose of the Bidder Qualification and References requirement is to provide the State the ability to assess the Bidder's prior record and experience in providing similar or relevant services to other organizations. 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. References must include all information required on Exhibit V.5 - Bidder Qualifications & References.

Requirement A9 The Bidder must provide descriptions of three (3) projects that meet the mandatory Bidder qualification requirements using Exhibit V.5: Bidder Qualifications & References.

C. Bidder Qualifications Requirements (Desirable) – 700 Points

Additional points may be awarded for the following desirable corporate qualification requirements. One corporate reference that is submitted in response to the mandatory requirement A9 may be submitted if it meets this desirable requirement as well. Alternatively, the Bidder may submit an additional, fourth (4th) reference to satisfy the desirable requirement. Each submitted Exhibit V.5 – Bidder Qualifications & References must include indication of whether the reference is being submitted for the mandatory requirement, desirable requirement, or both. The Bidder must indicate submission for the Desirable requirement for no more than one (1) of Bidder's submitted client references, and indicate submission for the Mandatory requirement for three (3) references.

The Bidder must submit a complete description of the referenced project using Exhibit V.5: Bidder Qualifications & References. This form must be signed by the referenced organization or company individual or designee. The Bidder or qualifying subcontractor must have been the prime contractor for the referenced project. A subcontractor's reference can be used if the subcontractor was the prime contractor for the referenced contract and the subcontractor will perform at least 25 percent (25%) of the proposed implementation work effort by total staff resource hours applied as indicated on Exhibit V.2 - Subcontractor List.

Desirable Bidder qualification requirements:

- a. Project must have been completed within the past eight (8) years.

² "Concurrent users" for purposes of this RFP, unless otherwise stated, is defined as all system users, regardless of user group or role (i.e., county EMS user or internal staff), accessing the system simultaneously.

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- b. Reference must be for successfully completed voter registration system implementation with similar scope provided in Section VI – Project Management, Business and Technical Requirements with bottom-up approach (county elections officials' staff retaining use of their existing election management systems).
- c. Reference must be for an implementation where the total records integrated was at least 10,000,000.

Requirement A10 The Bidder may provide a description of one (1) project that meets the desirable Bidder qualification requirements using Exhibit V.5 – Bidder Qualifications and References.

All Exhibit V.5 forms must be signed by the referring company/organization individual or designee.

References will be contacted and points will be awarded based on client satisfaction, as described in Section IX. Exhibit IX.2 details the questions that are to be asked of each of the references and will also be used to document the reference's responses.

D. Proposed Staff Qualification Requirements (Mandatory) – Pass/Fail

The Bidder agrees to provide information regarding references and staff capability for proposed role(s) using Exhibit V.6: Staffing Experience Matrix and Instructions and Exhibit V.7 – Bidder Staff Resume. The Bidder agrees that the State reserves the right to contact references listed in Exhibit V.6 to validate the proposed staff's experience and capabilities. All referenced work used to meet the requirements must have been performed within the past ten (10) years. Referenced work must have been for a client external to the Bidder's organization and subsidiaries. Research and development projects internal to the employee's organization will not be counted towards the experience requirements.

The Bidder must complete Exhibit V.6: Staffing Experience Matrix and Instructions and Exhibit V.7 - Bidder Staff Resume for each of the six proposed key staff. The Bidder must assign one staff member for each of the required roles defined below; the same resource may not be assigned to more than one role. The Bidder is not precluded from utilizing subcontractors as necessary to meet the requirements.

By submitting Exhibit V.6 - Staff Experience Matrix and Exhibit V.7 – Bidder Staff Resume, for each of the six proposed key staff, the Bidder is certifying that the proposed staff named to each role fulfills all requirements of that role. The State's determination of experience shall be final. In addition, if the State determines it has suffered any undue project delays or deliverable quality degradation due to the Contractor's assignment of unqualified staff based on the requirements of this RFP, the SOS reserves the right to consider the Contractor in default and terminate the contract for cause.

The Evaluation team will contact project references provided in Bidder's submitted Exhibit V.6 to validate experience documented in Exhibit V.6 and Exhibit V.7.

The purpose of the Proposed Staff Qualifications requirements are to provide the State the ability to assess the Bidder's proposed staff qualifications and experience with similar or relevant services to other organizations. The descriptions of the projects must be detailed and comprehensive enough to permit the State to assess the similarity of those projects and the type of work experience attained to the work anticipated in the award of the contract resulting from this procurement. Additionally, Bidders must include the skill requirement reference from each role in the sub-sections below (e.g. (PM.1), (BL.7), (TL.2), etc.). All references must be specific to the

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services proposed for the proposed candidate's role. When required, a copy of the Project Manager certification(s) must be included. See Exhibit V.6 for instructions.

Requirement A11 Each proposed resource must meet the minimum requirements following the role description, respectively, as documented in Exhibit V.6 – Staffing Experience Matrix with supplemental information provided in Exhibit V.7 – Bidder Staff Resume:

- a) **Project Manager (PM)** - The PM will be responsible for managing all Bidder resources and activities relating to the completion of the deliverables outlined in the contract. The PM must have:
- 60 months experience with managing complex IT system implementation projects that have one-time total costs of \$20 million or more and that include many stakeholders and multiple external system interfaces. (PM.1)
 - 60 months experience managing projects utilizing Project Management Institute (PMI®) methodologies or similar professional project management methodologies. (PM.2)
 - 36 months experience planning complete life-cycles of phased IT system implementation projects. (PM.3)
 - Copy of current Project Management Professional (PMP) or higher-level certification from the PMI®, or equivalent project management credential that is accredited under ISO/IEC 17024.(PM.4)
- b) **Business Lead (BL)** - The BL will be responsible for serving as an expert in the voter registration functional areas of the Bidder's proposed solution. This resource will be responsible for leading and gathering information in all voter registration discussions and sessions. This resource should assist with compiling responses for the Bidder's deliverables for this area. The BL must have:
- 36 months Experience performing voter registration business process analysis on complex IT system implementation projects that include many stakeholders with multiple external system interfaces. (BL.1)
 - 36 months Experience with collaborative business process assessment, analysis, writing, and re-engineering methods and strategies including business flow diagramming. (BL.2)
 - 24 months Experience communicating, both verbally and written, business process information including presenting ideas/recommendations to stakeholders. (BL.3)
- c) **Technical Lead (TL)** - The TL will be responsible for defining and designing all necessary physical and logical technical architectures for the Bidder's proposed system. This resource will be responsible for participating and gathering information in all technical architecture discussions and sessions. This resource should assist with compiling responses for the Bidder's deliverables for this area. The TL must have:
- 60 months Experience architecting complex integrated IT systems that include multiple business disciplines with multiple external system interfaces and process at least 5 million transactions annually. (TL.1)
 - 60 months Experience implementing roles-based security. (TL.2)
 - 36 months Experience architecting a system(s) that uses a Wide Area Network (WAN). (TL.3)
 - 60 months Experience facilitating knowledge transfer and transition management regarding technical architectures. (TL.4)

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- d) **Data Integration Lead (DIL)** - The DIL will be responsible to ensure the proposed system data structure supports the proposed solution to meet the RFP requirements. This resource will be responsible for participating and gathering information in all data architecture and data integration related discussions and sessions. This resource should lead development of Bidder's deliverables related to Data Integration. The DIL must have:
- 60 months Experience setting data policy and recommending technical solutions for the management, storage, access, navigation, movement, and transformation of data on projects from five or more geographically distinct sources. (DIL.1)
 - 60 months Experience specifying DBMS and ETL tools and technologies for structured and unstructured content. (DIL.2)
 - 24 months Experience creating and maintaining metadata repositories. (DIL.3)
 - 36 months Experience creating and maintaining enterprise schema. (DIL.4)
 - 60 months Experience enforcing principles of good canonical (normalized) data design. (DIL.5)
- e) **Development Lead (DL)** – The Development Lead (DL) will be responsible for all development activities for the Bidder's proposed system. The DL will be responsible for leading and completing development and ensuring that the application supports the Section VI – Project Management, Business and Technical Requirements. The DL must have:
- 60 months Experience managing the development effort of complex IT system implementation projects that have one-time total costs of \$25 million or more. (DL.1)
 - 60 months Experience in completing development activities in the specific technologies included in the Bidder's proposed system. (DL.2)
 - 24 months Experience in defining and managing software configuration management processes. (DL.3)
- f) **Testing Lead (TestL)** - The TestL will be responsible for all testing activities for the Bidder's proposed system. This resource will be responsible for leading and managing all aspects of testing and ensuring that the application supports Section VI – Project Management, Business and Technical Requirements.
- 60 months Experience managing the testing effort of a complex IT system implementation effort. (TestL.1)
 - 60 months Experience defining and implementing testing approaches and processes in multiple testing phases (TestL.2)
 - 24 months Experience in test planning and execution activities. (TestL.3)
 - 36 months Experience in implementing a defect management process. (TestL.4)

E. Proposed Staff Experience Requirements (Desirable) – 800 Points

For bidder resources assigned to the required roles above, additional points may be awarded for each role below for the following desirable proposed staff experience requirements. Points will be awarded based on the proposed staff member's total number of months of experience in each area.

Requirement A12 Describe the staff member's experience using Exhibit V.6 – Staffing Experience Matrix and Exhibit V.7 – Bidder Staff Resume for any or all of the four (4) key team members identified below:

Addendum 1*
November 4, 2010~~October 29, 2010~~

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a) Project Manager (PM)

- Experience with managing complex IT system implementation projects for the State of California. (PM.5)
- Experience managing IT implementation projects that involve both local government and state government entities as stakeholders. (PM.6)

b) Business Lead (BL)

- Experience with the implementation of business processes for voter registration systems. (BL.4)

c) Technical Lead (TL)

- Experience with architecting complex integrated IT systems for the State of California. (TL.5)

d) Data Integration Lead (DIL)

- More than 36 months experience mapping the structure and organization of customer data from as-is state to future state for voter registration systems. (DIL.6)
- Experience with managing complex data integration efforts for the State of California. (DA.7)

C. Draft and Final Proposal Administrative Requirements

This section describes specific guidelines that are applicable to the submission of the Draft Proposal and Final Proposal. Only those Bidders that were selected through the pre-qualification process outlined above will be allowed to submit Draft and Final Proposals. Bidders shall develop and submit their Draft Proposal and Final Proposal, based on their due diligence performed during the confidential discussions and the latest RFP addendum requirements. These guidelines are also applicable to the new Final Proposal if all original Final Proposals are declared flawed (drafts) by the Evaluation Team.

1. Draft and Final Proposal Format

Please see Section VIII – Proposal Format for instructions on preparing Draft Proposal and Final Proposal.

2. Draft and Final Proposal Scoring

Please see Section IX – Evaluation and Selection for scoring of Draft Proposal and Final Proposal.

3. Draft and Final Proposal Administrative Requirements

The following are the administrative requirements unique to the Draft Proposal and Final Proposal. For the Draft and Final Proposal, these requirements must be submitted in addition to those listed above in Section V.A.

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A. Cover Letter (Mandatory)

The Bidder's Draft Proposal and Final Proposal must include a cover letter substantiating the Bidder's acknowledgement and acceptance of all RFP requirements. The cover letter must include:

- A statement indicating that the signer is authorized to bind the bidding firm contractually,
- A statement that the Bidder commits to fulfilling all requirements of the RFP,
- A signature block indicating the:
 - Title or position that the signer holds in the firm,
 - Signer's contact information including phone, fax, e-mail, and address, and
- The original signature of the signer.

The cover letter must NOT contain any cost information.

Requirement A13 Bidder's Draft and Final Proposal must contain a signed Cover Letter, which must contain the following:

- **Proposal Cover Letter must be signed by authorized individual and indicate that the signer is authorized to bind the firm contractually, and identifies the signer's title.**
- **Statement that the Bidder commits to meeting all requirements of the RFP.**
- **Statement that the proposal is firm's binding offer good for 180 days from scheduled date for contract award.**
- **Statement indicating that the Bidder has available staff with the appropriate skills to complete performance under the contract for all services and provide all deliverables as described in this RFP.**
- **Statement accepting full Prime Contractor responsibility for coordinating, controlling, and delivering all aspects of the contract and any subcontractors on their team.**

B. Executive Summary (Mandatory)

The Bidder's Draft Proposal and Final Proposal must contain an Executive Summary that describes the salient features of the proposal and condenses and highlights the contents of the proposal to provide a broad understanding of the entire proposal. The Executive Summary will be used to facilitate the evaluation of the proposal by the State.

The Executive Summary must include an overview of the services to be provided as part of this contract in order to meet the RFP requirements. Bidders are to limit their discussion to those services specific to those required by this RFP and avoid marketing materials.

The Executive Summary should also describe:

- List of the firms and individuals proposed as subcontractors (if applicable), staff names, and the experience of the proposed team with Voter Registration automation;
- Summary of the technology proposed;
- Summary of Bidder's approach to meeting the business functional requirements;
- The degree to which the proposed solution components are currently in use; and
- Summary of the responsibilities of the SOS for the support of implementing the proposed solution.

The Executive Summary must also provide a concise profile of the company. The company profile must include at a minimum:

- ownership and location of offices,
- history – number of years in business,
- qualifications – similar endeavor success and years providing services specific to this RFP, and
- executive-level organizational chart showing lines of authority.

The Executive Summary must NOT include any cost information.

Requirement A14 Bidder's Proposal must contain an Executive Summary of their proposed solution, which includes the following information:

- **Overview of services**
- **List of the firms and individuals proposed as subcontractors (if applicable), staff names, and the experience of the proposed team with Voter Registration automation;**
- **Summary of the technology proposed;**
- **Summary of Bidder's approach to meeting the business functional requirements;**
- **The degree to which the proposed solution components are currently in use;**
- **Summary of the responsibilities of the SOS for the support of implementing the proposed solution; and**
- **Company profile.**

C. Certification to Do Business in the State of California (Mandatory)

Bidders' Draft Proposals and Final Proposals must contain a copy of Bidder's certification with the California Secretary of State to do business in California. If certification has not been received, a copy of Bidder's application and statement of status must be included.

The Contractor must be certified with the California Secretary of State, if required by law, to do business in California. If the Bidder does not currently have this certification, the firm must be certified before contract award can be made.

Requirement A15 The Bidder and all subcontractors proposed which are to receive ten percent (10%) or more of the total contract value must submit a California Certificate of Good Standing.

D. Payee Data Record (Mandatory)

The Bidder's Draft Proposal and Final Proposal must contain a fully executed copy of the Standard Form 204 – Payee Data Record. The Payee Data Record may be found at <http://www.documents.dgs.ca.gov/osp/pdf/std204.pdf>.

Requirement A16 The Prime Bidder and all subcontractors proposed which are to receive ten percent (10%) or more of the total contract value must submit a Payee Data Record.

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E. Productive Use Requirements (Mandatory)

The objective of the Productive Use Requirements is to protect the State from being an experimentalist for new equipment and software that has no record of proven performance. Although the State does not expect simply to install a solution already in productive use elsewhere, it wants to avoid becoming a “beta site” for a substantially new technology product.

Equipment and software must be currently supported by the manufacturers. No equipment and/or software may be proposed, specified, or employed if the manufacturer has announced an end of support.

Requirement A17 Bidders must provide data to support that the solution proposed (including proposed hardware, operating system software, database and Commercial-off-the-Shelf or other third party application software) meets the Productive Use requirements.

F. Disabled Veterans Business Enterprise (DVBE) Participation Program Requirement and DVBE Incentive (Mandatory)

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.

1. DVBE Participation - Mandatory

Bidders must fully comply with DVBE Participation Program requirements in Draft and Final Proposals. Failure to submit a complete response will result in a non-responsive determination, in which case the Final Proposal will be rejected.

The minimum DVBE participation percentage goal is 3% for this solicitation. A DVBE incentive will be given to bidders who provide DVBE participation. All Bidders must complete and submit the DVBE Program Requirements packet. All forms must be completed per instructions and included in Volume 1, Final Bid. Cost Information is NOT to be included on these forms. The DVBE Program requirements package may be downloaded from:

<http://www.dgs.ca.gov/pd/Programs/OSDS.aspx>

<http://www.documents.dgs.ca.gov/pd/poliproc/DVBEPROGREQ103107.doc>

The Bidder must also complete and submit the Bidder Declaration Form, as describe below. This document and its completion instructions may be accessed at the link below:

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

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 also submit a completed form(s) STD. 843 (Disabled Veteran Business Declaration). All disabled veteran owners and disabled veteran managers of the DVBE(s) must sign the from(s). The DVBE Declaration form may be accessed at:

<http://www.documents.dgs.ca.gov/pd/poliproc/STD-843FillPrintFields.pdf>

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More information about the DVBE Participation Program requirements can be found at:

<http://www.pd.dgs.ca.gov/publications/resource.htm>

The Office of Small Business and DVBE Services offers program information and may be reached at:

Office of Small Business and DVBE Services
707 Third Street, 1st Floor, Room 400
West Sacramento, CA 95605

<http://www.pd.dgs.ca.gov/smbus>

Receptionist: (916) 375-4940 Fax: (916) 375-4650

Requirement A18: Bidders shall provide a response to DVBE Participation Program requirements as part of their proposals.

2. Disabled Veteran Business Enterprise (DVBE) Incentive - Optional

The DVBE Incentive requirement is optional, but will provide additional points to be factored in for contract award purposes.

The Military and Veterans Code Section 999.5(a) to provide an incentive for DVBE participation in State contracts. The incentive for this procurement provides additional points for those bidders that achieve at least one percent (1%) certified DVBE participation. Participation incentives will be rewarded based on Table V.2 that follows, also described in Section IX - Evaluation and Selection.

NOTE: In accordance with Section 999.5(a) of the Military and Veterans Code, Incentive points will be given to bidders who provide Disabled Veteran Business Enterprise (DVBE) participation surpassing designated minimum thresholds. For contract award purposes only, the State shall add Incentive points to proposals that include California certified DVBE participation as identified on the Bidder Declaration GSPD-05-105 located at: www.documents.dgs.ca.gov/pd/delegations/GSPD105.pdf.

The Incentive amount for awards is based on the amount of DVBE participation obtained. The Incentive is only given to those bidders who are responsive to the DVBE Program Requirement and propose DVBE participation in the resulting contract.

Table V.2 – DVBE Point Scale

DVBE POINT SCALE (See Section IX - Evaluation and Selection)	
Confirmed DVBE participation of:	DVBE Incentive:
5% or more	5% of \$1,000 = 50
4% up to 4.99%	4% of 1,000 =40
3% up to 3.99%	3% of 1,000 = 30
2% up to 2.99%	2% of 1,000 = 20
1% up to 1.99%	1% of 1,000 = 10
Less than 1%	0% of 1,000 = 0

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G. Small Business Preference (Mandatory)

The Bidder's Draft Proposal and Final Proposal must include a completed Exhibit V.4 – Small Business Preference regardless of whether the Bidder is requesting the Small Business Preference or not.

If requesting the Small Business Preference, the Bidder must also attach a copy of the Small Business approval letter from DGS showing the Bidder's or subcontractor's Small Business number.

A 5% bid preference is now available to a non-small business claiming 25% California certified small business subcontractor participation. Bidders claiming the 5% preference must be certified by California as a small business or must commit to subcontract at least 25% of the "Contract Grand Total" from Exhibit V.2 –Subcontractor List 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 Certification (OSDC) no later than 5:00 p.m. on the Final Proposal due date, and the OSDC must be able to approve the application as submitted.

The Small Business Regulations, located at 2 CCR 1896 et seq., concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals were revised, effective 9/9/04. 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.

Requirement A19 All Bidders must submit the completed Exhibit V.4. If Bidder is not requesting a Small Business Preference, Bidder must enter "Not Requested" or "Not Applicable" in response. If Bidder is claiming small business, a copy of the small business approval letter from DGS must also be submitted.

H. Optional Preference Claims (if applicable)

The State has identified a worksite for implementation of this project; however, offsite services may qualify for these preferences.

1. Target Area Contract Preference Act (TACPA)

The following preference will be granted for this procurement. Bidders wishing to take advantage of this preference will need to review the following Website and submit the appropriate response with the Proposal.

<http://www.dgs.ca.gov/pd/Programs/DisputeResolution.aspx>

2. Local Agency Military Base Recovery Act (LAMBRA)

The following preference will be granted for this procurement. Bidders wishing to take advantage of this preference will need to review the following Website and submit the appropriate response with the Proposal.

<http://www.dgs.ca.gov/pd/Programs/DisputeResolution.aspx>

3. Enterprise Zone Act (EZA)

The following preference will be granted for this procurement. Bidders wishing to take advantage of this preference will need to review the following Website and submit the appropriate response with the Proposal.

<http://www.dgs.ca.gov/pd/Programs/DisputeResolution.aspx>

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H.I. Irrevocable Letter of Credit (Mandatory)

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The awarded Contractor will be required to provide the State with a Letter of Credit that is acceptable to the State at Contract execution. Failure to submit the required Letter of Credit at contract signing may be cause for default and termination of the Intent to Award.. The financial institution issuing the Letter of Credit must be insured by the Federal Deposit Insurance Corporation and must be licensed to do business in the State of California. The California Secretary of State must be identified as beneficiary.

The Letter of Credit must further provide for honor of a draft on demand for payment presented with the State's written statement, signed by the Secretary of State, certifying that there has been loss, damage, or liability resulting from the Contractor's performance or nonperformance of duties and obligations under the Contract, or from the negligence or act of omission by the Contractor or its agents, servants, and employees and that the amount of the demand or draft is, therefore, now payable.

The Irrevocable Letter of Credit MUST be submitted along with the signed contract. Failure to submit a compliant Irrevocable Letter of Credit may be cause for termination of the Intent to Award.

The Letter of Credit must remain in effect through Phase VII and the one year warranty period. The Bidder agrees to extend the Letter of Credit if the date of Phase VII is changed. The Contractor must have a Letter of Credit in effect from VoteCal Contract execution throughout the term of the contract.

H.J. Bidder Qualifications and References (Mandatory)

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The Bidder must meet the same requirement as A9 in the Draft Proposal and Final Proposal as was met in the pre-qualification package.

Requirement A9 The Bidder must provide descriptions of three (3) projects that meet the mandatory Bidder qualification requirements using Exhibit V.5: Bidder Qualifications & References

H.K. Bidder Qualifications and References (Desirable)

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The Bidder may provide additional information to meet the same requirement as A10 in the Draft Proposal and Final Proposal as was met in the pre-qualification package.

Requirement A10 The Bidder may provide a description of one (1) project that meets the desirable Bidder qualification requirements using Exhibit V.5 – Bidder Qualifications and References.

H.L. Proposed Staff Qualification Requirements (Mandatory)

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The Bidder must meet the requirement A11 in the Draft Proposal and Final Proposal as was done in the Pre-qualification package.

Requirement A11 Each proposed resource must meet the minimum requirements following the role description, respectively, as documented in Exhibit V.6 – Staffing Experience Matrix with supplemental

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information provided in Exhibit V.7 – Bidder Staff Resume:

- a) **Project Manager (PM)** - The PM will be responsible for managing all Bidder resources and activities relating to the completion of the deliverables outlined in the contract. The PM must have:
- 60 months experience with managing complex IT system implementation projects that have one-time total costs of \$20 million or more and that include many stakeholders and multiple external system interfaces. (PM.1)
 - 60 months experience managing projects utilizing Project Management Institute (PMI®) methodologies or similar professional project management methodologies. (PM.2)
 - 36 months experience planning complete life-cycles of phased IT system implementation projects. (PM.3)
 - Project Management Professional (PMP) or higher-level certification from the PMI®, or equivalent project management credential that is accredited under ISO/IEC 17024.(PM.4)
- b) **Business Lead (BL)** - The BL will be responsible for serving as an expert in the voter registration functional areas of the Bidder’s proposed solution. This resource will be responsible for leading and gathering information in all voter registration discussions and sessions. This resource should assist with compiling responses for the Bidder’s deliverables for this area. The BL must have:
- 36 months Experience performing voter registration business process analysis on complex IT system implementation projects that include many stakeholders with multiple external system interfaces. (BL.1)
 - 36 months Experience with collaborative business process assessment, analysis, writing, and re-engineering methods and strategies including business flow diagramming. (BL.2)
 - 24 months Experience communicating, both verbally and written, business process information including presenting ideas/recommendations to stakeholders. (BL.3)
- c) **Technical Lead (TL)** - The TL will be responsible for defining and designing all necessary physical and logical technical architectures for the Bidder’s proposed system. This resource will be responsible for participating and gathering information in all technical architecture discussions and sessions. This resource should assist with compiling responses for the Bidder’s deliverables for this area. The TL must have:
- 60 months Experience architecting complex integrated IT systems that include multiple business disciplines with multiple external system interfaces and process at least 5 million transactions annually. (TL.1)
 - 60 months Experience implementing roles-based security. (TL.2)
 - 36 months Experience architecting a system(s) that uses a Wide Area Network (WAN). (TL.3)
 - 60 months Experience facilitating knowledge transfer and transition management regarding technical architectures. (TL.4)

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- d) **Data Integration Lead (DIL)** - The DIL will be responsible to ensure the proposed system data structure supports the proposed solution to meet the RFP requirements. This resource will be responsible for participating and gathering information in all data architecture and data integration related discussions and sessions. This resource should lead development of Bidder's deliverables related to Data Integration. The DIL must have:
- 60 months Experience setting data policy and recommending technical solutions for the management, storage, access, navigation, movement, and transformation of data on projects from five or more geographically distinct sources. (DIL.1)
 - 60 months Experience specifying DBMS and ETL tools and technologies for structured and unstructured content. (DIL.2)
 - 24 months Experience creating and maintaining metadata repositories. (DIL.3)
 - 36 months Experience creating and maintaining enterprise schema. (DIL.4)
 - 60 months Experience enforcing principles of good canonical (normalized) data design. (DIL.5)
- e) **Development Lead (DL)** – The Development Lead (DL) will be responsible for all development activities for the Bidder's proposed system. The DL will be responsible for leading and completing development and ensuring that the application supports the Section VI – Project Management, Business and Technical Requirements. The DL must have:
- 60 months Experience managing the development effort of complex IT system implementation projects that have one-time total costs of \$25 million or more. (DL.1)
 - 60 months Experience in completing development activities in the specific technologies included in the Bidder's proposed system. (DL.2)
 - 24 months Experience in defining and managing software configuration management processes. (DL.3)
- f) **Testing Lead (TestL)** - The TestL will be responsible for all testing activities for the Bidder's proposed system. This resource will be responsible for leading and managing all aspects of testing and ensuring that the application support the Section VI – Project Management, Business and Technical Requirements.
- 60 months Experience managing the testing effort of a complex IT system implementation effort. (TestL.1)
 - 60 months Experience defining and implementing testing approaches and processes in multiple testing phases (TestL.2)
 - 24 months Experience in test planning and execution activities. (TestL.3)
 - 36 months Experience in implementing a defect management process. (TestL.4)

L.M. Proposed Staff Experience Requirements (Desirable)

The Bidder may provide additional information to meet the same requirement as A12 in the Draft Proposal and Final Proposal as was met in the pre-qualification package.

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Requirement A12 Describe the staff member's experience using Exhibit V.6 – Staffing Experience and Exhibit V.7 – Bidder Staff Resume for any or all of the four (4) key team members identified below:

- a) **Project Manager (PM)**
 - **Experience with managing complex IT system implementation projects for the State of California. (PM.5)**
 - **Experience managing IT implementation projects that involve both local government and state government entities as stakeholders. (PM.6)**
- b) **Business Lead (BL)**
 - **Experience with the implementation of business processes for voter registration systems. (BL.4)**
- c) **Technical Lead (TL)**
 - **Experience with architecting complex integrated IT systems for the State of California. (TL.5)**
- d) **Data Integration Lead (DIL)**
 - **More than 36 months experience mapping the structure and organization of customer data from as-is state to future state for voter registration systems. (DIL.6)**
 - **Experience with managing complex data integration efforts for the State of California. (DA.7)**

M.N. Project Organization (Mandatory)

In this section the Bidder must include a discussion that identifies staffing proposed for the project. The State's ultimate project goal is to develop a strong team that will be able to support the new system implementation effort as well as provide post-implementation system support.

The Bidder's Project Staffing Overview must include both a diagram and a high-level narrative description of the project team organization. The narrative must include a description of proposed key staff's roles, responsibilities, functional activities, proposed time each proposed staff will be devoted to the project, and the specific deliverables to which each key staff will contribute.

Bidders must state whether or not any additional staffing is to be used in addition to the six key staff roles. If additional staff are proposed, Bidders should include in their narrative a description of the additional staffing that the Bidder anticipates will be needed to perform tasks to implement the proposed solution. The additional staffing description must include roles/responsibilities, functional activities, and reporting structure. If no additional staff are proposed, Bidders must include a description of why no additional staffing is needed.

SOS requires the Bidder to maintain continuity of staffing. If and when a contract is awarded, the winning Bidder will be expected to provide the individuals proposed in key staff roles (Project Manager, Business Lead, Technical Lead, Development Lead, Testing Lead and Data Integration Lead) if those individuals are still in the employ of the Bidder.

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Once committed to the project, all proposed staff are expected to remain for the duration of the project in that role. SOS recognizes that a resignation or other events may cause Bidder project team members to be unavailable. SOS must approve or deny any of Bidder's proposed replacement project team members. The proposed replacement staff must have at least the same skills and experience as required in the RFP. SOS will validate the proposed replacement staff references prior to approving their participation on the project. The request to replace staff must be made in writing to SOS Project Director along with the reason for the need to replace staff. When replacing staff the vendor shall submit the experience of the proposed replacement staff on Exhibit V.6 – Staffing Experience Matrix and Exhibit V.7 - Bidder Staff Resume form for review by SOS.

Requirement A20 The Bidder's discussion of proposed project staffing above must include:

- **Identification of all proposed bidder staff from Exhibit V.6 – Staffing Experience Matrix,**
- **Identification of additional essential Bidder project personnel, including subcontractor staff, with a summary of skill sets for additional positions and of anticipated responsibilities for those positions,**
- **Detailed description of the methodology used to estimate the resource efforts applied to the work plan.**
- **Identification and description of teaming relationships with State personnel. (Details regarding the State's existing project staff have been provided in Section III of this RFP),**
- **A diagram of the proposed project staffing structure and reporting/governance structure. The diagram should show the key Bidder, subcontractor (if applicable), and corresponding State staffing. Refer to RFP Section III for existing project structure, and**
- **Narrative description of distribution of roles and responsibilities for the lifecycle of the project, for at least the following areas:**
 - **Management and maintenance of the integrated project schedule**
 - **Management of risks, issues, and scope (change control)**
 - **Design documentation preparation**
 - **Software configuration management and version control**
 - **Quality assurance for deliverables**
 - **Deployment and cutover management**
 - **Requirements management**
 - **Training for end users and SOS Elections and IT staff**
 - **Communications with SOS and other stakeholders**
 - **All other office and administrative support required to perform project activities.**

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Note: The State will not provide clerical support to Contractor staff.

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EXHIBIT V.2 SUBCONTRACTOR LIST

Each subcontractor included in the contract must be identified in Exhibit V.2.

Exhibit V.2: Subcontractor List		
A – Subcontractor Information		
Company Name:		
Primary Contact Name	Primary Contact Title	Phone
Address	City, State	Zip
Subcontractor's proposed implementation work effort by total staff resource hours applied (check only one box):		
<input type="checkbox"/> 25% or more	<input type="checkbox"/> Between 25% and 10%	<input type="checkbox"/> 10% or less
B - Description of Commercially Useful Function the subcontractor will provide: <i>(Only for Small Businesses and Disabled Veterans Business Enterprises)</i>		
As described in Military & Veterans Code § 999(b)(5)(B)(i):		
Is this subcontractor responsible for the execution of a distinct element of the work of the contract? ___Yes ___No		
Does this subcontractor carry out the obligation by actually performing, managing, or supervising the work involved? ___Yes ___No		
Is this subcontractor being proposed to perform work that is normal for its business services and functions? ___Yes ___No		
Is this subcontractor NOT further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices? ___Yes ___No		
Description of the commercially useful function to be performed by this subcontractor:		
(attach additional pages if necessary)		
C – Proposal Amount (Yes response required for one of C1, C2, or C3)		

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Exhibit V.2: Subcontractor List	
C1	This subcontractor will represent 25% or more of the proposal "Contract Grand Total": ___ YES ___ NO
	This subcontractor satisfies the Small Business Preference Requirements: ___ YES ___ NO
C2	This subcontractor will represent between 10% and 25% of the proposal "Contract Grand Total": ___ YES ___ NO
C3	This subcontractor will represent less than 10% of the proposal "Contract Grand Total": ___ YES ___ NO
D – Subcontractor Signature:	
I, the official named above, as an authorized representative of the company named above, warrant my company has been advised of, and agrees to, its participation in the contract, if awarded.	
Signature:	Date:

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EXHIBIT V.3 WORKERS' COMPENSATION INSURANCE CERTIFICATION

The undersigned in submitting this document hereby certifies the following:

I am aware of the provisions of Section 3700 of the California Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with such provisions before commencing the performance of the work of this contract.

Signature

Date

Name and Title (Print or Type)

Street Address

Firm Name

City, State, and ZIP

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Exhibit V.4 Small Business Preference

ALL BIDDERS – PLEASE CHECK THE APPROPRIATE BOX, SIGN AND DATE THIS FORM, AND SUBMIT IT WITH YOUR PROPOSAL. ALSO HAVE ANY CERTIFIED SMALL BUSINESS SUBCONTRACTORS SIGN AND SUBMIT ALONG WITH THEIR SMALL BUSINESS CERTIFICATION, WHERE APPLICABLE.

- I am a certified small business and **Small Business Preference** is applicable to this proposal. A copy of my certification from the Office of Small Business and DVBE Certification is attached.

- I have recently filed for Small Business Preference but have not yet received certification. *(Note: It is the Bidder's responsibility to ensure that applicable Small Business Certifications are completed by Notice of Intent to Award.)*

- I have read the section on Small Business Preference, and declare that I am **Not** a certified Small Business and am **Not** claiming the **Small Business Preference**.

- I am **Not** a certified Small Business but I am using a small and/or micro-business as a subcontractor.

Bidder's Authorized Signature _____ Date _____

Printed Name and Title _____

Name of Bidder's Firm _____

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Exhibit V.5 Bidder Qualifications & References

Exhibit V.5: Bidder Qualifications & References	
Firm Name:	Firm Contact Name:
Firm Contact's Email:	Firm Contact's Phone #:

Client:	Client Contact Name:
Address:	Phone #:
Email:	Fax #:
Reference is submitted to meet the following Bidder Qualifications (check <u>at least one</u>):	
<input type="checkbox"/> Mandatory Bidder Qualifications	<input type="checkbox"/> Desirable Bidder Qualifications

Project Name:	
Project Description:	
Nature of Firm's Involvement:	
Date System Went into Production as System of Record, or date of completion of Pilot:	Number of Records Integrated:
Did this project implement a statewide system? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Did this project implement a voter registration system? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Did this project implement a "bottom-up" voter registration system (in which local elections staff retain use of their existing election management systems)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Number of <i>concurrent</i> users supported _____	
Did the project required interfaces with at least 3 independent systems not under the direct control or management of the vendor or the customer? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Was the Firm the Prime Contractor for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If this reference is for the Bidder's Subcontractor, was the Subcontractor the Prime Contractor for this project? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Enter Subcontractor Name: _____	
Reference's Signature: I, the client contact official named above, as an authorized representative of the client agency named above, state that the above project description is true and correct.	
Signature:	Date:
Printed name:	

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Exhibit V.6 Staffing Experience Matrix and Instructions

Complete the Experience Staffing Matrix per the instructions provided in this Exhibit. If a proposed team member has gained experience from various efforts or contract engagements, provide information for each engagement on a separate line. Add additional pages as needed. **A separate form/table must be completed for each of the six key proposed team members.**

Project Details: Provide the project name, client name, contact person, contact phone number, and years worked.

Role and Type of Experience: Please mark the experience attained during the referenced project by placing an 'X' in the respective check box.

Duration: Enter the duration, in months, that the staff person was involved in the project. A "month" shall be defined as any period in which a minimum of 20 work days of at least 7 hours in duration were worked, and are applicable to the claimed experience.

A sample is provided below:

Contractor Name: <i>XYZ Technology Professionals</i>		
Staff Name: <i>Robin Roberts, PMP</i>		
Proposed Role: <i>Project Manager</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
<i>[PRODUCT] Implementation State of Virginia Jane Doe (804- 555-1212) (1999-2001)</i>	<input checked="" type="checkbox"/> <i>Experience with managing complex IT system implementation projects that have one-time costs of \$20 million or more and that include many stakeholders with multiple external system interfaces. (PM.1)- Mandatory</i> <input checked="" type="checkbox"/> <i>Experience managing projects utilizing PMI® methodologies or similar professional project management methodologies. (PM.2)- Mandatory</i> <input checked="" type="checkbox"/> <i>Experience planning complete life-cycles of phased IT system implementation projects. (PM.3)-Mandatory</i> <input type="checkbox"/> <i>Experience managing complex IT system implementation projects for the State of California. (PM.5)-Desirable</i> <input type="checkbox"/> <i>Experience managing IT implementation projects that involve both local government and state government entities as stakeholders. (PM.6)-Desirable</i>	<i>20</i>
<i>Copy and paste additional rows as necessary.</i>		

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Exhibit V.6 Staffing Experience Matrix

(A separate form/table must be completed for each of the six proposed Key Personnel.)

Contractor Name:		
Staff Name:		
Proposed Role: <i>Project Manager (PM)</i> *Note: Copy of PMP or equivalent certificate (PM.4) must be provided along with Exhibit V.6 for the proposed PM.		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> Experience with managing complex IT system implementation projects that have one-time costs of \$20 million or more and that include many stakeholders and multiple external system interfaces. (PM.1)-Mandatory <input type="checkbox"/> Experience managing projects utilizing Project Management Institute (PMI®) methodologies or similar professional project management methodologies. (PM.2)-Mandatory <input type="checkbox"/> Experience planning complete life-cycles of phased IT system implementation projects. (PM.3)-Mandatory <input type="checkbox"/> Experience managing complex IT system implementation projects for the State of California. (PM.5)-Desirable <input type="checkbox"/> Experience managing IT implementation projects that involve both local government and state government entities as stakeholders. (PM.6)-Desirable	
	Copy and paste additional rows as necessary.	

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Exhibit V.6 Staffing Experience Matrix

Contractor Name:		
Staff Name:		
Proposed Role: <i>Business Lead (BL)</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> <i>Experience performing voter registration business process analysis on complex IT system implementation projects that include many stakeholders with multiple external system interfaces. (BL.1)-Mandatory</i> <input type="checkbox"/> <i>Experience with collaborative business process assessment, analysis, writing, and re-engineering methods and strategies including business flow diagramming. (BL.2)-Mandatory</i> <input type="checkbox"/> <i>Experience communicating, both verbally and written, business process information including presenting ideas/recommendations to stakeholders. (BL.3)-Mandatory</i> <input type="checkbox"/> <i>Experience with the implementation of business processes for voter registration systems. (BL.4)-Desirable</i>	
	<i>Copy and paste additional rows as necessary.</i>	

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Exhibit V.6 Staffing Experience Matrix

Contractor Name:		
Staff Name:		
Proposed Role: <i>Technical Lead (TL)</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> <i>Experience architecting complex integrated IT systems that include many stakeholders with multiple external system interfaces and process at least 5 million transactions annually.(TL.1)-Mandatory</i> <input type="checkbox"/> <i>Experience implementing roles-based security.(TL.2)-Mandatory</i> <input type="checkbox"/> <i>Experience architecting a system(s) that uses a Wide Area Network (WAN).(TL.3)-Mandatory</i> <input type="checkbox"/> <i>Experience facilitating knowledge transfer and transition management regarding technical architectures.(TL.4)-Mandatory</i> <input type="checkbox"/> <i>Experience with architecting complex integrated IT systems for the State of California.(TL.5)-Desirable</i>	
	<i>Copy and paste additional rows as necessary.</i>	

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Exhibit V.6 Staffing Experience Matrix

Contractor Name:		
Staff Name:		
Proposed Role: <i>Data Integration Lead (DIL)</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> <i>Experience setting data policy and recommending technical solutions for the management, storage, access, navigation, movement, and transformation of data on projects involving five or more geographically distinct sources.(DIL.1)-Mandatory</i> <input type="checkbox"/> <i>Experience specifying DBMS and ETL tools and technologies for structured and unstructured content.(DIL.2) -Mandatory</i> <input type="checkbox"/> <i>Experience creating and maintaining metadata repositories. (DIL.3) -Mandatory</i> <input type="checkbox"/> <i>Experience creating and maintaining enterprise schema. (DIL.4) -Mandatory</i> <input type="checkbox"/> <i>Experience enforcing principles of good canonical (normalized) data design.(DIL.5) -Mandatory</i> <input type="checkbox"/> <i>Experience mapping the structure and organization of customer data from as-is state to future state for implementation of voter registration systems.(DIL.6)-Desirable</i> <input type="checkbox"/> <i>Experience with managing complex data integration efforts for the State of California. (DIL.7)-Desirable</i>	
	<i>Copy and paste additional rows as necessary.</i>	

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Exhibit V.6 Staffing Experience Matrix

Contractor Name:		
Staff Name:		
Proposed Role: <i>Development Lead (DL)</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> <i>Experience managing the development effort of a complex IT system implementation project that has one-time costs of \$25 million or more. (DL.1)-Mandatory</i> <input type="checkbox"/> <i>Experience in completing development activities in the specific technologies included in the Bidder's proposed system. (DL.2) - Mandatory</i> <input type="checkbox"/> <i>Experience in defining and managing software configuration management processes. (DL.3) -Mandatory</i>	
	<i>Copy and paste additional rows as necessary.</i>	

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Exhibit V.6 Staffing Experience Matrix

Contractor Name:		
Staff Name:		
Proposed Role: <i>Testing Lead (TestL)</i>		
Project Name Client Name, Contact, & Number	Role and Type of Experience	Duration (in months)
	<input type="checkbox"/> <i>Experience managing the testing effort of a complex IT system implementation effort. (TestL.1)-Mandatory</i> <input type="checkbox"/> <i>Experience defining and implementing testing approaches and processes in multiple testing phases, (TestL.2) - Mandatory</i> <input type="checkbox"/> <i>Experience in test planning and execution activities. (TestL.3) -Mandatory</i> <input type="checkbox"/> <i>Experience in implementing a defect management process. (TestL.4) -Mandatory</i>	
	<i>Copy and paste additional rows as necessary.</i>	

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Exhibit V.7 Bidder Staff Resume

Use one form for each of Bidder's six Proposed Key Project Team members; employment history should start with the most recent employment. Add additional pages as necessary.

Bidder Proposed Staff Name:		
Proposed Role:		
Individual educational achievements		
Institution Name:	Degree:	Year Graduated:
Certifications Achieved:		
Areas of Professional Expertise:		
Employment History		
Organization Name:	Title and Role:	
Reference Contact Name & Title:	Contact Telephone #:	
Years of Employment:	From:	To:

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Bidder Proposed Staff Name: Proposed Role:		
Employment History		
Organization Name:		Title and Role:
Reference Contact Name & Title:		Contact Telephone #:
Years of Employment:	From:	To:
Brief description of Job Duties:		

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