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California Department of Public Health



ARNOLD SCHWARZENEGGER
Governor

DATE: June 22, 2010

TO: PROSPECTIVE BIDDERS

SUBJECT: **ADDENDUM #4**, REQUEST FOR PROPOSAL (RFP) NUMBER
10-10029 NETWORK FOR A HEALTHY CALIFORNIA MEDIA,
ADVERTISING AND PUBLIC RELATIONS CAMPAIGN

Pursuant to page 51 of the RFP, line item 9. entitled “CDPH Rights,” subsection a. 1) b) allows the California Department of Public Health Services (CDPH) to issue clarification notices, addenda, alternate RFP instructions, forms, etc. On page 46, Section O. entitled “Bid Requirements and Information,” subsection 1. entitled “Nonresponsive proposals” a. 1) line item has been changed to add “as stated on page 56. Proposals with less than the minimum 1% DVBE participation will be deemed nonresponsive.” On page 56, line item 3. entitled “DVBE Bid Incentive,” the table “Confirmed DVBE Participation of” has been replaced and renamed “Confirmed CDPH DVBE Participation Rate of.” DVBE goals and incentive points have been reduced and/or adjusted accordingly. The information contained in this Addendum #4 takes precedence over the original RFP. All other terms and requirements of the RFP not specified in this memorandum remain unchanged. Applications are to be submitted in response to the RFP as herein amended.

The mandatory Disabled Veteran Business Enterprise (DVBE) participation has been reduced from 3% to a 1% minimum participation level. CDPH has granted this exemption to assist prospective bidders with meeting the mandatory DVBE participation. Additional DVBE incentives still apply for proposals with confirmed participation above 1%. For complete instructions regarding this change, please refer to the enclosed RFP pages 46, 56 and Attachment 2, Page 3 entitled “Required Attachment/Certification Checklist.”

In order to configure your copy of the RFP to accurately reflect the changes and clarifications, please replace the Application Forms and Instruction document with any previous version. All revised documents are available on the website <http://www.cdph.ca.gov/programs/cpns/Pages/RFP10-10029.aspx>.

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Revised Documents:

RFP page 46
RFP page 56
Attachment 2, page 3
Attachment 10, pages 1-2
Attachment 10a, page 1

Thank you for your interest in the Media, Advertising and Public Relations Campaign and we look forward to receiving your letter of intent and proposal.

Enclosure

O. Bid Requirements and Information

1. Nonresponsive proposals

In addition to any condition previously indicated in this RFP, the following occurrences **may** cause CDPH to deem a proposal nonresponsive.

- a. Failure of a Proposer to:
 - 1) Meet DVBE participation goals **as stated on page 56. Proposals with less than the minimum 1% DVBE participation will be deemed nonresponsive.**
 - 2) Meet proposal format/content or submission requirements including, but not limited to, the sealing, labeling, packaging and/or timely and proper delivery of proposals.
 - 3) Pass the Required Attachment / Certification Checklist review (i.e., by not marking “Yes” to applicable items or by not appropriately justifying, to CDPH’s satisfaction, all “N/A” designations).
 - 4) Submit a **mandatory** Letter of Intent in the manner required, if applicable.
 - 5) Submit a **mandatory** Conflict of Interest Compliance Certificate in the manner required, if applicable.
 - 6) Attend a **mandatory** Pre-Proposal Conference, if applicable.
- b. If a Proposer submits a proposal that is conditional, materially incomplete or contains material defects, alterations or irregularities of any kind.
- c. If a Proposer supplies false, inaccurate or misleading information or falsely certifies compliance on any RFP attachment.
- d. If CDPH discovers, at any stage of the bid process or upon contract award, that the Proposer is unwilling or unable to comply with the contract terms, conditions and exhibits cited in this RFP or the resulting contract.
- e. If other irregularities occur in a proposal response that is not specifically addressed herein (i.e., the Proposer places any conditions on performance of the scope of work, submits a counter proposal, etc.).

2. Proposal modifications after submission

- a. All proposals are to be complete when submitted. However, an entire proposal may be withdrawn and the Proposer may resubmit a new proposal.
- b. To withdraw and/or resubmit a new proposal, follow the instructions appearing in the RFP section entitled, “Withdrawal and/or Resubmission of Proposals”.

3. Proposal mistakes

If prior to contract award, award confirmation, or contract signing, a proposer discovers a mistake in their proposal and/or cost offering that renders the proposer unable or unwilling to perform all SOW services as described in its proposal response for the price/costs offered, the proposer must immediately notify CDPH and submit a written request to withdraw its proposal following the procedures set forth in section N., paragraph 4.

- 1) (916) 322-5060 (24-hour recording and mail requests), or
- 2) (916) 375-4940 (Small business assistance) or (800) 559-5529 (live operator Central receptionist), or
- 3) Internet address: <http://www.pd.dgs.ca.gov/smbus/default.htm> or
- 4) Fax: (916) 375-4950, or
- 5) Email: osdchelp@dgs.ca.gov

2. Non-Small Business Subcontractor Preference

- a. Non-small business means a responsive/responsible proposer that is not certified by the California Department of General Services as a small business or microbusiness.
- b. If the responsive proposer earning the highest total score is not a certified small business/microbusiness, a bid preference up to five percent (5%) is available to a responsive non-small business proposer committing twenty-five percent (25%) small business subcontractor use of one or more small businesses. When applicable, the preference points will be calculated pursuant to the regulations in Title 2, California Code of Regulations (CCR) § 1896.8 and will be added to total score of an eligible non-small business. This preference is authorized pursuant to Title 2, CCR § 1896.2 and Government Code § 14835.
- c. If a proposer claims the non-small business subcontractor preference, the proposal response must identify each proposed small business subcontractor that will be used, the participation percentage and dollar amount committed to each identified small business subcontractor, and substantial proof to enable verification of each subcontractor’s small business status. The total small business subcontractor use must equal no less than twenty-five percent (25%) of the total cost offered.
- d. To be granted preference, each proposed small business subcontractor must possess an active small business certification issued by the Department of General services, must perform a “commercially useful function” under the contract and the basic functions to be performed must be identified at the time of proposal submission.
- e. Complete **Attachment 11a (Non-Small Business Subcontractor Preference Request) and Attachment 11b (Small Business Subcontractor/Supplier Acknowledgement)** to request the non-small business subcontractor preference.
- f. Refer to the RFP section entitled, “Settlement of ties” to learn how tied costs will be resolved.

3. DVBE Bid Incentive

In accordance with Section 999.5(a) of the Military and Veterans code an incentive will be given to bidders who provide DVBE participation. For evaluation purposes only, CDPH shall apply an incentive to bids that propose California-Certified DVBE participation as identified on page 3 of Attachment 10, CDPH 2349, Actual DVBE Participation form, and confirmed by CDPH. The incentive amount for awards based on low price will vary in conjunction with the percentage of DVBE participation. Unless a table that replaces the one below has been expressly established elsewhere with this solicitation, the following percentages will apply for awards based highest score.

Confirmed CDPH DVBE Participation Rate of:	Calculation:
3% and above	5% x 800 = 40
2% to 2.99%	3% x 800 = 24
1% up to 1.99%	1% x 800 = 8

Required Attachment / Certification Checklist

Form Section with the following attachments / forms:		Confirmed by the State
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 2, Required Attachment / Certification Checklist	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 3, Business Information Sheet	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 4, Client References	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 5, RFP Clause Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 6, CCC 307 – Certification	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 7, Payee Data Record. [Check “N/A” if the Proposer has had a prior contract with CDPH.]	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 8, Darfur Contracting Act of 2008.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 9, Follow-on Consultant Contract Disclosure. Disclosure attachment is present when applicable.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 10a, Actual DVBE Participation, and DVBE certifications for each DVBE subcontractor or supplier listed. Complete this form according to the instructions in Attachment 10 if partial or a full 3% DVBE participation was attained.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 11a, Non-Small Business Subcontractor Preference Request and Attachment 11b, Small Business Subcontractor/Supplier Acknowledgement Check “N/A” if not applying for this subcontractor preference.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 12a DVBE Incentive Request and Attachment 12b, DVBE Subcontractor/Supplier Acknowledgement Check “N/A” if not applying for this subcontractor preference.	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 13, Target Area Contract Preference Act Request. [Check “N/A” if not applying for TACPA preference.]	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	Attachment 14, Enterprise Zone Act (EZA) Preference Request. [Check “N/A” if not applying for EZA preference.]	<input type="checkbox"/> Yes <input type="checkbox"/> No

Name of Bidding Firm:

Printed Name/Title:

Signature

Date:

DVBE Instructions / Forms

Disabled Veteran Business Enterprise Participation (DVBE) Information

DVBE Definition (for this document only)

- A California firm whose ownership, daily management, and operational controls meets all statutory DVBE certification requirements, as documented by the possession of a certification letter issued by the Department of General Services, Office of Small Business and DVBE Certification [OSDC] (hereafter referred to as DGS).

California Requirements

- The State of California requires a three percent (3%) participation level in state contracts to further disabled veteran business enterprise (DVBE) participation in California.
- Only DVBEs, possessing a current DVBE certification issued by DGS, may be claimed for participation. Over 600 DVBE firms are presently certified.
- Effective January 1, 2004, legislation was enacted to require all small business, microbusinesses, 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:

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

CDPH Rights / Requirements

- Unless DVBE participation is exempted by the California Department of Public Health (CDPH), a 3% DVBE participation level is required for all service contracts with a total value of \$10,000 or more.
- CDPH reserves the right to exempt any contract from DVBE participation when it is determined to be in the Department’s best interest to do so.
- CDPH reserves the right to waive DVBE participation requirements at any time prior to the bid/proposal submission deadline. Said waivers may be announced by way of a faxed or written correction notice, administrative bulletin, or bid document addendum.

For answers or help, dial:

(916) 650-0228

- CDPH reserves the right to contact bidders/proposers during the bidding/evaluation process to collect clarifying information or to request corrections, as necessary, to DVBE documentation.
- **The accompanying instructions must be strictly followed.** Failure to do so may be grounds for bid/proposal disqualification.

Dial (916) 650-0228 if you have a question or need help.

Participation Requirements of this Solicitation

- Each prime contractor must achieve 1% DVBE participation
 - Firms submitting bid responses with less than 1% DVBE participation will be deemed nonresponsive and ineligible to receive a contract award.
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DVBE Instructions

How to Calculate 1% Participation

Unless instructed otherwise in the bid document, first determine the total dollar value/amount that will be bid, then multiply this figure by 1% to determine how much of the contract budget should be spent on DVBE supplied services, labor, supplies, materials, or equipment.

Use of Proposed DVBEs

If awarded the contract, the Contractor must faithfully use each DVBE proposed for use and listed on the form entitled "**Actual DVBE Participation**". Exceptions are only allowed if the Contractor submits a Request for Substitution to the Contract Manager of the CDPH funding Program and that request is subsequently approved by CDPH.

Substitution request submission instructions appear in either the "Special Terms and Conditions" or "Additional Provisions" exhibit clause entitled "Use of Disabled Veteran Business Enterprises". A copy of this exhibit is attached to the bid document and/or will be attached to the resulting contract.

Actual DVBE Participation

NAME OF DVBE FIRM PROPOSED FOR USE <small>(Prime is to enter its own name, if the Prime is a certified DVBE)</small>	FIRM THAT DVBE WILL CONTRACT WITH <small>(Prime is to enter "Self", if the Prime is a certified DVBE)</small>	COMMERCIALY USEFUL FUNCTION TO BE PERFORMED OR PROVIDED BY A DVBE	DVBE % Claimed	TIER <small>(See legend below)</small>

DVBE % Claimed:

Enter the percentage level of actual DVBE participation met, regardless of whether or not the participation achieved equals a full three percent (3%) of the total bid amount. Participation may be expressed as a partial/fractional decimal percentage. **Do not enter dollar figures in the "DVBE % Claimed" column.** The budget sheets, if required, that are submitted in your proposal when responding to an RFP should include the DVBE service providers identified above, unless the bidding firm is uncertain of the budget period in which the DVBE will be used.

TIER = **0** = Prime Contractor **1** = Subcontractor/Supplier to the Prime **2** = Subcontractor/Supplier to Level 1
 3 = Subcontractor/Supplier to Level 2, etc.

Attach to this form, a copy of the current DVBE certification issued by DGS for each DVBE listed in the first column. If a new or renewed certification request was recently approved by DGS, but confirmation of DVBE certification has not yet been received, place a footnote next to the DVBE's name and indicate on this form "DVBE Cert Pending" or "DVBE Cert to Follow".

Unless specifically indicated in the bid document, CDPH will not accept state or federal business utilization plans in lieu of meeting DVBE participation requirements when CDPH solicits bids/proposals from firms to perform non-IT services.

This form may be photocopied or reproduced in a like form for inclusion in a bid response. Bidding firms that choose to render a like copy of this form by computer or other means are advised to omit pages 1-4 that contain instructions.

Please do not return or include in the bid response, a copy of the DVBE instructions preceding this form.

Bidding/Proposing Firm's Name	Signature
Printed Name/Title of Person Signing Above	Date Signed