

STATE OF CALIFORNIA



INTEGRATED
WASTE
MANAGEMENT
BOARD

REQUEST FOR PROPOSAL

California Legal Profession Paper Waste Reduction Project

IWM-C9072

California Integrated Waste Management Board
8800 California Center Drive
Sacramento, California 95826

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CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

REQUEST FOR PROPOSAL IWM-C9072

SECTION I

INTRODUCTION

The California Integrated Waste Management Board (hereinafter referred to as 'Board') is the primary agency responsible for non-hazardous waste management in the State of California. The Board is soliciting bid proposals for the services described as follows:

The Board is seeking a contractor to assist with the California Legal Profession Paper Waste Reduction Project (the Project). Since July 1998, the Board has worked with the Environmental Law Section of the State Bar of California on the Project to help the California legal profession reduce its use and disposal of paper—the largest component of the legal sector's waste stream. The individual or company awarded the contract will be the first contractor to work with the Board or the Environmental Law Section on the Project.

The tasks specified in the contract Scope of Work (see Section VII) address both the private and public sectors of the California legal profession. Following is a summary of those tasks:

Tasks addressing private sector law firms

- Task 1: Develop and promote project educational materials.
- Task 2: Perform case studies/develop case study fact sheets.
- Task 3: Conduct two paper waste reduction seminars.

Tasks addressing public sector law offices and state courts

- Task 1: Develop and promote paper waste reduction educational materials.
- Task 2: Conduct pilot paper waste reduction project in large trial court office.
- Task 3: Conduct paper waste prevention education project in the California Department of Justice, Office of Legal Affairs.

In addition to performing the tasks identified in the contract Scope of Work, the contractor will assist Board staff and members of the Environmental Law Section of the State Bar of California working on other elements of the Project.

A. GENERAL INFORMATION

Interested parties may obtain a Request for Proposal (RFP) solicitation package by submitting a written request to:

Contracts Unit
Business Services Office, MS-18
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
Phone: (916) 255-2678
FAX: (916) 255-1107

All proposals must be received at the above office no later than **2:00 PM on Friday, July 21, 2000**. Proposals received after that time will not be considered and will be returned unopened. Each proposal must be sealed and the envelope must be clearly marked with the name of the proposer and the words "Response to RFP IWM-C9072."

This RFP and the successful Proposer's response will be made a part of any contract awarded from this RFP.

The Board reserves the right to accept or reject any or all proposals.

B. SCHEDULE

This RFP will be conducted according to the following tentative schedule. This tentative schedule may be altered at any time at the discretion of the Board.

Advertisement Date/RFP Solicitation Package Released.....	June 1, 2000
All Written Questions must be received by 5:00 PM.....	June 9, 2000
Proposals Must Be Received by 2:00 PM.....	July 21, 2000
Oral Interviews Conducted, if applicable.....	August 10, 2000
Proposal Budget Cost Opening at 10:00 AM.....	August 11, 2000
Post Public Notice of Intent to Award.....	August 15, 2000

C. SUBMITTAL OF PROPOSAL

A cover letter must be included with the Bid Proposal package and must be signed by an individual who is authorized to contractually bind the Proposer. The cover letter must be done on the business letterhead and must contain the following information:

1. Name and address of Proposer
2. Name and telephone number of a contact person
3. Name, title, address, and telephone number of the individual(s) with authority to execute a binding contract on behalf of Proposer

Please read the entire contents and all attachments carefully. If you desire to bid, the following forms **must** be completed and included with all other required documentation with your bid proposal by the specified due date to the address stated above:

- K Signed Cover Letter
- K One (1) Unbound Original
- K Five (5) Additional Copies
- K Three (3) References
- K Samples of Written Work
- K Certification, Attachment B
- K Contractor's Status Form, Attachment C
- K Small Business/DVBE Participation Summary, Attachment D
- K Demonstration of Good Faith Efforts Documentation, Attachment E
- K Recycled Content Certification, Attachment F
- K Proposal Scoring Sheet, Attachment G

- K Cost Proposal, Attachment A (**THIS FORM MUST BE IN A SEPARATE, SEALED ENVELOPE**)

SECTION II

RULES AND CONDITIONS

A. GENERAL INFORMATION

The competitive bid process being used for this procurement of services is known as a Request for Proposal (RFP). Award of this contract will be to the lowest responsible proposal whose proposal complies with all requirements as described in this Request for Proposal. Proposals may be rejected if they are not properly completed or show any alteration of the form, additions not called for, conditional bids, incomplete bids, erasures, or irregularities of any kind.

The term of the contract to be awarded under this RFP will be for approximately twelve (12) months and is expected to begin approximately September 1, 2000 and end on August 31, 2001. Actual work on the contract shall not begin until written notification is received from the Board.

B. BUDGETED FUNDS

There is a maximum budget of \$50,00.00 available for services rendered provided funding is appropriated in the Board's budget. This figure is based on all out-of-pocket costs, reimbursements, service fees, and all other costs related to the performance of this contract, with a ceiling on the total contract amount.

C. BID PROPOSAL AND CONTENT

The proposal is comprised of two parts: 1) Bid Proposal, by which the Board will determine whether the bidder is qualified, and 2) Proposal Cost, by which the Board will select the lowest qualified Proposer for contract award, subject to the conditions stated herein. These two parts of the Bid Proposal package shall include the following information.

Bid Proposal

1. **Table of Contents**, with information organized as presented here and this format followed and with corresponding page references.
2. **Summary**. Include a brief overview of the project summarizing the Proposer's approach to the work.
3. **Description of Organization**. Provide description of the nature of the organization's services and activities, when the business was established, brief history and location.

Proposer must demonstrate that there is no conflict of interest between existing client relationships and the ability to fully and vigorously represent the Board. Client relationships which could potentially be a conflict of interest must be listed.

4. **Methodology**. The methods to be employed by Proposer to accomplish the project objectives must be described in sufficient detail to allow the Board to evaluate those methods. The Proposer's responsiveness to this RFP and approach to the project will be evaluated based on the feasibility of completing the tasks in the Scope of Work in a timely manner.

5. Personnel Management.

- a. Contract Manager. Identify one individual on the Proposer's project team who will manage the contract work. Include his/her experience, knowledge, and educational background that demonstrates his/her expertise to perform the activities of this RFP. Said Contract Manager shall have a minimum of five (5) years of service.
- b. Personnel. List all key personnel who will perform the activities described in this RFP, including a summary of similar work, if any, performed by those personnel. Provide education, experience and expertise of each with pertinent information demonstrating their qualifications to perform the work required by this RFP. Include a statement indicating how many hours each key personnel will be assigned to the project and a list of tasks each personnel will perform.
- c. References. The Proposer must supply the Board with a minimum of three (3) client references with needs of a similar degree of complexity from the last five (5) years, including name, address, phone and FAX numbers for each.

6. Subcontractors. Identify all proposed subcontractor(s). Include resumes of subcontractor(s) key personnel. Include a list of tasks each subcontractor will perform and how many hours each subcontractor will be assigned to this project. All subcontractors used after the execution of the contract must be approved by the Board in writing.

7. Scope of Work. The proposal must address all the items described in the Scope of Work in adequate detail.

An original plus five (5) copies of the entire Bid Proposal package must be submitted in a sealed envelope marked with Proposer's name and address. The original shall be **unbound** and clearly marked 'MASTER'. The **RFP bid number must also be noted on the outside** of the sealed envelope

Only **one** (1) copy of the Proposal Cost needs to be provided in a separate envelope.

Proposal Cost

The Proposal Cost must be submitted in a **separate sealed** envelope, clearly marked 'Bid Price'. The bid number must also be noted on the outside of the envelope. This envelope containing the Proposal Cost shall be included with the bid proposal package.

The Proposal Cost must specify your total bid cost and detail total project costs, including a breakdown by tasks and by the person(s) to complete the tasks. Certified Small Business and Disabled Veteran Business Enterprise (DVBE) commitments must be identified by task and dollar amount and shall be included in your detailed task-by-task budget. If you plan to cost share, identify each participant's cost.

When preparing these costs, be sure to take into consideration the length of the project and include increases in salaries and wages, general and administrative overhead. **The rates you bid are a part of the final contract and may not be changed.** All bid prices shall include all applicable federal, state and other taxes, together with the cost of all permits and licenses which may be required to perform the work specified in this RFP. Detail of total project costs to be included in your proposal shall include direct labor, overhead, supplies, equipment, consultants, travel, overhead and any other related expenses. Any travel or per diem costs associated with this proposal shall be based on the maximum rates allowable for regular state employees as established in the California Code of Regulations, Title 2, Sections 599.619 and 599.631.

D. ERRORS IN PROPOSER'S SUBMITTAL

An error in the Proposal Cost may be cause for rejection of that proposal. However, the State may at its sole option retain the proposal and make certain corrections. In determining if a correction will be made, the State will consider the conformance of the proposal amount to the format and content required by the

solicitation document and any unusual complexity of the format and content required by the solicitation documents. If Proposer's intent is clearly established based on review of the complete proposal submitted, the State may at its sole option correct an error based on that established intent. The State may at its sole option correct obvious clerical errors.

E. MODIFICATION OR WITHDRAWAL OF PROPOSALS

Any proposal which is received by the Board at the above address before the time and date set for receipt of proposals may be withdrawn or modified by written request of the Proposer. However, in order to be considered, the modified bid must be received by the time and date set for receipt of bids as specified above.

A proposer cannot withdraw a bid after the specified due date.

F. BIDDER'S COST

Costs for developing proposals are entirely the responsibility of the proposer and such costs shall not be reimbursed by the State of California. All proposals, and the contents therein, will become the property of the Board.

G. WRITTEN INQUIRES

1. Proposers needing clarification of the requirements of this RFP must submit questions in writing to the Board's Contracts Unit. All written inquiries must be received by **5:00 PM on June 9, 2000**, regardless of postmark. If the written inquiries are faxed, then the time and date on the fax must not be later than the due date.
2. Questions, suggestions or objections regarding the content of this RFP, including but not limited to the purpose, scope of work, etc., not submitted in writing by the deadline for questions shall be deemed waived and may not be raised at a later time.
3. Oral communications with the Board officers and employees shall be non-binding on the State and shall in no way exclude the Proposer of any obligations as set forth in this package.
4. Sample contract provisions may be mailed **only** upon request by those proposers having submitted a Letter of Intent to Bid requesting such information. No modifications, changes, deviations, additions, deletions or exception to the standard terms and conditions are permitted.
5. All questions or inquiries regarding this RFP shall be mailed to:
Contracts Unit
Business Services Office, MS-18
California Integrated Waste Management Board
8800 Cal Center Drive
Sacramento, CA 95826
Fax No. (916) 255-1107

The envelope and/or Fax should be clearly marked "**Questions Relating to RFP IWM-C9072.**" Inquiries may also be faxed to the Contracts Unit at (916) 255-1107.

H. ANTITRUST CLAIMS

In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 [commencing with Section 16700] of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. (See Government Code Section 4552.)

If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. (See Government Code Section 4553.)

Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. (See Government Code Section 4554.)

I. CONFLICT OF INTEREST

In regard to current or former State employees, Contractor agrees:

- A. Current State Employees (PCC 10410):
 - 1. No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
 - 2. No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.
- B. Former State Employees (PCC 10411):
 - 1. For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by the state agency.
 - 2. For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (PCC 10420)

J. QUALIFICATIONS

The prospective contractor must have the experience, qualifications and resources to perform the work required by this Agreement.

Specifically, the prospective contractor must have experience in the area of paper waste reduction (i.e., both paper recycling *and* paper waste prevention), and experience conducting an educational campaign for a targeted audience. Experience working with law offices or the court system—in any capacity—is desirable, though not necessary.

The prospective contractor must include with the proposal three (3) documents (or fewer, if three are not available) showcasing previous paper waste-reduction or legal profession-related work. The document can be a project summary report or one of the actual documents produced for the project.

The prospective contractor must also provide a list of at least three (3) references for paper waste reduction and/or legal profession contract work previously performed by the prospective contractor. The list shall include the phone numbers of the references.

K. CORPORATE QUALIFICATION TO DO BUSINESS IN CALIFORNIA

If Proposer is a corporation, said corporation shall be qualified to do business in the State of California. "Doing business" is defined in the California Revenue and Taxation Code, Section 23101, as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California.

When agreements are to be performed in the state by a corporation, the Board will verify that the Contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled. The Board will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

L. SUBCONTRACTORS

All subcontractors identified shall be experts in their respective disciplines and capable of performing the tasks for which they were hired. Subcontractors shall have extensive experience in their area of expertise, with particular emphasis on prior experience on similar programs or projects that clearly illustrate their expertise in areas essential to the Board.

If awarded the contract, the successful Proposer must use the Small Business and DVBE subcontractor(s) and/or supplier(s) identified in the Small Business/DVBE Participation Summary, Attachment D, submitted with the Bid Proposal package, unless the Contractor requests substitution in writing to the Board prior to the subcontractor performing any work and the Board approves such substitution.

M. LICENSES AND PERMITS

Where applicable, pursuant to California Business and Profession Code Section 7028.15, Contractor shall be an individual or firm licensed to do business in California. Contractor shall obtain at his/her expense all appropriate license(s) and permit(s) required by law for accomplishing any work required in connection with this Agreement. Contractor shall submit with the proposal:

1. Contractor's state license number,
2. License expiration date, and
3. Certification, under penalty or perjury, of accuracy of items (1) and (2) above.

Failure to provide the appropriate license(s) and permit(s), when applicable to perform this work, by the bid opening date will be grounds for finding the bid non-responsive.

In the event any license(s) and/or permit(s) expire at any time during the term of this Agreement, Contractor agrees to provide the Board with a copy of the renewed license(s) and/or permit(s) within 30 days following the expiration date. In the event the Contractor fails to keep in effect at all times all required license(s) and permit(s), the Board may, in addition to any other remedies it may have, terminate this Agreement upon occurrence of such event.

N. ADDENDA

The Board reserves the right to amend, alter or change the rules and conditions contained in the RFP prior to the deadline for submission of proposals. Addenda will only be sent to those proposers who originally sent in a Letter of Intent to Bid. Subsequent addenda must be followed. If proposer is not certain that they have all addenda to this RFP, contact the Contracts Unit at (916) 255-2678.

If a proposer discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, it will immediately notify the State of such error in writing and request modification or clarification. If modifications to the RFP are required, they will be made by addenda as described above. The addenda will be given to all parties who have been furnished the RFP without divulging the source of the request.

SECTION III

MINIMUM REQUIREMENTS

A. NONDISCRIMINATION COMPLIANCE STATEMENT

The prospective contractor must be an Equal Opportunity Employer and must be willing to comply with State Fair Employment Practices. The required signature on the Certification (Attachment B) shall constitute a certification under penalty of perjury under the laws of the State of California that you have, unless exempted, complied with the nondiscrimination program requirements of Government Code Section 12990 and of California Code of Regulations, Title 2, Section 8103.

B. SMALL BUSINESS PREFERENCE

California Government Code Sections 14835 et seq. require that a five (5%) percent preference be given to Proposers who qualify as a small business. The rules and regulations of this law, including the definition of a small business, are contained in Title 2, California Code of Regulations, Sections 1896 et seq. A copy of the regulations is available upon request from the State of California, Office of Small Business Certification and Resources (OSBCR).

To claim the Small Business Preference, which may not exceed \$50,000 for any bid, your firm must have its principal place of business located in California and must be formally certified by the OSBCR. Questions regarding the preference approval should be directed to that office at (916) 323-5478.

All Proposers claiming the Small Business Preference, must submit proof of small business status no later than proposal submittal due date for this RFP. If you have received approval from the OSBCR verifying your small business status, submit a copy of their certification approval notice with your proposal submittal. In addition, Proposer shall identify any subcontractors that are certified small business and enclose a copy of their OSBCR certification approval letter(s) with your proposal.

C. CERTIFICATE OF INSURANCE

When required, Contractor must provide: 1) a Certificate of Insurance insuring the State of California and 2) verification of Worker's Compensation insurance.

Said Certificate of Insurance shall provide a minimum liability coverage of \$1,000,000 per occurrence for bodily injury or property damage combined. The successful proposer must provide the Certificate of Insurance to the Board within ten (10) days after notification of the Board's intent to award the contract to said successful proposer. The contract will not be fully executed nor can work begin unless said Certificate of Insurance is provided to the Board.

The Certificate of Insurance shall include the following terms and conditions:

1. The State of California, its officers, agents and employees shall be included as additional insured.
2. The dates of inception and expiration of coverage shall be specified.
3. The total amount of coverage for bodily injury and property damage combined shall be a minimum of \$1,000,000 per occurrence. Coverage shall not include a deductible feature.

4. A 30-day written notice shall be provided to the State of California prior to termination of said policy.
5. The State of California is not liable for the payment of premiums or assessments on said policy.
6. The insurance coverage shall be on an occurrence basis only.

In the event the Certificate of Insurance should expire or be cancelled during the term of this Agreement, Contractor agrees to provide, at least thirty (30) days prior to said expiration or cancellation, a new Certificate of Insurance evidencing coverage, as provided for herein, for not less than one (1) year or for the remainder of the contractual agreement, whichever is greater.

The Certificate of Insurance must be mailed to the Board's Contracts Unit to the address specified in this RFP.

D. RECYCLED CONTENT

The contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of recycled content, both post consumer waste and secondary waste as defined in the Public Contract Code, Sections 12161 and 12200, in materials, goods, or supplies offered or products used in the performance of this Agreement, regardless of whether the product meets the required recycled product percentage as defined in the Public Contract Code, Sections 12161 and 12200. Contractor may certify that the product contains zero recycled content. (PCC 10233, 10308.5, 10354). A Recycled Content Certification Form (Attachment F) is provided for this purpose.

SECTION IV

DISABLED VETERANS BUSINESS ENTERPRISE PARTICIPATION REQUIREMENTS

As required by California Public Contract Code Section 10115, et seq. this Agreement has participation goals of the total bid cost of three percent (3%) for Disabled Veteran Business Enterprise (DVBE).

Any business used to meet Disabled Veteran Business Enterprise (DVBE) requirements must be certified by the Department of General Services, Office of Small Business Certification and Resources (OSBCR), as described in Section III of this Request for Proposal.

Disabled Veteran Business Enterprise (DVBE) means a business concern certified by the Department of General Services, Office of Small Business Certification and Resources, as meeting all of the following:

1. Disabled Veteran (DV) means a veteran of the military, naval or air services of the United States with at least a 10% service-connected disability who is a resident of the State of California;
2. A sole proprietorship, fifty-one percent (51%) owned by a disabled veteran or a firm or partnership, fifty-one (51%) of the stock or partnership interests of which are owned by one or more disabled veterans;
3. Managed by, and the daily business operations are controlled by, one or more disabled veterans; and,
4. A sole proprietorship, corporation, or partnership with its home office located in the United States, which is not a branch or subsidiary of a foreign corporation, firm, or other business.

In order to be responsive to this DVBE requirement, Proposer must satisfy their proposal by one of the three options listed below:

- Meet or exceed the participation goals by committing to use DVBE for not less than three percent of the contract amount, or
- Make a good faith effort to meet the goals, or
- Partially meet the goals **and** document Proposer's good faith efforts to meet them completely.

Proposer shall be deemed to have made "good faith efforts" upon submittal of documentary evidence that **all** of the following actions were taken:

1. Contact was made with the Board to identify potential DVBE firms.
2. Contact was made with other State agencies, including the Department of General Services, Office of Small Business Certification and Resources, to identify potential DVBE firms.
3. Advertisement was published in trade papers focusing on DVBE firms unless time limits imposed by the Board preclude such advertisement. Plan Holder lists will not be considered as advertisement. Attach copies of each advertisement with the submittal of the proposal.
4. Invitations to Bid were submitted to potential DVBE firms.
5. Available DVBE firms were considered.

DVBE certification and information shall be submitted with the proposal. Failure to submit the required DVBE information by the bid opening date will be grounds for finding the bid non-responsive. Proposer's DVBE information shall establish that the DVBE goals will be met or that a "good faith effort" to meet the goals has been made.

Proposers are cautioned that, even though their proposal indicates that they will meet the stated DVBE goals, their submittal should also include their “good faith efforts” information along with their DVBE goal information to protect their eligibility for award of the Agreement in the event the Board, in its review, finds that the goals have not been met.

Compliance with DVBE requirements are accomplished by completing Attachments D and/or E in accordance with the instructions on the attachments and the above guidance. **Failure to include properly completed DVBE documentation and certification will result in disqualification from further participation in the selection process.**

A copy of the Certification Letter issued by the Department of General Services is required for all DVBE, as DVBE must be certified by the Department of General Services, Office of Small and Minority Business. No DVBE can be counted towards participation unless it is so certified.

For the successful Proposer, DVBE requirements will continue for the life of the Agreement. Upon contractual completion, the Contractor will be required to submit a final report identifying all DVBE firms used on the Agreement and their percentage of participation. The State or its designees will have the right to audit records pertaining to DVBE usage and efforts made to comply with these DVBE requirements.

SECTION V

EVALUATION AND SELECTION

A. FAILURE TO FULFILL MINIMUM BID REQUIREMENTS

To be responsive, Proposer must comply with all minimum proposal requirements set forth in Sections I, II, and III. Failure to meet said minimum proposal requirements or failure to follow the instructions contained in this RFP shall be grounds for rejection. Any proposals modifying the conditions or specifications of this RFP may be rejected. Immaterial deviations may be waived by the State.

B. SELECTION PROCESS

After the period has closed for receipt of proposals, each technical proposal will be opened and examined to determine compliance with the RFP format requirements. If a proposal does not meet all the requirements, it will be considered non-responsive and rejected from further competition.

The proposals will next be reviewed for completion of the DVBE participation goals or verification that good faith efforts were made.

The Contractor's Status Form (Attachment C) will be reviewed to determine if any proposers are claiming a small business preference. All claims will be verified with the Department of General Services, Office of Small Business Certification and Resources. A qualified Proposer who claims the small business preference and is certified as a small business will be granted a preference consisting of 5 percent of the lowest responsive bid, if that lowest bid has been submitted by a proposer who is not certified as a small business. If, after deduction of the 5 percent preference from a certified small business bidder's proposal, the proposal is equal to or less than the lowest responsive proposal, the proposal will be awarded to the certified small business. The 5 percent preference is used only for computation purposes to a maximum of \$50,000, to determine the lowest responsive Proposer and does not alter the amounts of the resulting Agreement. An Agreement awarded by reason of the 5 percent preference is awarded for the amount of the small business firm's actual bid.

Technical proposals that meet the requirements above, including the DVBE participation goals, are submitted to the Evaluation and Selection Committee which will evaluate and score each proposal. The Evaluation and Selection Committee meets and identifies those proposals that meet or exceed the required minimum technical points based on the established Scoring Sheet. (Sample attached – Attachment G.) *The point calculations reflect the averages of the combined scores of all evaluators on the committee.*

Interviews may be requested for clarification of those proposals that passed the minimum technical points. Said interviews may occur at any time during the proposal evaluation process. The purpose of the interviews are for clarification only. No proposer will be allowed to alter his/her proposal. Any attempt on the part of the proposer to do so will result in the disqualification of that proposer.

After completion of the scoring process and identification of those qualified proposers meeting the minimum total score, the envelopes containing the sealed Proposal Budget Cost for each qualified proposer will be opened. The Agreement will be awarded to the lowest responsible proposer.

C. GROUNDS FOR REJECTION

A proposer shall be rejected if:

1. The proposal is received at any time after the exact time and date set for receipt of proposals.
2. The Proposal Cost is unsigned.
3. The Proposal Cost is not prepared as required by this RFP.
4. The Proposer has been decertified from contracting with the State by the Department of Fair Employment and Housing.
5. The Proposer has received a substantive negative contract performance evaluation from the State of California.
6. The Proposer does not meet the DVBE participation goals nor provide a good faith effort.
7. The proposal is conditional, incomplete or contains any irregularities.
8. Required license(s) and permit(s) information is not submitted with the proposal.

All proposals may be rejected whenever the determination is made that the proposals received are not really competitive, when the cost is not reasonable, or when the cost exceeds the amount expected. No proposal may be rejected arbitrarily or without reasonable cause.

D. AWARD OF STANDARD AGREEMENT

1. Award of the Agreement, if it is awarded, shall be to the lowest responsible proposer meeting all the bid requirements. *The Board reserves the right to not award an Agreement.* The Board will post a Notice of Intent to Award five (5) working days prior to the award being made.
2. Upon completion of the evaluation of acceptable proposals, if the lowest proposer is determined to be non-compliant and if the Agreement is to be awarded to another proposer, the Board must notify the lowest proposer of its' intent at least five (5) working days prior to the award being made.

E. PROTEST OF AWARD

If a proposer chooses to protest the proposed award:

1. The protest must be filed with the Board and the Department of General Services (DGS) after the Notice of Intent to Award is made, but before the actual award.
2. The award of the Agreement shall be delayed when a protest is received by DGS and the Board and will not be awarded until the protest is withdrawn or DGS has rendered a decision.
3. A detailed, written statement of protest, including the RFP number, should be submitted to both of the following:
 - Department of General Services
Office of Legal Services
Attention: Protest Coordinator
1325 J Street, Suite 1911
Sacramento, CA 95814
FAX: (916) 327-3916

- Integrated Waste Management Board
Contracts Unit
Business Services Office, MS-18
8800 Cal Center Drive
Sacramento, CA 95826
FAX: (916) 255-1107

4. Protests may be sent by regular mail, fax, courier or personal delivery. Protestants should include their fax numbers if they have one.
5. If no protest is filed with the Board or DGS within five (5) working days of the date of that the Notice of Intent to Award, the Agreement shall be awarded to the proposed qualified proposer.

SECTION VI

MISCELLANEOUS

A. INFORMATION

All information obtained or produced during the course of work shall be made available to the Board for its use as it may so be determined.

B. COMMITMENT

This RFP does not commit the Board to award an Agreement or to pay any costs incurred in preparation of a bid responding to this RFP. The Board reserves the right to accept or reject any or all proposals received as a result of this RFP, to negotiate with any qualified source, or to cancel this RFP in whole or in part.

If the lowest responsive proposer fails to enter into a satisfactory Agreement within a reasonable period of time after the award, the Board may deem the proposer to have rejected the award. At that point, the Board may disqualify the awardee and award the Agreement to the next lowest responsive proposer. The Executive Director will determine what is a reasonable period of time for the selected proposer to enter into the Agreement.

C. TERMINATION

The Board has the authority and express right to terminate any Agreement awarded under this RFP at any time during the term of the Agreement for any reason or if the Board finds that the Contractor's work is negligent, not satisfactory, or not in accordance with the Agreement requirements.

D. START OF WORK

Once the final Agreement award is made, work will not begin until the Agreement is fully executed, approved by the Department of General Services and written authorization has been received by the contractor from the Board.

SECTION VII

SCOPE OF WORK

Introduction

In early 1998, Board staff identified the legal profession as one of California's business sectors representing the greatest potential for waste reduction. In July 1998, Board staff formed a partnership with the Environmental Law Section (ELS) of the State Bar of California to pursue an educational project to help the California legal profession reduce its use and disposal of paper—the largest component of the legal sector's waste stream. Board staff completed some of the tasks outlined for the project, but recognized that it would need external, specialized assistance to complete all project tasks.

Board staff recognizes that, in addition to private law firms, there is ample opportunity to provide paper waste reduction assistance to large legal offices within State departments and to the State court system. This Scope of Work specifies tasks focusing not only on private law firms, but also on both State department legal offices and State courts (both trial and appellate).

The overall goal of the tasks specified in this contract Scope of Work is to reduce the amount of paper used and disposed by the California legal profession. The objectives of the tasks are to:

1. Educate those working in the California legal profession about paper waste reduction; and
2. Design and implement a paper waste reduction program in a State court office to serve as a model for other State court offices.

To ensure that the Contractor uses the project contract funds for substantive tasks, the Board will bear the expense of printing and mailing costs, unless otherwise specified.

A summary of the required project tasks is provided at the end of this document.

I. GENERAL DUTIES OF THE CONTRACTOR

- A. The Contractor will meet with the Board's Contract Manager at the onset of the contract to establish the Board's expectations of the Contractor, and be available to meet additional times during the duration of the contract as deemed necessary by the Contract Manager.
- B. The Contractor will commence work on the project at the onset of the contract, and will complete all work within 12 months of the onset of the contract.
- C. The Contractor will submit a detailed workplan to the Contract Manager describing how the Contractor will achieve the tasks outlined in this Scope of Work and in the Contractor's proposal. The workplan will include specific activities for each task, and a timeline for achieving each activity.
- D. Subject to direction from the Contract Manager, the Contractor will revise the detailed workplan, as necessary, and resubmit it to the Contract Manager for additional review.
- E. The Contractor will implement the approved detailed workplan, adhering to the timeline and deliverables specified in the workplan.
- F. The Contractor will provide the Contract Manager with bi-weekly updates on the progress that the Contractor has made towards implementing the detailed workplan.
- G. The Contractor will provide technical support to the Contract Manager for specified legal profession paper waste reduction tasks that the Contract Manager undertakes.

II. TASKS ADDRESSING PRIVATE SECTOR LAW FIRMS

At the minimum, the Contractor will undertake the following tasks:

Task 1: Develop and promote paper waste reduction educational materials.

The paper waste reduction educational materials developed by the Contractor must specifically address paper-generating activities routinely conducted in *private law offices*. The educational materials will primarily focus on paper *waste prevention*, but will also include information about paper recycling. The Contractor will provide the Contract Manager with electronic copies of all Project materials for posting on the Web sites of the ELS & CIWMB. The Board will pay for all educational material printing costs.

The Board is presently revising a waste prevention guidebook for legal professionals in the private sector. The Contractor will consult with the Contract Manager to ensure that educational materials the Contractor develops are consistent with the waste prevention guidebook. The Contractor may use information from the guidebook in developing the educational materials, subject to approval by the Contract Manager. Additionally, the Contractor will provide informational support for the revision of the guidebook. The Contractor will promote the guidebook along with the educational materials that the Contractor develops.

The Contractor will promote the availability of all project materials via direct mailings to *all* California law firms and via advertisements in legal trade journals. The Board will pay all mailing costs associated with promoting the materials. *The Contractor will pay all mailing list acquisition and advertising costs.*

Task 2: Perform case studies and develop case study fact sheets of three law firms with exemplary paper waste reduction programs. The law firms profiled will include one large firm (over 30 attorneys), one small firm (5-10 attorneys), and one sole practitioner. The selected firms will be subject to approval by the Contract Manager.

Task 3: Conduct two paper waste reduction seminars for law office managers--one in Northern California and the other in Southern California.

The Contractor will include in the proposal recommendations for appropriate forums/venues to conduct the two seminars.

III. TASKS ADDRESSING PUBLIC SECTOR LAW OFFICES AND STATE COURTS

At the minimum, the Contractor will undertake the following tasks:

Task 1: Develop and promote paper waste reduction educational materials.

The paper waste reduction educational materials developed by the Contractor must specifically address paper-generating activities routinely conducted in *State legal offices and State courts* (both trial and appellate). The educational materials will primarily focus on paper *waste prevention*, but will also include information about paper recycling. *One of the educational materials that the Contractor will develop is a comprehensive list of all the electronic court management systems ("paperless courts") operating in California.* The Board will pay all printing costs and all mailing costs associated with promoting the materials. The Board will also provide the Contractor with a mailing list of all State legal offices and State courts to promote the educational materials.

Task 2: Conduct a pilot project to implement a comprehensive paper waste reduction program in a large *trial court office* (over 20 employees) with little or no existing paper waste reduction practices. The State court office selected for the project will be subject to approval by the Contract Manager.

Task 3: Conduct a paper *waste prevention* education program in the California Department of Justice, Office of Legal Affairs.

IV. TASKS ADDRESSING BOTH PRIVATE SECTOR LAW FIRMS AND PUBLIC SECTOR LAW OFFICES/STATE COURTS

Task 1: Prepare a summary report of the project.

At the minimum, the report will include:

- An evaluation of the effectiveness of the trial court office pilot project (III, Task 2) and the Dept. of Justice's paper waste prevention education program (III, Task 3).
- Recommendations for further paper waste reduction activities targeted at the California legal profession for the Board to pursue.

V. SUMMARY OF REQUIRED PROJECT TASKS

TASKS ADDRESSING PRIVATE SECTOR LAW FIRMS

- Task 1: Develop and promote project educational materials
- Task 2: Perform case studies/develop case study fact sheets
- Task 3: Conduct two paper waste reduction seminars

TASKS ADDRESSING PUBLIC SECTOR LAW OFFICES AND STATE COURTS

- Task 1: Develop and promote paper waste reduction educational materials.
- Task 2: Conduct pilot paper waste reduction project in large trial court office.
- Task 3: Conduct paper waste prevention education project in the California Department of Justice, Office of Legal Affairs.

TASKS ADDRESSING BOTH PRIVATE SECTOR LAW FIRMS AND PUBLIC SECTOR LAW OFFICES/STATE COURTS

- Task 1: Prepare project summary report.

COST PROPOSAL

California Legal Profession Paper Waste Reduction Project IWM-C9072

Complete this form and submit the original in a separate sealed envelope in accordance with the requirements of this RFP.

[This form should be prepared to accurately reflect the cost of all items mentioned in the "Scope of Work" of this RFP or reasonably inferred therefrom as necessary to complete the work within the intent of the Agreement. For some proposals, it may be more appropriate to break down the contractor's costs by an hourly rate.]

Tasks Addressing Private Sector Law Firms

Task 1: Develop and promote paper waste reduction educational materials. \$ _____

Task 2: Perform case studies and develop case study fact sheets of three law firms with exemplary paper waste reduction programs. \$ _____

Task 3: Conduct two paper waste reduction seminars for law office managers. \$ _____

Tasks Addressing Public Sector Law Offices and State Courts

Task 1: Develop and promote paper waste reduction materials. \$ _____

Task 2: Conduct a pilot project to implement a comprehensive paper waste reduction program in a large trial court office with little or not existing paper waste reduction practices. \$ _____

Task 3: Conduct a paper waste *prevention* education program in the California Department of Justice, Office of Legal Affairs (Sacramento office only). \$ _____

Tasks Addressing Both Private Sector Law Firms and Public Sector Law Offices/State Courts

Task 1: Prepare a summary report of the project. \$ _____

Total Cost Proposal, By Task \$ _____

Total Bid Amount \$ _____

Submitted By:

Company Name

Company Address

Telephone Number

Authorized Official and Title

Signature of Official

Date

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Official's Name</i>	
<i>Date Executed</i>	<i>Executed in the County of</i>
<i>Contractor's Signature</i>	
<i>Title</i>	<i>Federal Tax ID No.</i>
<i>Legal Business Name</i>	

CONTRACTOR CERTIFICATION CLAUSES

1. **STATE OF COMPLIANCE:** Contractor has, unless exempted, completed with the nondiscrimination program requirements. (GC 12990 and CCR, Title 2, Section 8103) (Not applicable to public entities.)

2. **DRUG-FREE WORKPLACE REQUIREMENTS:** Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:
 - a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.

 - b. Establish a Drug-Free Awareness Program as required to inform employees about:
 - (1) the dangers of drug abuse in the workplace;
 - (2) the person's or organization's policy of maintaining a drug-free workplace;
 - (3) any available counseling, rehabilitation and employee assistance programs; and
 - (4) penalties that may be imposed upon employees for drug abuse violations.

 - c. Provide that every employee who works on the proposed Agreement:
 - (1) receive a copy of the company's drug-free policy statement; and
 - (2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under this Agreement or termination of this Agreement, or both, and Contractor may be ineligible for award of any future State agreements if the Board determines that the Contractor has made false certification or violated the certification by failing to carry out the requirements as noted above. (GC 8350 et seq.)

3. **NATIONAL LABOR RELATIONS BOARD CERTIFICATION:** Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court which orders Contractor to comply with an order of the National Labor Relations Board. (PCC 10296) (Not applicable to public entities.)

4. **RECYCLED CONTENT:** Contractor hereby certifies under penalty of perjury that the materials, goods, supplies offered, or products used in the performance of this Agreement meets or exceeds the minimum percentage of recycled material, both post-consumer waste and secondary waste, as defined in Sections 12161 and 12200 of the Public Contract Code.

5. **AMERICANS WITH DISABILITIES ACT:** Contractor certifies that (s)he shall comply with the Americans With Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

CONTRACTOR STATUS FORM

Contractor's Name _____ County _____
 Address _____ Phone No. _____
 _____ Fax No. _____
 Federal Employer Identification No. _____

STATUS OF CONTRACTOR PROPOSING TO DO BUSINESS:

- Individual Limited Partnership General Partnership Corporation Other

INDIVIDUAL:

If a sole proprietorship, state the true name of sole proprietor: _____

PARTNERSHIP:

If a partnership, list each partner, including limited partners, stating their true name and their interest in the partnership:

CORPORATION:

If a corporation, place and date of Incorporation: _____

Date corporation was authorized by Secretary of State: _____

President: _____ Vice-President: _____

Secretary: _____ Treasurer: _____

Other Officers: _____

OTHER: (Explain)

SMALL BUSINESS PREFERENCE

Are you claiming preference as a small business?

- YES – Attach approval letter from Office of Small Business Certification and Resources
 NO

Date you filed for small business preference: _____ Your small business ID No. _____

NOTE: THIS FORM MUST BE COMPLETED OR YOUR BID MAY BE REJECTED

**SMALL BUSINESS/DISABLED VETERAN BUSINESS ENTERPRISE (DVBE)
PARTICIPATION SUMMARY**

MARK ONE FOR EACH FIRM USED			NAME OF FIRM	NATURE OF WORK	PERCENTAGE OF TOTAL CONTRACT AMOUNT (Mark one for each firm used)	CERTIFICATION FORM ATTACHED?
PRIME BIDDER	SUBCON-TRACTOR	SUPPLIER				
					DVBE	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	
					%	

Incomplete documentation and certification will result in disqualification from further consideration in the evaluation of bidders.
 For all DVBE , the appropriate certification letter issued by the Office of Small Business Certification and Resources must be attached.

DEMONSTRATION OF GOOD FAITH EFFORTS

☐ Contact made with California Integrated Waste Management Board to identify potential DVBE firms.

Name of Person Contacted: _____ Title: _____

Date of Contact: _____

☐ Contact made with other State agencies, including the Department of General Services, to identify potential DVBE firms.

Agencies Contacted:

Name of Agency

Person Contacted

Date of Contact

☐ Advertisements published in trade papers or other publications focusing on DVBE firms.

Name of Paper or Publication

Date Published

Note: Attach a copy of each advertisement. Placeholder lists are not acceptable.

☐ Invitations to bid sent to potential DVBE firms.

FIRM

CONTACT

DATE SENT

! DVBE firms which were available and considered.	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	
Name of Firm: _____	Person Contacted: _____
Nature of Work: _____	Telephone No.: _____
Results of Contact: _____	
Reasons if Rejected: _____	