

## **ATTACHMENT 8**

### **BIDDER DECLARATION**

Complete this form only if Prospective Bidder wishes to claim the DVBE incentive associated with this solicitation. Please review the “Prospective Bidder Declaration Instructions” prior to completing this form. If Prospective Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

#### **SECTION I. COMPLETE IF PROSPECTIVE BIDDER IS A DVBE**

*If Prospective Bidder is not a DVBE, skip this section.*

1. DGS Supplier ID number: \_\_\_\_\_
2. DVBE Certification active from \_\_\_\_\_ to \_\_\_\_\_
3. Will Prospective Bidder subcontract any portion of the contract work to subcontractors?  
\_\_\_\_\_

If yes:

A. State the percentage of the contract work Prospective Bidder will subcontract:  
\_\_\_\_\_

B. Describe the goods and/or services to be provided by Prospective Bidder itself in connection with the contract: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

C. Explain how Prospective Bidder is performing a “commercially useful function” for purposes of this contract. (Please see the instructions for the definition of “commercially useful function.”)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The disabled veteran owners and managers of Prospective Bidder must complete and sign the **DVBE Declaration** (a separate document). Prospective Bidder must submit the completed DVBE Declaration along with this Prospective Bidder Declaration.
5. Prospective Bidder must submit a copy of its DVBE certification approval letter along with this Prospective Bidder Declaration.

#### **SECTION II. COMPLETE IF PROSPECTIVE BIDDER HAS A DVBE BUSINESS UTILIZATION PLAN**

*Skip this section if (i) Prospective Bidder does not have an approved DVBE Business Utilization Plan (BUP) on file with DGS, or (ii) this solicitation is for non-IT services.*

1. Date BUP was approved by DGS: \_\_\_\_\_
2. Date through which BUP is valid: \_\_\_\_\_
3. Prospective Bidder must submit a copy of its “Notice of Approved DVBE Business Utilization Plan” issued by DGS along with this Prospective Bidder Declaration.

### **SECTION III. COMPLETE IF PROSPECTIVE BIDDER WILL USE DVBE SUBCONTRACTORS**

Enter the total number of DVBE subcontractors (DVBE Subcontractors) that Prospective Bidder will use for this contract: \_\_\_\_\_

*If the total number of DVBE Subcontractors Prospective Bidder will use is zero, skip this section.*

Provide the following information or materials for **each** DVBE Subcontractor that Prospective Bidder will use for this contract. Attach additional sheets if necessary.

1. DVBE Subcontractor name: \_\_\_\_\_
2. DVBE Subcontractor contact person: \_\_\_\_\_
3. DVBE Subcontractor address: \_\_\_\_\_
4. DVBE Subcontractor phone number: \_\_\_\_\_
5. DVBE Subcontractor email: \_\_\_\_\_
6. DVBE Subcontractor’s DGS Supplier ID number: \_\_\_\_\_
7. DVBE Subcontractor DVBE Certification active from \_\_\_\_\_ to \_\_\_\_\_.
8. Prospective Bidder must submit a copy of the DVBE Subcontractor’s DVBE certification approval letter along with this Prospective Bidder Declaration.
9. Describe the goods and/or services to be provided by the DVBE Subcontractor in connection with the contract:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
10. Explain how the DVBE Subcontractor is performing a “commercially useful function” for purposes of this contract. (Please see the instructions for the definition of “commercially useful function.”)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
11. Enter the percentage of the total bid price for the goods and/or services to be provided by the DVBE Subcontractor: \_\_\_\_\_%
12. Provide written confirmation from the DVBE Subcontractor that it will provide the goods and/or services identified above if Prospective Bidder is awarded the contract.

13. The disabled veteran owners and managers of the DVBE Subcontractor must complete and sign the **DVBE Declaration** (a separate document). Prospective Bidder must submit the completed DVBE Declaration along with this Prospective Bidder Declaration.

#### SECTION IV. CERTIFICATION

I, the official named below, certify that the information provided in this form is true and correct. I am duly authorized to legally bind Prospective Bidder to this certification. This certification is made under the laws of the State of California.

<i>Company Name (Printed)</i>		<i>Tax ID Number</i>
<i>Address</i>		<i>Telephone Number</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in the County of _____ in the State of _____</i>	

## BIDDER DECLARATION INSTRUCTIONS

### General Instructions

In this form, (i) “DGS” refers to the Department of General Services; (ii) “Prospective Bidder” refers to a person or entity that submits a response to a competitive solicitation issued by the JBE, including both IFBs and RFPs; and (iii) “bid” refers to a response to a competitive solicitation issued by the JBE, including both IFBs and RFPs. Pursuant to Military and Veterans Code section 999, a person or an entity is deemed to perform a “commercially useful function” if a person or entity does all of the following: (a) is responsible for the execution of a distinct element of the work of the contract; (b) carries out the obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business services and functions; (d) is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and (e) is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. Note: a person or entity will not be considered to perform a “commercially useful function” if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DVBE participation.

If Prospective Bidder wishes to claim the DVBE incentive in a solicitation where a DVBE incentive is offered, it must complete the Prospective Bidder Declaration. If no DVBE incentive is offered, or Prospective Bidder does not wish to claim the DVBE incentive, Prospective Bidder should not complete the Prospective Bidder Declaration.

The JBE will determine whether Prospective Bidder is eligible to receive the DVBE incentive based on information provided in the Prospective Bidder Declaration. The JBE may, but is not obligated to, verify or seek clarification of any information set forth in the Prospective Bidder Declaration. If Prospective Bidder submits incomplete or inaccurate information, it will not receive the DVBE incentive.

### Instructions for Section I

*Skip this section if Prospective Bidder is not itself a DVBE.*

1. Provide Prospective Bidder’s DGS Supplier ID number. This number is in Prospective Bidder’s DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
2. Provide the applicable dates. These dates are listed in Prospective Bidder’s DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
3. If Prospective Bidder will subcontract any portion of the contract work, answer “yes” and complete subparts A-C. If Prospective Bidder will not subcontract any portion of the contract work, answer “no” and skip subparts A-C.  
**Subpart A:** This percentage is equal to the amount to be paid by Prospective Bidder to all subcontractors divided by Prospective Bidder’s total bid price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by Prospective Bidder to subcontractors is \$35,000 and Prospective Bidder’s total bid price is \$125,000, enter “28%” ( $35,000 \div 125,000 = 0.28$ ;  $0.28 \times 100 = 28$ ).  
**Subpart B:** Provide a detailed description of the goods and/or services the Prospective Bidder itself will provide for the contract. In other words, provide a detailed description of the goods and/or services that will not be subcontracted. Attach additional sheets if necessary.  
**Subpart C:** Provide an explanation of how the Prospective Bidder’s goods and/or services constitute a “commercially useful function” for purposes of the contract. Attach additional sheets if necessary.
4. The DVBE Declaration is separate from the Prospective Bidder Declaration. Prospective Bidder must submit along with the Prospective Bidder Declaration a DVBE Declaration completed and signed by the disabled veteran owners and managers of Prospective Bidder.
5. Each entity certified as a DVBE by DGS will have received a DVBE certification approval letter. Prospective Bidder must submit a copy of its DVBE certification approval letter.

## Instructions for Section II

*Skip this section if (i) Prospective Bidder does not have an approved Business Utilization Plan (BUP) on file with DGS, or (ii) this solicitation is for non-IT services.*

1. Provide the date on which DGS approved Prospective Bidder's BUP.
2. Provide the date through which the BUP is valid.
3. Prospective Bidder must provide a copy of its "Notice of Approved DVBE Business Utilization Plan" issued by DGS. This copy must be provided along with the Prospective Bidder Declaration.

## Instructions for Section III

A DVBE Subcontractor is any certified DVBE (whether a person, firm, corporation, or organization) contracting to perform part of Prospective Bidder's contract.

Enter the total number of DVBE Subcontractors that Prospective Bidder will use for the contract. If the number is zero, skip to Section IV. Otherwise, provide complete information (items 1-13 of Section III) for **each** DVBE Subcontractor.

1. Provide the full legal name of the DVBE Subcontractor.
2. Provide the name of a contact person at the DVBE Subcontractor. The contact person must be able to verify the information provided in the Prospective Bidder Declaration regarding that DVBE Subcontractor.
3. Provide the full address of the DVBE Subcontractor.
4. Provide the DVBE Subcontractor's phone number, including area code.
5. Provide the DVBE Subcontractor's email address. If the DVBE Subcontractor does not have an email address, insert "N/A."
6. Provide the DVBE Subcontractor's DGS Supplier ID number. This number is in the DVBE Subcontractor's DGS Supplier Profile, accessible at:  
<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
7. Provide the applicable dates. These dates are in the DVBE Subcontractor's DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
8. Each entity certified as a DVBE by DGS will have received a DVBE certification approval letter. Prospective Bidder must submit a copy of the DVBE Subcontractor's DVBE certification approval letter.
9. Provide a detailed description of the goods and/or services the DVBE Subcontractor will provide for the contract. Attach additional sheets if necessary.
10. Provide an explanation of how the DVBE Subcontractor's goods and/or services constitute a "commercially useful function" for purposes of the contract. Attach additional sheets if necessary.
11. This percentage is equal to the amount to be paid by Prospective Bidder to the DVBE Subcontractor divided by Prospective Bidder's total bid price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by Prospective Bidder to the DVBE Subcontractor is \$6,600 and Prospective Bidder's total bid price is \$75,000, enter "8.8%" ( $6600 \div 75000 = 0.088$ ;  $0.088 \times 100 = 8.8$ ).
12. Prospective Bidder must submit a written confirmation from the DVBE Subcontractor indicating that, if Prospective Bidder is awarded the contract, the DVBE Subcontractor will provide the required goods and/or services.
13. The DVBE Declaration is a separate form from the Prospective Bidder Declaration. Prospective Bidder must submit along with the Prospective Bidder Declaration a DVBE Declaration completed and signed by the disabled veteran owners and managers of the DVBE Subcontractor.

## Instructions for Section IV

Superior Court of California, County of Alameda  
RFP Title: Risk Management Consultation Services  
RFP Number: SC 1701.2022.2.2.JG

Provide Prospective Bidder's full legal name, tax ID number, address, and telephone number in the appropriate boxes. The certification must be signed by an authorized Prospective Bidder representative in the box labeled "*By (Authorized Signature).*" Provide the name and title of the authorized Prospective Bidder representative, and the date, county and state where that person signed the certification, in the appropriate boxes.