ADDENDUM 5

STATE OF CALIFORNIA
DEPARTMENT OF CHILD SUPPORT SERVICES
REQUEST FOR PROPOSAL (RFP) - Primary
Notice to Prospective Proposers
RFP NUMBER EO 221
Genetic Testing Services

October 31, 2011 November 1, 2011

You are invited to review and respond to this Request for Proposals (RFP), Number EO 221 entitled “Genetic Testing Services” being requested by the California Department of Child Support Services, hereafter referred to as the State. In submitting your proposal, you must comply with these instructions found herein.

Note that all agreements entered into with the State of California will include by reference General Terms and Conditions and Proposer Certification Clauses that may be viewed and downloaded at Internet site www.ols.dgs.ca.gov/standard-language. If you do not have Internet access, a hard copy can be provided by contacting the person listed below.

Public Contract code Section 10115 et seq. establishes a contract participation goal of at least three percent (3%) for Disabled Veteran Enterprise (DVBE). This goal applies to a state agency’s overall contracting program. State agencies have the discretion to apply the DVBE participation goal to individual contracts. THE DCSS ELECTS TO WAIVE THE DVBE PROGRAM REQUIREMENTS IN THIS SOLICITATION, BUT OPTS TO INCLUDE THE DVBE INCENTIVE. The California DVBE Bid Incentive Instructions (09/03/09) include information about the DVBE incentive.

In the opinion of the Department of Child Support Services, this RFP is complete and without need of explanation. However, if you have questions, or should you need any clarifying information, the contact person for this RFP is:

Racquel Brown, Contracts and Purchasing Section
Department of Child Support Services
P.O. Box 419064
(916) 464-3898---FAX (916) 464-5214
Racquel.brown@dcss.ca.gov

Please note that no verbal information given will be binding upon the State unless such information is issued in writing as an official addendum.

Racquel Brown
Contract Administrator

Reasonable Accommodation:
To comply with the non-discrimination requirements of the Americans with Disability Act (ADA), it is the policy of the State to make every effort to ensure that its programs, activities and services are available to all persons, including persons with disabilities. For persons with a disability needing a reasonable modification to participate in the procurement process, or for persons having questions regarding reasonable modifications for the procurement process, you may the DCSS contact above. To ensure that we can meet your need, it is best that we receive your request for reasonable modification at least five working days before the scheduled event or the due date of procurement documents.
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A. Purpose and Description of Services

The purpose of this Request for Proposals (RFP) is to seek proposals for a statewide contract for scientifically acceptable paternity testing services, including expert witness services and litigation support in proceedings pursuant to California law.

At a minimum the Proposer shall perform genetic tests to determine paternity and family relationships using testing protocols and procedures that meet current standards for Relationship Testing laboratories developed by the American Association of Blood Banks (AABB). Genetic testing means an analysis of human Deoxyribonucleic acid (DNA). For each genetic test performed, the Proposer shall use a minimum of 16 DNA markers to perform its DNA tests to determine if the alleged father is excluded as the biological father. Findings of non-paternity shall be used on at least one direct exclusion or at least two indirect exclusions. For those cases where the testing is inconclusive, the Proposer shall test a minimum of as many additional markers as necessary to arrive at a conclusive result.

The expected term of the contract shall be for a period of three (3) years. BIDS THAT EXCEED THE COST OF MORE THAN $28.00 PER SAMPLE WILL BE DEEMED NONRESPONSIVE AND DISQUALIFIED FROM CONSIDERATION FOR AWARD.

B. Proposal Requirements and Information

1) Key Action Dates

It is recognized that time is of the essence. All proposers are hereby advised of the following schedule and shall adhere to the required dates and times.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP available to prospective proposers</td>
<td>10/13/11</td>
<td></td>
</tr>
<tr>
<td>Written Questions Submittal Deadline</td>
<td>10/21/11</td>
<td>4:00 P.M.</td>
</tr>
<tr>
<td>Response to Written Questions</td>
<td>10/28/11</td>
<td></td>
</tr>
<tr>
<td>Final Date for Proposal Submission</td>
<td>11/04/11</td>
<td>2:00 P.M.</td>
</tr>
<tr>
<td>Evaluation of Proposals</td>
<td>11/09/11</td>
<td></td>
</tr>
<tr>
<td>Public Cost Opening</td>
<td>11/10/11</td>
<td></td>
</tr>
<tr>
<td>Notice of Intent to Award Posted</td>
<td>11/14/11</td>
<td></td>
</tr>
<tr>
<td>Last Day to Protest the Award</td>
<td>11/21/11</td>
<td></td>
</tr>
<tr>
<td>Tentative Agreement Start Date</td>
<td>01/03/12</td>
<td>or Upon DGS Approvals</td>
</tr>
</tbody>
</table>

*All times are Pacific Time. Proposals mailed using the U.S. Postal Service may be delayed. General mail is delivered to a central mailroom at 11150 International Drive, Rancho Cordova, CA 95670. All dates after proposal submission are approximate and may be adjusted as conditions arise, without addendum to this RFP.

Interested Proposers are encouraged to register as a supplier in the California’s new web-based procurement system called eProcurement System. eProcurement is the new portal for the California State Contracts Register (CSCR). For more information, go to http://www.eprocure.dgs.ca.gov/default
2) **Minimum Requirements**

Interested and qualified proposers that can demonstrate their ability to successfully provide the required services outlined in the Scope of Work of this RFP are invited to submit a proposal, provided the following minimum mandatory requirements are met:

Proposer must provide:

A. A summary of relevant background information about the organization and required laboratory personnel to demonstrate that it meets the minimum requirements stated below and has the capability of performing the required services as a corporation or other entity. (Discuss the number of years of experience providing the required, equivalent or related services, including similar types and volumes within similar specified timeframes).

- Proposer must have five (5) years documented experience in providing similar high-volume genetic testing for parentage, court testimony and related services.
- Proposer must have a business office in the United States with a responsible person(s) to maintain all records and reports that are required herein which is available on all business days.

B. All of the following personnel- proposer must include and submit chronological resumes that describe the following:

- **A Proposer’s Manager** with at least five (5) years of management experience, at least three (3) of the years managing a laboratory doing genetic testing in parentage case, court testimony and related service operations.

- **A full time, onsite Laboratory Director** who will oversee, provide scientific direction and prepare all required paternity determinations. The Laboratory Director will ensure all work is done in accordance with generally accepted scientific procedures as determined by the American Association of Blood Banks for genetic testing for parentage determination.

Minimum qualifications for the Laboratory Director include all of the following:

- Doctoral degree in medicine, genetics or a related field
- Five (5) years experience in a genetic laboratory involved in a high-volume paternity testing environment.
- Knowledge of California judicial procedures related to presentations of testimony regarding parentage disputes; and
- Experience in technical supervision of a genetic laboratory

C. **A Full-time, onsite Laboratory Supervisors** who will train and direct staff in designated laboratory units. These supervisors will ensure that all work is done in a timely and **accurate manner in compliance with scientific standards which comply with child support program regulations and performance standards for genetic testing as approved by the American Association of Blood Bank’s accreditation standards**. Laboratory supervisors will be under the technical supervision of the Laboratory Director. Minimum qualifications include all of the following:

Three (3) years experience in supervision a technical staff in a high volume genetic testing setting. Experience in the development, maintenance and implementation of laboratory desktop testing procedures. Experience in the technical area to be supervised, e.g. phlebotomy, genetic tests, customer service, report preparation, etc; and Bachelor’s degree in medical technology or related field.
3) Subcontractors

a) Any subcontractor that the vendor chooses to use in fulfilling the requirement of this solicitation must also meet all the requirement of this RFP including the minimum qualifications. If bidder proposes the use of a subcontractor, the bidder must also submit a list of references, Attachment 4, Proposer References, on behalf of the subcontractor.

b) Proposer may not substitute any proposed subcontractor without advance written consent of the DCSS.

4) Approach to Provide Required Services

a. Provide a draft Implementation Plan for providing services statewide. The draft shall include at a minimum:

- The activities required for implementation
- The activities described herein
- The schedule for implementation, including the schedule for any systems development required
- Roles and responsibilities for the implementation
- Potential risks and mitigation strategies
- A description of the mechanism for reporting status to the DCSS and coordinating and resolving issues related to the implementation with the LCSAs

b. Present a comprehensive Quality Control Plan to be utilized by the Proposer as a self-monitoring tool to ensure the required services are provided as specified in Exhibit A, Scope of Work. The following factors may be included in the plan:

- Activities to be monitored to ensure compliance with all Contract requirements;
- Monitoring methods to be used
- Frequency of monitoring
- Samples of forms to be used in monitoring
- Title/level and qualifications of personnel performing monitoring functions; and
- Documentation methods of all monitoring results, including any corrective action taken
5) Submission of Proposal

a. Proposals should provide straightforward and concise descriptions of the proposer’s ability to satisfy the requirements of this RFP. The proposal must be complete and accurate. Omissions, inaccuracies or misstatements may be cause for rejection of a proposal.

b. The proposal package should be prepared in the least expensive method.

c. All proposals must be submitted under sealed cover and sent to Department of Child Support Services by dates and times shown in Section B, Proposal Requirements and Information, Item 1) Key Action Dates (page 3). Proposals received after this date and time will not be considered.

d. A minimum of four (4) copies of the proposal must be submitted.

e. The original proposal must be marked “ORIGINAL COPY”. All documents contained in the original proposal package must have original signatures and must be signed by a person who is authorized to bind the proposing firm. All additional proposal sets may contain photocopies of the original package.

f. The proposal envelopes must be plainly marked with the RFP number and title, your firm name and address, and must be marked with “DO NOT OPEN”, as shown in the following example:

Racquel Brown – Contracts & Purchasing Section  
Department of Child Support Services  
P. O. Box 419064  
11150 International Drive  
Rancho Cordova, CA  95741  
RFP EO #221  
Genetic Testing Services  

DO NOT OPEN  
Due: 11/04/2011

If the proposal is made under a fictitious name or business title, the actual legal name of proposer must be provided.

Proposals not submitted under sealed cover and marked as indicated may be rejected.

g. A postmark will not be accepted as meeting the delivery time if the bid is received by the Contracts and DCSS after the bid submission deadline. It is the bidder’s responsibility to ensure timely delivery of the bid. Any bid not meeting this requirement will be rejected.

h. Proposer Warning for Deliveries: DCSS’ internal processing of U.S. mail may add up to 24 hours to the delivery time. If you choose hand delivery, allow sufficient time to locate parking and for visitor security procedures. You will need to provide the security personnel with the name and telephone number of the person to whom the package is to be delivered. Security personnel will not accept delivery. Security will only notify the appropriate staff to accept delivery.

i. All proposals shall include the documents identified in Required Attachment Checklist (Attachment 1). Proposals not including the proper “required attachments” shall be deemed non-responsive. A non-responsive proposal is one that does not meet the basic proposal requirements.
j. Mail or deliver proposals to the following address:

<table>
<thead>
<tr>
<th>U.S. Postal Service Deliveries</th>
<th>Hand/Overnight Deliveries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Child Support Services</td>
<td></td>
</tr>
<tr>
<td>P.O. Box 419064</td>
<td>11150 International Drive</td>
</tr>
<tr>
<td>Rancho Cordova, CA 95741</td>
<td>Rancho Cordova, CA 95741</td>
</tr>
<tr>
<td>ATTN: RECEIVING UNIT</td>
<td></td>
</tr>
</tbody>
</table>

k. Proposals must be submitted for the performance of all the services described herein. Any deviation from the work specifications will not be considered and will cause a proposal to be rejected.

l. A proposal may be rejected if it is conditional or incomplete, or if it contains any alterations of form or other irregularities of any kind. The State may reject any or all proposals and may waive an immaterial deviation in a proposal. The State’s waiver of an immaterial deviation shall in no way modify the RFP document or excuse the proposer from full compliance with all requirements if awarded the agreement.

m. Costs incurred for developing proposals and in anticipation of award of the agreement are entirely the responsibility of the proposer and shall not be charged to the State of California.

n. An individual who is authorized to bind the proposing firm contractually shall sign the [Attachment 2, Proposal/Proposer Certification Sheet, Page 16]. The signature must indicate the title or position that the individual holds in the firm. An unsigned proposal may be rejected.

o. A proposer may modify a proposal after its submission by withdrawing its original proposal and resubmitting a new proposal prior to the proposal submission deadline as set forth in the Key Action Dates. Proposal modifications offered in any other manner, oral or written, will not be considered.

p. A proposer may withdraw its proposal by submitting a written withdrawal request to the State, signed by the proposer or an authorized agent, in accordance with n above. A proposer may thereafter submit a new proposal prior to the proposal submission deadline. Proposals may not be withdrawn without cause subsequent to proposal submission deadline.

q. The State may modify the RFP prior to the date fixed for submission of proposals by the issuance of an addendum to all parties who received a proposal package. The addendums will be posted on Bidsync.

r. The State reserves the right to reject all proposals. The agency is not required to award an agreement.

s. Before submitting a response to this solicitation, bidders should review, correct all errors and confirm compliance with the RFP requirements.

t. Where applicable, proposer should carefully examine work sites and specifications. No additions or increases to the agreement amount will be made due to a lack of careful examination of work sites and specifications.

u. More than one proposal from an individual, firm, partnership, corporation or association under the same or different names, will not be considered.
v. The State does not accept alternate contract language from a prospective Proposer. A proposal with such language will be considered a counter proposal and will be rejected. The State's General Terms and Conditions (GTC) are not negotiable.

w. No oral understanding or agreement shall be binding on either party.

x. **False or Misleading Statements**

Proposals containing false or misleading statements, or which provide references which do not support an attribute or condition claimed by the proposer, may be rejected.

y. **State's Right to Reject Responses**

The State reserves the following rights: (a) to reject any or all proposals, (b) to award contract(s) if it is determined to be in the best interest of the State, (c) to waive a requirement(s) if a proposal contains a minor, immaterial defect as determined by the State, and (d) to amend or withdraw this RFP at any time prior to the signing of the Agreement if circumstances dictate such action is in the best interest of the State.

6) **Evaluation Process**

a. At the time of proposal opening, each proposal will be checked for the presence or absence of required information in conformance with the submission requirements of this RFP.

b. Proposals that contain false or misleading statements, or which provide references, which do not support an attribute or condition claimed by the proposer, may be rejected.

c. The final selection will be made to the lowest monetary responsible proposer achieving a passing score, after application of preferences.

d. A three-phased, 100 point approach will be used in the evaluation of responses to this RFP.

Responses to this RFP will be evaluated on the basis of 100 points as follows:

**Phase One**

**Administrative Requirements – Pass/Fail**

In the first phase, the Administrative Requirements defined in Section 6 listed on Attachment 1 Required Attachment Checklist, page 13, of this RFP will be reviewed and the proposer will receive a “Pass or Fail” for each requirement. Failure to provide all required items may be grounds for rejection as determined by the evaluation team. Minor omissions may be determined to be immaterial. The Proposer's submitted attachments will be reviewed and evaluated to determine that all minimum requirements have been met.

**Phase Two**

All proposals that pass the Phase One, Administrative Requirements, will undergo an evaluation in Phase Two, Technical Requirements, conducted by a DCSS Evaluation Committee. Each member of the DCSS Evaluation Committee will independently evaluate and score each proposal and then meet to discuss and reach a consensus.

**Technical Requirements – 100 points maximum**

1. Implementation Plan - 50 points
2. Quality Control Plan – 50 points
A minimum of a combined total of 80 points, with no less than 40 points for each Plan must be achieved in Phase Two to be considered a responsive proposal and to progress to Phase Three, Public Cost Opening.

Additionally, proposers should note that all evaluations may include contact with references. Any information gathered from references provided by the Proposer may be considered in evaluating the response.

**Phase Three**

**Public Cost Opening– Cost Proposals**

Proposers who have passed Phase One and have a combined score of 80 points or higher from Phase Two are considered capable of performing the required services. The sealed envelopes containing the bid price and cost information for the proposals shall then be publicly opened and read on the date and time defined on Page 3, Key Action Dates, Section B.1.

Each part of the Cost Proposal will be checked for mathematical accuracy. If an error is found in the calculations, the result of the recalculation will be the amount used to determine a bidder’s total amount bid.

The Small Business Preference Credit shall be calculated by computing five percent (5%) of the low net non-small business bid and subtracting that result from the low net certified small business bid. If this calculation causes the certified small business bid to be lower than the non-small business bid, then the award may be made to the certified small business if it is compliant with all other requirements. It is important to note that application of this preference is for evaluation purposes only and does not change the actual amounts bid by any bidder. The following example demonstrates the calculation:

<table>
<thead>
<tr>
<th>Bidder A: Non-Small Business**</th>
<th>Bidder B: Certified Small Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>$12,500.00 Low Net Bid</td>
<td>$13,000.00</td>
</tr>
<tr>
<td>X .05 Preference Factor</td>
<td></td>
</tr>
<tr>
<td>$ 625.00</td>
<td>$12,375.00</td>
</tr>
</tbody>
</table>

$12,375.00 is less than $12,500.00 so in this case the award would be made to the Certified Small Business (assuming all other conditions of the RFP have been met).

**The five percent (5%) preference is also available to a non-small business claiming twenty-five percent (25%) California certified small business subProposer participation and shall be calculated in the same way as a certified small business.

In the event of a tie between two (2) or more proposers when determining the lowest bid, the Contractor shall be selected by drawing names. The drawing shall be held in the DCSS’ Rancho Cordova Headquarters’ Office. The selection of the Contractor shall be at the sole discretion of DCSS.

7) **Award and Protest**

a. Whenever an agreement is awarded under a procedure which provides for competitive bidding, but the agreement is not to be awarded to the low bidder, the low bidder shall be notified by electronic facsimile transmission five working days prior to the award of the agreement.
b. Notice of the proposed award shall be posted in a public place in the DCSS offices, 11150 International Drive, Rancho Cordova, CA 95742 for five (5) working days prior to awarding the agreement. All participating proposers will be notified of DCSS’ Intent to Award Notice.

c. If any proposer, prior to the award of agreement, files a protest with the DCSS and the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, CA 95605, on the grounds that the (protesting) proposer would have been awarded the contract had the agency correctly applied the evaluation standard in the RFP, or if the agency followed the evaluation and scoring methods in the RFP, the agreement shall not be awarded until either the protest has been withdrawn or the Department of General Services has decided the matter. It is suggested that you submit any protest by certified or registered mail.

d. Within five (5) calendar days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the DCSS a detailed statement specifying the grounds for the protest. The written protest must be sent to the Department of General Services, Office of Legal Services, 707 Third Street, 7th Floor, Suite 7-330, West Sacramento, California 95605. A copy of the detailed written statement should be mailed to the attention of Kim Sharp, Chief, Contracts and Budgets Services Branch, at DCSS, P.O. Box 419064, Rancho Cordova, CA 95741-9064. It is suggested that you submit any protest by certified or registered mail.

e. Upon resolution of the protest and award of the agreement, Proposer must complete and submit to the DCSS the Payee Data Record (STD 204), to determine if the Proposer is subject to state income tax withholding pursuant to California Revenue and Taxation Code Sections 18662 and 26131. This form can be found on the Internet at www.osp.dgs.ca.gov under the heading STANDARD FORMS. No payment shall be made unless a completed STD 204 has been returned to the DCSS.

f. Upon resolution of the protest and award of the agreement, Proposer must sign and submit to the DCSS, page one (1) of the Proposer Certification Clauses (CCC), which can be found on the Internet at www.dgs.ca.gov/contracts.

8) Disposition of Proposals

a. Upon proposal opening, all documents submitted in response to this RFP will become the property of the State of California, and will be regarded as public records under the California Public Records Act (Government Code Section 6250 et seq.) and subject to review by the public.

b. Proposal packages may be returned only at the proposer’s expense, unless such expense is waived by the DCSS.

9) Agreement Execution and Performance

a. Performance shall start not later than the express date set by the DCSS and the Proposer, after all approvals have been obtained and the agreement is fully executed. Should the Proposer fail to commence work at the agreed upon time, the DCSS, upon five (5) days written notice to the Proposer, reserves the right to terminate the agreement. In addition, the Proposer shall be liable to the State for the difference between Proposer’s Proposal price and the actual cost of performing work by another Proposer.

b. All performance under the agreement shall be completed on or before the termination date of the agreement.
C. Preference/Incentive Programs

a. Small Business Enterprise (SBE)

1. Small Business Regulations: The Small Business regulations, located in the California Code of Regulations (Title 2, Division 2, Chapter 3, Subchapter 8, Section 1896 et seq.), concerning the application and calculation of the small business preference, small business certification, responsibilities of small business, department certification, and appeals are revised, effective 9/09/04. The new regulations can be viewed at [www.pd.dgs.ca.gov/smbus](http://www.pd.dgs.ca.gov/smbus). For those without Internet access, a copy of the regulations can be obtained by calling the Office of Small Business and DVBE Services at (916) 375-4940.

2. Non-Small Business SubContractor Preferences: A 5% bid preference is now available to a non-small business claiming 25% California certified small business sub-Contractor participation.

3. Small Business Nonprofit Veteran Service Agencies (SB/NVSA): SB/NVSA prime bidders meeting requirements specified in the Military and Veterans Code Section 999.50 et seq., and obtaining a California certification as a small business are eligible for the 5% small business preference.

4. Attachment with Bid Required if Claiming the Small Business Preference: All bidders must complete and include the Bidder Declaration form GSPD-05-105, Attachment 6A. If claiming the non-small business subcontractor preference, the form must list all the California certified small businesses with which you commit to subcontract in an amount of at least twenty-five percent (25%) of the net bid price. All certified small businesses must perform a “commercially useful function” in the performance of the contract as defined in Government Code Section 14837(d)(4).

The State of California provides a five percent (5%) preference to certified Small Business (SB) proposers. The standard contract language for the preference programs can be found at [http://www.pd.dgs.ca.gov/smbus/default.htm](http://www.pd.dgs.ca.gov/smbus/default.htm). For the purposes of this section, the definitions specified in Title 2, California Code of Regulations (CCR), §1896.4 shall apply unless otherwise

b. Target Area Contract Preference Act (TACPA) - [www.pd.dgs.ca.gov/disputes](http://www.pd.dgs.ca.gov/disputes)

c. Local Agency Military Base Recovery Area Act (LAMBR A) - [www.pd.dgs.ca.gov/disputes](http://www.pd.dgs.ca.gov/disputes)

d. Enterprise Zone Act (EZA) - [www.pd.dgs.ca.gov/disputes](http://www.pd.dgs.ca.gov/disputes)

e. Disabled Veteran Business Enterprise (DVBE) Participation Program Requirements

1) Subject to exceptions in the Government Code and pursuant to regulations, State law requires awarding agencies to have an annual participation goal of three percent for disabled veteran-owned business enterprises.

*The DCSS elects to waive the DVBE Program Requirements in this solicitation, but opts to include the DVBE incentive.*

2) For more information about the DVBE incentive refer to Attachment 6, California DVBE Bid Incentive Instructions (9/3/09).

3) If for this agreement Proposer made a commitment to achieve disabled veteran business
4) Proposer understands and agrees that should award of this contract be based in part on their commitment to use the Disabled Veteran Business Enterprise (DVBE) subcontractor(s) identified in their bid or offer, per Military and Veterans Code 999.5(e), a DVBE subcontractor may only be replaced by another DVBE subcontractor and must be approved by the Department of General Services (DGS). Changes to the scope of work that impact the DVBE subcontractor(s) identified in the bid or offer and approved DVBE substitutions will be documented by contract amendment.

5) Failure of Proposer to seek substitution and adhere to the DVBE participation level identified in the bid or offer may be cause for contract termination, recovery of damages under the rights and remedies due to the State, and penalties as outlined in M&VC § 999.9; Public Contract Code (PCC) § 10115.10, or PCC § 4110 (applies to public works only).

The California DVBE Bid Incentive Instructions (09/09/09) include information about the DVBE incentive (Attachment 6).

D. Darfur Contracting Act of 2008

Effective January 1, 2009, all Invitations for Bids (RFP) or Requests for Proposals (RFP) for goods or services must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, et seq.; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with “scrutinized” companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478(a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency (See #1 on Attachment 5). A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b) (See #2 on Attachment 5).
ATTACHMENT 1

REQUIRED ATTACHMENT CHECKLIST -

A complete proposal or proposal package will consist of the items identified below.

Complete this checklist to confirm the items in your proposal. Place a check mark or “X” next to each item that you are submitting to the State. For your proposal to be responsive, all required attachments must be returned. This checklist should be returned with your proposal package also.

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Attachment Name/Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposer Relevant Background Summary</td>
</tr>
<tr>
<td></td>
<td>Laboratory Personnel Resumes</td>
</tr>
<tr>
<td></td>
<td>Draft Implementation Plan</td>
</tr>
<tr>
<td></td>
<td>Quality Control Plan</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 1</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 2</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 3</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 4</td>
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<tr>
<td>_____</td>
<td>Attachment 5</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 6</td>
</tr>
<tr>
<td>_____</td>
<td>Attachment 6A</td>
</tr>
<tr>
<td></td>
<td>Payee Data Record (STD 204) <em>(can be found on the Internet at: <a href="http://www.documents.dgs.ca.gov.osp/pdf/std204.pdf">http://www.documents.dgs.ca.gov.osp/pdf/std204.pdf</a>)</em></td>
</tr>
<tr>
<td></td>
<td>Small Business Preference* <em>(Use Attachment -6 Bidder Declaration Form GSPD-05-105).</em></td>
</tr>
<tr>
<td></td>
<td>Target Area Contract Preference Act (TACPA)*</td>
</tr>
<tr>
<td></td>
<td>Enterprise Zone Act (EZA)*</td>
</tr>
<tr>
<td></td>
<td>Local Agency Military Base Recovery Area Act (LAMBRA)*</td>
</tr>
</tbody>
</table>

*If applicable
ATTACHMENT 2

PROPOSAL/PROPOSER CERTIFICATION SHEET

This Proposal/Proposer Certification Sheet must be signed and returned along with all the "required attachments" as an entire package in duplicate with original signatures. The proposal must be transmitted in a sealed envelope in accordance with RFP instructions.

Do not return Section B, Proposal Requirements and Information (pages 3 through 12) nor the "Sample Agreement" (pages 24 through 35) at the end of this RFP.

A. Place all required attachments behind this certification sheet.

B. The signature affixed hereon and dated certifies compliance with all the requirements of this proposal document. The signature below authorizes the verification of this certification.

An Unsigned Proposal/Proposer Certification Sheet May Be Cause For Rejection

<table>
<thead>
<tr>
<th>1. Company Name</th>
<th>2. Telephone Number</th>
<th>2a. Fax Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

3. Address

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<thead>
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<td></td>
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Indicate your organization type:

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<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. Indicate applicable license and/or certification information:

<table>
<thead>
<tr>
<th>10. Bidder’s Name (Print)</th>
<th>11. Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. Signature

<table>
<thead>
<tr>
<th>13. Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

14. Are you certified with the Department of General Services, Office of Small Business and DVBE Services (OSDS) as:

a. California Small Business
   Yes ☐ No ☐
   If yes, enter certification number:

b. Disabled Veteran Business Enterprise
   Yes ☐ No ☐
   If yes, enter your service code below:

NOTE: A copy of your Certification is required to be included if either of the above items is checked “Yes”.

Date application was submitted to OSDS, if an application is pending:

__________________________
Completion Instructions for Proposal/Proposer Certification Sheet

Complete the numbered items on the Proposal/Proposer Certification Sheet by following the instructions below.

<table>
<thead>
<tr>
<th>Item Numbers</th>
<th>Instructions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1, 2, 2a, 3</td>
<td>Must be completed. These items are self-explanatory.</td>
</tr>
<tr>
<td>4</td>
<td>Check if your firm is a sole proprietorship. A sole proprietorship is a form of business in which one person owns all the assets of the business in contrast to a partnership and corporation. The sole proprietor is solely liable for all the debts of the business.</td>
</tr>
<tr>
<td>5</td>
<td>Check if your firm is a partnership. A partnership is a voluntary agreement between two or more competent persons to place their money, effects, labor, and skill, or some or all of them in lawful commerce or business, with the understanding that there shall be a proportional sharing of the profits and losses between them. An association of two or more persons to carry on, as co-owners, a business for profit.</td>
</tr>
<tr>
<td>6</td>
<td>Check if your firm is a corporation. A corporation is an artificial person or legal entity created by or under the authority of the laws of a state or nation, composed, in some rare instances, of a single person and his successors, being the incumbents of a particular office, but ordinarily consisting of an association of numerous individuals.</td>
</tr>
<tr>
<td>7</td>
<td>Enter your federal employee tax identification number.</td>
</tr>
<tr>
<td>8</td>
<td>Enter your corporation number assigned by the California Secretary of State’s Office. This information is used for checking if a corporation is in good standing and qualified to conduct business in California.</td>
</tr>
<tr>
<td>9</td>
<td>Complete, if applicable, by indicating the type of license and/or certification that your firm possesses and that is required for the type of services being procured.</td>
</tr>
<tr>
<td>10, 11, 12, 13</td>
<td>Must be completed. These items are self-explanatory.</td>
</tr>
<tr>
<td>14</td>
<td>If certified as a California Small Business, place a check in the &quot;yes&quot; box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the &quot;Yes&quot; box and enter your service code on the line. If you are not certified to one or both, place a check in the &quot;No&quot; box. If your certification is pending, enter the date your application was submitted to OSDS.</td>
</tr>
</tbody>
</table>
COST PROPOSAL WORKSHEET

Cost Requirements

The cost proposal shall be based on a rate per sample collected. The amount of the charge shall not exceed $28 per sample collected and shall be inclusive of all services and requirements detailed in this RFP. The Proposer’s rate shall remain firm and fixed for the term of the Contract.

Three Year Term of Contract:

Charge per sample collected $________________

Signature of Authorized Representative:

By signing this document, Proposer is making a firm, irrevocable offer for thirty (30) days from the date of submission. Failure to sign is grounds for rejection.

Signature:_________________________________________ ___________

Title:_____________________________________________ ___________

Date:________________________________

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ATTACHMENT 4

PROPOSER REFERENCES

Submission of this attachment is mandatory. Failure to complete and return this attachment with your proposal will cause your proposal to be rejected and deemed nonresponsive.

List below three references for services performed within the last five years, which are similar to the scope of work to be performed in this contract. If three references cannot be provided, please explain why on an attached sheet of paper.

<table>
<thead>
<tr>
<th>REFERENCE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Firm</td>
</tr>
<tr>
<td>Street Address</td>
</tr>
<tr>
<td>Contact Person</td>
</tr>
<tr>
<td>Dates of Service</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
<tr>
<td>Value or Cost of Service</td>
</tr>
<tr>
<td>Brief Description of Service Provided</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFERENCE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Firm</td>
</tr>
<tr>
<td>Street Address</td>
</tr>
<tr>
<td>Contact Person</td>
</tr>
<tr>
<td>Dates of Service</td>
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<tr>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
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<tr>
<td>Value or Cost of Service</td>
</tr>
<tr>
<td>Brief Description of Service Provided</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>REFERENCE 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Firm</td>
</tr>
<tr>
<td>Street Address</td>
</tr>
<tr>
<td>Contact Person</td>
</tr>
<tr>
<td>Dates of Service</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Telephone Number</td>
</tr>
<tr>
<td>Value or Cost of Service</td>
</tr>
<tr>
<td>Brief Description of Service Provided</td>
</tr>
</tbody>
</table>
ATTACHMENT 5

DARFUR CONTRACTING ACT CERTIFICATION

Public Contract Code Sections 10475 - 10481 applies to any company that currently or within the previous three years has had business activities or other operations outside of the United States. For such a company to bid on or submit a proposal for a State of California contract, the company must certify that it is either a) not a scrutinized company; or b) a scrutinized company that has been granted permission by the Department of General Services to submit a proposal.

If your company has not, within the previous three years, had any business activities or other operations outside of the United States, you do not need to complete this form.

OPTION #1 - CERTIFICATION
If your company, within the previous three years, has had business activities or other operations outside of the United States, in order to be eligible to submit a bid or proposal, please insert your company name and Federal ID Number and complete the certification below.

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that a) the prospective proposer/bidder named below is not a scrutinized company per Public Contract Code 10476; and b) I am duly authorized to legally bind the prospective proposer/bidder named below. This certification is made under the laws of the State of California.

<table>
<thead>
<tr>
<th>Company/Vendor Name (Printed)</th>
<th>Federal ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>By (Authorized Signature)</td>
<td></td>
</tr>
<tr>
<td>Printed Name and Title of Person Signing</td>
<td></td>
</tr>
<tr>
<td>Date Executed</td>
<td>Executed in the County and State of</td>
</tr>
</tbody>
</table>

OPTION #2 – WRITTEN PERMISSION FROM DGS
Pursuant to Public Contract Code section 10477(b), the Director of the Department of General Services may permit a scrutinized company, on a case-by-case basis, to bid on or submit a proposal for a contract with a state agency for goods or services, if it is in the best interests of the state. If you are a scrutinized company that has obtained written permission from the DGS to submit a bid or proposal, complete the information below.

We are a scrutinized company as defined in Public Contract Code section 10476, but we have received written permission from the Department of General Services to submit a bid or proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or proposal.

<table>
<thead>
<tr>
<th>Company/Vendor Name (Printed)</th>
<th>Federal ID Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initials of Submitter</td>
<td></td>
</tr>
<tr>
<td>Printed Name and Title of Person Initialing</td>
<td></td>
</tr>
</tbody>
</table>
Please read the requirements and instructions carefully before you begin.

**AUTHORITY.** The Disabled Veteran Business Enterprise (DVBE) Participation Goal Program for State contracts is established in Public Contract Code (PCC), §10115 et seq., Military and Veterans Code (MVC), §999 et seq., and California Code of Regulations (CCR), Title 2, §1896.60 et seq. Recent legislation has modified the program significantly in that a bidder may no longer demonstrate compliance with program requirements by performing a “good faith effort” (GFE).

This solicitation does not include a minimum DVBE participation percentage or goal.

**DVBE BID INCENTIVE.** Unless stated elsewhere in the solicitation that the DVBE incentive has been waived, 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, the State shall apply an incentive to bids that propose California certified DVBE participation as identified on the Bidder Declaration GSPD-05-105 and confirmed by the State. 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 within the solicitation, the following percentages will apply for awards based on low price.

<table>
<thead>
<tr>
<th>DVBE Participation</th>
<th>DVBE Incentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>100%</td>
<td>5%</td>
</tr>
<tr>
<td>50% up to 99.99%</td>
<td>4%</td>
</tr>
<tr>
<td>11% up to 49.99%</td>
<td>3%</td>
</tr>
<tr>
<td>3% up to 10.99%</td>
<td>2%</td>
</tr>
<tr>
<td>1% up to 2.99%</td>
<td>1%</td>
</tr>
</tbody>
</table>

As applicable: (1) **Awards based on low price** - the net bid price of responsive bids will be reduced (for evaluation purposes only) by the amount of DVBE incentive as applied to the lowest responsive net bid price. If the #1 ranked responsive, responsible bid is a California certified small business, the only bidders eligible for the incentive will be California certified small businesses. The incentive adjustment for awards based on low price cannot exceed 5% or $100,000, whichever is less, of the #1 ranked net bid price. When used in combination with a preference adjustment, the cumulative adjustment amount cannot exceed $100,000.

(2) **Awards based on highest score** - the solicitation shall include an individual requirement that identifies incentive points for DVBE participation.

**INTRODUCTION.** Bidders must document DVBE participation commitment by completing and submitting a Bidder Declaration, GSPD-05-105, (located elsewhere within the solicitation documents). Bids or proposals (hereafter called “bids”) that fail to submit the required form to confirm the level of DVBE participation will not be eligible to receive the DVBE incentive.

Information submitted by the intended awardee to claim the DVBE incentive(s) will be verified by the State. If evidence of an alleged violation is found during the verification process, the State shall initiate an
investigation, in accordance with the requirements of the PCC §10115, et seq., and follow the investigatory procedures required by the 2 CCR §1896.80. Proposers found to be in violation of certain provisions may be subject to loss of certification, penalties and/or contract termination.

Only State of California, Office of Small Business and DVBE Services (OSDS), certified DVBEs (hereafter called “DVBE”) who perform a commercially useful function relevant to this solicitation, may be used to satisfy the DVBE program requirements. The criteria and definition for performing a commercially useful function are contained herein on the page entitled Resources & Information. Bidders are to verify each DVBE subProposer’s certification with OSDS to ensure DVBE eligibility.

At the State’s option prior to award of the contract, a written confirmation from each DVBE subcontractor identified on the Bidder Declaration must be provided. As directed by the State, the written confirmation must be signed by the bidder and/or the DVBE subcontractor(s). The written confirmation may request information that includes but is not limited to the DVBE scope of work, work to be performed by the DVBE, term of intended subcontract with the DVBE, anticipated dates the DVBE will perform required work, rate and conditions of payment, and total amount to be paid to the DVBE. If further verification is necessary, the State will obtain additional information to verify compliance with the above requirements.

THE DVBE BUSINESS UTILIZATION PLAN (BUP): DVBE BUPs are a company’s commitment to expend a minimum of 3% of its total statewide contract dollars with DVBEs -- this percentage is based on all of its contracts held in California, not just those with the State. A DVBE BUP does not qualify a firm for a DVBE incentive. Bidders with a BUP, must submit a Bidders Declaration (GSPD-05-105) to confirm the DVBE participation for an element of work on this solicitation in order to claim a DVBE incentive(s).

THE FOLLOWING MAY BE USED TO LOCATE DVBE SUPPLIERS:

Awarding Department: Contact the department’s contracting official named in this solicitation for any DVBE suppliers who may have identified themselves as potential subcontractors, and to obtain suggestions for search criteria to possibly identify DVBE suppliers for the solicitation.

Other State and Federal Agencies, and Local Organizations:

STATE: Access the list of all certified DVBEs by using the Department of General Services, Procurement Division (DGS-PD), online certified firm database at www.eprocure.dgs.ca.gov. To begin your search, click on “SB/DVBE Search.” Search by “Keywords” or “United Nations Standard Products and Services Codes (UNSPSC) that apply to the elements of work you want to subcontract to a DVBE. Check for subcontractor ads that may be placed on the California State Contracts Register (CSCR) for this solicitation prior to the closing date. You may access the CSCR at: www.eprocure.dgs.ca.gov. For questions regarding the online certified firm database and the CSCR, please call the OSDS at (916) 375-4940 or send an email to: OSDCHelp@dgs.ca.gov.

FEDERAL: Search the U.S. Small Business Administration’s (SBA) Central Contractor Registration (CCR) online database at www.ccr.gov to identify potential DVBEs and click on the "Dynamic Small Business Search" button. Search options and information are provided on the CCR Dynamic Small Business Search site. First time users should click on the “help” button for detailed instructions. Remember to verify each firm’s status as a California certified DVBE.

LOCAL: Contact local DVBE organization to identify DVBEs. For a list of local organizations, go to www.pd.dgs.ca.gov/smbus and select: DVBE Local Contacts (New 02/09) (pdf).
RESOURCES AND INFORMATION

For questions regarding bid documentation requirements, contact the contracting official at the awarding department for this solicitation. For a directory of SB/DVBE Advocates for each department go to: http://www.pd.dgs.ca.gov/smbus/advocate.htm.

The Department of General Services, Procurement Division (DGS-PD) publishes a list of trade and focus publications to assist bidders in locating DVBEs for a fee. To obtain this list, please go to www.pd.dgs.ca.gov/smbus and select:

- DVBE Trade Paper Listing (New 02/09) (pdf)
- DVBE Focus Paper Listing (New 02/09) (pdf)

U.S. Small Business Administration (SBA):
Use the Central Contractor Registration (CCR) on-line database.
Internet contact only – Database: www.ccr.gov.

FOR: Service-Disabled Veteran-owned businesses in California (Remember to verify each DVBE’s California certification.)

Local Organizations: Go to www.pd.dgs.ca.gov/smbus
and select: DVBE Local Contacts (New 02/09) (pdf)

FOR: List of potential DVBE subcontractors

DGS-PD EProcurement
Website: www.eprocure.dgs.ca.gov
Phone: (916) 375-2000
Email: eprocure@dgs.ca.gov

FOR: SB/DVBE Search
• CSCR Ads
• Click on Training tab to Access eProcurement Training Modules including: Small Business (SB)/DVBE Search

DGS-PD Office of Small Business and DVBE Services (OSDS)
707 Third Street, Room 1-400, West Sacramento, CA 95605
Website: www.pd.dgs.ca.gov/smbus
OSDS Receptionist, 8 am-5 pm: (916) 375-4940
PD Receptionist, 8 am-5 pm: (800) 559-5529
Fax: (916) 375-4950
Email: osdchelp@dgs.ca.gov

FOR: Directory of California-Certified DVBEs
• Certification Applications
• Certification Information
• Certification Status, Concerns
• General DVBE Program Info.
• DVBE Business Utilization Plan
• Small Business/DVBE Advocates

Commercially Useful Function Definition

California Code of Regulations, Title 2 §1986.61(I):
The term “DVBE” contractor, subcontractor or supplier” means any person or entity that satisfies the ownership (or management) and control requirements of §1896.61(f); is certified in accordance with §1896.70; and provides services or goods that contribute to the fulfillment of the contract requirements by performing a commercially useful function.

As defined in MVC §999, a person or an entity is deemed to perform a “commercially useful function” if a person or entity does all of the following:

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

A contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the contractor’s, subcontractor’s, or supplier’s role is limited to that of an extra participation in a transaction, contract, or project through which funds are passed in order to obtain the appearance of disabled veteran business enterprise participation.
BIDDER DECLARATION (ATTACHMENT 6A)

1. Prime bidder information (Review attached Bidder Declaration Instructions prior to completion of this form):
   a. Identify current California certification(s) (MB, SB, NVSA, DVBE): ____________ or None ____ (If “None”, go to Item #2)
   b. Will subcontractors be used for this contract? Yes ___ No ___ (If yes, indicate the distinct element of work your firm will perform in this contract e.g., list the proposed products produced by your firm, state if your firm owns the transportation vehicles that will deliver the products to the State, identify which solicited services your firm will perform, etc.). Use additional sheets, as necessary.
   c. If you are a California certified DVBE: (1) Are you a broker or agent? Yes ___ No ___ (2) If the contract includes equipment rental, does your company own at least 51% of the equipment provided in this contract (quantity and value)? Yes ___ No ___ N/A ___

2. If no subcontractors will be used, skip to certification below. Otherwise, list all subcontractors for this contract. (Attach additional pages if necessary)

<table>
<thead>
<tr>
<th>Subcontractor Name, Contact Person, Phone # &amp; Fax #</th>
<th>Subcontractor Address &amp; Email Address</th>
<th>CA Certification (MB, SB, NVSA, DVBE or None)</th>
<th>Work performed or goods provided for this contract</th>
<th>Corresponding % of bid price</th>
<th>Good Standing?</th>
<th>51% Rental?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

CERTIFICATION: By signing the bid response, I certify under penalty of perjury that the information provided is true and correct.
If subcontractors will be used, complete the table listing all subcontractors. If necessary, attach additional pages and complete the “Page ___ of ___” accordingly.

**Subcontractor Name, Contact Person, Phone Number & Fax Number**—List each element for all subcontractors.

**Subcontractor Address & Email Address**—Enter the address and if available, an Email address.

**CA Certification (MB, SB, NVSA, DVBE or None)**—If the subcontractor possesses a current State of California certification(s), verify on this website (www.eprocure.pd.dgs.ca.gov).

1.a. Identify all current certifications issued by the State of California. If the prime bidder has no California certification(s), check the line labeled “None” and proceed to Item #2. If the prime bidder possesses one or more of the following certifications, enter the applicable certification(s) on the line:

- Microbusiness (MB)
- Small Business (SB)
- Nonprofit Veteran Service Agency (NVSA)
- Disabled Veteran Business Enterprise (DVBE)

1.b. Mark either “Yes” or “No” to identify whether subcontractors will be used for the contract. If the response is “No”, proceed to Item #1.c. If “Yes”, enter on the line the distinct element of work contained in the contract to be performed or the goods to be provided by the prime bidder. Do not include goods or services to be provided by subcontractors.

Bidders certified as MB, SB, NVSA, and/or DVBE must provide a commercially useful function as defined in Military and Veterans Code Section 999 for DVBEs and Government Code Section 14837(d)(4)(A) for small/microbusinesses.

Bids must propose that certified bidders provide a commercially useful function for the resulting contract or the bid will be deemed non-responsive and rejected by the State. For questions regarding the solicitation, contact the procurement official identified in the solicitation.

**Note:** A subcontractor is any person, firm, corporation, or organization contracting to perform part of the prime’s contract.

1.c. This item is only to be completed by businesses certified by California as a DVBE.

(1) Declare whether the prime bidder is a broker or agent by marking either “Yes” or “No”. The Military and Veterans Code Section 999.2 (b) defines “broker” or “agent” as a certified DVBE contractor or subcontractor that does not have title, possession, control, and risk of loss of materials, supplies, services, or equipment provided to an awarding department, unless one or more of the disabled veteran owners has at least 51-percent ownership of the quantity and value of the materials, supplies, services, and of each piece of equipment provided under the contract.

(2) If bidding rental equipment, mark either “Yes” or “No” to identify if the prime bidder owns at least 51% of the equipment provided (quantity and value). If not bidding rental equipment, mark “N/A” for “not applicable.”

2. If no subcontractors are proposed, do not complete the table. Read the certification at the bottom of the form and complete “Page ___ of ___” on the form.

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**Department of Child Support Services**

RFP Number EO 221

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**CA Certification (MB, SB, NVSA, DVBE or None)**—If the subcontractor possesses a current State of California certification(s), verify on this website (www.eprocure.pd.dgs.ca.gov).

*Work performed or goods provided for this contract*—Identify the distinct element of work contained in the contract to be performed or the goods to be provided by each subcontractor. Certified subcontractors must provide a commercially useful function for the contract. (See paragraph 1.b above for code citations regarding the definition of commercially useful function.) If a certified subcontractor is further subcontracting a greater portion of the work or goods provided for the resulting contract than would be expected by normal industry practices, attach a separate sheet of paper explaining the situation.

**Corresponding % of bid price**—Enter the corresponding percentage of the total bid price for the goods and/or services to be provided by each subcontractor. Do not enter a dollar amount.

**Good Standing?**—Provide a response for each subcontractor listed. Enter either “Yes” or “No” to indicate that the prime bidder has verified that the subcontractor(s) is in good standing for all of the following:

- Possesses valid license(s) for any license(s) or permits required by the solicitation or by law
- If a corporation, the company is qualified to do business in California and designated by the State of California Secretary of State to be in good standing
- Possesses valid State of California certification(s) if claiming MB, SB, NVSA, and/or DVBE status

**51% Rental?**—This pertains to the applicability of rental equipment. Based on the following parameters, enter either “N/A” (not applicable), “Yes” or “No” for each subcontractor listed.

Enter “N/A” if the:

- Subcontractor is NOT a DVBE (regardless of whether or not rental equipment is provided by the subcontractor) or
- Subcontractor is NOT providing rental equipment (regardless of whether or not subcontractor is a DVBE)

Enter “Yes” if the subcontractor is a California certified DVBE providing rental equipment and the subcontractor owns at least 51% of the rental equipment (quantity and value) it will be providing for the contract.

Enter “No” if the subcontractor is a California certified DVBE providing rental equipment but the subcontractor does NOT own at least 51% of the rental equipment (quantity and value) it will be providing.
1. This Agreement is entered into between the State Agency and the Proposer named below:

STATE AGENCY’S NAME
Department of Child Support Services

PROPOSER’S NAME
TBA

2. The term of this Agreement is: Three years starting upon execution of this Agreement or Upon DGS Approval.

The maximum amount of this Agreement is: TBD

3. The parties agree to comply with the terms and conditions of the following exhibits that are by this reference made a part of the Agreement.

- Exhibit A Scope of Work – pages(s)
- Exhibit A.1 Resumes
- Exhibit A.2 Total Laboratory Costs per County (2010) pages(s)
- Exhibit B Budget Detail and Payment Provisions page(s)
- Exhibit B.1 Cost Worksheet page(s)
- Exhibit C* General Terms and Conditions GTC – 610 page(s)
- Exhibit D Special Terms and Conditions (Attached hereto as part of this agreement)

Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

These documents can be viewed at www.ols.dgs.ca.gov/Standard+Language

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

PROPOSER
California Department of General Services Use Only

CONTRACTOR’S NAME
(if other than an individual, state whether a corporation, partnership, etc.)
TBA

BY (Authorized Signature)

Original signature here

PRINTED NAME AND TITLE OF PERSON SIGNING

DATE SIGNED (Do not type)
Enter date signed

ADDRESS

TELEPHONE NO.

STATE OF CALIFORNIA

AGENCY NAME
Department of Child Support Services

BY (Authorized Signature)

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Exempt per:

ADDRESS
P.O. Box 419064
Rancho Cordova, CA 95741
EXHIBIT A

SCOPE OF WORK

A. Proposer shall provide to the Department of Child Support Services (DCSS) the following services in the 58 counties in California.

B. Definition of Terms

For the purposes of this Scope of Work, the following definitions apply:

Genetic test means an analysis of human Deoxyribonucleic Acid (DNA).

Paternity Index shall have the same meaning as the term when used in the California Family Code Section 7555.

C. Contract Representatives

The contract managers during the term of this agreement will be:

<table>
<thead>
<tr>
<th>Agency: Department of Child Support Services</th>
<th>Contractor:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Mary Ann Miller</td>
<td>Name: TBA</td>
</tr>
<tr>
<td>Phone: (916) 464-</td>
<td>Phone:</td>
</tr>
<tr>
<td>Fax: (916) 464-</td>
<td>Fax:</td>
</tr>
<tr>
<td>E-mail:</td>
<td>E-mail:</td>
</tr>
</tbody>
</table>

D. Task 1-Genetic Testing

1.1 The Proposer shall perform genetic tests to determine paternity and family relationships using testing protocols and procedures that meet current standards for Relationship Testing laboratories developed by the American Association of Blood Banks (AABB). For each genetic test performed, the Proposer shall use a minimum of 16 DNA markers to perform its DNA tests to determine if the alleged father excluded or not excluded as the biological father. Findings of non-paternity shall be based on at least one direct exclusion or in the absence of direct exclusion, at least two indirect exclusions.

1.2 For those cases where the testing is inconclusive, the Proposer shall test a minimum of as many additional markers as is necessary to arrive at a conclusive result. For those cases where the alleged father is not excluded as the biological father, the Proposer shall have the ability to calculate both a Probability of Paternity and a Paternity Index. The Proposer shall have the ability to calculate a Probability of Paternity at or above 99.99% and a Paternity Index at a level of 100 or greater. Test results shall be reviewed by persons qualified as examiners of genetic markers within the meaning of California Family Code Section 7555.

1.3 The Proposer shall have procedures in place to confirm the accuracy of its test results, and to detect false positives.

Task 2-Scheduling

2.1 The LCSA will schedule in-county appointments for mothers, children and alleged fathers. The Proposer must provide various means to schedule collection appointments, including, but not limited to online scheduling and telephone scheduling.
2.2 Proposer must report unsuccessful collection (missed appointments or protocol exceptions) within one business day of scheduled appointments using a method agreed to by the LCSA, e.g. phone, fax, electronic. There will be no charge for an unsuccessful collection.

2.3 The Proposer shall schedule and coordinate all out-of-county (domestic and international) specimen collections and comply with the requirements of the Uniform Interstate Family Support Act.

2.4 The Proposer shall provide all personnel, services, supplies, materials and equipment necessary for sample collection, preservation, preparation and shipment of samples.

2.5 The Proposer shall perform “motherless” sample collection for genetic testing when necessary as determined by the LCSA.

2.6 The Proposer shall schedule and coordinate sample collections for incarcerated individuals to occur within three (3) business days after the LCSA requests such collection.

Task 3-Sample Collection

3.1 The Proposer shall provide Buccal swabs for collection samples. Samples may be taken by any person qualified to collect genetic test specimens including phlebotomists, trained genetic specimen collectors and LCSA staff at LCSA offices, the Proposer’s facilities, and alternative sites, including local medical labs or clinics and hospitals. The frequency of collection, location and methodology of collection (e.g. self-sample collection by LCSA staff) shall be determined by the LCSA.

3.2 The Proposer shall provide the number of sample collection locations and frequency, at a minimum, at the level currently being provided to each LCSA unless the LCSA agrees otherwise. Once established, the Proposer may request a change to collection days, times and/or location by sending a written request directly to the LCSA thirty (30) calendar days before the proposed change is to take effect.

3.3 The Proposer shall provide that the individual taking the sample must take a thumbprint and photograph of each person to be tested. For each person over the age of 18 years, the Proposer must review the person’s identification document and record the document number. An acceptable identification document means: a document bearing the person’s name, photograph, and signature; issued for the purpose of identifying the person (as opposed to identification for employment purposes); and issued by a federal agency of the United States of America or by a state agency of any state or territory of the United States.

3.4 The Proposer shall transport any and all DNA samples from the place of collection to the Proposer’s test facilities. It shall be the exclusive responsibility of the Proposer to comply with all applicable state and local health regulations, including the appropriate biomedical disposal of phlebotomy paraphernalia.

3.5 At no additional charge, the Proposer shall provide expert courtroom testimony about the use of paternity tests, the specific tests used in a case and results and interpretation of those results. This service will be provided at the request of the LCSA. This service will include costs of forwarding the sample to a reference laboratory for retesting, plus redraws if necessary. Blood typing may also be done, as necessary, as back-up support for the evidence.

3.6 The Proposer must be prepared to provide for expeditious genetic testing for high-profile or time-sensitive cases, which may involve travel to various places upon short notice. Postmortem genetic testing and sample collection at correctional facilities are required.
Task 4-Results

4.1 The Proposer shall provide a secure, password protected, on-line application where the LCSAs can view all pending and completed test results. The case number, current status of the sample collection and a photograph of the person(s) being tested must be available within 72 hours of sample collection or receipt of collection when collected by self-sample.

4.2 The Proposer shall ensure that genetic testing results shall be available to the LCSA's within seven (7) business days from the date the collection is completed or received by the Proposer. Upon request by the LCSA, hard copy originals will be sent by mail and will include documentation of the chain of custody and analytical methods within 48 hours of request.

4.3 The Proposer shall ensure that the genetic test results shall include the following minimum documentation which is sufficient to establish a reliable chain of custody within the meaning of the California evidence code that will allow the results to be admissible without testimony:

a. The name and photograph of each individual whose samples have been taken;

b. The name of each individual who collected the samples;

c. The locations at which the samples were collected; and

d. The date, day and time of each collection

4.4. The Proposer's test results shall be accompanied by a declaration under the penalty of perjury of the custodian of records or Proposer’s other qualified employee who conducted the genetic tests stating, in substance each of the following:

a. The declarant is the duly authorized custodian of the records or other qualified employee of the Proposer and has the authority to certify the test results;

b. A statement which establishes in detail the chain of custody of all genetic samples collected, including:

   1) the identity of the person who performed or witnessed the collecting of the genetic samples and packaged them for transmission to the laboratory;

   2) the date on which the genetic samples were received by the laboratory;

   3) the identity of the person who unpacked the samples and forwarded them to the person who performed the laboratory analysis of the genetic sample; and

   4) the identification and qualifications of all persons who performed the laboratory analysis and published the results.

   c. A statement which establishes that the procedures used by the laboratory to conduct the tests for which the test results are attached are used in the laboratory's ordinary course of business to ensure accuracy and proper identification of genetic samples; and

   d. The genetic test results were prepared at or near the time of completion of the genetic tests by personnel of the business qualified to perform genetic tests in the ordinary course of business

4.5 The Proposer shall maintain a record of the test results for seven (7) years following completion of the test and furnish a copy to the LCSA upon request.
Task 5-Reporting

5.1 The Proposer shall maintain and make available monthly statistical reports to the LCSAs and the DCSS to assist in monitoring Proposer’s compliance with contract performance standards. The report, at a minimum, shall include the following:

   a. LCSA office
   b. Number of appointments scheduled
   c. Number of cases
   d. Number of alleged fathers included
   e. Number of alleged fathers excluded
   f. Number of pending/incomplete tests
   g. Samples collected by method (Proposer or LCSA)
   h. Average and median turnaround time, i.e. sample completion to transmission of results
   i. Number of recollections

5.2. The Proposer shall provide ad hoc reports upon request of the LCSAs or the DCSS. The reports shall be due no later than five (5) business days from the date of request.

Task 6-Training

6.1 For LCSAs that chose self-sample collection, the Proposer shall provide training to designated LCSA staff at the request of LCSAs. The training shall address policies and procedures for performing supervised self-sample collections and completing the necessary forms and documentation to ensure proper handling and chain of custody in accordance with the provisions of this RFP at no additional cost to the DCSS. The training shall provide, at a minimum, the following:

   a. Written procedures outlining the step by step process for conducting supervised self-sample collections
   b. Written procedures for completing the necessary forms and documentation
   c. An audio/visual video

6.2 Proposer must provide genetic testing technical training for LCSA staff when requested by DCSS and LCSAs.

Task 7-Contract Administration

7.1 The Proposer shall consult with the Contract Liaison in the LCSA on matters related to the provision of services within the LCSA. The Proposer shall consult with the State Contract Manager on matters related to the Contract, statewide issues or issues that cannot be resolved between the Proposer and a LCSA.

7.2 Proposer shall provide a full-time Contract Manager and designated alternate. The DCSS and LCSAs must have access to the Contract Manager between the hours of 8:00 a.m. and 5:00 p.m. (Pacific Time) Monday through Friday on all LCSA and DCSS business days.

E. Performance Requirements

The DCSS may evaluate Proposer’s performance through any or a combination of the following monitoring methods:
1. Random sampling
2. 100% inspection
3. User complaints
4. Review of management reports
   a. On site surveillance
   b. Review of DCSS and LCSA data and records
EXHIBIT A.1

RESUMES OF PROPOSED STAFF

Resumes for all proposed staff - Proposers must submit a resume(s) for each individual(s) that may be asked to provide the services. The resume must clearly demonstrate how the individual(s) meet any or all of the bidder mandatory qualifications as defined in Section 2 – Bidder Minimum Qualifications of this RFP. Experience must be provided in MM/DD/YY format chronologically starting with current experience listed first. In addition, resume must identify length of time at each place of employment (i.e. From: MM/DD/YY To: MM/DD/YY).
EXHIBIT A.2

GENETIC TEST SURVEY RESULTS

The Genetic Test Survey Results spreadsheet (attached separately to this RFP) shall be incorporated as Exhibit A.2 when the agreement is signed and executed.
EXHIBIT B

BUDGET DETAIL AND PAYMENT PROVISIONS

A. INVOICING AND PAYMENT

1. For services satisfactorily rendered, and upon receipt and approval of the invoices, the State agrees to compensate the Proposer for actual expenditures incurred in accordance with the rates specified in the attached Exhibit B.1. Cost Worksheet.

2. Itemized invoices shall include the Agreement Number and shall be submitted as one original with three copies. Invoices shall not be submitted more frequently than monthly in arrears to:

California Department of Child Support Services
Administrative Services Division
ATTN: Contracts Fiscal Unit, MS-621
P. O. Box 419064
Rancho Cordova, CA 95741-9064

3. Proposer shall electronically transmit monthly invoices to each LCSA and shall include the following at a minimum:
   a. LCSA office
   b. CSE case number
   c. The court case number (if available)
   d. Name of individual from whom a sample has been collected
   e. The relationship to the case of each individual from whom a sample has been collected
   f. The date the sample was collected from each individual
   g. The date the last sample required for testing was received by the Proposer
   h. The date the result report was transmitted
   i. The price of the service rendered
   j. The total price for each case

4. Proposer shall electronically transmit a monthly master summary invoice to the DCSS and shall include the following at a minimum:
   a. Total number of samples per LCSA
   b. Total charges per LCSA
   c. Total charges statewide

5. Invoices shall be transmitted no later than the 10th of the month following the month in which services were rendered. Within ten (10) business days of receipt, the LCSA will validate the invoice and transmit it to the DCSS for payment. The DCSS will remit payment to the Proposer no later than 45 days following the month in which services were rendered.

B. STATE BUDGET CONTINGENCY CLAUSE

It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Proposer or to furnish any other considerations under this Agreement and Proposer shall not be obligated to perform any provisions of this Agreement.

If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either: 1) Cancel this Agreement with no liability occurring to the State, or 2) Offer an Agreement Amendment to Proposer to reflect the reduced amount.
C. **FOR CONTRACTS WITH FEDERAL FUNDS**

It is mutually understood between the parties that this Agreement may have been written before ascertaining the availability of Congressional appropriation of funds, for the mutual benefit of both parties, in order to avoid program and fiscal delays which would occur if the Agreement were executed after that determination was made.

This Agreement is valid and enforceable only if the United States Government for the term of this Agreement makes sufficient funds available to the State of California for the purposes of this program. In addition, this Agreement is subject to any additional restrictions, limitations, or conditions enacted by the Congress or any statute enacted by the Congress which may affect the provisions, terms, or funding of this Agreement in any manner.

It is mutually agreed that if the Congress does not appropriate sufficient funds for the program, this Agreement shall be amended to reflect any reduction of funds.

DCSS has the option to void the Agreement with a 30-day cancellation notice or to amend the Agreement to reflect any reduction of funds.

D. **PROMPT PAYMENT CLAUSE**

Payment will be made in accordance with and within the time specified in Government Code, Chapter 4.5, (commencing with Section 927).

E. **TAXES**

The State of California is exempt from Federal Excise Taxes, and no payment will be made for any taxes levied on employees’ wages. The State will pay for any applicable State of California or local sales or use taxes on the services rendered or equipment or parts supplied pursuant to this agreement. California may pay any applicable sales or use tax imposed by another state.

F. **FINAL BILLING**

Final billing for services must be received by DCSS within 30 days following the end of the contract.
EXHIBIT B.1 COST WORKSHEET

The Cost Worksheet (required Attachment 3) that is submitted with the proposal package shall be incorporated as Exhibit B.1 when the agreement is signed and executed.

Cost Requirements

The cost proposal shall be based on a rate per sample collected. The amount of the charge shall not exceed $28 per sample collected and shall be inclusive of all services and requirements detailed in this RFP. The Proposer’s rate shall remain firm and fixed for the term of the Contract.
EXHIBIT C – GENERAL TERMS AND CONDITIONS

PLEASE NOTE: This page will not be included with the executed agreement. The General Terms and Conditions will be included in the contract by reference to web site www.ols.dgs.ca.gov/Standard+Language
EXHIBIT D

SPECIAL TERMS AND CONDITIONS

A. TERMINATION WITHOUT CAUSE

This Agreement may be terminated without cause by DCSS upon 30 days written notice to the other party.

B. AMENDMENT

This Agreement may be amended by the State with thirty (30) days advance written notice to Proposer.

C. DISPUTE PROVISIONS

If the Proposer disputes a decision of the State’s designated representative regarding the performance of this Agreement or on other issues for which the representative is authorized by this Agreement to make a binding decision, Proposer shall provide written dispute notice to the State’s representative within fifteen (15) calendar days after the date of the action.

The written dispute notice shall contain the following information:

1. The decision under dispute;
2. The reason(s) Proposer believes the decision of the State representative to have been in error (if applicable, reference pertinent contract provisions);
3. Identification of all documents and substance of all oral communication which support Proposer’s position; and,
4. Dollar amount in dispute, if applicable.

Upon receipt of the written dispute notice, the State program management will examine the matter and issue a written decision to the Proposer within fifteen (15) calendar days. The decision of the representative shall contain the following information:

^Description of the dispute;

5. Reference to pertinent contract provisions, if applicable;
6. Statement of the factual areas of agreement or disagreement; and,
7. Statement of the representative’s decision with supporting rationale.

The decision of the representative shall be final unless, within thirty (30) days from the date of receipt of the representative’s decision, Proposer files with the California Department of Child Support Services a notice of appeal addressed to:

California Department of Child Support Services
Administrative Services Division, MS-621
Attention: Chief, Budget and Procurement Branch
P.O. Box 419064
Rancho Cordova, CA 95741-9064

Pending resolution of any dispute, Proposer shall diligently continue all contract work and comply with all of the representative’s orders and directions.

D. CONFIDENTIALITY OF DATA

All financial, personal, technical and other data/information designated as confidential by the State and made available to the Proposer shall be protected by the Proposer from unauthorized use and disclosure. The Proposer shall ensure that all staff comply with California Family Code §17212 and Title 22 of the California Code of Regulations, §111430 and §111440.
E. CONTRACT LANGUAGE FOR GENERAL SERVICES


F. AUDIT

Both parties will accept responsibility for receiving, replying to and/or complying with any audit exceptions by appropriate State and Federal audit agencies that are directly related to the services to be performed under this Agreement. In addition, each party agrees to pay to the other the amount of the State’s liability to the Federal Government which results from that party’s failure to perform the services or comply with the conditions required by this Agreement and identified by said audit exception.


G. DEBARMENT AND SUSPENSION

For federally funded agreements in the amount of $25,000 or more, the Proposer certifies by signing a Debarment and Suspension Agreement that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency. Where the prospective recipient of federal funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal. (Executive Order 12549, 7 CFR Part 3017, 45 CFR Part 76, and 44 CFR Part 17).

H. CERTIFICATION REGARDING LOBBYING

Applicable to Grants, Subgrants, Cooperative Agreements, and Contracts Exceeding $100,000 in Federal Funds.

1. For Agreements with Proposers who are State entities not under the authority of the Governor, or cities, private firms or agencies which are receiving in excess of $100,000 in federal funds from DCSS for perform services. By signing this Agreement the Proposer certifies that to the best of his or her knowledge and belief, that:

   1. No Federal appropriated funds have been paid or will be paid, by or on behalf of Proposer, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
   2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, Proposer shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
   3. The Proposer shall require that certification language be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

2. This certification is a prerequisite for making or entering into this transaction and is imposed by Section 1352, Title 31, U.S. Code. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Any person who fails to file the required certification shall be subject to a civil penalty of no less than $10,000 and not more than $100,000 for each such failure.