

THE SOLICITATION

2633

(May 2005)

The solicitation documents the procurement process and includes the solicitation and contract requirements. It is the guiding document to insure suppliers submit responsive bids and that the procurement is successful.

SOLICITATION APPROACHES

2633.1

(May 2005)

INFORMAL VS FORMAL

2633.1.1

(No. 2 September 2005)

Solicitations are documents used to request bids from suppliers and are characterized as either informal or formal. A department's competitive purchasing authority is granted for the dollar value of the solicitation. A department's type of approved purchasing authority, non-IT or IT, and its respective authorized dollar threshold will determine the solicitation format to be prepared and additional related requirements.

The dollar thresholds for distinguishing between informal and formal solicitations are:

- Informal: \$50,000 and less
- Formal: More than \$50,000.

PHONE QUOTES

2633.1.2

(May 2005)

Purchasers may conduct informal solicitations by phone. **Purchasers** using this solicitation method must prepare a "script" or narrative of the bid requirements so that each bidder is informed equally and **purchasers** can evaluate quotes fairly. The "script" must include referring bidders to the PD web page to read the current bidder instructions and applicable general provisions associated with the purchase. The **purchaser** then documents the quotes received over the phone by using the recommended [Bid/Quote Worksheet](#). Both the script and the bid/quote worksheet must be retained in the procurement file.

Note: Phone quotes would not be an acceptable method for conducting solicitations if the service portion (set-up, installation, etc.) of the purchase exceeds \$4,999.99 or more **because of the service requirement to do a contract**. Refer to [Section 2604.2](#).

WRITTEN SOLICITATION

(May 2005)

2633.1.3

Purchasers may conduct informal solicitations using written solicitation formats.

In CAL FIRE, if purchasers are using an informal solicitation method other than Phone Quote/Bid Quote Worksheet, advance approval and guidance must be received from Business Services Sacramento.

If after contacting Business Services Sacramento, purchasers choose to advertise in the CSCR for purchases of \$4999.99 and below, they are required to use a written solicitation format

All formal solicitations must be written and are conducted by DGS/PD.

Written solicitations may be distributed by fax, mail, electronically or by other means such as a supplier picking up the solicitation in person. It is recommended that whatever delivery method is used, the **purchaser** documents the activity in the procurement file.

Refer to [Section 2633.3](#) for information on Request for Quotation (RFQ) and [Section 2633.4](#) for information on Invitation for Bid (IFB). Also, refer to [Section 2632.1.6](#) for file documentation requirements.

SUPPLIER SIGNATURES

(May 2005)

2633.1.4

Supplier bid responses to any written solicitation regardless of dollar value; solicitation format or delivery method (i.e. fax, electronically, mailed or delivered in person) must include the signature of an authorized supplier representative of the bidder. "Faxed" signatures are acceptable for solicitation as allowed by the pertinent delivery method.

Exception: Supplier signatures are not required if the solicitation is conducted as a phone quote, although, the **purchasers** must document the supplier representative name providing the quote.

DEVELOPING THE COMPETITIVE SOLICITATION (May 2005)

2633.2

SOLICITATIONS SHOULD BE CLEAR AND CONCISE (May 2005)

2633.2.1

All solicitations regardless of format (phone quote, RFQ, IFB) must clearly state the needs or business requirements of the **purchaser** in order for a supplier to weight the risks and price the purchase.

Purchasers should use concise, logical wording in precise terms, stating the supplier's obligations as well as those of the department. Use clear, simple English as much as possible.

The words "shall" and "must" identify mandatory (essential) requirements within a solicitation. The words "should" and "may" identify optional (conditional) requirements sometimes referred to as desirable requirements.

AVOID WRITING RESTRICTIVE REQUIREMENTS (May 2005)

2633.2.2

Purchasers may not include requirements in solicitations that restrict the bidding to a single supplier. **Purchasers** can avoid restrictive requirements by:

- Including only essential requirements.
- Avoiding restrictive or impractical requirements such as those that are nonessential or obsolete.
- Carefully checking delivery requirements to ensure the turnaround time from supplier's receipt of order to delivery is not too restrictive or limiting.
- Defining requirements to promote and encourage bidders to bid standard items or standard service where possible.
- Not specifying a particular brand name, product or a feature of a product that is peculiar to one manufacturer, except for reference purposes.
- Not dictating detailed design solutions prematurely.
- Allowing sufficient time from the solicitation mail date to the bid due date or first key action date to provide suppliers time to review and consider the requirements, prepare a response, and mail the response back.

COMMON ELEMENTS OF WRITTEN SOLICITATIONS (May 2005)

2633.2.3

All written solicitations must contain the following elements:

- The date and time suppliers' responses are due.
- Request the signature of authorized supplier representative that can bind the company contractually.
- Information on how the bid responses are to be submitted. (i.e., sealed envelope with the solicitation number and due date and time on the outside of the sealed package.
- Any attachments which are included and are required to be returned by bidders such as:
 - DVBE participation program forms
- Administrative requirements, as applicable
- Technical requirements, as applicable
- Cost forms or clear indication of cost placement in the solicitation
- Evaluation information (basis for award)

FAXING BID RESPONSES (May 2005)

2633.2.4

The following paragraph must be included in all written competitive solicitations when a **purchaser** allows suppliers to fax their bids:

“Facsimile machine bids will be considered only if they are sent to (office fax number) for solicitations originating from the (department office location). Bids sent to any other (department unit name) fax number will not be considered. To be considered, all pages of the faxed bid that are received prior to the bid opening time specified in the bid will be considered “the complete bid”. Please be advised that there is a heavy demand placed on the fax machine receiving bids and the State assumes no responsibility if a supplier cannot transmit their bid via fax, if the entire bid is not received prior to the bid opening time.”

DVBE PARTICIPATION (No. 3 February 2006)

2633.2.5

Purchasers are reminded to develop DVBE language to include in their solicitations that complies with the DVBE participation program. Refer to [Section 2623](#) for further information.

Purchasers upon the approval of a department director or designee may waive the DVBE requirement from any individual competitive solicitation. When this occurs, the **purchaser** must note within the solicitation that the DVBE requirement is being waived.

Note: Whenever the DVBE participation requirement is not included in a solicitation, the **purchaser** must provide documentation within the procurement file to support that the department director or designee has authorized the exemption. This requirement is not applicable if the SB/DVBE Option procurement approach is used.

SMALL BUSINESS PARTICIPATION

2633.2.6

(May 2005)

Purchasers are reminded to make every effort to seek out and include certified small businesses in procurement efforts and to include the 5% small business preference and non-SB subcontractor preference in all solicitations, except when soliciting CA certified SBs and DVBEs under the SB/DVBE Option. Refer to [Section 2622](#) for additional information and [Section 2624](#) for information on how to apply these preferences in evaluations.

SAMPLES

2633.2.7

(May 2005)

The practice of obtaining samples from suppliers prior to contract award is not recommended, unless it is a requirement of the solicitation process. If items are needed for review prior to award for demonstration or pre-purchase testing, the solicitation must so state and be noted with the information that the **purchaser** is not obligated for the cost of the items or for their return. Be extremely cautious that the solicitation response does not contain terms or conditions that would result in the automatic purchase of the item(s) being tested.

ADDENDA

2633.2.8

(No. 3 February 2006)

Clarifications or changes to a solicitation must be transmitted to all participating bidders by an addendum. An addendum documents all changes or revisions to the solicitation and shall include at a minimum the following information:

- Addendum number, (must be numbered consecutively), solicitation title and solicitation number
- Indication of where the revision or change is occurring in the solicitation. This may include deleting and inserting changed solicitation pages
- Revised or unchanged quote/bid opening date;

A **purchaser** may modify a solicitation prior to quote/bid response due date. Addenda may be accomplished verbally or written dependent upon the original solicitation format.

Example:

If a RFQ solicitation is being conducted by phone then the modification may also be conducted by phone. The addenda information must be documented as part of a phone script and must become part of the procurement file.

Non-example:

An addendum to a written solicitation cannot be conducted by phone. If the solicitation was released in written format then any addenda to the solicitation must be in writing.

Note: An addendum to a solicitation shall be issued within a reasonable time before the bid opening date to allow prospective bidders sufficient time to prepare their bids. If in the purchaser's judgment the addendum is significant as not permit sufficient time for bid response then the date and time for the bid opening must be extended in the addendum.

REQUEST FOR QUOTATION

2633.3

(May 2005)

The most common written solicitation format used for conducting informal competitive solicitations is the Request for Quotation (RFQ). The RFQ is a straightforward procurement format identifying by item and quantity what is needed and requests a price.

In CAL FIRE, if a purchaser is planning to use this option, advance approval and guidance must be received from Business Services Sacramento.

SOLICITATION FORMAT

2633.3.1

(May 2005)

Contact Business Services for suggested RFQ solicitation format.

REQUIRED LANGUAGE

2633.3.2

(May 2005)

The following solicitation language must be considered and addressed as applicable in a purchaser's solicitation using the RFQ format:

- Identifying Bidder Instructions and applicable General Provisions for the solicitation. Refer to [Section 2633.6](#)
- Identifying requirements of faxing bid responses. Refer to [Section 2633.2](#)

ELEMENTS OF THE SOLICITATION

2633.3.3

(No. 3 February 2006)

[Click](#) here to access the elements of a Competitive Solicitation for non-IT Goods.

DOCUMENTING THE RESULTS

2633.3.4

(No. 3 February 2006)

The [purchaser](#) must document quotes received by using the recommended [Bid/Quote Worksheet](#). The bid/quote worksheet must be retained in the procurement file.

[Click](#) here to access the Bid/Quote Worksheet.

CONTRACT AWARD

2633.3.5

(No. 3 February 2006)

Contract award resulting from the RFQ process will be to the responsible bidder that submits a responsive bid that is the lowest cost after application of any preference requirements (SB, recycle, etc) or discounts, if applicable.

INVITATION FOR BID SPECIFIC TO NON-IT SOLICITATIONS

2633.4

(No. 2 September 2005)

The Invitation for Bid (IFB) is a written procurement method usually used to solicit bid responses for non-IT goods exceeding \$50,000.00. [At this time, CAL FIRE does not choose to solicit procurements exceeding \\$50,000.00. Those procurements are requested on a Purchase Estimate, STD 66 and processed by DGS. Refer to Section 2667, Purchase Estimate for additional information. For questions regarding the Purchase Estimate process contact Business Services Sacramento.](#)

Departments may use the IFB to solicit bid responses less than \$50,000.00; it is at their option. [In CAL FIRE, if a purchaser is planning to use this option, advance approval must be received from Business Services Sacramento.](#)

SOLICITATION FORMAT

2633.4.1

(No. 2 September 2005)

For non-IT goods procurements exceeding \$50,000.00, the IFB format is less structured and does not require a phased approach to final bid.

This document will also provide a chronology of the events that occurred during the solicitation process such as:

- Date of advertisement
- Names of bidders responding
- Date solicitation released

Contact Business Services Sacramento for the suggested IFB format for non-IT goods.

REQUIRED LANGUAGE

2633.4.2

(May 2005)

The following solicitation language must be considered and addressed as applicable in a **purchaser's** solicitation using the IFB format:

- Identifying Bidder Instructions and applicable General Provisions for the solicitation. Refer to [Section 2633.6](#)
- Identifying requirements of faxing bid responses. Refer [Section 2633.2](#)
- Including language addressing the socioeconomic and environmental programs as applicable (SB, recycled, etc). Refer to [Section 2620](#)

DOCUMENTING THE RESULTS

2633.4.3

(No. 2 September 2005)

Transactions less than \$50,000.00 must document responses received by using the recommended [Bid/Quote Worksheet](#). The bid/quote worksheet must be retained in the procurement file.

Transactions exceeding \$50,000.00, are requested on a [STD-66, Purchase Estimate](#). Refer to [Section 2667](#) for additional information.

CONTRACT AWARD

2633.4.4

(May 2005)

Contract award resulting from this IFB process will be to the responsible bidder that submits a responsive bid that is the lowest cost after application of any preference requirements (SB, recycle, etc) or discounts, if applicable.

SB/DVBE OPTION

2633.5

(No. 2 September 2005)

GC section 14838.5 (a) and (b) allows **purchasers** to solicit CA certified SB and DVBE suppliers and award purchase documents valued from \$5,000 to \$99,999.99, provided the **purchaser** has obtained responsive bids from at least two responsible bidders.

MAKING USE OF THE OPTION

2633.5.1

(May 2005)

A **purchaser** must have approved purchasing authority for non-IT and/or IT, as applicable, to use the SB/DVBE Option.

Note: **Purchasers** are reminded that supplier participation is limited to only CA certified SB or DVBE suppliers. This procurement approach does not provide for the inclusion of non-SB suppliers claiming SB subcontractor participation.

REQUIREMENTS

2633.5.2

(May 2005)

Purchasers conducting solicitations using this procurement category must verify that participants are certified either SB or DVBE. This verification must be documented in the procurement file. Refer to [Section 2622 and 2623](#) for additional information.

SOLICITATION REQUIREMENTS

2633.5.3

(No. 5 May 2008)

Purchasers granted SB/DVBE Option purchasing authority are authorized to conduct SB/DVBE Option competitive solicitations under **GC** section 14838.5 (a) and (b) as follows:

- Create the solicitation as described in this [section](#).
- Release the solicitation package only to certified SB or DVBE businesses.
- SB or DVBE certification status must be verified through the OSDC Internet site.
- Contract award may be made upon receipt of responsive price quotations from at least two (2) responsible certified SB or DVBE businesses and award must be made based upon the solicitation format used. i.e. A non-IT goods RFQ valued under \$50,000.00 would be awarded based on low bid.
- The procurement file must be documented to support the contract award and the action taken, including copies of SB or DVBE business certification as printed from the [Office of Small Business and DVBE Services](#) search database.

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BIDDER INSTRUCTIONS AND REQUIRED CONTRACT LANGUAGE 2633.6
(May 2005)

BIDDER INSTRUCTIONS 2633.6.1
(May 2005)

The State's [Bidder Instructions](#) (GSPD-451) must be included or incorporated by reference in all competitive solicitations (written or verbal) valued in excess of \$4,999.99 for both non-IT goods and IT goods and services, except when the RFP format is used. The Bidder Instructions describe to potential bidders how to provide a responsive bid to the [purchaser](#).

GENERAL PROVISIONS 2633.6.2
(May 2005)

The State's [General Provisions](#) (GSPD-401 non-IT commodities) shall be used or incorporated by reference in all competitive solicitations and purchase documents for non-IT goods (written or verbal) valued in excess of \$4,999.99. A [purchaser](#) may supplement the General Provisions with additional provisions tailored to a specific solicitation. There are to be absolutely no changes made to the General Provisions without prior approval of DGS/PD. [In CAL FIRE, all requests for changes to the General Provisions must be made by Business Services Sacramento.](#)

REQUIRED CLAUSES FOR TRANSACTIONS LESS THAN \$5,000 AND SUPPLIER'S WRITTEN ACCEPTANCE 2633.6.3
(May 2005)

DGS/PD recommends that [purchasers](#) use the State's General Provisions on transactions valued less than \$5,000.00.

If **purchasers** elect not to include and/or reference the General Provisions, then **purchasers** are required to obtain **written confirmation**, prior to award, that the supplier will abide by the following required contract provisions:

- Americans with Disabilities Act (ADA)
- Non-Discrimination and Statement of Compliance
- Drug-Free Workplace Certification
- Forced, Convict & Indentured Labor
- National Labor Relations Board Certification

The procurement file must include this documentation.

OBTAINING SELLER'S PERMIT

2633.6.4

(No. 3 February 2006)

A copy of the seller's permit or certification of registration is required to be obtained on any tangible personal property purchase regardless of the dollar value and regardless of whether or not a **purchaser** has included either by reference to the PD web page or by attaching hard copies of the State's Bidder Instructions and General Provisions to a solicitation. The only exception to this requirement is what is identified in PCC 10295.1 where a department director or his designee makes a written finding that the purchase is necessary to meet a compelling state interest. A "compelling state interest" includes, but is not limited to, the following:

- Ensuring the provision of essential services.
- Ensuring the public health, safety and welfare.
- Responding to an emergency, as defined in PCC section 1102.

Note: In order to support a purchase based upon exception, the director's or his designee's written finding must be included in a department's purchase file documentation.

Seller's permits or certification of registration or a department's written exception to this requirement must be retained in the procurement file.

[\(see next section\)](#)

[\(see HB Table of Contents\)](#)

[\(see Forms or Forms Samples\)](#)