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|  | INVITATION FOR BIDS |
| ***[insert JBE name] [IT Goods]***  **Regarding:** *[insert IFB title and IFB number]*  **BIDS DUE:**  *[insert date]* no later than *[insert time]* p.m. Pacific time |

1. **BACKGROUND INFORMATION**

*[Include background information if desired.]*

**2.0 DESCRIPTION OF GOODS**

The JBE seeks goods meeting the following specifications:

* *Product specifications and quantities (consider allowing for acquisition of additional items, to avoid redundant acquisition processes if the JBE determines it needs more goods of the type already procured)*
* *Description of when/where the IT goods are to be delivered;*
* *Support and maintenance requirements.*

***[NOTE: IFBs are to be used for the procurement of hardware independent of a system integration project that can be evaluated primarily based on the lowest cost. Because a contract for IT Goods only (without services) will be awarded to the lowest responsible bidder who offers goods meeting these specifications, the IFB should list the required specifications to ensure proper evaluation (“yes/no” for a given requirement) .]***

*[NOTE: If the solicitation is for IT Goods AND Services, an RFP for IT Goods and Services is more appropriate. See Ch. 4C of JBCM, Step 4.]*

***[NOTE: Brand names should be used for reference purposes only. For general guidance on developing requirements, see JBCM chapter 4, section 4.2.A.]***

*[NOTE: Shipping costs must be addressed in the IFB.]*

*[NOTE: If the JBE is procuring* ***printer or copier cartridges****, it must include the following statement in a prominent place in the IFB: “It is unlawful to prohibit a printer or copier cartridge that is sold to a judicial branch entity from being recycled or remanufactured.” For additional information, including relevant exceptions, see topic C of the “Selected Topics Relevant to Solicitations of Goods” in JBCM chapter 4A.]*

*[NOTE: If a brand name is specified with allowable equivalents, specify how the Bidder will demonstrate equivalence. For example, the IFB may require the delivery of samples, examples, or other documentation.]*

**3.0 TIMELINE FOR THIS IFB**

The JBE has developed the following list of key events related to this IFB. All dates are subject to change at the discretion of the JBE.

| **EVENT** | **DATE** |
| --- | --- |
| IFB issued**:** | *[insert date]* |
| Deadline for questions | *[insert date and time]* |
| Pre-proposal Conference | *[Insert date and time, or delete if pre-proposal conference will not be held]* |
| Questions and answers posted | *[insert date]* |
| Latest date and time Bids may be submitted | *[insert date and time]*  *[must be same as the date and time on the coversheet!]* |
| Bids publicly opened | *[insert date and time and place where Bid will be opened]* |
| Notice of Intent to Award (*estimate only*) | *[insert date and website address]* |
| Execution of contract (*estimate only*) | *[insert date]* |

**4.0 IFB ATTACHMENTS**

The following attachments are included as part of this IFB:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing IFBs (IT Goods): | These rules govern this solicitation. |
| Attachment 2: JBE Standard Terms and Conditions for IT goods | If selected, the person or entity submitting a bid (“Bidder”) must sign **[CHOOSE ONE**: this JBE Standard Form agreement **OR** a JBE Standard Form agreement containing these terms and conditions**]** (the “Terms and Conditions”).  *[NOTE: the JBCL Appendix with applicable certifications should be included with the Terms and Conditions or attached separately]* |
| Attachment 3: Bidder’s Acceptance of Terms and Conditions | On this form, the Bidder must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.  **Note: A material exception to the Terms and Conditions (addition, deletion, or other modification) will render a bid non-responsive.** |
| Attachment 4:  Small Business Declaration | Bidder must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| Attachment 5: Payee Data Record Form | This form contains information the JBE requires in order to process payments and must be submitted with the bid. |
| ***[Only for solicitations of $1,000,000 or more]***Attachment 6: Iran Contracting Act Certification | Bidder must complete the Iran Contracting Act Certification and submit the completed certification with its bid. |
| ***[Only for solicitations of $100,000 or more]***Attachment 7: Unruh and FEHA Certification | Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 8: Darfur Contracting Act Certification | Bidder must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |

[**Insert 4.1: PRE-PROPOSAL CONFERENCE** [*if applicable*]]

The JBE will hold a pre-proposal conference on the date identified in the timeline above. The pre-proposal conference will provide an opportunity for Bidders to understand better the IT goods that the JBE seeks to procure. The pre-proposal conference will be held at the JBE’s offices [*or other location*] at [*insert address*].

**OPTION 1**: Attendance at the pre-proposal conference is **MANDATORY.** Each Bidder must be certain to check in at the pre-proposal conference, as the attendance list will be used to ascertain compliance with this requirement. The JBE will reject a proposal from any Bidder who did not attend the pre-proposal conference.

**OPTION 2:** Attendance at thepre-proposal conference is optional. Bidders are strongly encouraged to attend.

**5.0 SUBMISSIONS OF BIDS**

5.1 Bids should provide straightforward, concise information that satisfies the requirements of the “Bid Contents” section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.

5.2 The Bidder must submit its bid in two parts, the non-cost information and the cost information.

a. The Bidder must submit **one (1) original and \_\_\_\_\_\_ (\_\_\_) copies** of the non-cost information. The original must be signed by an authorized representative of the Bidder. The non-cost information (including all copies thereof) must be submitted to the JBE in a single sealed envelope, separate from the cost information. The Bidder must write the IFB title and number on the outside of the sealed envelope.

b. The Bidder must submit **one (1) original and \_\_\_\_\_\_ (\_\_\_) copies** of the cost information. The original must be signed by an authorized representative of the Bidder. The cost information (including all copies thereof) must be submitted to the JBE in a single sealed envelope, separate from the non-cost information. The Bidder must write the IFB title and number on the outside of the sealed envelope.

c. *[optional]* The Bidder must submit an electronic version of the entire bid on CD-ROM. The files contained on the CD-ROM should be in PDF, Word, or Excel formats.

5.3 Bids must be delivered by the date and time listed on the coversheet of this IFB to:

[*insert address*]

5.4 Late bids will not be accepted.

5.5 Only written bids will be accepted. Bids must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Bids may not be transmitted by fax or email.

**6.0 BID CONTENTS**

6.1 Non-Cost Information. The following must be included in the non-cost information. A bid lacking any of the following may be deemed non-responsive.

a. Bidder’s name, address, telephone and fax numbers, and federal tax identification number. Note that if Bidder is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.

b. Name, title, address, telephone number, and email address of the individual who will act as Bidder’s designated representative for purposes of this IFB.

c. Model number(s), specifications, or other description of the goods Bidder proposes to supply to the JBE, including warranty information.

d. Names, addresses, and telephone numbers of a minimum of \_\_\_\_\_ (\_\_) clients for whom the Bidder has provided similar goods. The JBE may check references listed by Bidder.

e. Acceptance of the Terms and Conditions.

i. On Attachment 3, the Bidder must either indicate acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, or other modification.

ii. If exceptions are identified, the Bidder must also submit a red-lined version of the Terms and Conditions that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.

iii.  **Note: A material exception to the Terms and Conditions (addition, deletion, or other modification) will render a bid non-responsive.**

f. Certifications, Attachments, and other requirements. [*Note:* *Attach the JBCL Appendix that includes applicable certifications]*

i. Bidder must include the following certifications in its bid:

**Conflict of Interest:** Bidder certifies that it has no interest that would constitute a conflict of interest under California Public Contract Code sections 10365.5, 10410 or 10411; Government Code sections 1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restrict employees and former employees from contracting with judicial branch entities.

**Conflict Materials:** Bidder certifies that either (i) it is not a scrutinized company as defined in PCC 10490(b), or (ii) the goods or services the Bidder would provide to the JBE are not related to products or services that are the reason the Bidder must comply with Section 13(p) of the Securities Exchange Act of 1934. (Note: PCC 10490(b) defines a “scrutinized company” as “a person that has been found to be in violation of Section 13(p) of the Securities Exchange Act of 1934 by final judgment or settlement entered in a civil or administrative action brought by the Securities and Exchange Commission and the person has not remedied or cured the violation in a manner accepted by the commission on or before final judgment or settlement.”)

ii. **Sellers Permit**: Bidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (a) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (b) a certificate of registration issued under Revenue and Taxation Code section 6226.

iii. **Good standing:** If (i) Bidder is a corporation, limited liability company, or limited partnership, and (ii) the agreement resulting from this IFB will be performed in California, proof that Bidder is in good standing and qualified to conduct business in California.

iv. **Financial qualifications:** *[optional]* Proof of financial solvency or stability (e.g., balance sheets and income statements).

v. **Iran Contracting Act Certification:** *[for solicitations of $1,000,000 or more]* Bidder must complete the Iran Contracting Act Certification (Attachment 6) and submit the completed certification with its bid.

vi. **Unruh and FEHA Certification:** *[for solicitations of $100,000 or more]* Bidder must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.

**vii. Competitive Solicitations:** Bidder must agree to comply with certifications required regarding antitrust claims, and as set forth in Attachments 1 and 2. *See* Gov. Code Sections 4552-4554. [*NOTE: must include the language from these Gov. Code sections within the Bid, or in attachments. The language is in Attachment 1, under Section 14 (“Anti-trust Claims”) and in Attachment 2 - the JBCL Appendix regarding* ***Agreements Resulting from Competitive Solicitations***].

viii. **Recycled Content:** Bidder must certify in writing, under penalty of perjury, the percentage of recycled content in the products, materials, or supplies offered or sold to the JBE. [*NOTE: this requirement applies even if the product does not contain recycled material. See Postconsumer Content Certification form at* [*www.calrecycle.ca.gov/buyrecycled/stateagency/Forms/CalRecycle074.pdf*](http://www.calrecycle.ca.gov/buyrecycled/stateagency/Forms/CalRecycle074.pdf) *]*

ix. **Darfur Contracting Act**: Bidder must complete the Darfur Contracting Act Certification (Attachment 8) and submit the completed certification with its bid.

6.2 Cost Information. The following must be included in the cost information.

i. The cost per unit for the goods described in the non-cost information.

ii. *[other?]*

**NOTE:** It is unlawful for any person engaged in business within this state to sell or use any article or product as a “loss leader” as defined in Section 17030 of the Business and Professions Code.

**7.0 OFFER PERIOD**

A Bidder's bid is an irrevocable offer for ninety (90) days following the bid due date. In the event a final contract has not been awarded within this period, the JBE reserves the right to negotiate extensions to this period.

**8.0 EVALUATION OF BIDS**

The bids will be publicly opened at *[date and time]* at *[location]*.

The JBE will evaluate the bids as described in the Administrative Rules. Award, if made, will be to the lowest responsible bidder meeting specifications.

The JBE may conduct interviews with Bidders to clarify aspects of their bids. The interview process may require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the JBE’s offices. The JBE will not reimburse Bidders for any costs incurred in traveling to or from the interview location. The JBE will notify eligible Bidders regarding interview arrangements.

If a contract will be awarded, the JBE will post an intent to award notice at \_\_\_\_\_\_\_\_\_\_\_\_\_.

**9.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

One copy of each bid will be retained by the JBE for official files and will become a public record. The Public Contract Code requires that bids be publicly opened and made available for public inspection. Accordingly, Bidder should not include confidential or proprietary information in its bid.

**10.0 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

*[The JBE should include its standard language regarding DVBE participation goals. If applicable, the JBE may instead state: “The JBE has waived the inclusion of DVBE participation in this solicitation.”]*

**11.0 SMALL BUSINESS PREFERENCE [*Each JBE must adopt small business preference procedures applicable to the competitive procurement of IT goods and services*]:**

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a proposal non-responsive.

Eligibility for and application of the small business preference is governed by the JBE’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Bidder will receive a small business preference if, in the JBE’s sole determination, the Bidder has met all applicable requirements. If the Bidder receives the small business preference, the score assigned to its proposal will be given a 5% preference consistent with Public Contract Code Section 12012.2(c). If a DVBE incentive is also offered in connection with this solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

To receive the small business preference, the Bidder must be either (i) a Department of General Services (“DGS”) certified small business or microbusiness performing a commercially useful function, or (ii) a DGS-certified small business nonprofit veteran service agency.

If the Bidder wishes to seek the small business preference, the Bidder must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Bidder must submit with the Small Business Declaration all materials required in the Small Business Declaration.

Failure to complete and submit the Small Business Declaration as required will result in the Bidder not receiving the small business preference. In addition, the JBE may request additional written clarifying information. Failure to provide this information as requested will result in the Bidder not receiving the small business preference.

If the Bidder receives the small business preference, (i) the Bidder will be required to complete a post-contract report; and (ii) failure to meet the small business commitment set forth in its proposal will constitute a breach of contract.

**FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.**

**12.0 PROTESTs**

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contract Manual (see *www.courts.ca.gov/documents/jbcl-manual.pdf*). Failure of a Bidder to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest.

The deadline for the JBE to receive a **solicitation specifications protest** is **[CHOOSE ONE**: the bid due date **OR** *[insert an earlier date]***]**. Protests should be sent to:

[*insert name and address*]

**Protests of an Intent to Award** shall be filed with the JBE within five working days after the Notice of Intent to Award is published. Authority to protest may be limited to participating bidders.