

Steps in Running a DVBE Procurement

The following documents, referenced in the steps below, are available on the JBCL Page (www.courts.ca.gov/18759.htm). Use of these documents is optional; the JBE may develop its own documents.

- sample IFB
- DVBE Language for IFBs
- sample RFPs
- DVBE Language for RFPs
- Bidder Declaration
- DVBE Declaration
- DVBE Contract Clause,
- DVBE Rules and Procedures
- Post-Contract Certification Form

1. Include DVBE language and forms in the solicitation document

- A. Include language explaining the DVBE incentive and applicable requirements in the solicitation document. If using the sample IFB, the “DVBE Language for IFBs” may be inserted in Section 10.0 of the sample IFB. If using the sample RFPs, the “DVBE Language for RFPs” may be inserted in Section 13.0 of the sample RFP.
- B. For highest scored bid solicitations (e.g. RFPs), ensure that the evaluation criteria account for the DVBE incentive. The DVBE incentive is 3%¹ of the total possible available points. For example, if a solicitation has 100 total possible available points, 3 points would be allocated as the DVBE incentive
- C. Attach both the Bidder Declaration and DVBE Declaration to the solicitation document, and update the list of attachments (if applicable).
- D. Ensure that the standard terms and conditions included with the solicitation document include the “DVBE Contract Clause,” or a clause that is substantially similar.

2. Receive bids²

¹ This assumes the JBE is using the standard 3% DVBE incentive. If the JBE is using a different incentive for a specific procurement, use that amount.

² The term “bid” in this document refers to a response to a competitive solicitation issued by the JBE, including both IFBs and RFPs.

If no Bidder³ attempts to claim the DVBE incentive, the DVBE process is over. If one or more Bidder attempts to claim the DVBE incentive, continue on to step 3.

3. Determine if Bidder is eligible for the DVBE incentive

See section 4 of the DVBE Rules and Procedures for detailed guidance in determining if a Bidder has met the applicable requirements to be eligible for the DVBE incentive.

4. Apply the DVBE incentive to the bid of any Bidder that is eligible

See section 5.B of the DVBE Rules and Procedures for applying the DVBE incentive in lowest responsible bidder solicitations (e.g. IFBs). See section 5.C of the DVBE Rules and Procedures for applying the DVBE incentive in highest scored bid solicitations (e.g. RFPs).

5. DVBE subcontractors - Post-Contract Certification Form

If a Bidder used DVBE subcontractors, the Bidder must complete and submit to the JBE a Post-Contract Certification Form to verify that each DVBE subcontract was completed as promised. This certification form is required only when DVBE subcontractors are used~~–~~. A copy of the certification form can be found here: <https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx>

The Bidder must complete and return to the JBE a copy of the post-contract certification form, promptly upon completion of the awarded contract, and by no later than the date of submission of Bidder's final invoice to the JBE.

If the Bidder fails to do so, the JBE will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Contractor submits a complete and accurate post-contract certification form. When a Bidder fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Bidder to cure the deficiency after written notice. The notice should inform the Bidder of the consequence of a permanent deduction if the Bidder refuses to comply. Notwithstanding the foregoing and any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Bidder refuses to comply with the certification requirements, the JBE shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

The completed post-contract certification forms shall be retained in the procurement file for a minimum of six (6) years.

³ The term "Bidder" in this document refers to a person or entity that submits a response to a competitive solicitation issued by the JBE, including both IFBs and RFPs.