



**SUPERVISED POPULATION WORKFORCE TRAINING
GRANT PROGRAM**

Solicitation for Proposals (SFP) NO. 70001

March 2015

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Table of Contents

Section 1	Overview	1
	A. Introduction.....	1
	B. Program Goals, Objectives and Deliverables.....	2
	C. Program Design.....	3
	D. Program Activities.....	4
	E. Funding.....	5
	F. Eligible Participants.....	6
	G. Eligible Proposers.....	6
	H. Oversight & Coordination.....	7
	I. Performance.....	7
	J. Program Evaluation.....	8
Section 2	Significant Dates	8
Section 3	Proposal Submission Instructions	8
Section 4	Required Proposal Content	9
	A. Minimum Requirements.....	9
	B. Proposal Requirements.....	11
Section 5	Award and Contracting Process	12
	A. Proposal Requirements, Evaluation and Recommendation for Funding.....	12
	B. Rejection of Proposal.....	14
	C. Debriefings.....	15
	D. Dispositions of Proposals.....	15
	E. State Contract Requirements.....	16
Section 6	Doing Business with the State of California	16
Section 7	Appendices	18
	A. Sample Standard Agreement.....	18

SUPERVISED POPULATION WORKFORCE TRAINING SOLICITATION FOR PROPOSALS

Section 1 Overview

A. Introduction

The California Workforce Investment Board (State Board) and the Employment Development Department (EDD) are pleased to announce the availability of up to \$825,000 in Recidivism Reduction Funds to implement and support recidivism reduction workforce training and development programs targeting the supervised population. The supervised population includes all persons who are on probation, mandatory supervision, or postrelease community supervision as defined in AB 2060 (Chapter 383, Statutes of 2014) and codified in Penal Code Section 1234(c) and are supervised by, or are under the jurisdiction of, a county. The State Board and EDD will fund proposals that will expand existing, mature collaborative relationships between county-based Community Corrections Partnerships (parole, probation, courts, mental health services, community colleges, etc.) and Local Workforce Investment Boards (LWIB) in support of innovative strategies that accelerate educational attainment and reemployment for the supervised population by:

- Increasing labor market and skills outcomes through the development of strategies that fill gaps, accelerate processes, or customize services to ensure greater access to workforce services and employment opportunities.
- Implementing promising new modes and practices in workforce system delivery infrastructure and funding alignment that can be replicated across the State and tailored to regional needs.
- Leveraging State investment with commitments from industry, labor, public, and community partners.

In addition, the State Board will fund proposals that further advance the goals of California's Strategic Workforce Development Plan 2013-2017 - *"Shared Strategy for a Shared Prosperity"* (Strategic Plan) prioritizes regional coordination among key partners, sector-based employment strategies, skill attainment through earn and learn and other effective training models (including, but not limited to apprenticeship), and development of career pathways. The State Board is interested in funding proposals that further advance the goals of its Strategic Plan and build workforce system infrastructure and capacity through:

- **Collaboration** among partners in development of service delivery strategies and alignment of resources to better connect the supervised population to employment.
- **Innovation** that creates new or adapts existing approaches or accelerates application of promising practices in workforce development and skill attainment.
- **System change** that utilizes these sub-grants to incentivize adoption of proven strategies

and innovations that are sustained beyond the grant period.

B. Program Goals, Objectives and Deliverables

California is pursuing historic changes to its adult corrections system. These changes are having a substantial impact at the state, county, and community levels.¹ In order to reduce recidivism, the State and its workforce community are focused on improved employment outcomes for the supervised population through the creative and effective aligning of training, education, and other services for this population with the industries and employers driving regional employment. In appropriating money from the Recidivism Reduction Fund to EDD for the Supervised Population Workforce Training Grant Program, the Governor and Legislature placed in statute (Penal Code Section 1234-1234.5) specific grant program goals, objectives and deliverables and requires the State Board and grantees to provide a report containing specific information:

1. An evaluation of the overall success of the grant program.
2. An evaluation of the effectiveness of the grant program.
3. A recommendation on the long-term viability of local workforce board and county collaborations on workforce training programs for the supervised population.
4. A recommendation on the long-term viability of county workforce training programs for the supervised population.
5. Whether the programs funded by this grant program aligned with the workforce needs of high-demand sectors of the state and regional economies.
6. Whether there was an active job market for the skills being developed where the member of the supervised population was likely to be released.
7. Whether the grant program increased the number of members of the supervised population that obtained a marketable and industry-recognized certification, credential, or degree.
8. Whether the grant program increased the numbers of the supervised population that successfully completed a job readiness basic skill bridge program and enrolled in a long-term training program.
9. Whether there are formal or informal networks in the field that assist supervised population participants in finding employment upon release from custody.
10. Whether the grant program led to employment in occupations with a livable wage.

The State Board and EDD will use this Solicitation for Proposals (SFP) to invest in innovative collaborative programs that create and prototype strategies to accelerate skill development and employment for the supervised population and reduce the risk of recidivism. Innovations that emerge from the prototypes may then be scaled and replicated across the state, infusing new

¹ Lofstrom, Magnus and Martin, Brandon(2015). *California's Future: Corrections*. Public Policy Institute of California, San Francisco, CA.

ideas into the “bloodstream” of workforce development and county collaborations focused on recidivism reduction.

Programs funded as a result of this SFP will create opportunities for the supervised population to succeed in pre-apprenticeship programs, apprenticeship programs, community college or other adult career technical education programs, and direct job placement. These programs will help the supervised population participants obtain a marketable and industry-recognized certificate, credential, or career-oriented degree.

The State Board has identified the following over-arching Program Goals for this Supervised Population Grant Program investment:

- Train up to 100 supervised population participants.
- Improve labor market and skills outcomes for the supervised population through the development of strategies that fill gaps, accelerate processes, or customize services to ensure greater access to workforce services and employment opportunities.
- Create new modes for service delivery and funding alignment that can be replicated across the State and tailored to regional needs.
- Leverage the State’s investment with commitments from industry, labor, public, and community-based partners.

The State Board and EDD will fund proposals that help achieve the project goals outlined above by designing and developing innovations that have the potential to substantially increase the effectiveness, scale, and/or capacity of existing workforce system programs and funding streams that serve the supervised population. Successful proposals may create new tools, borrow methods from other disciplines, or apply models from other sectors or populations in order to achieve the desired outcomes. Those programs that demonstrate significant impact and potential for replication and/or integration will be shared with partners at both the State and regional levels to infuse innovations and system improvements into the workforce system infrastructure for serving ex-offenders.

C. Program Design

California’s Strategic Plan prioritizes the development of regional sector initiatives and “earn and learn” strategies that build career ladder opportunities for California workers and job seekers. The Supervised Population Workforce Training Grant Program seeks solutions to specific challenges that inhibit career opportunity and employment success for the supervised population and that improve access to the workforce development pipeline – education, training, support services, placement, retention, etc. Successful proposals will demonstrate how their programs will direct existing resources and efforts in new, more efficient and effective ways. These efforts should not create or reinforce service delivery silos or funding

silos, but rather should result in strategies that take a new or unique approach to addressing workforce pipeline gaps specific to the supervised population, that can be applied, replicated or scaled to create broader impact and system improvement.

Proposers will be required to identify and define the industry sector or sectors in which the targeted supervised population participants will be trained and provide an analysis of current and projected job demands, the range of wage rates, and the training and education requirements within those industry sectors.

The State Board will fund proposals that demonstrate how the workforce challenges of the supervised population participants will be met utilizing the following elements:

- Development of evidence-based, best practices for serving the workforce training and education needs of the supervised population that combine programs providing industry-recognized certificates and credentials with earn and learn activities, including apprenticeships and on-the-job-training.
- The education and training needs of both of the following are addressed:
 - Individuals with some postsecondary education who can enter into programs and benefit from services that result in certifications and placement in jobs with a pathway to a living wage and a career.
 - Individuals who require basic education as well as training in order to obtain entry level jobs where there are opportunities for career advancement.
- Provision of an education and training assessment for each individual of the supervised population who participates in the project.
- Leveraging of funds with California Department of Corrections and Rehabilitation and/or County Probation Departments/Community Corrections Partnerships.
- A plan to integrate or sustain services after the completion of the grant funding.

D. Program Activities

The Strategic Plan prioritizes regional coordination among key partners, sector-based employment strategies, skill attainment through earn and learn and other effective training models (including but not limited to apprenticeship), and development of career pathways. In addition, the Strategic Plan emphasizes the coordination and alignment of resources and systems to better serve all California job seekers, including those with significant barriers to employment such as the supervised population. This grant program aims to prepare supervised population participants for entry-level and possible long-term career employment in industry sectors that are driving regional employment and high demand occupations within those sectors.

Grantees will be required to develop performance targets/goals related to specific Program Goals, Objectives and Deliverables including:

- Total supervised population participants to be served and provided an education and training assessment
- Total that will receive basic skills/pre-apprenticeship training
- Total that will complete basic skills/pre-apprenticeship training
- Total expected to enter into an industry sector “earn & learn” job training program
- Total expected to obtain an industry-valued certificate or credential
- Total placed in industry sector employment
- Total placed in other employment
- Total placed in industry sector employment and that retained employment for each quarter after placement through December 2017.
- Total placed in other employment that retained other employment for each quarter after placement through December 2017.

Grantees are expected to include the following types of services:

- Outreach and Recruitment
- Education and Training Assessment
- Career Counseling
- Training-related support services
- Work-based learning
- Transition to apprenticeship, further education, and/or job placement
- Follow-up and re-employment

E. Funding

The State Board will consider large, urban and small, rural counties. Funding under this SFP will be provided through EDD from the Recidivism Reduction Fund. The State Board estimates that it will make 4-5 awards of up to \$200,000 each for up to an 18-month program period. All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.

Matching Funds Requirement

Proposers are required to demonstrate a dollar for dollar match of cash or in-kind support for their program activities. Matching funds may include, but not limited to, moneys/in-kind support committed by local workforce boards, local government agencies, education, community-based organizations, labor and business, other partners, and private foundation funds.

Allowable uses of funds

Grantees awarded funds under this SFP must comply with all requirements of Penal Code Section

1234-1234.5 and line Item 7100-001-3259 of the Budget Act of 2014. Eligible uses of grant funds include, but are not limited to, vocational training, stipends for trainees, and apprenticeship opportunities for the supervised population. Supportive services and job readiness activities can serve as bridge activities that lead to enrollment in long-term training programs. All activities must be directly related to the purpose detailed in Section 1234-1234.5 of the Penal Code and in Section D of this SFP.

F. Eligible Participants

The Recidivism Reduction Funds offered under this SFP are designed to address the training and employment needs of California's supervised population as defined in Section A.

G. Eligible Proposers

Eligible Proposers for this Supervised Population Workforce Training Grant Program include all California counties or consortiums of counties, local workforce boards, nonprofit community-based organizations and other nonprofits, labor and business organizations, education entities, etc. Proposals shall include a partnership agreement between the county Community Corrections Partnership(s) and one or more local workforce boards and all other partners. Strongly encouraged is participation of community-based organizations with experience in serving the supervised population. The agreement must outline the actions each partner agrees to undertake as part of the proposed program. Small and rural counties are encouraged to apply for funds. Proposers are encouraged to develop evidence-based, best practices for serving the workforce training and education needs of the supervised population.

Proposals should include the following components:

- Identify a specific purpose for the use of grant funds.
- Define the specific subset of the supervised population that the grant funds will serve.
- Describe how education and training assessments will be conducted for each participant.
- Define the industry sector or sectors in which the targeted supervised population will be trained, including the current and projected workforce within the region for those jobs, the range or wage rates, and the training and education requirements within those industry sectors.
- Define the general methodology and training methods proposed to be used and explain the manner in which the progress of the targeted supervised population will be monitored during the grant period.
- Describe the collaborating partners and the leveraged funding that will be used to implement the program and sustain the services in future years.
- Identify how the Program Goals, Objectives and Deliverables questions in Section B will be

answered using the metrics in Section D, as well as any additional metrics that the Proposer intends to use to evaluate the overall success of the grant program.

- As a condition of receiving funds, a grant recipient shall agree to provide the State Board/EDD with quarterly reports, monthly invoices, and progress reports regarding their use of grant funds and the workforce training program outcomes as required through December 2017.
- Matching funds, including, not limited to, moneys committed by local workforce boards, local governments, and private foundation funds, etc.
- If applicable, evidence the applying county/counties currently administer or participate in a workforce training program for the supervised population.
- If applicable, evidence of participation by one or more nonprofit community-based organizations that serve the supervised population.

Partnerships

Strong partnerships are an essential component of this grant program. Partners must include local workforce board(s) and county agencies as well as specific employers or intermediaries such as industry groups or labor-management partnerships. Other high value partners may include community colleges, adult education, parole, probation, courts, social services, mental health, housing, community-based organizations, etc. Each proposal must include at minimum a partnership agreement between the county Community Corrections Partnership(s) and one or more local workforce boards. Additional partners included in the proposal should also be in the partnership agreements. Each partnership agreement shall describe the intent of the partnership and how the partnership will leverage and use its funds to serve the supervised population.

H. Oversight & Coordination

EDD Workforce Services Branch project managers will provide day-to-day oversight of each grant with the State Board providing high-level strategic direction and technical assistance. The State Board and EDD are committed to using this grant program to implement continuous improvement, innovation, and system change strategies related to serving the supervised population. In order to provide the Legislature with the information requested in AB 2060, the State Board/EDD may convene Learning Communities--groups of grantees, staff, partners, and other key system stakeholders to provide peer and expert technical assistance, share successful program models, and coordinate the performance criteria and evaluation activities among all grantees.

I. Performance

Proposers are required to include program performance goals, targets, deliverables and

evaluation metrics that fit the targeted supervised population (See Section G). The State Board and EDD may review and revise these performance criteria with each grantee.

J. Program Evaluation

The State Board will submit a report to the Legislature evaluating the effectiveness of this grant program based on grantee reports on program activities and outcomes. Grantees will be required to submit data and narrative reports on program progress and validate a client data-tracking dashboard, which will be made available to the State Board, EDD, and other stakeholders. The report template provided by the State Board will contain the following:

- The overall success of the grant program, based on the goals and metrics set in the awarded grants.
- An evaluation of the effectiveness of the grant program based on the goals and metrics set in the awarded grants.
- A recommendation on the long-term viability of county workforce training programs for the supervised population.
- A recommendation on the long-term viability of county workforce training programs for the supervised population.
- Overall success and effectiveness of the grant program.

Section 2 Significant Dates

EVENT	DATE*
SFP Release	March 20, 2015
Proposal Workshop	To be announced: State Board Website
SFP Questions Due	April 3, 2015
Proposals Due (by 3:00 p.m.)	April 17, 2015
SFP Answers Released	Weekly on the State Board Website
Award Announcement	May 1, 2015

**All dates after the final proposal submission deadline are approximate and may be adjusted as conditions dictate, without addendum to this SFP.*

Section 3 Proposal Submission Instructions

This SFP contains the requirements that Proposers must meet in order to submit a responsive proposal. The SFP provides information regarding the format in which proposals must be submitted, the documents to be included, the requirements that must be met to be eligible for

consideration, and the Proposers' responsibilities.

The following are incorporated by reference as part of this SFP:

- GTC - 610 - General Terms and Conditions for all contracts except Interagency Agreements.
- CCC - 307 - Contractor Certification Clauses.

These documents can be found on the Department of General Services website:

<http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

Proposal Deadline

The deadline for the **receipt** of proposals is, **Friday April 17, 2015, at 3 p.m. Pacific Daylight Savings Time. Late proposals will not be accepted.**

Proposal Delivery Method and Addresses

Proposals must be submitted **electronically** in Portable Document Format (PDF) to:

Kathleen Green

kathleen.green@edd.ca.gov

Proposal Questions

Questions regarding this SFP may be sent to the State Board's Policy Analyst Kelly Luong at: Kelly.Luong@cwib.ca.gov. Cumulative questions and answers will be posted to the State Board's website on a weekly basis until the proposal deadline.

Section 4 Required Proposal Content

A. Minimum Requirements

All proposals must adhere to the required format and in order to be competitive must include all of the requested information, completed forms, and attachments. The proposal must meet the minimum requirements listed below. **Proposals that do not adhere to these requirements will be determined non-responsive and will not be scored or considered for funding.**

- Proposers must use the specific instructions and complete all requested forms.
- **Subcontractors:** No subcontracting will be allowed to circumvent competitive bidding. The subcontracting services and amount shall not exceed 25 percent (25%) of the Agreement. The Grantee/Contractor shall be solely responsible for fulfilling the requirements of the

Agreement.

The Contractor agrees that any subcontractors to this Agreement must be approved in advance by EDD. Nothing contained in this Agreement or otherwise, shall create any contractual relation between the State and any subcontractors, and no subcontract shall relieve the Contractor of his responsibilities and obligations hereunder. The Contractor agrees to be as fully responsible to the State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by the Contractor. The Contractor's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to the Contractor. As a result, the State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor.

The Contractor shall monitor subcontractor activity and compliance. This monitoring shall be verified by EDD Workforce Services Branch as part of the grant management for this program.

- **Audit Provision:** Contractor agrees that the State Board, EDD, the Department of General Services (DGS), the California State Auditor, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of record retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (GC § 8546.7, PCC § 10115 et seq., CCR Title 2, § 1896).
- **Insurance Requirements:** The Proposer shall not commence performance under this Agreement until the Proposer has provided the EDD with a certificate of insurance stating that there is a liability insurance presently in effect for the Contractor with a Combined Single Limit (CSL) of not less than \$1,000,000 per occurrence. The Proposer shall provide written notice to EDD within five (5) business days of any cancellation, non-renewal, or material change that affects required insurance coverage. The certificate of insurance must include the following provision:
 - The State of California, its officers, agents, employees, and servants are included as additional insured's, but only with respect to work performed for EDD under this contract.
 - **Workers' Compensation Insurance:** The Proposer shall not commence

performance under this Agreement until the EDD is provided with one of the following:

- a. A certificate of insurance issued by an insurance carrier licensed to write Workers' Compensation insurance in the State of California, which includes the name of the carrier and the date of expiration of the insurance; or,
- b. A certificate of consent to self-insure issued by the Director of the Department of Industrial Relations.

B. Proposal Requirements

The proposal narrative is limited to 8 pages, 1-inch margins, in a font no less than 12 point excluding forms and cover page.

Proposals that do not adhere to these requirements will be scored; however, a 3-point penalty will be assessed for those that do not meet this requirement.

All Proposers must submit the required forms and attachments, and complete the checklist included on the cover page. These include:

DOCUMENT NAME/DESCRIPTION	FORM PROVIDED
Cover Page	YES
Proposal Narrative	NO
Form 1: Program Budget	YES
Form 2: Budget Detail	YES
Form 3: Workplan	YES
Form 4: Participant Plan	YES
Form 5: Worker's Compensation Certification	YES
Form 6: CCC-307	YES
Form 7: Darfur Contracting Act Certification (If applicable, see form for details)	YES
Form 8: Bidder Declaration	YES

Proof of registration with the California Secretary of State’s Office (if applicable, see Section 4 A)	NO
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Section 5 Award and Contracting Process

A. Proposal Requirements, Evaluation and Recommendation for Funding

The proposal narrative should address each of the sections outlined in the Proposal Evaluation Rubric. All proposals must include the required forms and cover page. Proposals will be reviewed and prioritized by a panel of workforce development subject matter experts, including representatives from industry, labor and state agencies. The scoring value of each section of this SFP is included in the Proposal Evaluation Rubric below.

Proposal Evaluation Rubric		
Section	Description	Points
I. Statement of Need	<ul style="list-style-type: none"> • Identify the regional area being served by the program. • Provide an overview of the supervised population; identify the employment barriers they are facing and the current recidivism rate. • Describe the specific subset of the supervised population, among the eligible supervised population participants. • Describe the industry sector(s) and occupations in which the targeted supervised population will be trained, including the current and projected openings (or demand) within the region for those jobs, the range or wage rates, and the training and education requirements within those industry sectors. 	15

II. Partnerships	<ul style="list-style-type: none"> • Describe the role of each partner involved in the program design, implementation, and delivery of services. Partners must include local workforce board(s) and county agencies as well as specific employers or intermediaries such as industry groups or labor-management partnerships. Other high value partners may include community colleges, adult education, parole, probation, courts, social services, mental health, housing, community-based organizations that work with the supervised population, etc. • Describe the role of each partner in the program. • Describe outreach and recruitment methods that will be used to reach target industry employers. • Describe how the program will partner with employers for work-based learning and successful employment outcomes. • Demonstrate how the partnership has actively engaged or will actively engage in developing employment opportunities for the supervised population. • Describe the connection to Community Corrections Partnership(s). 	20
III. Program Plan	<ul style="list-style-type: none"> • Describe the specific goals, objectives, and deliverables that will lead to the required program outcomes for the supervised population, including success in pre-apprenticeship, apprenticeship, education outcomes (i.e. industry-recognized certificates, credentials, degrees), job placement, etc. • Describe the general methodology and training methods proposed to be used and explain the manner in which the progress of the targeted supervised population will be monitored during the grant period. • Provide an outline of the program, and the program strategies, outputs and outcomes, and timeline. • Describe the opportunity for replication or application of program successes and lessons. 	25
IV. Innovation	<ul style="list-style-type: none"> • Describe how the program will create new or adapt existing approaches or accelerate the application of promising practices in workforce development and skill attainment for the supervised population. 	15

V. Sustainability	<ul style="list-style-type: none"> Describe the elements or strategies to sustain the program beyond the term of the grant and/or to develop the infrastructure to increase the scale and capacity of job placement services to the supervised population. Describe innovative approaches the program will use to draw funds from existing realignment or other sources 	15
VI. Budget & Participant Plans	<ul style="list-style-type: none"> <i>Leveraged Resources</i> – Briefly describe the total program budget, amount of funding requested, the sources and use of leveraged resources for this program. <i>Program, Budget and Budget Detail (SFP Form 1 & SFP Form 2)</i> – Proposers must provide detailed budget information, including 1:1 in-kind or cash match. <i>Participant Plan (SFP Form 4)</i> – Proposers must identify the total number of participants they plan to serve and provide an estimate by quarter of services and outcomes. 	10
3 Point Penalty if Proposal Narrative Exceeds 8 pages Excluding Forms and Cover Page		
Total Possible Points		100

The final scores will be ranked highest to lowest and will serve as the primary basis for making recommendations for funding in conjunction with other factors such as geographic distribution of funds, uniqueness, and innovative aspects of the proposal. In the event of a tie, the State Board will consider the geography, size and population density of the county/counties in order to achieve results that are representative of California’s diverse geography and population. Only those proposals deemed to be meritorious and in the best interests of the State will be recommended for funding.

B. Rejection of Proposal

The State Board reserves the right to waive any immaterial deviation in a proposal; however, the waiver of an immaterial deviation in a proposal shall in no way modify the document or excuse the successful Proposer from full compliance with the proposal requirements after the contract is awarded.

A proposal shall be rejected and deemed non-responsive for any of the following:

- Received at any time after 3 p.m. Pacific Time on April 17, 2015;

- Incomplete or fails to meet the SFP specifications;
- Not prepared in the format described;
- The proposal contains false or misleading statements or references which do not support an attribute or condition contended by the Proposer. The proposal shall be rejected if, in the opinion of the State, such information was intended to erroneously mislead the State in its evaluation of the proposal;
- An itemized budget is not enclosed and/or exceeds the amount indicated;
- The Proposer has received a substantive negative contract evaluation from the State of California;
- The Proposer has had a contract with the State of California canceled due to failure to comply with the Drug-Free Workplace Act of 1990;
- It is found that the Proposer is not responsible (e.g., has not paid taxes, has no business license, has submitted a proposal when license is subject to suspension on the date of the proposal opening and/or award of the contract, or during the proposed term of the agreement, submitted a proposal without an authorized signature, falsified any information in the proposal package, or has provided poor performance on a previous contract with the State Board, etc.); or,
- It is found, upon license verification with the Contractor's State Licensing Board, that a Proposer's license is subject to suspension on the date of the proposal opening and/or award of the contract, or during the proposed term of the agreement.

C. Debriefings

Written debriefings of the evaluation results will not be provided to unsuccessful bidders. Oral debriefings may be provided at the State Board's discretion.

D. Disposition of Proposals

1. All materials submitted in response to this SFP will become the property of the State Board/EDD, and as such, are subject to the Public Records Act (Government Code, Section 6250, et seq.). The State Board and EDD will disregard any language purporting to render all or portions of any proposal confidential.
2. After proposals are evaluated and the notices of intent to award have been posted, all proposals shall be available for public inspection. However, the contents of all proposals, draft SFP's, correspondence, agenda, memoranda, working papers, or any other medium which discloses any aspect of a Proposer's proposal shall be held in the strictest confidence until the award is made. The State Board and EDD shall hold the content of all working papers and discussions relating to a proposal confidential indefinitely, unless the public's interest is best served by disclosure because of pertinence to a decision, agreement, or the

evaluation of a proposal. A bidder's disclosure of this subject is a basis for rejecting a proposal and ruling the bidder ineligible to participate further in the bidding process.

3. The State Board/EDD may return a proposal to a Proposer upon written request after **conclusion of** the bid process.

E. State Contract Requirements

This SFP and any resulting contract shall be subject to all requirements set forth in amended Public Contract Code (PCC), Section 6611 (AB 1756 amended PC 6611). DGS may perform contract negotiations relative to contracts for goods, services, and information technology and telecommunications, if it is determined to be in the state's best interest based on meeting the criteria identified within PCC 6611.

Section 6 Doing Business with the State of California

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (PCC Section 10410):

- 1) No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- 2) No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (PCC Section 10411):

- 1) For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.
- 2) For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general

subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void (PCC Section 10420).

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem (PCC Section §10430 (e)).

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement (Labor Code Section 3700).
3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA (42U.S.C. 12101 et seq.)
4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.
5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:
 - a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.
 - b. "Doing business" is defined in Revenue and Taxation Code Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.
 - c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.
7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.
8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

Section 7 Appendices

A Sample Standard Agreement is on Form 9.