

## Table of Contents

<u>Section</u>	<u>Page</u>
A) Purpose and Description of Service	1
B) Minimum Qualifications for Proposer	3
C) Proposal Requirements and Information	3
1) Key Action Dates	3
2) Proposal Content	4
3) Submission of Proposal	5
4) Evaluation and Selection Process	7
5) Award and Protest	8
6) Disposition of Proposals	9
7) Agreement Execution and Performance	9
D) Preference Programs	9
1) Small Business Preference/Non-Small Business	9
E) Required Attachments	11
1) Required Attachment Check List	12
2) Proposal/Proposer Certification Sheet	13
3) Proposer References	15
4) Payee Data Record (STD 204)**	
5) Contractor's Certification Clauses (CCC) (page 1)**	
F) Sample Standard Agreement (STD 213)	
1) Exhibit A, Scope of Work	
2) Exhibit B, Budget Detail and Payment Provisions	
3) Exhibit C, General Terms and Conditions	
4) Exhibit D, Special Terms and Conditions	
5) Exhibit E, Additional Provisions	

\* If applicable

\*\* These documents are not required with the Proposal package but are required upon award of the contract.

## **A) Purpose and Description of Services**

The California Tax Credit Allocation Committee is receiving funds through the American Recovery and Reinvestment Act (ARRA) of 2009 to assist developers of affordable housing that have been unable to move forward with their projects due to the low income housing tax credit market conditions. A portion of the ARRA funding is being administered through the Federal Department of Housing and Community Development (HUD). These HUD administered funds are titled Tax Credit Assistance Program (TCAP) funds and are considered federal funds. As such, TCAP funds invoke compliance with various federal laws including Davis Bacon federal prevailing wage requirements. Information regarding the program can be found at the HUD website: [www.hud.gov](http://www.hud.gov) under the American Recovery and Reinvestment Act title.

The California Tax Credit Allocation Committee (TCAC) is responsible for monitoring compliance with Davis-Bacon federal prevailing wage requirements. TCAC will require that each project sponsor hire a federal prevailing wage subject expert to oversee compliance with federal laws.

TCAC is soliciting proposals from professional prevailing wage consulting firms to assist with the monitoring of federal prevailing wage requirements. It is anticipated that approximately 75 projects will be required to comply with federal prevailing wage requirements. Project sponsors are required to hire a subject expert to assist in their compliance with prevailing wage requirements. Each project must be monitored at least once by the consultant. The monitoring will consist of a review of the payrolls, wage decisions, bid documents, postings at the job site and interviews of some workers at the work site.

## **B) Scope of Services**

TCAC is interested in retaining a qualified firm to assist in monitoring the prevailing wage compliance of project sponsors awarded Tax Credit Assistance Program Funds. Consultant assistance is needed in the following areas:

- On site monitoring of approximately 75 projects required to comply with Davis-Bacon federal prevailing wage requirements, including at least one site visit, review of payrolls, review of bid documents, wage decisions requested, work site posting review and interviews of workers, as prescribed by federal laws.
- Reporting results of the review to TCAC in writing within 15 business days of monitoring;
- Working with project developers to correct any deficiencies and findings in compliance with prevailing wages, including payment of restitution if necessary;
- Periodical reports to be prepared and submitted to David Navarrette at TCAC.

- Providing general technical assistance and advice related to Davis Bacon federal prevailing wage rules to TCAC staff and project developers.

### **Term of Contract**

The term of this contract will be from January 19, 2010 (or upon approval by the Department of General Services) through December 31, 2010.

### **C) Minimum Qualifications for Proposer**

1. At least five (5) years experience monitoring federal prevailing wage requirements.
2. Demonstrated experience providing technical assistance on Davis Bacon federal prevailing wage rules.
3. The firm(s) must be available to immediately assume services upon execution of the contract.

The firm(s) selected must describe how they meet the minimum qualifications in their response to this request for proposals. The firm(s) must be free from actual conflicts of interest not only at the time of selection, but also throughout the term of the contract.

### **D) Proposal Requirements and Information**

#### **1. Key Action Dates**

<u>Event</u>	<u>Date</u>
RFP available to prospective proposers	November 18, 2009
Pre-proposal Conference (optional) 2 p.m. - 915 Capitol Mall, Room 587, Sacramento	November 30, 2009,
Written Question Submittal Deadline	December 1, 2009
Final Date for Proposal Submission	December 29, 2009
Notice of Intent to Award	January 5, 2010
Proposed Award Date	January 19, 2010

#### **2. Proposal Content**

##### **a. Qualifications and Experience of the Firm:**

- i. A brief description of the firm's qualifications and experience that demonstrates its capability to review and evaluate the adequacy of a compliance with Davis-Bacon federal prevailing wage requirements. The description must show how the firm meets the minimum qualifications.
- ii. A listing of other state or local agencies for which the firm is providing consulting services to comply with Davis Bacon federal prevailing wage requirements, including contact numbers for those agencies.

- iii. A reference list of similar types of contracts successfully completed with a sample of the work. The list of contracts shall include:
  - 1. The name of the client.
  - 2. The contact person
  - 3. The address and telephone number
  - 4. A detailed description of the services performed
- iv. A listing of clients with whom the firm is currently working to assist with compliance with Davis Bacon federal prevailing wage requirements, the full nature of the work, and the length of time associated with each client.

**b. Qualifications and Experience of Personnel:**

- i. An organization chart showing functions, positions and titles of professionals in the organization, including any subcontractor firms.
- ii. A listing of the names of the personnel that will be directly involved in providing the services under this contract, including any subcontractor employees. The listing should identify the personnel with primary contract responsibility.
- iii. Detailed resumes for personnel that will be directly involved in providing the services under this contract, including any proposed subcontractors and their employees.

**c. Work Plan and Work Schedule Requirements**

Work will be assigned by TCAC on a monthly basis during the contract period. The proposer shall develop a work plan for how each project will be monitored. Identify tasks and specific milestones by which progress can be measured and payments made. How the workload will be assigned, timelines for reporting review results to TCAC (must at least meet the 15 business day requirement).

**d. Fee Schedule**

The fee schedule must be stated on a per hour basis and total contract must include all expenses, including report filing. The total cost will be the basis for the fees portion of the evaluation and selection process. Proposals submitted with fee schedules not in compliance with these requirements will be rejected.

**3. Submission of Proposals**

- a. Proposals must be **received** no later than **4:00 p.m. on December 29, 2009**. Late proposals will not be accepted. A minimum of **Five copies** of the proposal shall be submitted to the following location:

**California Tax Credit Allocation Committee  
915 Capitol Mall, Room 485  
Sacramento, CA 95814**

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:

<p>California Tax Credit Allocation Committee 915 Capitol Mall, Room 485 Sacramento, CA 95814 RFP #CTCAC05-09 Davis-Bacon Prevailing Wage Monitoring Contractor</p> <p>DO NOT OPEN</p>
--

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.

- b.** Questions relating to this RFP should be in writing directed to the person listed below. All responses will be in writing and made available to the general public.

David Navarrette  
Program Analyst  
California Tax Credit Allocation Committee  
915 Capitol Mall, Room 485  
Sacramento, CA 95814  
Fax: (916) 653-4520  
Email: [dnavarrette@treasurer.ca.gov](mailto:dnavarrette@treasurer.ca.gov)

- c.** Proposals should provide straightforward and concise descriptions of the proposers 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.
- d.** The proposal package should be prepared in the least expensive method.
- e.** All proposals must be submitted under **sealed** cover and sent to CTCAC by dates and times shown in Section C, Proposal Requirements and Information, Item 1) Key Action Dates (page 3). Proposals received after this date and time will not be considered.

- f.** 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.
- g.** All proposals shall include the documents identified in Section E, Required Attachment Checklist (see page 15). 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.
- h.** 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.
- i.** 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.
- j.** 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.
- k.** 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.
- l.** 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.
- m.** 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 h) 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.
- n.** The awarding agency 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.
- o.** The awarding agency reserves the right to reject all proposals. The agency is not required to award an agreement.

- p. Before submitting a response to this solicitation, bidders should review, correct all errors and confirm compliance with the RFP requirements.
- q. 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.
- r. More than one proposal from an individual, firm, partnership, corporation or association under the same or different names, will not be considered.

#### 4. Evaluation and Selection

An evaluation team will rate bidders on the basis of the following weighted factors. The CTCAC staff will review all eligible proposals (i.e., those that are received in the time and manner prescribed) to determine which ones meet the minimum qualifications specified in the RFP. Those proposals that meet the requirements shall be submitted to a CTCAC evaluation committee that will evaluate and score the proposals using the criteria specified below. As part of its final evaluation process, the evaluation committee may request oral presentations (either in person or by telephone). If this option is exercised, the CTCAC will provide firms with at least 48 hours notice. Presenters from the firms must include the personnel who will have primary responsibility for the contract.

<b><u>Criteria</u></b>	<b><u>Maximum Points</u></b>
1) Years and breadth of experience with single or multiple agencies and customers providing technical assistance and oversight monitoring of Davis Bacon prevailing wage compliance.	20
2) Methods for: completion of Davis-Bacon federal prevailing wage monitoring, determination of apprentice status, timeline for transmittal of results, provision of technical assistance to project sponsor to correct deficiencies.	10
3) Qualifications of Personnel (including experience and qualifications of specific personnel who will provide the services, their professional and educational background). Include experience with Davis-Bacon federal prevailing wage compliance including experience specifically related to low-income housing.	20
4) Fees (costs including actual fees proposed)	50
<b>TOTAL MAXIMUM POSSIBLE POINTS</b>	<b>100</b>

## 5. Award and Protest

Notice of the proposed award shall be posted in a public place in the office of CTCAC, 915 Capitol Mall, Room 485, Sacramento, CA 95814, and on the following Internet site: [www.treasurer.ca.gov/ctcac](http://www.treasurer.ca.gov/ctcac) for five (5) working days prior to awarding the agreement.

- a. If any proposer, prior to the award of agreement, files a protest with the CTCAC and the Department of General Services, Office of Legal Services, 707 Third Street, 7<sup>th</sup> 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.
- b. Within five (5) days after filing the initial protest, the protesting proposer shall file with the Department of General Services, Office of Legal Services and the CTCAC a detailed statement specifying the grounds for the protest.
- c. Upon resolution of the protest and award of the agreement, Contractor must complete and submit to the awarding agency the Payee Data Record (STD 204), to determine if the Contractor 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](http://www.osp.dgs.ca.gov) under the heading FORMS MANAGEMENT CENTER. No payment shall be made unless a completed STD 204 has been returned to the awarding agency.
- d. Upon resolution of the protest and award of the agreement, Contractor must sign and submit to the awarding agency, *page one (1)* of the Contractor Certification Clauses (CCC), which can be found on the Internet at [www.dgs.ca.gov/contracts](http://www.dgs.ca.gov/contracts).

## 6. Disposition of Proposals

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.

Proposal packages may be returned only at the proposer's expense, unless such expense is waived by the awarding agency.

## 7. Agreement Execution and Performance



- a. Performance shall start not later than 15 days, or on the express date set by the awarding agency and the Contractor, after all approvals have been obtained and the agreement is fully executed. Should the Contractor fail to commence work at the agreed upon time, the awarding agency, upon five (5) days written notice to the Contractor, reserves the right to terminate the agreement. In addition, the Contractor shall be liable to the State for the difference between Contractor's Proposal price and the actual cost of performing work by another contractor.
- b. All performance under the agreement shall be completed on or before the termination date of the agreement.

## 8. Preference Programs

Small Business or Microbusiness Preference [www.pd.dgs.ca.gov/smbus/default.htm](http://www.pd.dgs.ca.gov/smbus/default.htm)

A five percent (5%) preference will be applied to certified small business firms submitting proposals. To obtain the preference, firms must be certified as a small business at the time the bid is submitted. The firm MUST include an updated copy of their Small Business Certificate to obtain the preference. The 5% preference is issued only for computation purposes to arrive at the successful firm(s), and does not alter the amount of the actual bids. Once each bid has been scored, if the highest responsible firm is not a certified small business or microbusiness, 5% of the highest scoring bid is added to the total "earned" points for each bid submitted by a certified small business. These final numbers, with the 5% included, are then used to determine the highest scoring bid.

Questions regarding the small business certification or preference approval should be directed to the Office of Small Business & DVBE Services (OSDS) at (916) 375-4940 or can be found at the website listed above.

Non-Small Business Preference – [www.pd.dgs.ca.gov/smbus/default.htm](http://www.pd.dgs.ca.gov/smbus/default.htm)

A five percent (5%) bid preference is available to a non-small business claiming twenty-five percent (25%) California certified small business subcontractor participation. If claiming the non-small business subcontractor preference, the bid response must include a list of the small business(es) with which the firm commits to subcontract in an amount of at least 25% of the net bid price with one or more California certified small businesses. Each listed certified small business must perform a "commercially useful function" in the performance of the contract as defined in Government Code Section 14837(d)(4).

The required list of California small business subcontractors must be attached to the bid response and must include the following: 1) subcontractor name, 2) address, 3) phone number, 4) a description of the work to be performed and/or products supplied; and 5) the dollar amount or

percentage of the net bid price (as specified in the solicitation) per subcontractor.

Firms claiming the 5% preference must commit to subcontract at least 25% of the net bid price with one or more California certified small businesses. Completed certification application required support documents must be submitted to the OSDS no later than 5:00 p.m. on the bid due date, and the OSDS must be able to approve the application as submitted. Questions regarding certification should be directed to the OSDS at (916) 375-4940.

The preference to a non-small business firm that commits to small business or microbusiness subcontractor participation of 25% of its not bid price shall be 5% of either the lowest, responsive, responsible firm's price or the highest response, responsible firm's total score. A non-small business, which qualifies for this preference, may not take an award away from a certified small business.

#### **E) Required Attachments**

- |                      |  |
|----------------------|--|
| <b>Attachment 1)</b> | Required Attachment Check List   |
| <b>Attachment 2)</b> | Proposal/Proposer Certification Sheet  |
| <b>Attachment 3)</b> | Proposer References  |
| <b>Attachment 4)</b> | Payee Data Record (STD 204) (if currently not on file)   |
| <b>Attachment 5)</b> | Contractor Certification Clauses (CCC) (Form CCC-307) The CCC can be found on the Internet at <a href="http://www.ols.dgs.ca.gov/Standard+Language">www.ols.dgs.ca.gov/Standard+Language</a> . |
| <b>Attachment 6)</b> | Small Business or Microbusiness preference*  |
| <b>Attachment 7)</b> | Non-small business preference*   |

\* if applicable

ATTACHMENT 1

REQUIRED ATTACHMENT CHECK LIST

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.

<u>Attachment</u>	<u>Attachment Name/Description</u>
_____ Attachment 1	Required Attachment Check List
_____ Attachment 2	Proposal/Proposer Certification Sheet
_____ Attachment 3	Proposer References
_____ Attachment 4	Payee Data Record (STD 204) (if currently not on file)
_____ Attachment 5	Contractor Certification Clauses (CCC) (Form CCC-307) The CCC can be found on the Internet at <a href="http://www.ols.dgs.ca.gov/Standard+Language">www.ols.dgs.ca.gov/Standard+Language</a> .
_____ Attachment 6	Small Business or Microbusiness Preference*
_____ Attachment 7	Non-Small Business Preference*

\*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 C, Proposal Requirements and Information (pages \_ through \_\_) nor the "Sample Agreement" at the end of this RFP.**

- A. Place all required attachments behind this certification sheet.
- B. I have read and understand the DVBE Participation requirements and have included documentation demonstrating that I have met the participation goals or have made a good faith effort.
- C. 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**

1. Company Name	2. Telephone Number ( )	2a. Fax Number ( )
3. Address		
Indicate your organization type:		
4. <input type="checkbox"/> Sole Proprietorship	5. <input type="checkbox"/> Partnership	6. <input type="checkbox"/> Corporation
Indicate the applicable employee and/or corporation number:		
7. Federal Employee ID No. (FEIN)	8. California Corporation No.	
9. Indicate applicable license and/or certification information:		
10. Proposer's Name (Print)		11. Title
12. <b>Signature</b>		13. Date
14. Are you certified with the Department of General Services, Office of Small Business		
a. California Small Business Yes <input type="checkbox"/> No <input type="checkbox"/>   b. Disabled Veteran Business Enterprise Yes <input type="checkbox"/> No <input type="checkbox"/>		
<p><b>NOTE:</b> A copy of your Certification is required to be included if either of the above items is Date application was submitted to OSBCR, if an application is</p>		

## Completion Instructions for Proposal/Proposer Certification Sheet

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

Item Numbers	Instructions
1, 2, 2a, 3	Must be completed. These items are self-explanatory.
4	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.
5	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.
6	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.
7	Enter your federal employee tax identification number.
8	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.
9	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.
10, 11, 12, 13	Must be completed. These items are self-explanatory.
14	If certified as a California Small Business, place a check in the "yes" box, and enter your certification number on the line. If certified as a Disabled Veterans Business Enterprise, place a check in the "Yes" box and enter your service code on the line. If you are not certified to one or both, place a check in the "No" box. If your certification is pending, enter the date your application was submitted to OSBCR.

ATTACHMENT 3

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 non-responsive.

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.

<b>REFERENCE 1</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person	Telephone Number		
Dates of Service	Value or Cost of Service		
Brief Description of Service Provided			

<b>REFERENCE 2</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person	Telephone Number		
Dates of Service	Value or Cost of Service		
Brief Description of Service Provided			

<b>REFERENCE 3</b>			
Name of Firm			
Street Address	City	State	Zip Code
Contact Person	Telephone Number		
Dates of Service	Value or Cost of Service		
Brief Description of Service Provided			

