

**ATTACHMENT H
BIDDER'S DECLARATION**

Complete this form only if consultant wishes to claim the DVBE incentive associated with this solicitation. Please review the "Bidder Declaration Instructions" prior to completing this form. If consultant submits incomplete or inaccurate information, it will not receive the DVBE incentive.

SECTION I. COMPLETE IF CONSULTANT IS A DVBE

If consultant is not a DVBE, skip this section.

1. DGS Supplier ID number: _____
2. DVBE Certification active from _____ to _____
3. Will consultant subcontract any portion of the contract work to subcontractors? _____

If yes:

A. State the percentage of the contract work consultant will subcontract: _____

B. Describe the goods and/or services to be provided by consultant itself in connection with the contract: _____

C. Explain how consultant is performing a "commercially useful function" for purposes of this contract. (Please see the instructions for the definition of "commercially useful function.") _____

4. The disabled veteran owners and managers of consultant must complete and sign the **DVBE Declaration** (a separate document). Consultant must submit the completed DVBE Declaration along with this Bidder Declaration.
5. Consultant must submit a copy of its DVBE certification approval letter along with this Bidder Declaration.

SECTION II. COMPLETE IF CONSULTANT HAS A DVBE BUSINESS UTILIZATION PLAN

Skip this section if (i) Consultant does not have an approved DVBE Business Utilization Plan (BUP) on file with DGS, or (ii) this solicitation is for non-IT services.

1. Date BUP was approved by DGS: _____
2. Date through which BUP is valid: _____
3. Consultant must submit a copy of its "Notice of Approved DVBE Business Utilization Plan" issued by DGS along with this Bidder Declaration.

SECTION III. COMPLETE IF CONSULTANT WILL USE DVBE SUBCONTRACTORS

Enter the total number of DVBE subcontractors (DVBE Subcontractors) that consultant will use for this contract: _____

If the total number of DVBE Subcontractors consultant will use is zero, skip this section.

Provide the following information or materials for **each** DVBE Subcontractor that consultant will use for this contract. Attach additional sheets if necessary.

1. DVBE Subcontractor name: _____
2. DVBE Subcontractor contact person: _____
3. DVBE Subcontractor address: _____
4. DVBE Subcontractor phone number: _____
5. DVBE Subcontractor email: _____
6. DVBE Subcontractor's DGS Supplier ID number: _____
7. DVBE Subcontractor DVBE Certification active from _____ to _____.
8. Consultant must submit a copy of the DVBE Subcontractor's DVBE certification approval letter along with this Bidder Declaration.
9. Describe the goods and/or services to be provided by the DVBE Subcontractor in connection with the contract:

10. Explain how the DVBE Subcontractor is performing a "commercially useful function" for purposes of this contract. (Please see the instructions for the definition of "Commercially useful function.")

11. Enter the percentage of the total proposal price for the goods and/or services to be provided by the DVBE Subcontractor: _____%
12. Provide written confirmation from the DVBE Subcontractor that it will provide the goods and/or services identified above if consultant is awarded the contract.
13. The disabled veteran owners and managers of the DVBE Subcontractor must complete and sign the **DVBE Declaration** (a separate document). Consultant must submit the completed DVBE Declaration along with this Bidder Declaration.

SECTION IV. CERTIFICATION

I, the official named below, certify that the information provided in this form is true and correct. I am duly authorized to legally bind Consultant to this certification. This certification is made under the laws of the State of California.

Solicitation Number _____

<i>Company Name (Printed)</i>		<i>Tax ID Number</i>
<i>Address</i>		<i>Telephone Number</i>
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
<i>Date Executed</i>	<i>Executed in the County of _____ in the</i> <i>State of _____</i>	

BIDDER DECLARATION INSTRUCTIONS

General Instructions

In this form, (i) “DGS” refers to the Department of General Services; (ii) “Bidder” refers to a person or entity that submits a response to a competitive solicitation issued by the Judicial Council, including both Invitation For Bid's (IFB's) and Request For Proposal's (RFP's) and (iii) “proposal” refers to a response to a competitive solicitation issued by the Judicial Council, including both Invitation For Bid's and Request For Proposal's. Pursuant to Military and Veterans Code section 999, a person or an entity is deemed to perform a “commercially useful function” if a person or entity does all of the following: (a) is responsible for the execution of a distinct element of the work of the contract; (b) carries out the obligation by actually performing, managing, or supervising the work involved; (c) performs work that is normal for its business services and functions; (d) is responsible, with respect to products, inventories, materials, and supplies required for the contract, for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment; and (e) is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices. Note: a person or entity will not be considered to perform a “commercially useful function” if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DVBE participation.

If consultant wishes to claim the DVBE incentive in a solicitation where a DVBE incentive is offered, it must complete the Bidder Declaration. If no DVBE incentive is offered, or consultant does not wish to claim the DVBE incentive, consultant should not complete the Bidder Declaration.

The Judicial Council will determine whether consultant is eligible to receive the DVBE incentive based on information provided in the Bidder Declaration. The Judicial Council may, but is not obligated to, verify or seek clarification of any information set forth in the Bidder Declaration. If consultant submits incomplete or inaccurate information, it will not receive the DVBE incentive.

Instructions for Section I

Skip this section if consultant is not itself a DVBE.

1. Provide consultant's DGS Supplier ID number. This number is in consultant's DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
2. Provide the applicable dates. These dates are listed in consultant's DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
3. If consultant will subcontract any portion of the contract work, answer “yes” and complete subparts A-C. If consultant will not subcontract any portion of the contract work, answer “no” and skip subparts A-C.
Subpart A: This percentage is equal to the amount to be paid by consultant to all subcontractors divided by consultant's total proposal price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by consultant to subcontractors is \$35,000 and consultant's total proposal price is \$125,000, enter “28%” ($35,000 \div 125,000 = 0.28$; $0.28 \times 100 = 28$)
Subpart B: Provide a detailed description of the goods and/or services the consultant itself will provide for the contract. In other words, provide a detailed description of the goods and/or services that will not be subcontracted. Attach additional sheets if necessary.
Subpart C: Provide an explanation of how the consultant's goods and/or services constitute a “commercially useful function” for purposes of the contract. Attach additional sheets if necessary.
4. The DVBE Declaration is separate from the Bidder Declaration. Consultant must submit along with the Bidder Declaration a DVBE Declaration completed and signed by the disabled veteran owners and managers of consultant.
5. Each entity certified as a DVBE by DGS will have received a DVBE certification approval letter. Consultant must submit a copy of its DVBE certification approval letter.

Instructions for Section II

Skip this section if (i) consultant does not have an approved Business Utilization Plan (BUP) on file with DGS, or (ii) this solicitation is for non-IT services.

1. Provide the date on which DGS approved consultant's BUP.
2. Provide the date through which the BUP is valid.
3. Consultant must provide a copy of its "Notice of Approved DVBE Business Utilization Plan" issued by DGS. This copy must be provided along with the Bidder Declaration.

Instructions for Section III

A DVBE Subcontractor is any certified DVBE (whether a person, firm, corporation, or organization) contracting to perform part of consultant's contract.

Enter the total number of DVBE Subcontractors that consultant will use for the contract. If the number is zero, skip to Section IV. Otherwise, provide complete information (items 1-13 of Section III) for **each** DVBE Subcontractor.

1. Provide the full legal name of the DVBE Subcontractor.
2. Provide the name of a contact person at the DVBE Subcontractor. The contact person must be able to verify the information provided in the Bidder Declaration regarding that DVBE Subcontractor.
3. Provide the full address of the DVBE Subcontractor.
4. Provide the DVBE Subcontractor's phone number, including area code.
5. Provide the DVBE Subcontractor's email address. If the DVBE Subcontractor does not have an email address, insert "N/A."
6. Provide the DVBE Subcontractor's DGS Supplier ID number. This number is in the DVBE Subcontractor's DGS Supplier Profile, accessible at:
<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
7. Provide the applicable dates. These dates are in the DVBE Subcontractor's DGS Supplier Profile, accessible at: <https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>
8. Each entity certified as a DVBE by DGS will have received a DVBE certification approval letter. Consultant must submit a copy of the DVBE Subcontractor's DVBE certification approval letter.
9. Provide a detailed description of the goods and/or services the DVBE Subcontractor will provide for the contract. Attach additional sheets if necessary.
10. Provide an explanation of how the DVBE Subcontractor's goods and/or services constitute a "commercially useful function" for purposes of the contract. Attach additional sheets if necessary.
11. This percentage is equal to the amount to be paid by consultant to the DVBE Subcontractor divided by consultant's total proposal price, multiplied by 100. Enter a percentage; do not enter a dollar amount. For example, if the amount to be paid by consultant to the DVBE Subcontractor is \$6,600 and consultant's total proposal price is \$75,000, enter "8.8%" ($6600 \div 75000 = 0.088$; $0.088 \times 100 = 8.8$).
12. Consultant must submit a written confirmation from the DVBE Subcontractor indicating that, if consultant is awarded the contract, the DVBE Subcontractor will provide the required goods and/or services.
13. The DVBE Declaration is a separate form from the Bidder Declaration. Consultant must submit along with the Bidder Declaration a DVBE Declaration completed and signed by the disabled veteran owners and managers of the DVBE Subcontractor.

Instructions for Section IV

Provide Proposer's full legal name, tax ID number, address, and telephone number in the appropriate boxes. The certification must be signed by an authorized consultant representative in the box labeled "*By (Authorized Signature).*" Provide the name and title of the authorized consultant representative, and the date, county and state where that person signed the certification, in the appropriate boxes.