

INVITATION FOR BIDS

*SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO*

**REGARDING:**

IFB 23-13 Mini Refrigerators

**BIDS DUE:**

ON OR BEFORE **May 7, 2024 11:00 A.M.** PACIFIC TIME

1. **BACKGROUND INFORMATION**

The Superior Court of California, County of San Bernardino (“Court”) is seeking bids from qualified persons or entities (hereinafter referred to as “Bidder” or “Bidders”) with expertise in providing mini-refrigerators.

The type of award anticipated is a firm fixed price. A copy of this solicitation will be posted on the following websites: [*https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx*](https://caleprocure.ca.gov/pages/Events-BS3/event-search.aspx)and [*http://www.sb-court.org/GeneralInfo/RequestforBid.aspx*](http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx).

1. **DESCRIPTION OF GOODS**

The Court seeks goods meeting the following specifications:

See Exhibit A: Description of Goods. **All goods must be delivered to: 770 South Gifford Avenue, San Bernardino, CA 92408**

1. **TIMELINE FOR THIS IFB**

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

| **EVENT** | **DATE** |
| --- | --- |
| IFB issued**:** | April 16, 2024 |
| Deadline for questions | April 24, 2024*3:00 PM Pacific Time* |
| Questions and answers posted | April 29, 2024 |
| **Latest date and time bids may be submitted**  | **May 7, 2024*****11:00 AM Pacific Time*** |
| Public opening of bids | May 9, 2024*3:00 PM Pacific Time* |
| Notice of Intent to Award (*estimate only*) | May 16, 2024 |

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1. **IFB ATTACHMENTS**

| **ATTACHMENT**  | **DESCRIPTION** |
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| Attachment 1 - Administrative Rules RFQs-IFBs-RFPs | These rules govern this solicitation. **Please read carefully.** |
| Attachment 2 – Purchase Order Standard Terms and Conditions | If selected, the person or entity submitting a bid must accept a purchase order containing these terms and conditions.  |
| Attachment 3 –Acceptance of PO Terms and Conditions | Form to indicate Bidder’s acceptance of the PO terms and conditions.  |
| Attachment 4 – General Certifications Form | Form to indicate Bidder’s agreement on required general certifications. |
| Attachment 5 – Good Standing Form | Form to indicate Bidder’s good standing. |
| Attachment 6 – Darfur Contracting Act Certification  | Form for Bidder to certify Darfur Contracting Act status. |
| Attachment 7A - Bidder Declaration | Form for Bidder to claim the Disabled Veteran Business Enterprise incentive associated with this solicitation. |
| Attachment 7B - DVBE Declaration | Form for Bidder to claim the Disabled Veteran Business Enterprise incentive associated with this solicitation. |
| Attachment 8 - Postconsumer-Content Certification  | Form for Bidder to certify recycled content of goods to be provided. |
| Exhibit A: Description of Goods  | Descriptions of Goods. |
| Exhibit B: Bidders Pricing Sheet | Excel worksheet for Bidder to enter its cost bid. |

1. **PAYMENT INFORMATION**

See Attachment 2 – Purchase Order Standard Terms and Conditions.

1. **PRE-BID CONFERENCE**

A pre-bid conference is not scheduled for this solicitation. Questions are to be submitted per Attachment 1 Section 2 Questions Regarding the Solicitation.

1. **SUBMISSION OF BIDS**
	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 – **unbound is preferred**. Emphasis should be placed on conformity to the IFB’s instructions and requirements, and completeness and clarity of content.
	2. The Bidder must submit its proposal in two parts, the non-cost portion and the cost portion:
		1. The Bidder must submit **one (1) paper original** of the non-cost portion of the proposal. The original must be signed by an authorized representative of the Bidder. The original non-cost portion of the proposal must be submitted to the Court in a single sealed envelope, separate from the cost portion. *The Bidder must write “non-cost” and the IFB title and number on the outside of the sealed envelope.*
		2. The Bidder must submit **one (1) paper original** of the cost portion of the proposal. The original must be signed by an authorized representative of the Bidder. The original cost portion of the proposal must be submitted to the Court in a single sealed envelope, separate from the non-cost portion. *The Bidder must write “cost” and the IFB title and number on the outside of the sealed envelope.*
			1. The Bidder must submit **an electronic version of the entire proposal** on USB Flash Drive inside the cost portion sealed envelope. The files contained on the USB Flash Drive should be in PDF, Word, or Excel formats.
	3. Bids must be delivered by the date and time listed on the coversheet of this IFB to:

Superior Court of California, County of San Bernardino

Attn: Purchasing, IFB #23-13

247 West Third Street, 11th Floor

San Bernardino, CA 92415-0066

* 1. **Late bids will not be accepted.** Bids should be sent by courier service (e.g. FedEx or UPS) or delivered by hand. Bids sent by USPS generally do not arrive at the Court on time because they are delivered to County Central Mail first, which adds 1-7 days to the delivery transit time. *The IFB title and number must be stated on the outside of the delivery envelope or package.*
	2. Only written bids will be accepted. Bids may not be transmitted by fax or email.
1. **BID CONTENTS**

All information submitted in bid must be clearly legible.

* 1. Non-cost Portion. The following information must be included in the non-cost portion of the bid. A bid lacking any of the following information may be deemed non-responsive:

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* + 1. Bidder’s legal name, address, and telephone number.
		2. Name, title, address (if different), telephone number, and email address of the individual who will act as the Bidder’s designated representative for the purposes of this IFB.
		3. Model number(s), specifications, or other description of the goods the Bidder proposes to supply to the Court, including warranty information.
		4. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Bidder has provided similar goods and/or services. The Court may check references listed by the Bidder.
		5. Attachments 3-8.

Bidder must include the following properly completed attachments or exhibits, **with the original “wet” or digital signature of person duly authorized to legally bind the bidder. Digital signatures must be verifiable and legally sufficient (e.g DocuSign, Adobe Sign, etc):**

* + - 1. Acceptance of Terms and Conditions
			2. General Certifications Form
			3. Good Standing Form
			4. Darfur Contracting Act Certification
			5. Bidder Declaration. Bidder must complete this form and submit the completed form with its bid only if it wishes to claim the DVBE incentive associated with this solicitation.
			6. DVBE Declaration. Bidder must complete this form and submit the completed form with its bid only if it wishes to claim the DVBE incentive associated with this solicitation.
			7. Postconsumer-Content Certification. Bidder must complete this form and submit the completed form with its bid.
		1. TheBidder must submit with its bid, for itself and each of its affiliates that make sales for delivery into California, a copy of either (i) a California seller's permit issued under Revenue and Taxation Code section 6066 et seq. or (ii) a certificate of registration issued under Revenue and Taxation Code section 6226.
	1. Cost Portion. The following information must be included in the cost portion of the bid:
		1. Bidder must include the properly completed Exhibit B: Bidders Pricing Sheet that includes “Not to Exceed” pricing for all goods, services, and expenses payable under the contract, if awarded.

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.

1. **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 Court reserves the right to negotiate extensions to this period.

1. **EVALUATION OF BIDS**
	1. The Court will publicly open bids on the date and at the time noted in Section 3.0 at the following Court location:

San Bernardino Justice Center

1. West Third Street, 11th Floor Reception Area

San Bernardino, CA 92415

* 1. The Court will evaluate bids as described in the Administrative Rules (Attachment 1). Award, if made, will be to the lowest responsible bidder meeting specifications. If a contract will be awarded, the Court will post a Notice of Intent to Award at [http://www.sb-court.org/GeneralInfo/RequestforBid.aspx](http://www.sb-court.org/GeneralInfo/RequestforProposal.aspx).
1. **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.

1. **DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS**

Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

Eligibility for and application of the DVBE incentive is governed by the Court’s DVBE Rules and Procedures. Bidder will receive a DVBE incentive if, in the Court’s sole determination, Bidder has met all applicable requirements. If Bidder receives the DVBE incentive, the dollar amount of its bid will be reduced (for evaluation purposes only) by an amount equal to 3% of the lowest responsible bid, not to exceed $100,000.00.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Bidder may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Bidder wishes to seek the DVBE incentive:

1. Bidder must complete and submit with its bid Attachment 7A - Bidder Declaration). Bidder must submit with the Bidder Declaration all materials required in the Bidder Declaration.
2. Bidder must submit with its bid Attachment 7B - DVBE Declaration, completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Bidder is itself a DVBE, it must complete and sign the DVBE Declaration. If Bidder will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Bidder will qualify for the DVBE incentive using a BUP on file with DGS.

Failure to complete and submit these forms as required will result in Bidder not receiving the DVBE incentive. In addition, the Court may request additional written clarifying information. Failure to provide this information as requested will result in Bidder not receiving the DVBE incentive.

If this solicitation is for IT goods and services, the application of the DVBE incentive (including the maximum value of the DVBE incentive) may be affected by application of the small business preference. For additional information, see the Court’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.

If Bidder receives the DVBE incentive: (i) Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Bidder must use any DVBE subcontractor(s) identified in its bid unless the Court approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its bid will constitute a breach of contract.

If using DVBE subcontractors, the Bidder must complete and return to the Court a copy of the post-contract certification form (https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx), promptly upon completion of the awarded contract, and by no later than the date of submission of Bidder’s final invoice to the Court. If the Bidder fails to do so, the Court will withhold $10,000 from the final payment, or withhold the full payment if it is less than $10,000 until the Bidder 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 Court shall allow the Bidder to cure the deficiency after written notice. 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 Court shall permanently deduct $10,000 from the final payment, or the full payment if less than $10,000.

FRAUDULENT MISREPREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.

1. **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](http://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 Court to receive a solicitation specifications protest is **two (2) days after Questions and Answers are posted**. Protests should be sent to:

Superior Court of California, County of San Bernardino

Attn: Susan Jones, Assistant General Counsel

247 West Third Street, 3rd Floor

San Bernardino, CA 92415-0214

Throughout the review process, the Court has no obligation to delay or otherwise postpone an award of contract based on a Bidder protest. In all cases, the Court reserves the right to make an award when it is determined to be in the best interest of the Court to do so.