



ALCOHOL, DRUG & MENTAL HEALTH SERVICES  
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## COUNTY OF ALAMEDA BEHAVIORAL HEALTH CARE SERVICES (BHCS)

### ADDENDUM NO. 1 TO RFP NO. 13-03 FOR EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) EXPANSION FOR SCHOOL-BASED & CULTURALLY & LINGUISTICALLY RESPONSIVE SERVICES (II.A.)

#### NOTICE TO BIDDERS

THIS COUNTY OF ALAMEDA, BHCS RFP ADDENDUM HAS BEEN ELECTRONICALLY ISSUED TO POTENTIAL BIDDERS VIA E-MAIL. E-MAIL ADDRESSES USED ARE THOSE IN THE COUNTY'S SMALL LOCAL EMERGING BUSINESS (SLEB) VENDOR DATABASE OR FROM OTHER SOURCES. IF YOU HAVE REGISTERED OR ARE CERTIFIED AS A SLEB PLEASE ENSURE THAT THE COMPLETE AND ACCURATE E-MAIL ADDRESS IS NOTED AND KEPT UPDATED IN THE SLEB VENDOR DATABASE. THIS RFP/Q ADDENDUM WILL ALSO BE POSTED ON THE BHCS WEBSITE LOCATED AT [HTTP://WWW.ACBHCS.ORG/DOCS/DOCS.HTM#RFP](http://www.acbhcs.org/docs/docs.htm#RFP) AND THE GENERAL SERVICES AGENCY (GSA) CONTRACTING OPPORTUNITIES WEBSITE LOCATED AT & [HTTP://WWW.ACGOV.ORG/GSA/PURCHASING/BID\\_CONTENT/CONTRACTOPPORTUNITIES.JSP](http://www.acgov.org/gsa/purchasing/bid_content/contractopportunities.jsp).

The following Sections have been modified to read as shown below. Changes made to the original RFP document are in **bold** print and **highlighted**, and deletions made have a ~~strike through~~.

- Corrections to pages 11 to 13 have been made. **I. C. LOCAL AND SLEB PREFERENCE POINTS** should read:

1. Small and Emerging Locally Owned Business: A small business is as defined by the United States Small Business Administration. For this RFP, applicable industries include, but are not limited to, the following NAICS Code(s): 541990 as having no more than \$14,000,000 **in average annual gross receipts**, over the last three (3) years. An emerging business, as defined by the County, is one that has less than one-half (1/2) of the preceding amount and has been in business less than five (5) years. In order to participate herein, the small or emerging business must also satisfy the locality requirements and be certified by the County as a Small or Emerging, local business. A certification application package (consisting of Instructions and Application) has been attached hereto as Exhibit E and must be completed and returned by a qualifying contractor. To access the online (PDF) version of this application please go to:

<http://www.acgov.org/auditor/sleb/forms/commonapp.pdf> or use **Exhibit E contained in this Addendum.**

A locally owned business, for purposes of satisfying the locality requirements of this provision, is a firm or dealer with fixed offices and having a street address within the County for at least six (6) months prior to the issue date of this RFP; and which holds a valid business license issued by the County or a city within the County.

The County is vitally interested in promoting the growth of small and emerging local businesses by means of increasing the participation of these businesses in the County's purchase of goods and services. As a result of the County's commitment to advance the economic opportunities of these businesses the following provisions shall apply to this RFP:

- a. If Bidder is certified by the County as either a small and local or an emerging and local business, the County will provide a five percent (5%) bid preference, in addition to that set forth in paragraph 1., above, for a total bid preference of ten percent (10%). However, a bid preference cannot override a State law, which requires the granting of an award to the lowest responsible bidder.
- b. Bidders not meeting the small or emerging local business requirements set forth above do not qualify for a bid preference and must subcontract with one or more County certified small and/or emerging local businesses for at least twenty percent (20%) of Bidder's total bid amount in order to be considered for the contract award. SLEB subcontractors must be independently owned and operated from the prime contractor with no employees of either entity working for the other. Bidder, in its bid response, must submit written documentation evidencing a firm contractual commitment to meeting this minimum local participation requirement. Participation of a small and/or emerging local business must be maintained for the term of any contract resulting from this RFP. Evidence of participation shall be provided immediately upon request at any time during the term of such contract.
- c. The County reserves the right to waive these small/emerging local business participation requirements in this RFP, if the additional estimated cost to the County, which may result from inclusion of these requirements, exceeds five percent (5%) of the total estimated contract amount or Ten Thousand Dollars (\$10,000), whichever is less.
- d. The following entities are exempt from the Small and Emerging Local Business (SLEB) requirements as described above and are not required to subcontract with a SLEB:
  - (1) Non-profit community based organizations (CBOs) that are providing services on behalf of the County directly to County clients/residents;
  - (2) Non-profit churches or non-profit religious organizations (NPO);
  - (3) Public schools; and universities; and
  - (4) Government agencies

Non-profits must provide proof of their tax exempt status. These are defined as organizations that are certified by the U.S. Internal Revenue Service as 501(c)3.

If additional information is needed regarding this requirement, please contact the Auditor-Controller's Office of Contract Compliance (OCC) located at 1221 Oak Street, Room 249, Oakland, CA 94612 at Tel: (510) 891-5500, Fax: (510) 272-6502 or via E-mail at [ACSLEBcompliance@acgov.org](mailto:ACSLEBcompliance@acgov.org).

2. Subject to the requirements of the SLEB program and the criteria of each procurement process, the maximum bid evaluation preference points for being certified is ten percent (10%) (five percent (5%) local, and five percent (5%) certified). Compliance with the SLEB program is required for architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services projects, **but no preference points are applied.**

- Additions to the RFP include the following:

**A. ONLINE CONTRACT COMPLIANCE SYSTEM**

Alameda County utilizes the Elation Systems contract compliance application as part of its commitment to assist contractors to conveniently comply with legal and contractual requirements. Elation Systems, a secure web-based system, was implemented to monitor compliance and to track and report SLEB participation in County contracts.

The prime contractor and all participating local and SLEB subcontractors awarded contracts as a result of this bid process for this project are required to use Elation to submit SLEB Program information including, but not limited to, monthly progress payment reports and other information related to SLEB participation. Use of Elation Systems, support and training is available at no charge to prime and subcontractors participating in County contracts.

Upon contract award:

1. The County will provide contractors and subcontractors participating in any contract awarded as a result of this bid process, a code that will allow them to register and use Elation Systems free of charge.
2. Contractors should schedule a representative from their office/company, along with each of their subcontractors, to attend Elation training.
  - a. Free multi-agency Elation Systems one-hour training sessions require reservations and are held monthly in the Pleasanton, California area.

It is the Contractor's responsibility to ensure that they and their subcontractors are registered and trained as required to utilize Elation Systems.

For further information, please see the Elation Systems training schedule online at [http://www.elationsys.com/elationsys/support\\_1.htm](http://www.elationsys.com/elationsys/support_1.htm) or call Elation Systems at (925) 924-0340.

If you have any other questions regarding the utilization of Elation Systems please contact the Auditor-Controller's Office of Contract Compliance (OCC) located at 1221 Oak Street, Room 249, Oakland, CA 94612 at Tel: (510) 891-5500, Fax: (510) 272-6502 or via E-mail at [ACSLEBcompliance@acgov.org](mailto:ACSLEBcompliance@acgov.org).

**B. COMPLIANCE INFORMATION AND RECORDS**

1. As needed and upon request, for the purposes of determining compliance with the SLEB Program, the Contractor shall provide the County with access to all records and documents that relate to SLEB participation and/or certification. Proprietary information will be safeguarded. All subcontractor submittals must be through the prime contractor.

### **C. ACCOUNT MANAGER / SUPPORT STAFF**

1. Contractor shall provide a dedicated competent account manager who shall be responsible for the County account/contract. The account manager shall receive all orders from the County and shall be the primary contact for all issues regarding Bidder's response to this RFP and any contract which may arise pursuant to this RFP.
2. Contractor shall also provide adequate, competent support staff that shall be able to service the County during normal working hours, Monday through Friday. Such representative(s) shall be knowledgeable about the contract, products offered and able to identify and resolve quickly any issues including but not limited to order and invoicing problems.
3. Contractor account manager shall be familiar with County requirements and standards and work with the BHCS to ensure that established standards are adhered to. use as is, modify or delete as required
4. Contractor account manager shall keep the County Specialist informed of requests from departments as required. use as is, modify or delete as required

### **D. GENERAL REQUIREMENTS**

1. Proper conduct is expected of Contractor's personnel when on County premises. This includes adhering to no-smoking ordinances, the drug-free work place policy, not using alcoholic beverages and treating employees courteously.
2. County has the right to request removal of any Contractor employee or subcontractor who does not properly conduct himself/herself/itself or perform quality work.

- Corrections to PAGE 20 have been made. II. G. EVALUATION CRITERIA/SELECTION COMMITTEE should read:

Each of the Evaluation Criteria below shall be used in ranking and determining the quality of proposals. Proposals shall be evaluated according to each Evaluation Criteria and scored on a five-point scale shown in Table 3. The scores for all the Evaluation Criteria shall be added according to their assigned weight, as shown in Table 5, to arrive at a weighted score for each proposal. A proposal with a high weighted total shall be deemed of higher quality than a proposal with a lesser-weighted total. **The final maximum score for any program is five hundred-fifty (550) points.**

- Corrections to page 31 of Fillable Forms Template:

~~EXHIBIT E: INTENTIONALLY OMITTED~~  
~~EXHIBIT F: INTENTIONALLY OMITTED~~  
~~EXHIBIT G: INTENTIONALLY OMITTED~~

- Additions to Fillable Forms Templates:  
Bidders should use [Exhibit E](#) for Local Certification.

Bidders should include [Exhibit F](#) in their proposals and submit with the Fillable Forms Template submission.

Bidders should include [Exhibit G](#) in their proposals and submit with the Fillable Forms Template submission.

**EXHIBIT M: PROPOSAL COMPLETENESS CHECKLIST**

- Additions to Fillable Forms Templates page 36 EXHIBIT M: PROPOSAL COMPLETENESS CHECKLIST

The below table provides an overview of the major components Bidders should include in their response to this RFP. For concrete prompts about the type of information to include in proposals, please see Section II. F. of the RFP.

<b>Section/Requirement</b>	<b>Narrative Fillable Form Template</b>	<b>Required Section Attachments/Exhibits</b>
<i>One original and seven copies of the Proposal ; a clearly marked electronic copy of the proposal</i>		
	<i>Title Page Form</i>	N/A
	<i>Table of Contents (only needed if Fillable Forms Template is not used)</i>	
	<i>Cover Letter Form</i>	<i>Exhibit A: Bid Acknowledgement</i>
	<i>Vendor Minimum Qualifications Form</i>	N/A
	<i>Executive Summary Form</i>	N/A
<i>Organizational Capacity &amp; Reference</i>		<i>Attachment 1A: Dun and Bradstreet Qualifier Report (only in original)</i>
		<i>Exhibit C: Insurance Requirements(only in original)</i>
		<i>Exhibits D1 and D2: References(only in original)</i>
<i>Bidder Experience, Ability &amp; Plan Form</i>		<i>Attachment 2A: Agency Organizational Chart</i>
		<i>Attachment 2B: Proposed Program Chart</i>
		<i>Attachment 3A: Resumes</i>
		<i>Attachment 3B: Job Descriptions</i>
<i>Cost</i>	<i>Budget Narrative</i>	<i>Exhibit B-1: Budget Workbook</i>
<i>Implementation Schedule and Plan</i>	<i>Implementation Schedule &amp; Plan Form</i>	N/A
	<i>Mitigation of Risks and Barriers Form</i>	N/A
<i>Other Required Exhibits</i>		<b><i>Exhibit E: Common Application for Local Certification</i></b>
		<b><i>Exhibit F: Small Local Emerging Business (SLEB) Partnering Information Sheet</i></b>
		<b><i>Exhibit G: Request for Bid Preference</i></b>
		<i>Exhibit H: First Source Form</i>
		<i>Exhibit I: Exceptions/Clarifications/Amendments</i>
		<i>Exhibit N: Debarment and Suspension Certification</i>

# EXHIBIT E: COMMON APPLICATION FOR LOCAL CERTIFICATION

**Exhibit E Small Local Emerging Business (SLEB) Program new Certification Application RFP NO. 13-03 EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) EXPANSION FOR SCHOOL-BASED & CULTURALLY & LINGUISTICALLY RESPONSIVE SERVICES (II.A.) COUNTY OF ALAMEDA SMALL, LOCAL AND EMERGING BUSINESS PROGRAM SLEB CERTIFICATION INSTRUCTIONS**

*Thank you for your interest in doing business with Alameda County.*

## *1. Complete the application form*

### Program Definitions

*Local Business: A business having a fixed office with a street address in Alameda County for a minimum period of 6 months and a valid business license issued by the County or a City within Alameda County*

*Small Business: A business which has been certified by the County as local and meets the U.S. Business Administration (SBA) size standards for its classification. Size standards and classification codes information available at <http://www.naics.com/search.htm>*

*Emerging Business: A business which has been certified by the County as local and meet less than one half of the U.S. SBA size standards for its classification and has been in business less than 5 years.*

If you own less than 51% interest in your business, please indicate other owner(s) name(s), title(s) and percentage of ownership. List all current business and professional licenses. If you have been in business for less than three years, please provide your actual gross receipts received for the period that you have been in business. If you have not been in business for a complete tax year, please provide actual gross receipts to date. If any item on the application form is not applicable, please put "N/A" in the designated area. If additional space is needed, please attach additional sheet(s).

## *2. Please sign \* and mail Application to:*

Alameda County Auditor-Controller Agency  
Office of Contract Compliance  
1221 Oak Street, Room 249  
Oakland, CA 94612

\*The application form must be signed by the owner, principal partner or authorized officer of the corporation. We will contact you within 10 days to schedule a site visit upon receipt of your application.

## *3. On-site Visit*

The following items must be available for our review during the visit to your business address:

- Signed Federal Tax Returns showing Gross Business Receipts for the last 3 years\*\*
- Business Licenses
- Current Identification (i.e. Driver's License, Identification Card)
- Deed, Rental or Lease Agreement showing Business Address

\*\*Personal Net Worth Statement (if the business has never filed taxes)

If you have questions regarding your certification, please contact:

Office of Contract Compliance Tel: (510) 891-5500 Fax: 510-272-6502 or Email: ACSLEBcompliance@acgov.org

**East Bay Interagency Alliance  
(EBIA)**

# EXHIBIT E: COMMON APPLICATION FOR LOCAL CERTIFICATION

Submittal Date: \_\_\_\_\_

Check Certifying Agency and click link to download Supplemental:

- Alameda County – No supplemental required
- Alameda County Transportation Commission – Complete [Supplemental B](#)
- City of Oakland – Complete [Supplemental C](#)
- Port of Oakland – Complete [Supplemental D](#)
- All the above

**The Common Application is a sharing of information between agencies and NOT a reciprocal certification.**

## 1) Contact Information

Legal Name of Entity		Contact Person (Name & Title)	
Street Address of Entity (No P.O. Box)			
City		State	Zip Code
Telephone ( ) ( )		Fax # ( ) ( )	Cell# ( ) ( )
Email Address		Web Site	

## 2) Company Profile

Primary Service undertaken/offered:		Specialty Service undertaken/offered:	
Date Entity was established (mm/dd/yr)	Does the entity have one or more additional offices outside the city of Oakland, CA? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, list other location(s)	Date Oakland office was established (mm/dd/yr)	
Method of Acquisition	<input type="checkbox"/> New <input type="checkbox"/> Merger or consolidation	<input type="checkbox"/> Purchased existing <input type="checkbox"/> Inherited	<input type="checkbox"/> Secured concession <input type="checkbox"/> Other (explain)
Federal ID Number:			
Has this entity operated under a different name during the past five years? <input type="checkbox"/>			
Type of Firm <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Joint Venture <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Publicly traded entity <input type="checkbox"/> Non-Profit or Church <input type="checkbox"/> Other _____		Ethnicity Group of owners(s) that own greater than 50% of the business. (for tracking purposes only) <input type="checkbox"/> African American <input type="checkbox"/> Asian <input type="checkbox"/> Asian Pacific /Hawaiian <input type="checkbox"/> Asian Indian <input type="checkbox"/> Caucasian <input type="checkbox"/> Filipino <input type="checkbox"/> Hispanic <input type="checkbox"/> Native American <input type="checkbox"/> Multi ethnic ownership <input type="checkbox"/> Multi ethnic minority ownership <input type="checkbox"/> Other _____	
Gross Receipts for the last three recent fiscal years:		Gender (for tracking purposes only)	
Please attach copies of appropriate tax returns: (e.g. Form 990, Form 1040, Form 1120, etc)		<input type="checkbox"/> Male <input type="checkbox"/> Female	
Year Ended _____	Year Ended _____	Total Receipts \$ _____	Total Receipts \$ _____
Year Ended _____	Year Ended _____	Total Receipts \$ _____	Total Receipts \$ _____
Year Ended _____	Year Ended _____	Total Receipts \$ _____	Total Receipts \$ _____





**EXHIBIT F: SMALL LOCAL EMERGING BUSINESS (SLEB) PARTNERING INFORMATION SHEET**

**RFP NO. 13-03**

**EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) EXPANSION FOR SCHOOL-BASED & CULTURALLY & LINGUISTICALLY RESPONSIVE SERVICES (II.A.)**

In order to meet the small local emerging business (SLEB) requirements of this RFP/Q, all bidders must complete this form as required below.

Bidders not meeting the definition of a SLEB (as stated in this RFP County Provisions) are required to subcontract with a SLEB for at least twenty percent (20%) of the total estimated bid amount in order to be considered for contract award. SLEB subcontractors must be independently owned and operated from the prime contractor with no employees of either entity working for the other. This form must be submitted for each business that bidders will work with, as evidence of a firm contractual commitment to meeting the SLEB participation goal. (Copy this form as needed.)

Bidders are encouraged to form a partnership with a SLEB that can participate directly with this contract. One of the benefits of the partnership will be economic, but this partnership will also assist the SLEB to grow and build the capacity to eventually bid as a prime on their own.

Once a contract has been awarded, bidders will not be able to substitute named subcontractors without prior written approval from the Auditor-Controller, Office of Contract Compliance (OCC).

County departments and the OCC will use the web-based Elation Systems to monitor contract compliance with the SLEB program (Elation Systems: <http://www.elationsys.com/elationsys/index.htm>).

**BIDDER IS A CERTIFIED SLEB** (sign below)

SLEB BIDDER BUSINESS NAME: \_\_\_\_\_

SLEB Certification # \_\_\_\_\_ SLEB Certification Expiration Date \_\_\_\_/\_\_\_\_/\_\_\_\_

NAICS Codes Included in Certification \_\_\_\_\_

BIDDER is **NOT** a certified SLEB and will subcontract \_\_\_\_\_% with the SLEB named below for the following goods/services: \_\_\_\_\_

SLEB Subcontractor Business Name: \_\_\_\_\_

SLEB Certification #: \_\_\_\_\_ SLEB Certification Expiration Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

SLEB Certification Status:  Small  Emerging

NAICS Codes Included in Certification \_\_\_\_\_

Principal Name: \_\_\_\_\_

SLEB Subcontractor Principal Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Upon award, prime contractor and all SLEB subcontractors that receive contracts as a result of this bid process agree to register and use the secure web-based ELATION SYSTEMS. ELATION SYSTEMS will be used to submit SLEB subcontractor participation including, but not limited to, subcontractor contract amounts, payments made, and confirmation of payments received.

Bidder Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**EXHIBIT G: REQUEST FOR BID PREFERENCE**

**RFP NO. 13-03**

**EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) EXPANSION FOR SCHOOL-BASED & CULTURALLY & LINGUISTICALLY RESPONSIVE SERVICES (II.A.)**

**PLEASE READ AND COMPLETE THIS FORM CAREFULLY:**

IF YOU WOULD LIKE TO REQUEST THE **LOCAL BUSINESS, SMALL AND LOCAL BUSINESS, OR EMERGING AND LOCAL BUSINESS BID PREFERENCE**, COMPLETE THIS FORM AND RETURN IT WITH YOUR RFP/Q SUBMITTAL. IN ADDITION, IF REQUESTING **LOCAL BID PREFERENCE**, SUBMIT THE FOLLOWING:

- Copy of a verifiable business license, issued by the County of Alameda or a City within the County; and
- Proof of six (6) months business residency, identifying the name of the vendor and the local address. Utility bills, deed of trusts or lease agreements, etc., are acceptable verification documents to prove residency.

Subject to the requirements of the SLEB program and the criteria of each procurement process, the maximum bid evaluation preference points for being certified is 10% (5% local & 5% certified). Compliance with the SLEB program is required for goods, services and professional services contracts, including but not limited to architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services projects.

Check the appropriate boxes below (2 maximum) and provide the requested information.

<input type="checkbox"/> <b>Request for 5% LOCAL Bid Preference</b> (Complete 1-4, print name, title, sign and date below)	
1. Company Name	
2. Street Address	
3. Telephone Number	
4. Business License #	

<input type="checkbox"/> <b>Request for 5% SMALL Local Business Bid Preference</b> <i>OR</i> <input type="checkbox"/> <b>Request for 5% EMERGING Local Business Bid Preference</b> (Complete certification information below)		
SLEB Certification #:		SLEB Certification Expiration Date      /      /
NAICS Codes Included in SLEB Certification		

**The Undersigned declares that the foregoing information is true and correct:**

Print/Type Name: \_\_\_\_\_

Print/Type Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A BID ACKNOWLEDGEMENT

### BEHAVIORAL HEALTH CARE SERVICES (BHCS)

RFP NO. 13-03

### EARLY PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT (EPSDT) EXPANSION FOR SCHOOL-BASED & CULTURALLY & LINGUISTICALLY RESPONSIVE SERVICES (II.A.)

The County of Alameda is soliciting bids from qualified vendors to furnish its requirements per the specifications, terms and conditions contained in the above referenced RFP/Q number. This Bid Acknowledgement must be completed, signed by a responsible officer or employee, dated and submitted with the bid response. Obligations assumed by such signature must be fulfilled.

- 1. Preparation of bids:** (a) All prices and notations must be printed in ink or typewritten. No erasures permitted. Errors may be crossed out and corrections printed in ink or typewritten adjacent and must be initialed in ink by person signing bid. (b) Quote price as specified in RFP/Q. No alterations or changes of any kind shall be permitted to Exhibit B, Bid Form. Responses that do not comply shall be subject to rejection in total.
- 2. Failure to bid:** If you are not submitting a bid but want to remain on the mailing list and receive future bids, complete, sign and return this Bid Acknowledgement and state the reason you are not bidding.
- 3. Taxes and freight charges:** (a) Unless otherwise required and specified in the RFP/Q, the prices quoted herein do not include Sales, Use or other taxes. (b) No charge for delivery, drayage, express, parcel post packing, cartage, insurance, license fees, permits, costs of bonds, or for any other purpose, except taxes legally payable by County, will be paid by the County unless expressly included and itemized in the bid. (c) Amount paid for transportation of property to the County of Alameda is exempt from Federal Transportation Tax. An exemption certificate is not required where the shipping papers show the consignee as Alameda County, as such papers may be accepted by the carrier as proof of the exempt character of the shipment. (d) Articles sold to the County of Alameda are exempt from certain Federal excise taxes. The County will furnish an exemption certificate.
- 4. Award:** (a) Unless otherwise specified by the bidder or the RFP/Q gives notice of an all-or-none award, the County may accept any item or group of items of any bid. (b) Bids are subject to acceptance at any time within thirty (30) days of opening, unless otherwise specified in the RFP/Q. (c) A valid, written purchase order mailed, or otherwise furnished, to the successful bidder within the time for acceptance specified results in a binding contract without further action by either party. The contract shall be interpreted, construed and given effect in all respects according to the laws of the State of California.
- 5. Patent indemnity:** Vendors who do business with the County shall hold the County of Alameda, its officers, agents and employees, harmless from liability of an nature or kind, including cost and expenses, for infringement or use of any patent, copyright or other proprietary right, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract or purchase order.
- 6. Samples:** Samples of items, when required, shall be furnished free of expense to the County and if not destroyed by test may upon request (made when the sample is furnished), be returned at the bidder's expense.
- 7. Rights and remedies of County for default:** (a) In the event any item furnished by vendor in the performance of the contract or purchase order should fail to conform to the specifications therefore or to the sample submitted by vendor with its bid, the County may reject the same, and it shall thereupon become the duty of vendor to reclaim and remove the same forthwith, without expense to the County, and immediately to replace all such rejected items with others conforming to such specifications or samples; provided that should vendor fail, neglect or refuse so to do the County shall thereupon have the right purchase in the open market, in lieu thereof, a corresponding quantity of any such items and to deduct from any moneys due or that may there after come due to vendor the difference between the prices named in the contract or purchase order and the actual cost thereof to the County. In the event that vendor fails to make prompt delivery as specified for any item, the same conditions as to the rights of the County to purchase in the open market and to reimbursement set forth above shall apply, except when delivery is delayed by fire, strike, freight embargo, or Act of God or the government. (b) Cost of inspection or deliveries or offers for delivery, which do not meet specifications, will be borne by the vendor. (c) The rights and remedies of the County provided above shall not be exclusive and are in addition to any other rights and remedies provided by law or under the contract.
- 8. Discounts:** (a) Terms of less than ten (10) days for cash discount will considered as net. (b) In connection with any discount offered, time will be computed from date of complete, satisfactory delivery of the supplies, equipment or services specified in the RFP/Q, or from date correct invoices are received by the County at the billing address specified, if the latter date is later than the date of delivery. Payment is deemed to be made, for the purpose of earning the discount, on the date of mailing the County warrant check.

**EXHIBIT A BID ACKNOWLEDGEMENT**

- 9. California Government Code Section 4552:** In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2, commencing with Section 16700, of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder.
- 10. No guarantee or warranty:** The County of Alameda makes no guarantee or warranty as to the condition, completeness or safety of any material or equipment that may be traded in on this order.

THE undersigned acknowledges receipt of above referenced RFP/Q and/or Addenda and offers and agrees to furnish the articles and/or services specified on behalf of the vendor indicated below, in accordance with the specifications, terms and conditions of this RFP/Q and Bid Acknowledgement.

Bidder:
Address:
State/Zip

By: \_\_\_\_\_

Date \_\_\_\_\_ Phone \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_