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ALCOHOL, DRUG and MENTAL HEALTH SERVICES  
MARYE L. THOMAS, M.D., DIRECTOR

**COUNTY OF ALAMEDA  
BEHAVIORAL HEALTH CARE SERVICES (BHCS)**

**ADDENDUM NO. 2 of 2**

**TO  
RFP NO. 13-01  
FOR**

**INDIVIDUAL PLACEMENT SUPPORT AND SUPPORTED EMPLOYMENT (IPS/SE)**

**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 UP-TO-DATE IN THE SLEB VENDOR DATABASE. THIS RFP 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).

**Please note this is the Addendum two of two that BHCS has posted for this RFP. The first Addendum is posted on the official posting sites as well.**

**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.

**CLARIFICATIONS**

- In order to capture the Transition Age Youth (TAY) equivalent to Adult Service Teams, BHCS has added Level I TAY Programs to the list of programs that are eligible to apply to this RFP. Level I TAY Programs are defined as BHCS contracted programs that serve seriously mentally ill (SMI) clients aged 16 to 25.
- The Exhibit B-1: Proposed Budget Form has been revised to reflect a nine-month budget for FY 12/13.
  - The revised Exhibit B-1: Proposed Budget Form is posted on the website.
  - All Bidders are expected to use the revised form in their proposal in accordance with the revised budget instructions.
- Each organization which meets the revised Vendor Minimum Requirements will only be eligible to apply under one of the two pilot types. If an organization currently provides employment services in any one of their Adult Service Teams, FSPs or TAY Level I Programs, they are only eligible to submit a proposal for Pilot Site Type A.

**CORRECTIONS TO ADDENDUM NO 1**

- **Page two, section 3 of Addendum No 1 should read:**

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 goods, services and professional service contracts including but not limited to architectural, landscape architectural, engineering, environmental, land surveying, and construction project management services projects.**

**CORRECTIONS TO THE RFP**

- First paragraph of page three of the RFP A. INTENT should read:  
It is the intent of these specifications, terms and conditions for Alameda County Behavioral Health Care Services (hereafter BHCS or County) to seek bids for the provision of Individual Placement Support and Supported Employment (IPS/SE) pilot projects. These projects will target a specific population: Alameda County adults and transition aged youth (TAY) living with serious mental illness (SMI). Individuals in this population may also live with co-occurring substance abuse issues. The target population is served by the following types of BHCS-funded specialty mental health services: Adult Service Teams, **and** Full Service Partnerships (FSPs) **and/or Level I TAY Programs**.
- Second paragraph, insert between second to last and last sentences on page three of the RFP under A. INTENT should read:  
If an organization currently provides employment services in any one of their Adult Service Team, FSP or TAY Level I Program, they are only eligible to submit a proposal for Pilot Site Type A.
- Fifth paragraph on page three of the RFP A. INTENT should read:  
BHCS intends to award up to two contracts for the maximum contract amounts to be distributed as follows:

Pilot Site Type	Description of Site Organization	FY 2012-2013 (Amount is for nine months)	FY 2013-2014	Total Over Both Fiscal Years
Pilot Site A Maximum Project Amount	Has existing employment and mental health services to target population	\$27,000	\$36,000	\$63,000
Pilot Site B Maximum Project Amount	Has <b>no</b> existing employment services to the target population	\$33,000	\$44,000	\$77,000
<b>Total over the course of two years for Pilot Site Type A and B</b>				<b>\$140,000</b>

- First paragraph of page four of the RFP D. SCOPE should read:  
Funding provided through this RFP shall be used to pilot the IPS/SE model in existing Adult Service Teams, **and/or FSPs and/or Level I TAY Programs**. The IPS/SE model fully integrates the roles of employment services staff, such as an employment specialist, into the mental health treatment services team. The model focuses on aggressively supporting and placing clients living with SMI in competitive employment. All aspects of the employment

process are intensively developed from vocational assessments based on the client's interests, skills and needs, to the relationship with employers and the provision of post-placement services to the employer and client to ensure retention.

- First paragraph of page four of the RFP **D. VENDOR MINIMUM QUALIFICATIONS** should read:

To be eligible to bid on this RFP, Bidders must demonstrate how they meet the criteria within their proposal:

- a. Currently operate one of the following BHCS ~~funded~~ **contracted** specialty mental health service programs: ~~an Adult Service Teams~~, a ~~FSP~~ **s** and/or a **Level I TAY Program**.

- First paragraph of page five of the RFP **E. SPECIFIC REQUIREMENTS 2. Understanding the Target Population and Needs** should read:

The target population is Alameda County residents living with SMI who are Medi-Cal beneficiaries and meet medical and service necessity requirements for specialty mental health services **who are served by BHCS contracted Service Teams, FSPs and/or Level I TAY Programs**. The age range includes TAY age 16 to 25 and/or adults age 18 to 59. The population may have co-occurring substance use issues.

- Page nine of the RFP **F. RESPONSE FORMAT/PROPOSAL RESPONSES 3. Vendor Minimum Qualifications** should read:

**Vendor Minimum Qualifications** Complete/submit the one-page form to demonstrate how Bidder meets the following criterion:

- a. Currently operates one of the following BHCS ~~funded~~ **contracted** specialty mental health service programs: ~~an Adult Service Teams~~, ~~and/or~~ ~~FSPs~~ **and/or Level I TAY Programs**.
- Page ten of the RFP **F. RESPONSE FORMAT/PROPOSAL RESPONSES 6. Cost a.** should read:
    - a. Bidder must submit ~~annualized~~ **a nine-month** budget for FY 2012-2013 **and a twelve-month budget for 2013-2014** included as EXHIBIT B-1: FUNDED PROGRAM BUDGET in the BHCS provided form. The budget must match the proposal and Implementation Schedule and Plan. See EXHIBIT B-1: BID FORM INSTRUCTIONS in the fillable form packet for detailed instructions.
  - First bullet under page eleven of the RFP **F. RESPONSE FORMAT/PROPOSAL RESPONSES 7. Bidder Experience, Ability & Plan b. Project Description** i. should read:
    - Include a description of the ~~Adult Service Teams~~, ~~or~~ ~~FSPs~~ **or a Level I TAY Programs** where Bidder is proposing to implement the IPS/SE model.
  - Page eleven of the RFP **F. RESPONSE FORMAT/PROPOSAL RESPONSES 7. Bidder Experience, Ability & Plan b. Project Description** vi. should read:

**Complete/submit the provided one-page form to describe Bidder's** vision for this project with concrete examples of how this project will change the Bidder's organizational approach to employment services, the program model and outcomes for participating clients.

    - Include an estimate of the number of clients to be served through IPS/SE model pilot project per year in number and percent of clients from the existing program.

- Page 20 of the RFP should include:

**L. 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).

**M. 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.

**N. 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.

- Page twenty-one of the RFP **A. GLOSSARY & ACRONYM LIST** should include:

<b>Competitive Employment</b>	For the purposes of this RFP, competitive employment is defined as a job that anyone can apply for, regardless of disability. This can be full or part time. Workers in these positions should earn at least minimum wage and similar wages and benefits as their co-workers. The duration of the job is not determined by the employment program. Peer specialist positions are considered to be competitive even though they can only be filled by people who live with mental illnesses.
<b>High Fidelity</b>	For the purposes of this RFP, high fidelity is considered a score of 'Good' to 'Exemplary' in IPS/SE Fidelity Scale.
<b>Level I TAY Programs</b>	BHCS contracted programs that serve individuals living with serious mental illness (SMI) age 16 to 25.

**CORRECTIONS TO THE FILLABLE FORMS TEMPLATE**

- The **1. TITLE PAGE** in the Fillable Forms Template should read:

<p><b>Pilot Site Type A</b>  <i>Organization <del>Has</del> has existing employment and mental health services to target population</i></p>	<p><b>Pilot Site Type B</b>  <i>Organization <del>Has</del> has no existing employment services to the target population</i></p>
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- The **Exhibit A BID ACKNOWLEDGMENT** in the Fillable Forms Template should read:

**Pilot Site Type A**  
*Organization ~~Has~~ has existing employment and mental health services to target population. Provide brief justification of why Bidder's organization is Pilot Site Type A*

**Pilot Site Type B**  
*Organization ~~Has~~ has no existing employment services to the target population. Provide brief justification of why Bidder's organization is Pilot Site Type B Provide brief justification*

- The Fillable Forms Template **3. VENDOR MINIMUM QUALIFICATIONS FORM** should read:

*a. Demonstrate how Bidder currently operates one of the following BHCS funded specialty mental health service programs: an Adult Service Teams, and/or a FSPs and/or a Level I TAY Program.*

- The second bullet under **NOTE** on Fillable Forms Template **6. A. COST EXHIBIT B-1: FUNDED PROGRAM BUDGET FORM INSTRUCTIONS** should read:  
One **Two budgets** must be submitted for each proposal (**one nine-month budget for FY 12/13 and one twelve-month budget for FY 13/14**).
- The third bullet on under **SALARIES & EXPENSES** on Fillable Forms Template **6. A. COST EXHIBIT B-1: FUNDED PROGRAM BUDGET FORM INSTRUCTIONS** should read:
  - Annualized salary for **FY 12/13, which will be automatically prorated to a nine-month salary. Provide a twelve-month salary for FY 13/14:**
    - List annual salary for each position. **Budgets amounts should not exceed the maximum identified contract amounts stated in the RFP for each fiscal year.**
    - Salary should reflect the annualized cost of the position based on a 40-hour workweek.
- The first bullet on under **OPERATING EXPENSES** on Fillable Forms Template **6. A. COST EXHIBIT B-1: FUNDED PROGRAM BUDGET FORM INSTRUCTIONS** should read:
  - List all expenses applicable to this project.
    - Use the line items designated on the form.
    - ~~Budget Form includes space for additional expenditure line items.~~
      - **However, Bidders are strongly advised to use standard categories as much as possible, or use the Miscellaneous line item and detailed description tabs to explain and justify costs that do not fit into other line item designations.**
- The second bullet on under **OPERATING EXPENSES** on Fillable Forms Template **6. A. COST EXHIBIT B-1: FUNDED PROGRAM BUDGET FORM INSTRUCTIONS** should read:
  - BHCS requires detailed descriptions of “Miscellaneous” and “Professional & Specialized Services” line items listed within the Operation Expense section of Bidder’s **Annualized Budget**.
    - Complete the “**MHSA RFP Expenses Detail**” forms **s** and provide descriptions of listed line items.
- **The 7. b. i. BIDDER EXPERIENCE, ABILITY & PLAN** in Fillable Forms Template should read:  
Describe the current program model for the target population. Include a description of **the Adult Service Teams, FSPs and/or a Level I TAY Programs** where Bidder is proposing to implement the IPS/SE model. Indicate whether the program focuses on serving TAY and/or adults.

<b>BIDDER QUESTIONS</b>
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<b>Budget Questions</b>
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**Q.1. Since the funding offered under the RFP is minimal, does BHCS expect proposals to leverage other funding in order to meet fidelity requirements? If so, what sources of funding? What kinds of costs can be considered match?**

A.1. Yes. BHCS expects that proposals would include leveraging in a braided funding model. BHCS expects that awarded Contractors will implement those strategies to ensure sustainability. BHCS expects that Bidders will propose the specific sources of funding which they would pursue.

**Q.2. The funding can only fund a 20 hour a week employee serving a maximum of ten consumers at any one time to be at high IPS fidelity. Given the funding amount, will any proposal be able to serve a large enough number of consumers?**

A.2. The intent of this RFP is to incentivize the development of the pilot projects. See A.1.

#### **DOR Vendorization Questions**

**Q.3. Page six of the RFP, states, "At full implementation, the projects will have a plan for sustaining this effort beyond FY 2013-1014. Pilots are required to establish a viable plan to become fee-for-service vendors with D.O.R." Does the fee-for-service process coincide with the vendorization process?**

A.3. The fee-for-service process occurs after the vendorization process with the DOR. See page six of the RFP for more information.

**Q.4. If awarded with a contract and approved to go through the DOR vendorization process, will awarded Contractors be required to receive Commission on Accreditation of Rehabilitation Facilities (CARF) accreditation within the third year of service implementation?**

A.4. Note that CARF is a separate entity from DOR. BHCS is requesting that awarded Contractors follow DOR guidelines. Currently, per DOR guidelines for vendorization, the DOR requires vendors to become CARF accredited by the third year of vendorization.

**Q.5. Since becoming a fee-for-service vendor with DOR is required then, by extension, does the awarded Contractors have to be CARF accredited?**

A.5. Yes. See A.4.

**Q.6. When must Bidders/Contractors have a plan in place to apply to be a fee-for-service vendor for the Department of Rehabilitation (DOR)?**

A.6. For more information, please see page six, **E. SPECIFIC REQUIREMENTS, 4. Forming Partnerships and Collaborations**, and page eleven, **F. RESPONSE FORMAT/PROPOSAL RESPONSES 7. Bidder's Experience, Ability & Plan e. Forming Partnerships & Collaborations** of the RFP.

**Q.7. During the DOR vendorization process, will there technical assistance/support for awarded Contractors?**

A 7. Yes.

**Q.8. Will awarded Contractors have an assigned Resource Specialist to guide them through the DOR vendorization application process?**

A.8. Yes. See A.7.

**Q.9. Does the DOR fee-for-service allow agencies to receive reimbursement based on the type of vocational service provided to consumers within the program's own roster,**



***as long as the particular consumer receiving services is enrolled and assigned to DOR placement services as well?***

A.9. BHCS interprets this question to mean, *does a consumer have to be enrolled on an Adult Service Teams, FSPs and/or Level I TAY Programs and be opened to DOR to receive reimbursement under this RFP?*

The answer to this question would be yes. DOR has to assign placement services to the agency. The fee-for-service arrangement assumes that the consumer is enrolled in an Adult Service Team, FSP or Level I TAY Program.

#### **Target Population and Referral Questions**

***Q.10. Will awarded Contractors be required to expand their roster size by accepting referrals from the DOR?***

A.10. BHCS interprets roster to mean the individuals on an Adult Service Team, FSP and/or Level I TAY Program. Any client served as a result of funds from this RFP is required to be part of the awarded organization's Adult Service Team, Full Service Partnership (FSP) and/or Level I TAY Program.

***Q.11. Can the Supported Employment Services and related services under the IPS/SE Project be offered to existing clients and/or are awarded Contractors expected to serve clients from other agencies?***

A.11. See A.10.

***Q.12. Would awarded Contractors be able to enroll and open cases on clients served by other agencies to draw down Medi-Cal for some of these services?***

A.12. No. See A.10. Mental Health and Employment Services must be integrated and provided by the same agency.

#### **Program Implementation and Fidelity Scale Questions**

***Q.13. Does BHCS expect that dedicated employees provide these services, or can these services be provided as an overall treatment package by clinicians/case managers.***

A.13. Yes. BHCS expects that dedicated Employment Specialists will provide the services described in the RFP. No, services cannot be provided by clinicians/case managers.

***Q.14. Fidelity to the model seems to indicate that the agency's "Employment Unit" be staffed by two full time equivalents (FTE) Employment Specialists and a Team Leader. Is this BHCS' expectation in light of the funding available?***

A.14. BHCS expects all awarded Contractors to work toward and reach high fidelity on all items in the IPS/SE Fidelity Scale during the pilot period funded through this RFP. BHCS is seeking proposals that will describe how Bidders plan to reach high fidelity on all items in the IPS/SE Fidelity Scale over time. BHCS expects that Bidders will include a braided funding strategy.

***Q.15. On the Fidelity Scale, it does not seem to indicate that organizations need to achieve a certain rate of employment as a performance outcome. Does BHCS have an expectation for the number or percentage of clients to be served through IPS/SE who will be successfully engaged in competitive employment?***



A.15. BHCS expects awarded Contractors to collect data on the number and percent of clients in competitive employment, as specified in the IPS/SE Fidelity Scale, and BHCS will monitor the data.

**Q.16. Are other outcomes, such as tracking whether TAYYA are on a vocational development/career track and/or engaging in relevant exploratory activities for competitive employment also valid?**

A.16. BHCS interprets TAYYA to mean Transitional Age Youth (TAY), and the answer would be no. BHCS will track number and percentage of clients in competitive jobs and/or employment. Please see the definition for competitive employment in the revised **GLOSSARY & ACRONYM LIST**.

**Q.17. Will BHCS require the awarded Contractor FTE Employment Specialist(s) to serve a maximum caseload of 20 clients.**

A.17. Yes. BHCS expects all awarded Contractors to work toward, and reach high fidelity on all items in the IPS/SE Fidelity Scale during the project. BHCS is seeking proposals that will describe how Bidders plan to reach high fidelity on all items in the IPS/SE Fidelity Scale over time.

**Q.18. Are clients expected to have their first face-to-face employer contact within 30 days?**

Q.18. Yes. See A.17.

**Q.19. Is the Employment Specialist expected to make at least six face-to-face employer contacts per week?**

A.19. Yes. See. A.17.

**Q.20. What are BHCS' expectations in terms of model fidelity?**

A.20. During, but by no later than the end of the pilot period funded through this RFP, BHCS expects awarded Contractors to achieve 'Good' to 'Exemplary' on the IPS/SE Fidelity Scale.

**Q.21. The Dartmouth model website features a number of assessment tools, such as the Career Profile, the Job Start Report, the Disclosure Form, etc. Are awarded Contractors required to adopt these tools for use with clients?**

Q.21. Awarded Contractors will be required to use the Dartmouth forms. However, awarded Contractors may modify them, pending approval from the BHCS' IPS/SE Trainer.

**Q.22. Will expectations regarding adherence to fidelity vary depending on Pilot Site Type?**

A.22. No.

## Bid Questions

**Q.23. Can County-operated Adult Service Teams apply?**

A.23. No.

**Q.24. If an organization has an FSP, can the pilot serve all specialty mental health clients including the TAY program, which is not an FSP?**

A.24. Bidders may propose to serve one or all of their programs, which meet the revised Vendor Minimum Qualifications. Bidders must account for all pilot related staff and costs in each budget and must describe the plan in the Bidder's Composite Agency Budget Narrative.

**Q.25. Can one organization submit a proposal for both Pilot Site Type A and Pilot Site Type B (different programs)?**

A.25. No. Each organization which meets the Vendor Minimum Requirements will only be eligible to apply under one of the two pilot types. If an organization currently provides employment services in any one of their Adult Service Teams, FSPs or TAY Level I Programs, they are only eligible to submit a proposal for Pilot Site Type A.

<b>Evaluation Questions</b>
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**Q. 26. What will feasibility site visit consist of? Will the expectations regarding adherence to fidelity vary depending on Pilot Site Type?**

A.26. See **G. EVALUATION CRITERIA/SELECTION COMMITTEE EVALUATION CRITERIA** on page 17 of the RFP.

**ACKNOWLEDGEMENT  
COUNTY OF ALAMEDA  
BEHAVIORAL HEALTH CARE SERVICES (BHCS)**

**ADDENDUM NO. 2  
TO  
RFP NO. 13-01  
FOR  
INDIVIDUAL PLACEMENT SUPPORT AND SUPPORTED EMPLOYMENT (IPS/SE)**

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 or 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.
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 Name:	
Address:	State/Zip:
Signature:	
Printed Name:	Title:
Phone:	Date: