



March 16, 2022

To: All Potential Bidders

From: Kelly Vu, Business Services Supervisor

Re: RFI #1, Q & A, IFB # TWDE-01-22

The purpose of this RFI (Request for Information) is to transmit "Questions and Answers" regarding the technical components of the IFB Touchless Weapon Detection Equipment Rental & Services. All terms and conditions of the original IFB notice remain unchanged.

---

### Questions and Answers

#### Questions:

1. **Question:** If applicable, will the small business preference and DVBE Incentive be combined for a total of a 10% incentive?

**Answer:** Bidders may claim both small business preference (5%) and DVBE incentive (Up to 5%). However, each has its own formula and calculated separately. The OC Fair & Event Center will apply appropriate formulas for preference and incentive.

2. **Question:** If the sub-contractor is the small business and DVBE and not the owner of the rental equipment, but is the entity installing and consulting on the service; does it still qualify for these incentives?

**Answer:** The type of work being sub out under DVBE incentive must meet the "Commercially Use Function" definition. See below.

- Application of the Incentive cannot displace the low bid of a certified-small business with that of a non-small business.
- Services or commodities provided by the DVBE firm *must* meet the definition of a "Commercially Useful Function" (CUF) as defined under Government Code Sections: 14837, 14838.6, 14839, 14842, and 14842.5 and Military and Veterans Code Sections 999 and 999.6. Failure of the DVBE subcontractor to meet CUF requirements will render the bidding firm ineligible for the DVBE Incentive application.

#### **DVBE PROGRAM DEFINITIONS**

##### **COMMERCIALLY USEFUL FUNCTION (California Code of Regulations, Title 2, Section 1896.61 (l))**

Firms selected must perform a "commercially useful function" relevant to this Contract. The term "DVBE Contractor, subcontractor or supplier" means any person or entity that satisfies the ownership (or management) and control requirements of California Code of Regulations, title 2, Section 1896.61(f), is certified in accordance with California Code of Regulations, title 2, Section 1896.70, and provides services or goods that contribute to the fulfillment of the Contract requirements by performing a commercially useful function. As defined in 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:

- Is responsible for the execution of a distinct element of the work of the Contract
- Carries out the obligation by actually performing, managing, or supervising the work involved
- Performs work that is normal for its business services and functions and;
- Is not further subcontracting a portion of the work that is greater than that expected to be subcontracted by normal industry practices

A Contractor, subcontractor, or supplier will not be considered to perform a commercially useful function if the Contractor's, subcontractors, or supplier's role is limited to that of an extra participant in order to obtain the appearance of DVBE participation.

3. **Question:** The requests are being submitted for Small business and DVBE approval currently with the sub-contractor. If the certification is delayed by the state after the bid close, will the incentives be considered and/or honored?

**Answer:** Bidder must complete appropriate documents as required in the IFB in order to claim DVBE Incentive. Also, Bidder to indicate/notify the OC Fair that the application is pending review. In addition, Bidder must include proof (Mail, email) that the DVBE application was submitted to the Office of Small Business and DVBE by the bid due date, 5:00 p.m. The District will make an attempt to contact the Office of Small Business and DVBE to confirm such submission and request to expedite the process if possible.

Please send an email to [ifb@ocfair.com](mailto:ifb@ocfair.com) for acknowledgment if you intend to bid on this project. **Failure to acknowledge any RFI(s) and any Addendum(s) will result in disqualification.**

*-End RFI #1-*