

# REQUEST FOR PROPOSALS

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**JUDICIAL COUNCIL OF CALIFORNIA  
CENTER FOR FAMILIES, CHILDREN & THE COURTS**

**REGARDING:**

EVALUATION OF PILOT PROJECTS UNDER THE  
SARGENT SHRIVER CIVIL COUNSEL ACT

**RFP NUMBER: CFCC-2023-47-DM**

**PROPOSALS DUE:**

**MAY 5, 2023, NO LATER THAN 1:00 P.M. PACIFIC TIME**

## 1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law.
  
- 1.2 The Sargent Shriver Evaluation Project. AB 590 (Feuer) established a pilot project program to be administered by the Judicial Council for the appointment of legal representation for unrepresented low-income parties in civil matters involving critical issues, such as domestic violence, child custody, housing, and elder abuse so that judicial decisions are made based on the necessary information and the parties having an adequate understanding of the orders to which they are subject. The legislation required the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program and report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016.

The legislation requires that the study shall:

- Report on the percentage of funding by case type and shall include data on the impact of counsel on equal access to justice and the effect on court administration and efficiency, and enhanced coordination between courts and other government service providers and community resources.
- Describe the benefits of providing representation to those who were previously not represented, both for the clients and the courts, as well as strategies and recommendations for maximizing the benefit of that representation in the future.
- Describe and include data, if available, on the impact of the pilot program on families and children. The report shall include an assessment of the continuing unmet needs and, if available, data regarding those unmet needs.

AB 590 (Feuer) can be found at: [www.leginfo.ca.gov/pub/09-10/bill/asm/ab\\_0551-0600/ab\\_590\\_bill\\_20091011\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/09-10/bill/asm/ab_0551-0600/ab_590_bill_20091011_chaptered.pdf)

In 2019, the Shriver Pilot Projects Program was expanded upon with the passage of Appointed Legal Counsel in Civil Cases (AB 330, Gabriel). The legislation added funding to the program and a requirement that the Judicial Council conduct

the study and report its findings and recommendations for the program every five years. The first five-year report was submitted in June 2020. The next five-year report is due June 2025. AB 330 (Gabriel) can be found at: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB330](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB330).

1.3 Below is a list of past reports and links where they can be located.

- January 29, 2016 Report to the Legislature on the Sargent Shriver Civil Counsel Act:  
[www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf](http://www.courts.ca.gov/documents/lr-SargentShriverCivilCounselAct.pdf).
- August 4, 2017 Evaluation of the Sargent Shriver Civil Right to Counsel Act:  
[www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf](http://www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf).
- June 2020 Report to the Legislature for the Sargent Shriver Civil Counsel Act Evaluation:  
[www.courts.ca.gov/documents/Shriver-Legislative-Report\\_June-30-2020.pdf](http://www.courts.ca.gov/documents/Shriver-Legislative-Report_June-30-2020.pdf).

1.4 It is the intention of the Judicial Council to award a contract to a selected service provider to assist with the design and implementation of the evaluation of the effectiveness of the pilot projects. The initial term is estimated to begin on **June 15, 2023** and conclude on **June 30, 2024**. (“Initial Term”). The compensation for the Initial Term shall range from **\$200,000 to \$225,000**. The Judicial Council, at its sole discretion, may exercise one (1) additional option term of twelve (12) months at approximately the same compensation. This is included but contingent on the outcome of the process described in **2.3** and may not be required.

1.5 Projects involve legal service providers administering legal representation and other types of assistance to low-income Californians who are facing a represented party. Legal service providers must partner with their local superior courts, which provide additional services such as early settlement calendars, specialty housing staff and self-help assistance. As of January 1, 2023, 12 pilot projects are in the following counties: Alameda, Fresno, Kern, Los Angeles, San Diego, San Francisco, San Luis Obispo, Santa Barbara, and Yolo. Eight of the pilot programs focus on housing matters; two address probate guardianships and conservatorships and one of those projects also includes elder abuse cases. Four pilot projects focus on high conflict child custody cases, and one focuses on providing legal assistance in domestic violence cases. Additional programs may be added depending on funding from filing fees.

## **2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

- 2.1 This request seeks the services of a service provider with expertise in social science, civil justice research and/or public entity research with 5-10 years of professional experience in program evaluation. A prospective service provider should be familiar with California trial courts, particularly in the areas of housing, child custody, and probate and should have experience in gathering and synthesizing information from multiple datasets. The selected service provider will provide the Judicial Council with the Deliverables set forth in Section 2.4 and 2.5 Deliverable Descriptions below.
  
- 2.2 Description of Administrative Data Collection and Statistical Report Needs
  - 2.2.1 Data sources available to the evaluator include the following:
    - 2.2.1.1 Eleven-year de-identified client database including demographic and outcome data.
    - 2.2.1.2 De-identified follow up client interview database.
    - 2.2.1.3 Court case file review database.
    - 2.2.1.4 Quarterly narrative reports submitted by programs and courts.
    - 2.2.1.5 Court case management summary statistics.
  
- 2.3 Process Evaluation/Program Implementation. The contractor will maintain the administrative data collection implemented during prior evaluation activities. Pilot program sites enter or import de-identified client data directly into the administrative data collection using an online survey tool. New pilot projects as requested in Deliverable #2 and #7 in Section 2.4 may be added for the upcoming evaluation period. Additional information may be sought from court partners in this evaluation, so the administrative data collection component will involve bringing new sites onto the system, which involves setting up accounts, providing training, and ongoing technical assistance. The contractor provides support to the program sites, manages data quality assurance, and submits quarterly extract files and a report on data quality assurance to the Judicial Council.

2.4 Description of Deliverables for the Initial Term

Deliverables 1-5 are in tangible form and submitted to the Judicial Council Project Manager.

<b>DELIVERABLE NO.</b>	<b>INITIAL TERM (JUNE 15, 2023 – JUNE 30, 2024)</b>
1.	<p>Submit a workplan that outlines:</p> <ul style="list-style-type: none"> <li>• Maintenance of on-going administrative data collection and description of quarterly reports.</li> <li>• Project timeline.</li> </ul> <p><b>Deliverable Due Date: August 1, 2023</b></p>
2.	<ul style="list-style-type: none"> <li>• Ongoing support of existing pilot sites and any new sites by providing technical assistance with administrative database and conducting trainings. Approximately 150 – 200 hours per quarter.</li> </ul> <p><b>4 equal quarterly payments based on the proposed firm-fixed price</b></p>
3.	<ul style="list-style-type: none"> <li>• Attend meetings of the Shriver Implementation Committee to review ongoing data collection findings, reports, answer questions, and obtain feedback of the committee.</li> <li>• <b>Deliverable Due Date: June 30, 2024</b></li> </ul>
4.	<ul style="list-style-type: none"> <li>• Submit quarterly extract of de-identified administrative data. Include a brief report on cases entered/edited during the report period and data quality assurance checks and results. Review data with the Judicial Council Project Manager and project sites.</li> </ul> <p><b>Deliverable Due Date:</b></p> <p><b>1<sup>st</sup> extract due on August 31, 2023</b></p> <p><b>2<sup>nd</sup> extract due on November 30, 2023</b></p> <p><b>3<sup>rd</sup> extract due on February 28, 2024</b></p> <p><b>4<sup>th</sup> extract due on May 31, 2024</b></p>

DELIVERABLE NO.	INITIAL TERM (JUNE 15, 2023 – JUNE 30, 2024)
5.	<ul style="list-style-type: none"> <li>Submit plan to report mandated outcomes for the evaluation using the outcomes specified in AB 590 (see Section 1.2 above); sources of data to measure and report outcomes from the administrative data collection; additional research recommended to measure all outcomes; plan for conducting additional research, analyzing and aligning all data and creating final outcomes report. Plan should include discussion of generalizability of findings including reporting of small cell sizes, missing data and low response rates.</li> </ul> <p><b>Deliverable Due Date: June 2024</b></p>

2.5 Description of Deliverables for the Option Term

This term is included but contingent on the outcome of the process described in 2.3 and may not be required.

Deliverables 6-9 are in tangible form and submitted to the Judicial Council Project Manager.

DELIVERABLE NO.	OPTION TERM (JULY 1, 2024 – JUNE 30, 2025)
6.	<p>Submit an update to the project workplan that outlines:</p> <ul style="list-style-type: none"> <li>Maintenance of on-going administrative data collection and description of quarterly reports.</li> <li>Revised plan for production of legislatively mandated report to be provided to the Judicial Council by February 1, 2025.</li> <li>Project timeline.</li> </ul> <p><b>Deliverable Due Date: August 15, 2024</b></p>
7.	<ul style="list-style-type: none"> <li>Ongoing support of existing pilot sites and any new sites by providing technical assistance with administrative database and conducting trainings. Approximately 150 -200 hours per quarter.</li> </ul> <p><b>4 equal quarterly payments based on the proposed firm-fixed price</b></p>
8.	<ul style="list-style-type: none"> <li>Submit quarterly extract of de-identified administrative data. Include a brief report on cases entered/edited during the report period and data quality assurance checks and results. Review</li> </ul>

<b>DELIVERABLE NO.</b>	<b>OPTION TERM (JULY 1, 2024 – JUNE 30, 2025)</b>
	<p>data with the Judicial Council Project Manager and project sites.</p> <p><b>Deliverable Due Date:</b></p> <p><b>1<sup>st</sup> extract due on August 31, 2024</b></p> <p><b>2<sup>nd</sup> extract due on November 30, 2024</b></p> <p><b>3<sup>rd</sup> extract due on February 28, 2025</b></p> <p><b>4<sup>th</sup> extract due on May 31, 2025</b></p>
9.	<ul style="list-style-type: none"> <li>• Ongoing briefings of the Shriver Implementation Committee on progress of the legislatively mandated report, answer questions and obtain feedback from the committee.</li> <li>• Conduct any additional data collection to report on all outcomes mandated in AB 590 (2.1).</li> <li>• Submit draft of legislatively mandated report to the Judicial Council regarding the effectiveness and continued need for the pilot programs.</li> <li>• Revise based on Judicial Council feedback and submit final report.</li> <li>• <b>Deliverable Due Date: February 3, 2025</b></li> </ul>

### 3.0 TIMELINE FOR THIS RFP

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

EVENT	DATE
RFP issued.	March 30, 2023
Deadline for written questions to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	April 17, 2023 no later than 1:00 PM (PT)
Questions and answers posted at: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> (estimate only)	April 24, 2023
Deadline to submit proposals to <a href="mailto:solicitations@jud.ca.gov">solicitations@jud.ca.gov</a>	<b>May 5, 2023</b> <b>no later than 1:00 PM (PT)</b>
Evaluation of proposals. This period includes interviews. (estimate only)	May 8 - 22, 2023
Notice of Intent to Award to be posted at: <a href="http://www.courts.ca.gov">www.courts.ca.gov</a> . (estimate only)	May 23, 2023
Negotiations and execution of contract. (estimate only)	May 23, 2023 – June 9, 2023
Contract start date. (estimate only)	June 15, 2023
Contract end date. (estimate only)	June 30, 2024



#### 4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (Non-IT Services)	These rules govern this solicitation.
Attachment 2: JBE Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign a JBE Standard Form agreement containing these terms and conditions (the “Terms and Conditions”).
Attachment 3: Proposer’s Acceptance of Terms and Conditions	On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions.
Attachment 4: General Certifications Form	The Proposer must complete the General Certifications Form and submit the completed form with its proposal.
Attachment 5: Darfur Contracting Act Certification Form	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6A: Payee Data Record Form (STD204)	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 6B: Payee Data Record Supplement (STD205)	This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete and submit with its proposal the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.
Attachment 9: Bidder Declaration	The Proposer must complete this form if they wish to claim the DVBE incentive associated with this solicitation.

## 5.0 PAYMENT INFORMATION

- 5.1 Subject to the terms in *Attachment 2, Appendix B, Payment Provisions*, the selected provider will be paid on a firm-fixed price per Deliverable basis.
- 5.2 The firm-fixed price for each deliverable shall be fully loaded and inclusive of all costs including, but not limited to personnel, materials, computer support, travel, lodging, per diem, fringe benefits, operating expenses, overhead or indirect costs and other costs. Deliverables are specified in Sections 2.4 and 2.5 of this RFP. Contractor shall submit invoices upon satisfactory completion of services.
- 5.3 The payment term is Net 60 from date of receipt of acceptance of Deliverable(s).

## 6.0 SUBMISSIONS OF PROPOSALS

- 6.1 Proposals should provide straightforward, concise information that satisfies the requirements of the “Proposal Contents” section below. Emphasis should be placed on conformity to the RFP’s instructions, requirements, clarity, and completeness of content.
- 6.2 The Proposer must submit its proposal in two parts with associated attachments, the technical proposal and the cost proposal.
  - a. The Proposer must submit **an electronic copy** of the technical proposal. The proposal must be signed by an authorized representative of the Proposer. The technical proposal must be submitted via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov). The Proposer must write the RFP title and number in the subject line of the email.
  - b. The Proposer must submit **an electronic copy** of the cost proposal. The cost proposal must be submitted in the same email as the technical proposal above, (via email to [Solicitations@jud.ca.gov](mailto:Solicitations@jud.ca.gov)) **but should be a separate attachment marked “COST PROPOSAL,” from the technical proposal.** The Proposer must write the RFP title and number in the subject line of the email.
- 6.3 Submission acceptance will be based on the date and time the emails are received by the Judicial Council. Both emails must be received prior to the due date and time, or the proposal will not be accepted.

## 7.0 PROPOSAL CONTENTS

7.1 **Technical Proposal.** The following information must be included in the technical proposal. A proposal lacking any of the following information may be deemed non-responsive.

- a. Describe the management structure and staffing for the project. For each key staff member: a resume describing the individual's background and experience, as well as the individual's ability and experience in conducting the proposed activities.
- b. Proposed methods to complete the work. Include proposed methods for all Deliverables in *Section 2 of the RFP*, including the following:
  - i. Describe proposed data elements, data sources, and data collection strategies.
  - ii. Describe procedures for data analysis and proposed statistical analyses to address the legislative report identified in Section 2.4 of this RFP.
  - iii. Describe all data sets to be developed and discuss potential problems. Include proposed methods for assuring data quality and maintaining confidentiality.
  - iv. List major milestones and activities for each Deliverables in 2.4 and 2.5 and create a timeline for completing individual tasks required for each Deliverable.
- c. Provide the information requested for a minimum of **three (3)** clients for whom the Proposer has conducted similar services. Please provide the following contact information for each client: contact name, firm, address, phone number and email address. A brief description of the project would be helpful. International clients will be accepted as references. The Judicial Council may check references listed by Proposer.
- d. Proposer's name, address, telephone and fax numbers, and federal tax identification number. NOTE: If the Proposer is a sole proprietor using her or his social security number, the social security number will be required before finalizing a contract.
- e. Name, title, address, telephone number, and email address of the individual who will act as Proposer's designated representative for purposes of this RFP.

- f. Description of Proposer’s competencies relevant to the project, familiarity with evaluation topic, and experience on similar assignments.
  
- g. Acceptance of the Terms and Conditions
  - i. Proposer must complete and submit with proposal ***Attachment 3, Proposer’s Acceptance of Terms and Conditions***. Proposer must complete by either indicating acceptance of the Terms and Conditions or clearly identify exceptions to the Terms and Conditions. An “exception” includes any addition, deletion, qualification, limitation, or other change.
  
  - ii. *If exceptions identified*, the Proposer must also submit a redlined version of the Terms and Conditions (Attachment 2) that clearly tracks proposed changes, and a written explanation or rationale for each exception and/or proposed change.  
  
**Note: A material exception (addition, deletion, or other modification) to any of the Terms and Conditions may render a proposal non-responsive. The JCC, in its sole discretion, will determine what constitutes a material exception.**
  
- h. Certifications, Attachments, and other requirements.
  - i. Proposer must complete and submit with proposal ***Attachment 4, General Certifications Form*** to certify that no interest exists that would constitute a conflict of interest under California Public Contract Code §§10365.5, 10410 or 10411; Government Code §§1090 et seq. or 87100 et seq.; or rule 10.103 or rule 10.104 of the California Rules of Court, which restricts employees and former employees from contracting with judicial branch entities.
  
  - ii. Proposer must complete and submit with proposal ***Attachment 5, Darfur Contracting Act Certification Form*** to certify that Proposer is not a “scrutinized” company as defined in Public Contract Code §10476.
  
  - iii. Proposer must complete and submit with proposal ***Attachment 6A, Payee Data Record Form***.

- iv. Proposer must complete and submit with proposal **Attachment 7, Unruh and FEHA Certification Form.**
- v. A signed **Attachment 8, DVBE Declaration** only if proposer is a DVBE.
- vi. A signed **Attachment 9, Bidders Declaration** if proposer seeks the Disabled Veteran Business Enterprise incentive.
- vii. If Proposer is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Proposer is in good standing in California. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer conducts or will conduct (if awarded the contract) intrastate business in California, proof that Proposer is qualified to do business and in good standing in California. **The Proposer shall provide a copy of their Certificate of Status with the Secretary of State of California.** The Judicial Council may verify by checking with California's Office of the Secretary of State. If Proposer is a foreign corporation, LLC, LP, or LLP, and Proposer does not (and will not if awarded the contract) conduct intrastate business in California, proof that Proposer is in good standing in its home jurisdiction

**Note:** Proposer may be required to register with the California Secretary of State if it meets the definition of transacting intrastate business or “doing business” under the California Corporations Code. As there is no easy definition for what constitutes “doing business”, it is important for Proposer to carefully evaluate their own connections—even indirect—to California. Proposer with concerns regarding the Secretary of State registration requirements are encouraged to consult with their legal counsel.

You can find out information regarding the steps on how to register a business with the California Secretary of State at:  
<https://bizfileonline.sos.ca.gov/>

- viii. Proof of financial solvency or stability (e.g., balance sheets and income statements).

**7.2 Cost Proposal.** The following information must be included in the cost proposal.

7.2.1 Proposer to provide a detailed line-item budget for Compensation for Contract Work showing the fully loaded price per Deliverable and sub-deliverables, and the total amount for all Deliverables as set forth in Sections 2.4 and 2.5 of this RFP. A full explanation of all budget line items will identify the key personnel, titles, hourly rates, and number of hours.

7.2.2 The firm fixed prices for each deliverable should include all costs, benefits, expenses, fees, overhead, and profits payable to the Contractor for services rendered to the Judicial Council.

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.

**8.0 OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for ninety (90) days following the proposal due date. In the event a final contract has not been awarded within this ninety (90) day period, the Judicial Council reserves the right to negotiate extensions to this period.

**9.0 EVALUATION OF PROPOSALS**

At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents.

The Judicial Council will evaluate the proposals on a 100-point scale using the criteria set forth in the table, below. Award, if made, will be to the highest-scored proposal. If a contract will be awarded, the Judicial Council will post an intent to award notice at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

<b>CRITERIA</b>	<b>MAXIMUM NUMBER OF POINTS</b>
Quality of Proposal - Completeness and inclusion of required information in conformance with the RFP submission requirement, and clarity of the proposal content	5
Quality of work plan submitted: Soundness of methodology and analytic and technical approach. Feasibility of proposed project and awareness of challenges. Adequacy of the plan to manage the project, including how various tasks are subdivided.	25
Experience on similar assignments: Demonstrated ability of proposed organization and staff to manage the project.  Previous experiences of proposed staff. Credentials of staff to be assigned to the project: Qualifications and experience of proposed staff.	27
Cost: Cost-effective and complete proposed budget and budget justification. Please include a narrative budget as part of the cost proposal.	30
Acceptance of the Terms and Conditions.	5
Ability to meet timing requirements to complete the project.	5
("DVBE") Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers.	3
<b>Total Maximum Number of Points</b>	<b>100</b>

## **10.0 INTERVIEWS**

The Judicial Council staff may conduct interviews with Proposers to clarify aspects set forth in their proposals or to finalize the contract terms and conditions, including cost. The interviews will be conducted by phone or video conference. If there's a need to clarify any portion of the Proposer's proposal, the Judicial Council will notify Proposer regarding interview arrangements.

## **11.0 CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE TO THIRD PARTIES AND MEMBERS OF THE PUBLIC PURSUANT TO APPLICABLE LAWS, INCLUDING PUBLIC DISCLOSURE PURSUANT TO RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** Except as required by law, the JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals may be disclosed in response to applicable public records requests, or as otherwise required by law. Such disclosure may be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” “copyright ©,” or otherwise, and regardless of any statement in the proposal (a) purporting to limit the JBE’s right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. Submission of any proposal pursuant to this RFP constitutes acknowledgment and consent by the Proposer to the potential public disclosure of its proposal content, as set forth in this Section 11. **Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals**

## **12.0 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 JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section **9.0** above.

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, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Proposer wishes to seek the DVBE incentive:

1. Proposer must complete and submit with its proposal the Bidder Declaration (**Attachment 9**). Proposer must submit with the Bidder Declaration all materials required in the Bidder Declaration.



2. Proposer must submit with its proposal a DVBE Declaration (**Attachment 8**) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE:** The DVBE Declaration is not required if Proposer 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 Proposer not receiving the DVBE incentive. In addition, the JBE may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

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

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

If using DVBE subcontractors, the Proposer must complete and return to the JBE 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 Proposer's final invoice to the JBE. If the Proposer fails to do so, the JBE will withhold \$10,000 from the final payment, or withhold the full payment if it is less than \$10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or 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 Proposer refuses to comply with the certification requirements, the JBE shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

**FRAUDULENT MISREPRETATION 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.**

### **13.0 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 Proposer 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 Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California  
Attn: Protest Hearing Officer  
RFP# CFCC-2023-47-DM  
Branch Accounting and Procurement  
455 Golden Gate Avenue, 6th Floor  
San Francisco, CA 94102-3688

(Indicate Solicitation Number and Name of Your Firm on lower left corner of envelope.)

***END OF RFP***