

REQUEST FOR PROPOSALS

JUDICIAL COUNCIL OF CALIFORNIA

REGARDING:

*Development of Training for Courts on Use of Machine
Translation Tools*

PROPOSALS DUE:

April 19, 2024, NO LATER THAN 1:00 P.M. PACIFIC TIME

1.0 BACKGROUND INFORMATION

- 1.1 The Judicial Council of California (“Judicial Council” or “JCC”) is the policymaking body of the California court system, which includes 58 superior courts, the courts of appeal, and the Supreme Court. Under the authority of the state’s Constitution and with the leadership of the Chief Justice of the California Supreme Court, the Judicial Council is responsible for ensuring the fair, impartial, and consistent administration of justice. The Judicial Council recommends improvements to the courts, adopts rules and procedures for court administration, and makes recommendations annually to the Governor and the Legislature. Judicial Council staff assist the Judicial Council with implementing policies and supporting court operations. The Judicial Council’s main office is in San Francisco, California.
- 1.2 Within the Judicial Council’s Center for Families, Children, and the Courts (CFCC), the Language Access Services Program (LASP) works to develop policies and provide services to ensure equal access to justice for court users who are limited English proficient (LEP) or deaf/hearing-impaired. LASP is comprised of the Court Interpreters Program (CIP) unit and the Language Access Implementation (LAI) unit. CIP works on court interpreter issues, and LAI works on making the courts more language accessible via resources such as signage, technology, and translated forms.
- 1.3 The Advisory Committee on Providing Access and Fairness (PAF) makes recommendations to the council for improving access to the judicial system, fairness in the state courts, diversity in the judicial branch, and court services for self-represented parties. The PAF Language Access Subcommittee is a standing subcommittee that advises and presents recommendations to PAF regarding the council’s *Strategic Plan for Language Access in the California Courts* and its overarching goal of ensuring access to justice for all court users, especially LEP court users. As appropriate, the subcommittee makes recommendations to PAF in the areas of technology, education, and translation; as well as recommendations on legislative and rule of court proposals to enhance language access services throughout the judicial branch.
- 1.4 The Judicial Council Information Technology (JCIT) office manages and maintains a portfolio of programs and services for the branch. The mission of JCIT is to empower access to justice through technology.
- 1.5 The Information Technology Advisory Committee (ITAC) makes recommendations to the council for improving the administration of justice through the use of technology and for fostering cooperative endeavors to resolve common technological issues with other stakeholders in the justice system.

- 1.6 As appropriate, PAF and ITAC collaborate on Information Technology projects that are designed to assist LEP court users through the appropriate use of technology.
- 1.7 Efforts to enhance language access for all LEP court users through technology, including video remote interpreting (VRI), California Court Translator application (voice-to-text) language services, multilingual websites, and self-help services and other technological solutions to support language access, are critical components of the judicial branch goal to ensure equal access to justice for people of all languages.
- 1.8 The “CA Courts Translator” solution provides real-time voice-to-text transcription and translation service in approximately 130 languages to serve LEP court users. The voice-to-text translation pilot is enabling the use of the “CA Courts Translator” application at the court’s self-help centers, service counters, and other areas outside the courtroom and is currently being piloted in 31 courts.
- 1.9 Contractor will work with Judicial Council staff from CFCC and JCIT to develop training for court staff, including self-help center staff, on the appropriate use of machine translation tools within the courthouse. Training will provide guidance on the appropriate use of machine translation tools for different situations and how to support meaningful and accurate communications between litigants and the court. Training will also highlight situations where an in-person or telephonic interpreter may be needed, to help protect legal rights and remedies, how to reduce misunderstandings in communication, and when to consult legal experts.

2.0 DESCRIPTION OF SERVICES AND DELIVERABLES

- 2.1 The Judicial Council seeks the services of a contractor (“Contractor”) with experience to assist the LASP and JCIT with research and developing and presenting training for varied court audiences regarding appropriate use of machine translation tools.
- 2.2 The Contractor will develop a work plan and conduct research including interviews, and court observation in courts and self-help centers with California court stakeholders and, as appropriate, other state court systems.
- 2.3 The workplan should cover research methods, interviews with California court staff or other stakeholders, and timelines for finishing the project’s deliverables. The workplan should include a detailed description of how the Contractor will develop live instruction (webinars) and written training/guidance materials for courts on appropriate use of machine translation tools. Training should be designed for

different court audiences, including court clerks, self-help staff, and court [Language Access Representatives](#). Webinars will be recorded and delivered by contractor to the Judicial Council for future use. The Judicial Council desires that new webinars and training materials developed under this project will be the property of the Judicial Council.

- 2.4 The Contractor will provide draft and final scripts, PowerPoints, and written training/guidance materials for up to three training webinars (designed for court clerks, self-help center staff, and court Language Access Representatives).
- 2.5 The Contractor will present drafts to Judicial Council staff for input before finalizing scripts for training webinars and training materials. Contractor will deliver draft and final scripts for the training webinars that include different methods for discussion, including but not limited to audio/visual vignettes, as well as case studies, other written materials, handouts, and job aids.
- 2.6 The Contractor will present up to three training webinars on appropriate use of machine translation tools (designed for court clerks, self-help-center staff, and court Language Access Representatives). Webinars will be recorded and delivered by contractor to the Judicial Council for future use. The Judicial Council desires that new webinars and training materials developed under this project will be the property of the Judicial Council.
- 2.7 Webinars must encompass a mix of classroom-style instruction and group exercises and participation. Each training webinar is expected to last one hour. Webinars must include a significant amount of participatory activity and include a method for practice and individual feedback from the instructor(s). The Contractor will discuss and agree upon the content and planned format of webinars with Judicial Council staff at all stages of the webinar development process.
- 2.8 Training materials must be in an electronic format suitable for printing and may include PowerPoints, guides, and other visual job aids, including instructions, tips, and best practices for court staff. JCIT will assist the Contractor with technical content for instructional materials. Handouts including meeting materials and guides prepared by the Contractor must be in plain English with easy-to-understand graphics and must incorporate feedback from Judicial Council staff before being finalized. As an example instructional graphic, please refer to [sample](#) here.
- 2.9 The Contractor will produce a brief final report that summarizes work completed to date (including audiences reached, major findings and lessons learned), and makes recommendations for consideration by council staff regarding future training efforts for court audiences on appropriate use of machine translation tools.

- 2.10 The Contractor will present the results of the project, including key work products and findings, to the PAF Language Access Subcommittee.

The proposed contract is estimated to be effective from **June 1, 2024, through March 31, 2025.**

The estimated funds available for this project will not exceed **\$250,000.00.**

2.11 The Proposed Bidder must have expertise in the following areas:

- 1) Development of education for court audiences, including curriculum, training modules, and written training/guidance materials.
- 2) Research, written and spoken presentations with PowerPoint for judicial branch audiences.
- 3) Delivery of effective training and education, including state-of-the-art training methods, and experience with continued skills development and enrichment.
- 4) Familiarity with existing machine translation tools, such as Google translate or the CA Courts Translator.
- 5) Expertise on providing guidance and training on the appropriate use of machine translation tools to support accurate and meaningful communication between LEPs and court staff within the courthouse and for different situations (e.g., counter help, self-help assistance, or other assistance outside the courtroom).
- 6) Familiarity with legal and other guidance provided by the U.S. Department of Justice regarding appropriate use of machine translation tools.
- 7) Ability to create scenarios and highlight situations where an in-person or telephonic interpreter may be needed to protect legal rights and remedies and to reduce misunderstandings in communication.
- 8) Ability to collaborate on training goals and content with attorney subject matter experts at the Judicial Council.
- 9) Research on national court trends, including research with California or other state court stakeholders, and development of reports and recommendations for judicial branch audiences.
- 10) Familiarity with court interpreting services (or bilingual services offered by the California courts).

- 11) Legal understanding of the California court system, court proceedings and legal terminology, and the role of court staff to assist LEP court users. Attorney expertise is preferred.

2.12 Project Deliverables

Deliverables	Estimated Completion Date
<p>Deliverable No. 1</p> <p>The Contractor will meet with Judicial Council staff virtually, and then develop and submit a draft workplan and timeline for all deliverables under this contract. The workplan should include a detailed description of how the Contractor will develop live instruction (webinars) that will be recorded for future use by the Judicial Council and written training/guidance materials for courts on appropriate use of machine translation tools. Training should be designed for different court audiences, including court clerks, self-help staff, and court Language Access Representatives.</p>	<p>June 28, 2024</p>
<p>Deliverable No. 2</p> <p>The Contractor will revise the draft workplan and timeline based on Judicial Council staff feedback and submit a final workplan to the Judicial Council.</p>	<p>July 31, 2024</p>
<p>Deliverable No. 3</p> <p>The Contractor will produce a draft of scripts, PowerPoints, and written training/guidance materials for up to three training webinars (designed for court clerks, self-help center staff, and court Language Access Representatives).</p>	<p>September 13, 2024</p>
<p>Deliverable No. 4</p> <p>Based on feedback from Judicial Council staff, Contractor will revise and produce final scripts, PowerPoints, and written training/guidance materials for up to three training webinars (designed for court clerks, self-help-center staff, and court Language Access Representatives).</p>	<p>October 18, 2024</p>

Deliverables	Estimated Completion Date
<p>Deliverable No. 5</p> <p>The Contractor will present up to three training webinars on appropriate use of machine translation tools (designed for court clerks, self-help-center staff, and court Language Access Representatives). Consultant will deliver the recorded webinars to the Judicial Council for future use.</p>	November 22, 2024
<p>Deliverable No. 6</p> <p>Consultant will produce a brief final report that summarizes work completed to date, major findings, and makes recommendations for future work for consideration by the council regarding additional training efforts on appropriate use of machine translation tools.</p>	December 31, 2024
<p>Deliverable No. 7</p> <p>The Contractor will prepare meeting materials, including graphic handouts and a presentation slide deck (PowerPoint), and make a presentation to the PAF Language Access Subcommittee about the training components for this project, findings from research and webinars, and a summary of written training/guidance materials that have been prepared under the project.</p>	January 31, 2025

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. It shall be the sole responsibility of prospective Proposers to monitor the Judicial Council website to ascertain whether the Judicial Council has issued an addendum changing any element of the RFP, including events or key dates.

EVENT	DATE
RFP issued	March 18, 2024
Deadline for questions solicitations@jud.ca.gov	March 25, 2024

EVENT	DATE
Questions and answers posted www.courts.ca.gov/rfps.htm	March 29, 2024
Latest date and time proposal may be submitted	April 19, 2024 1:00pm Pacific Time
Evaluation of proposals (<i>estimate only</i>)	April 22-26, 2024
Technical (Non-Cost) Proposals Scores Posted (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	May 1, 2024
Public opening of cost portion of proposals via Team Meeting Meeting ID: 113 252 177 9 Meeting Password: hASZ3U Dial in Number: 415-906-0569 Phone Conference ID: 470 697 845	April 30, 2024 10:00am Pacific Time
Notice of Intent to Award (<i>estimate only</i>) www.courts.ca.gov/rfps.htm	May 1, 2024
Negotiations and execution of contract (<i>estimate only</i>)	May 9-22, 2024
Contract start date (<i>estimate only</i>)	June 1, 2024
Contract end date (<i>estimate only</i>)	March 31, 2025

4.0 RFP ATTACHMENTS

The following attachments are included as part of this RFP:

ATTACHMENT	DESCRIPTION
Attachment 1: Administrative Rules Governing RFPs (IT Goods and Services)	These rules govern this solicitation.
Attachment 2: Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the “Proposer”) must sign the Standard Form agreement.
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: Small Business Declaration	The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.
Attachment 6: Link to Payee Data Record Form Payee Data Record form STD 204	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal. <i>Return submission titled as Attachment 6.</i>
Attachment 6A Link to Payee Data Record Supplement (STD 205) Payee Data Record Supplement form 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. <i>If optional form is submitted, title as Attachment 6A.</i>
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification.
Attachment 8: Darfur Contracting Act Certification	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 9: DVBE Declaration	The Proposer must complete the DVBE Declaration form only if the Proposer is a DVBE.
Attachment 10: Bidder’s Declaration	The Proposer must complete this form if it wishes to claim the DVBE incentive associated with this solicitation.
Attachment 11: Cost Sheet	The Proposer must complete and return as part of their Cost Proposal

5.0 PAYMENT INFORMATION

- Subject to the terms in Attachment 2, the selected provider will be paid on a firm-fixed price per Deliverable basis.
- The resulting contract will be comprised of firm fixed pricing for satisfactory completion of each deliverable listed above in Section 2.12. Due Dates listed in the table above in Section 2.12 are estimated. The actual due dates and firm fixed amounts will be based on the awarded proposal.
 - Contractor shall submit invoices upon satisfactory completion of services;
 - No other expenses, including travel expenses, will be reimbursed by the Judicial Council.

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 and requirements, and completeness and clarity of content.
- 6.2 The Proposer must submit its proposal electronically in two (2) separate parts (separate email attachments). The first part is the technical proposal (non-cost portion) and the second part is the cost proposal.
- a. The Proposer must submit **an electronic copy** of the technical proposal (non-cost portion). The proposal must be signed by an authorized representative of the Proposer. The non-cost portion of the proposal must be submitted via email as a separate attachment to 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 signed by an authorized representative of the Proposer, and must be submitted in the same email as the technical proposal above, (via email to RFP-CFCC-2024-28-LV-COST@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. Emails must be received prior to the due date and time or the proposal will not be accepted. Late proposals will not be accepted. However, as necessary, the Judicial Council may request clarification from Proposers after the submission of proposals.

- 6.4 For the purposes of this RFP, proposals shall be transmitted only by email. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

Solicitations@jud.ca.gov

Development of Training for Courts on Use of Machine Translation Tools

RFP Number: **CFCC-2024-28-2024**

- 6.5 The Judicial Council reserves the right to reject any and all proposals, in whole or in part, as well as the right to issue similar RFPs in the future. This RFP is in no way an agreement, obligation, or contract and in no way is the Judicial Council or the State of California responsible for the cost of preparing the proposal. Submitted proposals may be retained for official files and may become a public record.

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. A cover letter containing Proposer's name, address, telephone and fax numbers, and federal tax identification number. Note that if the Proposer is a sole proprietor using his or her social security number, the social security number will be required before finalizing a contract.
 - b. Name, title, address, telephone number, and email address of the individual who will act as the Proposer's designated representative for purposes of this RFP.
 - c. Describe the organization of the key staff (including the dedicated program manager) that would service the contract. Provide a listing of the staff, including name, title, and length of service within the organization along with a resume for each staff member. Other staff should be identified by name and title; additional qualifications and experience on similar projects may be included. A separate section covering the Proposer's background, Principal Officers, and Staff Qualifications and Experience is also required.
 - d. A resume must be provided for each individual proposed for this Agreement. An acceptable resume shall include the person's education, any applicable credentials and/or certifications, current work history and a summary of experience and any knowledge to support the preferential skills outlined in Section 2.0 Description of Services and Deliverables as well as the individual's

ability and experience in conducting the proposed activities. Sufficient detail must be included in each resume to allow the JCC to verify the experience cited.

- e. Proposed Work Plan based on description of Tasks and Deliverables as defined in Section 2.0 and 2.12, including a timeframe for the completion of all proposed tasks and deliverables, using the estimated due dates provided.
- f. A minimum of two (2) clients that may be contacted by the Judicial Council and for whom the Proposer has conducted similar services. References are to include names, addresses, telephone numbers and the email address of a contact person. The JCC staff may contact referenced clients when reviewing an offer to verify the information provided. A reference must be external to a Proposer's organization and corporate structure.
- g. Acceptance of the Terms and Conditions.
 - i. On **Attachment 3**, the Proposer must check the appropriate box and sign the form. If the Proposer marks the second box, it **MUST** provide the required additional materials as noted below. An "exception" includes any addition, deletion, or other modification.
 - ii. If exceptions are identified, the Proposer must also submit (i) a red-lined version of the Terms and Conditions, that implements all proposed changes, and (ii) a written explanation or rationale for each exception and/or proposed change.
- h. Certifications, Attachments, and other requirements.
 - i. The Proposer must complete the General Certifications Form (**Attachment 4**) and submit the completed form with its proposal.
 - ii. The Proposer must complete the Darfur Contracting Act Certification (**Attachment 8**) and submit the completed certification with its proposal.
 - iii. The Proposer must complete the Payee Data Record form located at [Payee Data Record form STD 204](#) (**Attachment 6**) and submit the completed form with its proposal.
 - iv. The Proposer must complete the Unruh Civil Rights Act and California

Fair Employment and Housing Act Certification (**Attachment 7**) and submit the completed form with its proposal.

- v. If Contractor is a California corporation, limited liability company (“LLC”), limited partnership (“LP”), or limited liability partnership (“LLP”), proof that Contractor is in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor conducts or will conduct (if awarded the contract) intrastate business in California, proof that Contractor is qualified to do business and in good standing in California. If Contractor is a foreign corporation, LLC, LP, or LLP, and Contractor does not (and will not if awarded the contract) conduct intrastate business in California, proof that Contractor is in good standing in its home jurisdiction.
- vi. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
- vii. Attachment 5: Small Business Declaration - the Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation.

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

- i. Proposer to provide a detailed line-item budget, Attachment 11 for each Deliverable described in Section 2.12. The total costs for the entire project shall not exceed \$250,000.00, which includes all expenses, as stated in section 5.0 of this RFP.
- ii. Payment will be made after completion and acceptance of Deliverables as follows:

PAYMENT NUMBER	BILLABLE ACTIVITY	ESTIMATED INVOICE DUE DATE
#1	Completion of Deliverable 1	July 31, 2024
#2	Completion of Deliverable 2	August 30, 2024
#3	Completion of Deliverable 3	October 15, 2024
#4	Completion of Deliverable 4	November 15, 2024
#5	Completion of Deliverable 5	December 31, 2024
#6	Completion of Deliverable 6	January 31, 2025
#7	Completion of Deliverable 7	February 28, 2025

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 period, the Judicial Council reserves the right to negotiate extensions to this period.

9.0 EVALUATION OF PROPOSALS

The cost portion of proposals will be publicly opened at the date and time noted in Section 3.0, or if such date and time are changed at the discretion of the JCC, an addendum will be posted at: www.courts.ca.gov/rfps.htm with the new date and time.

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.

CRITERION	MAXIMUM NUMBER OF POINTS
<p>Quality of work plan submitted <i>Proposals should include a work plan that demonstrates an understanding of the scope of work in the RFP, including timeline, specific project approaches, and proposed staffing. Work plan should include concrete steps that will be taken by bidder to timely meet all project deliverables and ensure high quality work products.</i></p>	15
<p>Experience on similar assignments and credentials of staff to be assigned to the project <i>Proposals should indicate prior experience and/or examples of similar previous projects performed, including specific qualifications/experience for key personnel assigned to each project.</i></p>	12
<p>Ability to meet timing requirements to complete the project</p>	10

CRITERION	MAXIMUM NUMBER OF POINTS
<i>Proposals should demonstrate a firm capacity to perform all deliverables within the specific timeframe. Evaluation of ability to meet timing requirements will factor in previous work/projects that successfully met project time requirements and milestones.</i>	
Cost <i>Proposals should include a detailed line item budget (maximum firm fixed amount for each of the seven deliverables in section 2.12) with detailed explanation and justification. Proposal costs will be evaluated to determine whether the anticipated costs are reasonable and appropriate for completion of all project deliverables.</i>	50
Acceptance of the Terms and Conditions	10
DVBE Incentive	3
TOTAL	100

10.0 INTERVIEWS

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interview process may require a demonstration. The interview may also require a demonstration of equivalence if a brand name is included in the specifications. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the Judicial Council’s offices. The Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Proposers 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 Judicial Council 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 Judicial Council's right to disclose information in the proposal, or (b) requiring the Judicial Council 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 INCENTIVE

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 Judicial Council's DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council'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 10). 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 9) 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 Judicial Council 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 Judicial Council'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 Judicial Council 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 Judicial Council 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 Judicial Council. If the Proposer fails to do so, the Judicial Council 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 Judicial Council 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 Judicial Council shall permanently deduct \$10,000 from the final payment, or the full payment if less than \$10,000.

FRAUDULENT MISREPRESENTATION 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 SMALL BUSINESS PREFERENCE

Small business participation is not mandatory. Failure to qualify for the small business preference will not render a proposal non-responsive.

Eligibility for and application of the small business preference is governed by the Judicial Council's Small Business Preference Procedures for the Procurement of Information Technology Goods and Services. The Proposer will receive a small business preference if, in the Judicial Council's sole determination, the Proposer has met all applicable requirements. If the Proposer receives the small business preference, the score assigned to its proposal will be increased by an amount equal to 5% of the points assigned to the highest scored proposal. If a DVBE incentive is also offered in connection with this

solicitation, additional rules regarding the interaction between the small business preference and the DVBE incentive apply.

To receive the small business preference, the Proposer must be either (i) a Department of General Services (“DGS”) certified small business or microbusiness performing a commercially useful function, or (ii) a DGS-certified small business nonprofit veteran service agency.

If the Proposer wishes to seek the small business preference, the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 5). The Proposer must submit with the Small Business Declaration all materials required in the Small Business Declaration.

Failure to complete and submit the Small Business Declaration as required will result in the Proposer not receiving the small business preference. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in the Proposer not receiving the small business preference.

If the Proposer receives the small business preference, (i) the Proposer will be required to complete a post-contract report; and (ii) failure to meet the small business commitment set forth in its proposal will constitute a breach of contract.

FRAUDULENT MISREPRESENTATION IN CONNECTION WITH THE SMALL BUSINESS PREFERENCE IS UNLAWFUL AND IS PUNISHABLE BY CIVIL PENALTIES. SEE GOVERNMENT CODE SECTION 14842.5.

14.0 PROTESTS

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch Contracting Manual (see 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.

In order to be considered valid, all such protests:

Must be submitted by email to: Solicitations@jud.ca.gov and indicate solicitation number and entity name in the subject line of email.