

# REQUEST FOR PROPOSAL

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JUDICIAL COUNCIL OF CALIFORNIA

REVISION NO. 1  
REVISED APRIL 26, 2017

**REGARDING:**

CLOSED CAPTIONING SERVICES FOR THE JUDICIAL BRANCH  
OF CALIFORNIA

**RFP NUMBER:** BAP-2017-02-MS

**PROPOSALS DUE:** May 31, 2017 NO LATER THAN 1:00 P.M. PACIFIC TIME

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**TO:** POTENTIAL PROPOSERS  
**FROM:** The Judicial Council of California  
**DATE:** April 19, 2017  
**SUBJECT/PURPOSE OF MEMO:** Request for Proposals (RFP)

The Judicial Council of California seeks the services of a qualified vendor to translate audio content, either live or pre-recorded, into display text synchronized with the audio, equivalent text to that of the audio, and access formats as described in this RFP ("Captioning Services") to the judicial branch, including the Superior Courts of California ("Courts"), the appellate and supreme courts, Habeas Corpus Resource Center and the Judicial Council of California (collectively referred to as Judicial Branch Entities). The services will include full scale, real-time verbatim closed-captioning of proceedings and other live and pre-recorded meetings, media, and forums including but not limited to those described in section 2.0 (Description of Services and Process) of the RFP. The Judicial Branch Entities are under no obligation to participate in the resulting master agreement, or to issue any work orders or purchase orders under any resulting master agreement.

The Judicial Council has estimated its requirements for Captioning Services and it is estimated that the council will require up to, but not limited to, 240 hours of Captioning Services for each one-year period. Distribution of these hours will be over the calendar year will be variable and generally, unpredictable. This estimate does not include Captioning Services for the other Judicial Branch Entities.

The Judicial Council anticipates awarding a master agreement for an initial three-year term, with two consecutive one-year options for a potential maximum of five years. Each of the two option terms may be exercised at the Judicial Council's sole discretion. Any resulting contract is estimated to be effective from July 1, 2017 through June 30, 2020.

Captioning Services must be performed in the United States and provided by a vendor who has a presence in the United States.

**ACTION REQUIRED:** You are invited to review and respond to this RFP as posted on the Judicial Council bid Web site at <http://www.courts.ca.gov/rfps.htm>.

Project Title: Closed Captioning Services for the Judicial Branch of California

RFP Number: BAP-2017-02-MS

**SOLICITATIONS MAILBOX:** [TCsolicitation@jud.ca.gov](mailto:TCsolicitation@jud.ca.gov)

**DUE DATE & TIME  
FOR SUBMITTAL OF  
QUESTIONS:**

The deadline for submittal of questions pertaining to the solicitation document is:

**3:00 p.m. (PDT) on May 1, 2017**

**PRE-PROPOSAL  
CONFERENCE:**

A pre-proposal conference will be held via video conference:

**10:30 AM – 12 Noon (PDT) on April 25, 2017**

**PROPOSAL DUE  
DATE AND TIME:**

Proposals must be received by:

**1:00 p.m. (PDT) on May 31, 2017**

**SUBMISSION OF  
PROPOSAL:**

Proposals should be sent to:

**Judicial Council of California  
Attn: Procurement – Contracts Supervisor  
RFP No. BAP- 017- 02-MS  
2850 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-4348**

## 1.0 BACKGROUND INFORMATION

- 1.1 Judicial Council of California. The Judicial Council of California, hereinafter referred to as “JCC,” “Judicial Council” or “the council,” chaired by the Chief Justice of California, is the primary 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. The JCC’s staff assists both JCC and its chair in performing their duties for the purpose of this Request for Proposal (RFP).
- 1.2 The Superior Court system in California comprises 58 trial courts, 1 in each county. Trial courts provide a forum for resolution of criminal and civil cases under state and local laws. As used within this RFP, the term “trial court” is used synonymously with Superior Court or Court.
- 1.3 This RFP is being issued by the Judicial Council, on behalf of itself, the Supreme Court of California, the Courts of Appeal, the Habeas Corpus Resource Center and the 58 Superior Courts of California (collectively, “Judicial Branch Entities,” or “JBEs” and individually, a “JBE,” “trial court,” or “JBEs.”)
- 1.4 The JCC seeks the services of a qualified vendor to provide full scale, real-time verbatim closed-captioning services to the Judicial Council, the Supreme Court of California, the Courts of Appeal, the Habeas Corpus Resource Center and the 58 Superior Courts of California. The services will include full scale, real-time verbatim closed-captioning of proceedings and other live and pre-recorded meetings, media, and forums including but not limited to those described in section 2.0 (Description of Services and Process) of the RFP. The Judicial Branch Entities will be under no obligation to participate in any resulting Master Agreement or to issue any Work Orders under any resulting master agreement.
- 1.5 The Judicial Council has estimated its requirements for Captioning Services to be up to, but not limited to, 240 hours of Captioning Services for each one-year period. Distribution of these hours over the calendar year will be variable and generally, unpredictable. This estimate does not include potential Captioning Services for the other JBEs. An example of the Judicial Council’s captioning needs in 2017 is provided below:

**Language Access Program events:** June 2017 and October 2017 (1 day; exact dates TBD; 2 per year)

**Supreme Court events** (captioning for 6 hours/day; 1-3 days):

- March 6-10, 2017
- April 3-7, 2017

- May 1-5, 2017
- May 30-June2, 2017
- June 5-9, 2017
- Sept. 5-8, 2017
- Oct. 2-6, 2017
- Nov. 6-9, 2017
- Dec. 4-8, 2017
- Similar need in 2018, 2019, and 2020.

(These are reserved dates. As the events get closer the Supreme Court usually reduces the days down from 5 days to 3, 2, or 1 day of oral argument.)

**Judicial Council events** (captioning for 6 hours/day):

- January 19, 2017
- March 23-24, 2017
- May 18-19, 2017
- July 27-28, 2017
- Sept. 14-15, 2017
- Nov. 16-17, 2017

Similar need in 2018, 2019, and 2020.

These usually only need captioning on one of the reserved days.

**Commission on Judicial Appointments (COJA) hearings:**

These events are not scheduled very far in advance, maybe one month in advance. They happen zero to six times per year and last for an estimated 3 hours per event. Similar need in 2018, 2019, and 2020.

- 1.6 The Judicial Council anticipates awarding a master agreement for an initial three-year term, with two consecutive one-year options for a potential maximum of five years (“Master Agreement”). Each of the two option terms may be exercised at the Judicial Council’s sole discretion. Any resulting contract is estimated to be effective from July 1, 2017 through June 30, 2020.
- 1.7 Captioning Services must be performed in the United States and provided by a Vendor who has a presence in the United States.
- 1.8 Capitalized terms used throughout this RFP are defined in the context of the RFP or in section 9.0 (Defined Terms).

## **2.0 DESCRIPTION OF SERVICES AND PROCESS**

- 2.1 The purpose of this RFP is to provide the JBEs with full scale, real-time verbatim closed-captioning services as further described herein (“Services”). Captioning improves viewer comprehension and engagement. A study conducted by Knopf found that videos with captions are viewed 38% longer than videos without captioning.

- 2.2 JBEs may elect, but are not required, to purchase Services under the Master Agreement. JBEs that elect to purchase Services under the Master Agreement will enter into a Participating Addendum, substantially in the form of the sample Participating Addendum provided in Attachment 2 (Judicial Council Standard Terms and Conditions) with the vendor.
- 2.3 Based on the terms and conditions of the Master Agreement, each Participating Addendum will set forth the specific services, deliverables, schedule, and any specific requirements (such as invoicing) for the individual JBE. Each Participating Addendum will constitute a separate independent contract between the vendor and the JBE signing the Participating Addendum.
- 2.4 The Master Agreement will be nonexclusive. The JCC may have other agreements for the same or similar services, and each JBE reserves the right to provide or have others provide the same or similar services.
- 2.5 During the term of the Master Agreement, vendor must provide an account manager to oversee the agreement, captioning requests, billing, and be responsive to any technical or customer service needs that arise. Vendor must be able to provide on-call technical support during live caption events; and program manager shall be available during conventional business hours, generally between 8:00 a.m. and 5:00 p.m. Pacific Time, Monday through Friday.
- 2.5 Vendor shall sign-in to live caption events at least 10 minutes prior to the scheduled starting time and shall stay on until its conclusion, even if it runs longer than the scheduled time.
- 2.6 Vendor must invoice according to specific assignments and Accounting Codes provided by any resulting Work Order or Purchase Order.

### **3.0 JUDICIAL COUNCIL CURRENT SYSTEM AND RESPONSIBILITIES**

#### **3.1 System and Process:**

Captions are assigned a unique permanent Uniform Resource Locator (URL) that is used for stand-alone captions via browser as well as one that is embedded within the player template in Granicus. The former provides user options for view, display, and copying. The latter pushes the streaming caption words into a section of the player template. Each unique Judicial Council User Group or JBE User Group (User Group) will be assigned a set of permanent URLs. The Vendor will create a new set of permanent URLs when a new User Group requires Captioning Services for the first time. The vendor will monitor real-time live streaming events via a webcast link or conference phone line.

- 3.2 The JBE requesting the Captioning Services will provide or make available to the vendor the following products and/or services in order to assist vendor to provide the Captioning Services and the specific deliverables requested:
- A. JBE will provide to the vendor, for real-time, live captioning events: i) a toll-free number; ii) access to the video player for each event; and iii) video signal/link or an audio signal via conference phone line(s). JBE may provide a participant list and lexicon in advance of the project.
  - B. For pre-recorded events/projects: JBE may provide a participant list and lexicon in advance of the project.
- 3.3 The accuracy of Captioning Services provided under the Master Agreement will be the sole responsibility of the vendor; however, the JBE may evaluate and monitor accuracy of captions and transcripts.

#### **4.0 VENDOR AND CAPTIONING REQUIREMENTS**

- 4.1 The JBEs do not have a standard software that is utilized throughout the judicial branch and each JBE will determine the software that it elects to use. The Judicial Council uses the software described in section 4.7 below. Award of a Master Agreement will be determined based on the current requirements of the Judicial Council which are described in this RFP. In the event the Judicial Council's current system(s) are replaced or upgraded with a new one, the successful Vendor awarded a Master Agreement shall ensure that equipment used to close-caption the Events/Projects is compatible with any replaced, upgraded or new unit. A vendor that is awarded a Master Agreement as a result of this RFP will provide Captioning Services, as requested, to the individual JBEs that utilize a software and equipment that is compatible with the vendor's services.
- 4.2 The JBEs require that each distinct User Group seeking captioning be assigned a permanent and unique URL address for the caption stream that is dedicated to those projects. Each vendor shall demonstrate and explain its ability to meet this requirement.
- 4.3 The vendor shall provide Captioning Services in English and Spanish, simultaneously as requested.
- 4.4 The vendor should be able to provide Captioning Services in Vietnamese, Cantonese, Tagalog, and Mandarin, simultaneously with English and/or Spanish as requested.
- 4.5 The vendor must provide remote Captioning Services by following a video signal that is streamed live online and an audio signal via telephone line(s).

- 4.6 Vendor must provide captioning to a real-time streaming web page, and to a live caption area within the event streaming page.
- 4.7 Vendor must have the technical compatibility with the Judicial Council's live streaming software in order for the caption stream URL to be inserted into a player template including Granicus, so that live captioning can be viewed within the live stream player during the Event, when accessed from the Judicial Council's event page.
- 4.8 Vendor must be able to provide captioning at the average rate between 225 to 250 words per minute for Events and Projects.
- 4.9 Captions must match the spoken words in the dialogue and convey background noises and other sounds to the fullest extent possible. The Captioner may not paraphrase, must use proper spelling, spacing between words, capitalization, and punctuation.
- 4.10 Captions must coincide with their corresponding spoken words and sounds to the greatest extent possible and must be displayed on the screen at a speed that can be read by viewers.
- 4.11 Captions must run from the beginning to the end of the program.
- 4.12 We recognize there may be a slight delay in the delivery of captions for live real-time events; however, the delay in the presentation of live captions should be kept to a minimum, consistent with an accurate presentation of what is being said and the overall goal of ensuring that captions enable viewers to follow the event.
- 4.13 The vendor must provide a high-degree of accuracy in Captioning Services; both Events and Projects. Accuracy rate must be 95 percent or greater. Near-flawless accuracy is of the highest importance. American Disabilities Act guidelines specifically state that persons with disabilities must be given "effective communication that offers full and equal enjoyment." The quality of information that is provided must be of equal quality to that offered to people without disabilities.
- 4.14 Computer Generated Captioning
  - A. Live Real-Time Events (referred to as "Events" in section 9.0, Defined Terms): Vendor is not authorized to use speech recognition or computer captioning software in fulfilling live, real-time event Work Orders.
  - B. Project (non-Live/pre-recorded Real-Time Events, referred to as "Projects" in section 9.0 Defined Terms): Vendor is authorized to use speech recognition or

computer captioning software in fulfilling pre-recorded Work Orders, and the accuracy rate must be 99.9 percent.

## 5.0 KEY PERSONNEL

### 5.1 Captioners

- A. Vendor's staff providing live, real-time captioning services must hold a current certification from Certified CART Providers or Certified Broadcast Captioners, or other institutions that meet the standards of the National Court Reporters Association (<http://www.ncra.org>).
- B. Vendor's staff shall have five or more years of live, real-time captioning experience and familiarity with legal terminology is preferred.
- C. The vendor will maintain a list of Captioners that provide both: 1) satisfactory and 2) unsatisfactory Captioning Services, according to feedback from the JBEs. The vendor may not utilize Captioners placed on the "unsatisfactory Captioning Services" list to fulfill future JBE Work Orders under the Master Agreement.

5.2 Account Manager: Vendor will designate a single-point-of-contact who will serve as the primary Account Manager to oversee and coordinate Captioning Services, provide technical assistance to Judicial Council and Superior Court staff, receive billing inquiries and assist in billing dispute resolution, and manage requirements of the Master Agreement on behalf of vendor ("Account Manager"). The Account Manager will be available during conventional business hours, Monday – Friday 8:00 am – 5:00 pm Pacific Time. A back-up or secondary Account Manager is preferred if the primary Account Manager is not available.

5.3 The Account Manager will be responsible for responding in a timely manner to complaints or other notices or advice regarding inaccuracies in closed-captioning.

## 6.0 DELIVERABLES

6.1 Captioning and transcripts must be a word-for-word representation of the project's audio, even if they are grammatically incorrect or the speaker false starts or changes direction mid-sentence.

- A. The quality of captioning and unedited transcripts must not exceed an error rate of five percent (5%) for the duration of live real-time events.
- B. The quality of captioning and edited transcripts must not exceed an error rate of 0.1 percent (.1%) for pre-recorded projects.

C. The accuracy of Captioning Services provided under the Master Agreement will be the sole responsibility of the vendor. Vendor must explain how accuracy rating is monitored and determined for both captioning and transcripts.

6.2 Captioning with Unedited Caption Transcript Files.

The vendor must have a fixed hourly rate for Captioning Services that come with unedited captioning transcript, inclusive of .smi and .docx (or equivalent) file types. The vendor must provide, at no additional charge, an unedited captioning transcript which will be ready for download by the JBE the following Business Day after conclusion of live real-time events. Unedited transcripts shall be provided to the JBE, upon request, up to one (1) year after the date of the event at no additional cost.

6.3 Captioning with Edited Caption Transcript Files

A. The vendor shall provide edited caption transcripts in an accepted file format. Edited caption transcripts must be in the English language. The vendor must have a fixed hourly rate for Captioning Services that come with edited caption transcripts, inclusive of .smi and .docx (or equivalent) file types.

B. The vendor may be required to provide edited caption transcripts in Spanish, Vietnamese, Cantonese, Tagalog, and Mandarin, which must be in a required file format. The vendor must have a fixed hourly rate for Captioning Services that come with edited caption transcripts, by language inclusive of .smi and .docx (or equivalent) file types.

C. Edited caption transcripts and files must be completed and delivered to the JBE within five (5) business hours per hour of a live real-time captioning; or within one (1) Business Day per one hour of pre-recorded project work.

For example:

Five-hour live real-time captioning event:

5 hour event x 5 Business Days per hour/event = edited caption transcripts due to JBE in 25 Business Days

Ten-hour pre-recorded project:

10 hour pre-recorded project x 1 Business Day per hour/project = edited caption transcripts due to JBE in 10 Business Days.

D. All edited transcripts, inclusive of all file types and languages on the Work Order shall be provided to JBE, upon request, after the date of the event and for up to one (1) year at no additional cost.

- E. The vendor must be able to produce edited caption transcripts from unedited caption transcripts for an additional fixed hourly rate, inclusive of .docx (or equivalent) file type. Requests for this post-event activity will be requested via Work Order and follow timeframes for pre-recorded work projects.
- 6.4 The caption transcripts, both edited and unedited, must be provided in the following professional formats:
- A. .docx format or Microsoft Word manufacturer's current version and two previous versions, and
  - B. .smi.
- 6.5 The caption transcripts, both edited and unedited, should be available in the following professional formats:
- A. .srt format,
  - B. DV,
  - C. DVCam, and
  - D. BetaCam Sp.

The JBE Work Order will specify which file format will be required for the project. Vendor's hourly rates must include both .docx and .smi file formats. The following file formats .srt, DV, DVCam, and BetaCam Sp files may incur an additional fee which must be set in vendor's bid.

- 6.6 Usage Tracking Reports: the vendor is to provide Usage Tracking Reports (UTR) on an ad hoc report basis, as requested by each JBE. UTR's shall be able to track:
- A. Number of Work Orders,
  - B. Accounting Codes utilized by the JBE under the Master Agreement,
  - C. Amount expended by the JBE under the Master Agreement by the JBE's fiscal year or calendar year,
  - D. Number of hours of captioned events,
  - E. Number of hours of captioned events and edited transcripts,
  - F. Number of hours of captioned pre-recorded events/projects,
  - G. Names of the events or media captioned and/or edited,
  - H. Custom reports populated by key-word search, and
  - I. Number of captioning views (Captioning Viewer Data/Analytics).
- 6.7 The vendor will be able to complete Work Orders within three (3) Business Days of a request via substantially complete Work Order. Both the vendor and the JBE

requesting the Service will strive to provide complete, accurate information and any technical assistance necessary to ensure Work Orders are fulfilled in a timely manner. The vendor should accommodate Work Orders submitted fewer than three (3) Business Days prior to the caption event date.

## **7.0 ORDERING PROCESS**

- 7.1 The JBE may assign User Groups according to Accounting Codes.
- 7.2 Each JBE, and in the case of the Judicial Council, each User Group is responsible for submission of their own Work Orders for Captioning Services to the vendor's Account Manager. The Account Manager will work with the contact on each Work Order to troubleshoot, clarify any requests, and ensure a complete Work Order is submitted.
- 7.3 The vendor will fulfill requests for Captioning Services within three (3) Business Days of the request via a Work Order. All completed Work Orders will meet the requirements of this RFP.
- 7.4 Work Orders may be submitted by the JBEs to vendor via email, or other electronic means in writing.
  - A. The JBE will provide the following information:
    1. JBE User Group and Accounting Code;
    2. JBE contact for Work Order;
    3. Date Work Order submitted to vendor;
    4. Designation of live, real-time event or pre-recorded project;
    5. Date of requested service;
    6. Name of event;
    7. Event date and scheduled run-time (live, real-time events); or run-time for pre-recorded projects;
    8. Indication if the Work Order request is standard (more than three Business Days before the event); or urgent (three or less Business Days before the event);
    9. Language(s) for captions:
      - a. English,
      - b. Spanish,
      - c. Vietnamese,
      - d. Cantonese,
      - e. Tagalog, and/or

- f. Mandarin;
10. File type(s) required:
- a. .docx format or Microsoft Word manufacturer's current version and two previous versions,
  - b. .smi
  - c. .srt format,
  - d. DV,
  - e. DVCam,
  - f. BetaCam Sp;
11. Type of captioning transcription and editing requested:
- a. Captioning live, real-time; unedited caption transcript,
  - b. Captioning live, real-time; edited caption transcript,
  - c. Captioning pre-recorded event,
  - d. Captioning transcript; post-event, unedited, or
  - e. Captioning transcript; post-event, edited;
12. Authorized Signature (hard-copy signature or email from signatory);
13. The JBE may attach a participant list and lexicon in advance of the event; and
14. Notes or comments to vendor.
- B. The vendor's account manager will provide the following information:
- 1. Acknowledgement of receipt of Work Order within one Business Day;
  - 2. Confirmation of:
    - a. Event date and time,
    - b. Language(s) of captioning,
    - c. Files to be provided at conclusion of the event/project, and
    - d. Due date in compliance with agreement;
  - 3. Check box indicating Captioner is not on the "unsatisfactory captioning services" list;
  - 4. Unique identifier of Captioner assigned to event/project; and
  - 5. Note, comments, or clarifications needed from requestor.

## **8.0 PAYMENT INFORMATION**

- 8.1 The vendor must have a fixed hourly rate for Captioning Services that come with unedited captioning transcript, inclusive of .smi and .docx (or equivalent) file types.

- 8.2 The vendor must have a fixed hourly rate for Captioning Services that come with edited caption transcripts, inclusive of .smi and .docx (or equivalent) file types.
- 8.3 The vendor must have a fixed hourly rate for Captioning Services that come with edited caption transcripts, by language inclusive of .smi and .docx (or equivalent) file types.
- 8.4 The vendor must be able to produce edited caption transcripts from unedited caption transcripts for an additional fixed hourly rate, inclusive of .docx (or equivalent) file type.
- 8.5 The vendor will invoice each JBE that participates in the Master Agreement separately per Work Order, in full. The Judicial Council requires that the vendor invoice each Judicial Council User Group according to Accounting Code per Work Order, in full. Partial or progress payments are not allowable under the Master Agreement.
- 8.6 Each JBE will pay for satisfactorily completed Events/Projects in Substantial Compliance with the terms set forth in the Master Agreement and applicable Participating Addendum including, but not limited to: accuracy requirements, electronic delivery of files (e.g. .smi and .docx files), requested languages provided, and captioning was not completed by a Captioner on the "unsatisfactory Captioning Services" list.
- 8.7 A JBE will withhold payment for Unsatisfactory Work Product. Vendor will revise Unsatisfactory Work Product to be substantially compliant with the Master Agreement and applicable Participating Addendum, at no extra charge. Upon receipt of Satisfactory Work Product, the JBE will authorize payment.
- 8.8 Vendor must accept a check as a form of payment based on invoices with corresponding Work Orders for services rendered.
- 8.9 The JBEs will not pay late fees; standard business payment terms are net sixty (60) days.
- 8.10 During the term of the Master Agreement, the vendor will maintain the level of accuracy of Captioning Services provided under the Master Agreement at not less than 95 percent accuracy. Failure to comply with this standard may be grounds for damages and/or termination.

## 9.0 DEFINED TERMS

As used in this RFP, the following terms have the indicated meanings:

- A. Accounting Code – a unique billing code used by the JBE to identify and bill specific User-Groups. The Judicial Council uses an 18-digit code to identify and bill specific User Groups.
- B. Authorized Signature: a JBE designee with appropriate purchase authority, designated by office.
- C. Business Day - Monday through Friday 7am – 6pm Pacific Time, excluding Judicial Council holidays:
- New Year's Day
  - Martin Luther King, Jr. Day
  - Lincoln's Birthday
  - Washington's Birthday
  - Cesar Chavez Day
  - Memorial Day
  - Independence Day
  - Labor Day
  - Columbus Day
  - Veterans Day
  - Thanksgiving Day
  - Day after Thanksgiving
  - Christmas Day

Note that an individual JBE may elect to define the term "Business Day" differently in its Participating Addendum.

- D. Captioner – the vendor's designee to provide Captioning Services.
- E. Caption Line Timing – the timing for which the caption lines appear in synch with the original audio source.
- F. Captioning Services - services provided by vendor to translate audio content, either live or pre-recorded, into display text synchronized with the audio, equivalent text to that of the audio, and accessible formats as required by the Master Agreement.
- G. Edited Caption File – fully edited transcript of the original audio event/project with 99 percent accuracy; inclusive of .smi and .docx (or equivalent) file types.
- H. Event – an Event refers to a real-time, live streaming event or audio broadcast.
- I. Granicus Software - Granicus is a cloud-based software for communications, meeting and agenda management, and digital services to more than 3,000 public sector organizations. This software is currently in use by the Judicial Council and

some of the Superior Courts. The software provides live broadcasts of meetings, which may require live captioning.

- J. Project – a Project refers to a non-live/pre-recorded video.\
- K. Satisfactory Work Product – for unedited captioning, captions should have an error rate of less than 5 percent; for edited captions, the error rate should be less than 0.1 percent
- L. Substantial Compliance – within one percent of the established error rate for captioning files, edited or unedited.
- M. Unsatisfactory Work Product – unedited captions that contain an error rate of 5 percent or more and edited captions that contain an error rate of 0.1 percent or more.
- N. Usage Tracking Reports – the vendor must provide usage tracking reports (UTR) on an ad hoc report basis. UTR's shall be able to track:
  - Number of Work Orders,
  - Accounting Codes utilized under the agreement,
  - Amount expended by an individual JBE under the Master Agreement, itemized by State of California fiscal year or calendar year,
  - Number of hours of captioned events,
  - Number of hours of captioned events and edited transcripts,
  - Number of hours of captioned pre-recorded events/projects,
  - Names of the events or media captioned and/or edited, and
  - Custom reports populated by key-word search.
  - Number of captioning views (Captioning Viewer Data/Analytics).
- O. User Group – refers to a unique group within the Judicial Council, Courts of Appeal, California Supreme Court, Habeas Corpus Resource Center, or Trial Court requiring Captioning Services; assigned and identified by Accounting Code.
- P. Work Order or Purchase Order – a form used by a JBE to order Captioning Services from vendor under the Master Agreement and applicable Participating Addendum.

**10. 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	<i>April 19, 2017</i>
Register for Pre-proposal Conference (see section 12 for details)	<i>April 24, 2017 1:00 p.m. (PDT)</i>
Pre-proposal Conference	<i>April 25, 2017 10:30 AM-12 NOON (PDT)</i>
Deadline for questions	<i>May 1, 2017</i>
Questions and answers posted	<i>May 3, 2017</i>
Latest date and time proposal may be submitted	<i>May 31, 2017 1:00 p.m. (PDT)</i>
Live Captioning Demonstration	<i>June 5, 2017</i>
Evaluation of proposals ( <i>estimate only</i> )	<i>June 9, 2017</i>
Notice of Intent to Award ( <i>estimate only</i> )	<i>June 12, 2017</i>
Negotiations and execution of contract ( <i>estimate only</i> )	<i>June 19, 2017</i>
Contract start date ( <i>estimate only</i> )	<i>July 1, 2017</i>
Initial Term Contract End Date with two consecutive one-year option to extend	<i>June 30, 2020</i>

## 11. RFP ATTACHMENTS AND EXHIBITS

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: Judicial Council Standard Terms and Conditions	If selected, the person or entity submitting a proposal (the "Proposer") must sign: this JBE Standard Form agreement (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	The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal.
Attachment 6: Payee Data Record Form	This form contains information the Judicial Council requires in order to process payments and must be submitted with the proposal.
Attachment 7: Unruh and FEHA Certification	The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification and submit the completed certification with its proposal.
Attachment 8: Iran Contracting Act Certification	Proposer must complete and submit the Iran Contracting Act Certification.
Attachment 9: DVBE Declaration	Complete and return this form with the proposal only if Proposer wishes to declare DVBE status.
Attachment 10: Bidder Declaration	Complete and return this form with the proposal only if Proposer wishes to claim the DVBE incentive associated with this RFP.
<del>Attachment 11: Conflict of Interest Certification</del>	<del>Proposer must complete Conflict of Interest Certification and submit the completed certification with its proposal.</del>
Attachments 3 - 10 must be signed by an authorized representative of the Proposer.	
EXHIBIT	DESCRIPTION
Exhibit 1: Requirement Response Form	This Excel spreadsheet is used to submit Proposer's response to the requirements set forth in sections 4, 5, and 6 of this RFP.
Exhibit 2: Pricing Form	This Excel spreadsheet is used to submit Proposer's cost proposal.

## 12. PRE-PROPOSAL CONFERENCE

The Judicial Council staff will hold a pre-proposal conference on the date and time identified in section 10 (Timeline for this RFP) above. The pre-proposal conference will be held via conference call. Interested proposers must send an email to the Solicitations Mailbox listed in the cover memo of this RFP before the timeline indicated in section 10 above. The email subject line must include the RFP Number. A response will be sent via return email to the interested proposer with the conference line and passcode prior to the start of the pre-proposal conference. Each interested proposer will be asked to check in at the pre-proposal conference, Proposers are strongly encouraged to attend.

## 13. SUBMISSIONS OF PROPOSALS

- 13.1 Proposals should provide straightforward, concise information that satisfies the requirements of the "Proposal Contents" section below. Expensive bindings, color displays, and the like are not necessary or desired. Emphasis should be placed on conformity to the RFP's instructions and requirements, and completeness and clarity of content.
- 13.2 The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
- a. The Proposer must submit **one (1) original, four (4) copies and an electronic version** of the technical proposal. The original must be signed by an authorized representative of the Proposer. The original technical proposal (and the copies thereof) must be submitted to the Judicial Council staff in a single sealed envelope, separate from the cost proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
  - b. The Proposer must submit **one (1) original and an electronic version** of the cost proposal. The original must be signed by an authorized representative of the Proposer. The original cost proposal (and the copies thereof) must be submitted to the Judicial Council staff in a single sealed envelope, separate from the technical proposal. The Proposer must write the RFP title and number on the outside of the sealed envelope.
- 13.3 Proposals must be delivered by the date and time listed on the coversheet of this RFP to address listed on the coversheet of this RFP.
- 13.4 Late proposals will not be accepted.
- 13.5 Only written proposals will be accepted. Proposals must be sent by registered or certified mail, courier service (e.g. FedEx), or delivered by hand. Proposals may not be transmitted by fax or email.

## 14. PROPOSAL CONTENTS

14.1 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. The 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. A description of the vendor's staff that will provide the Captioning Services and vendor's process to hire and retain qualified Captioners. Vendor should provide, 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.
- d. Names, addresses, and telephone numbers of a minimum of three (3) clients for whom the Proposer has conducted similar services. The JBE may check references listed by the Proposer.
- e. Responses to the requirements listed in sections 4, 5 and 6 must be provided using the Microsoft Excel template (Exhibit 1, Requirements Response Form) and complete all worksheets (tabs) to submit a response for each requirement. The Proposer must select a single response from the response column for each requirement. If the Proposer wishes to provide any explanatory details, those should be included in the "Explanation" column next to the requirement.
- f. A description of any additional or related services that the vendor may be able to provide to the JBEs in the area of captioning services.
- 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. 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. Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
  - ii. Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its proposal.
  - iii. 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.
  - iv. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
  - v. Proof of financial solvency or stability (e.g., balance sheets and income statements).
  - vi. Proposer must complete the Darfur Contracting Act Certification (Attachment 5) and submit the completed certification with its bid.
  - vii. Proposer must complete the Payee Data Record Form (Attachment 6) and submit the completed form with its bid.
  - viii. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 7) and submit the completed certification with its bid.
  - ix. The Proposer must complete the Iran Contracting Act Certification (Attachment 8) and submit the completed certification with its proposal.
  - x. If Proposer wishes to claim the disabled veteran business enterprise (DVBE) incentive associated with this solicitation, Proposer must complete and submit the DVBE Declaration form (Attachment 9) with its bid.

- xi. Each DVBE that will provide services in connection with the contract must complete this form. If Proposer is itself a DVBE, it must also complete and sign the Bidder Declaration form (Attachment 10).

14.2 Cost Proposal. Proposers must use the Microsoft Excel template (Pricing Form – Exhibit 2) and complete all worksheets (tabs) to submit the required cost proposal information.

**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.

## 15. LIVE DEMONSTRATION

15.1 A Proposer will be required to provide a live demonstration as part of the evaluation process. The live demonstration will include providing live captions for a 40 minute section of Judicial Council Meeting in English, utilizing a unique URL and interfacing with Granicus.

15.2 Proposers will not be reimbursed for any costs incurred in providing the live demonstration.

## 16. 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 JBE reserves the right to negotiate extensions to this period.

## 17. EVALUATION

17.1 At the time proposals are opened, each proposal will be checked for the presence or absence of the required proposal contents. The Judicial Council staff will submit all qualified proposals to the evaluation team, as described in Attachment 1.

17.2 The evaluation team will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to a responsible Proposer with the highest-scored proposal.

17.3 If a contract will be awarded, the Judicial Council staff will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

CRITERION	MAXIMUM NUMBER OF POINTS
Requirements Document & Staffing (Section 14.1,c and Exhibit 1)	35
Cost (Exhibit 2)	30
Live Demonstration (Section 15)	17
Acceptance of Terms and Conditions (Section 14.1,g)	10
References (Section 14.1,d)	5
DVBE Incentive (Section 20)	3

**18. INTERVIEWS AND NEGOTIATIONS**

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. Interviews and negotiations may be conducted in person or by phone. If conducted in person, interviews and negotiations will likely be held at the Judicial Council staff offices. Proposers will not be reimbursed for any costs incurred in traveling to or from the location. Council staff will notify eligible Proposers regarding interview or negotiation arrangements.

**19. CONFIDENTIAL OR PROPRIETARY INFORMATION**

**PROPOSALS ARE SUBJECT TO DISCLOSURE PURSUANT TO APPLICABLE PROVISIONS OF THE CALIFORNIA PUBLIC CONTRACT CODE AND RULE 10.500 OF THE CALIFORNIA RULES OF COURT.** 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 will be disclosed in response to applicable public records requests. Such disclosure will be made regardless of whether the proposal (or portions thereof) is marked “confidential,” “proprietary,” 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. Proposers are accordingly cautioned not to include confidential, proprietary, or privileged information in proposals.

**20. DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**

20.1 Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.

20.2 Eligibility for and application of the DVBE incentive is governed by the Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the sole

determination of the Council's staff, 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 as specified in section 16 above.

20.3 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").

20.4 If Proposer wishes to seek the DVBE incentive:

- Proposer must complete and submit with its proposal the ~~Bidder~~ DVBE Declaration (Attachment ~~79~~). Proposer must submit with the ~~Bidder-DVBE~~ Declaration all materials required in the ~~Bidder-DVBE~~ Declaration.
- Proposer must submit with its proposal a ~~DVBE-Bidder~~ Declaration (Attachment ~~810~~) 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 also complete and sign the ~~DVBE-Bidder~~ Declaration (Attachment ~~810~~). If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a ~~DVBE Bidder~~ Declaration. NOTE: The ~~DVBE-Bidder~~ Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

20.5 Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, Council staff may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.

20.6 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.

**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.**

## 21 PROTESTS

Any protests will be handled in accordance with the protest procedures set forth in Attachment 1, Administrative Rules Governing RFPs. Failure of a Proposer to comply

with the protest procedures set forth in Attachment 1 will render a protest inadequate and non-responsive, and will result in rejection of the protest. Protests must be sent to:

Judicial Council of California  
Attn: Procurement – Contracts Supervisor  
2850 Gateway Oaks Drive, Suite 300  
Sacramento, CA 95833-4348