

RFP Title: Enterprise Document Management Services
RFP Number: IT-DMS-2016-01-MDS

**IV. ADMINISTRATIVE
REQUIREMENTS**

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IV.1 ADMINISTRATIVE REQUIREMENTS

4.1 This section establishes the administrative requirements for the Judicial Council Request for Proposal RFP IT-DMS-2016-01-MDS. Bidders must adhere to all the administrative requirements of this RFP. These include:

- Rules in RFP Section II, Rules Governing Competition
- Format specified in RFP Section VII, Proposal Format
- Appendix C, Bidder Response Template
- Completion of cost sheets specified in RFP Section VI, Pricing Proposal and RFP Appendix D, Cost Workbook
- Administrative Requirements of this section.

4.2 For certain Administrative Requirements, Bidders are required to complete forms. RFP Appendix C, Bidder Response Template, provides the response template for use by Bidders.

All of the Bidder responses to Administrative Requirements in the Proposal must be organized so that these items can be easily found and must be cross-referenced by the Administrative Requirement number ("Administrative Requirement #"). The Proposal may include any appropriate exhibits necessary to illustrate responsiveness. These exhibits must be clearly labeled and cross-referenced to the Proposal narrative by "Administrative Requirement #".

Unless otherwise specified in the detail of the Administrative Requirement, the Bidder need only respond once to any Administrative Requirement. The response will cover all phases of the project where the Administrative Requirement applies.

IV.2 BUSINESS QUALIFICATIONS

4.2.1 Contractor Responsibility

The Judicial Council requires that a Bidder submitting a Proposal that results in a Notice of Intent to Award will be considered the "Contractor." The selected Contractor must accept full responsibility for coordinating and controlling all aspects of the contract, including support or activities to be performed by any sub and/or secondary contractors. The Contractor will be the sole point of contact with the Judicial Council relative to contract performance. If this performance involves the use or modification of one or more products proprietary to another firm, the Contractor will be responsible for acquiring a proper license for the Judicial Council's use or modification of such proprietary products. No such license may be accepted without the review and approval of the Judicial Council. If the Proposal includes equipment or services provided by other firms, the Contractor is responsible for the delivery and maintenance of the entire business solution.

In all contractual matters, the Judicial Council will consider the Contractor to be the sole point of contact. There will be no assignment of responsibility to a third party without prior written approval from the Judicial Council.

4.2.2 Administrative Requirement 1

The Contractor must complete and submit RFP **Appendix C, Bidder Response Forms**. This form will provide the Judicial Council with basic information regarding the Contractor and subcontractors. This form must be completed for the Contractor participating in this Bid. A separate form must be provided for each Proposal.

4.2.3 Administrative Requirement 2

The Contractor must be certified with the California Secretary of State to do business in California. If the Bidder does not currently have this certification, the firm must be certified before the Notice of Intent to Award can be made. If this is the case, the Bidder must provide information to support the status of their application to be certified to do business in the State of California before the RFP Cost Proposal's are opened on November 28, 2016.

4.2.4 Administrative Requirement 3

Bidder's Final Proposal submission must contain Bidder's certification with the California Secretary of State to do business in California. If certification has not been received, a copy of Bidder's application and statement of the status must be included.

IV.3 SMALL BUSINESS PREFERENCE

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

Eligibility for and application of the small business preference is governed by the JCC'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 JCC'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 micro-business performing a commercially useful function, or (ii) a DGS-certified small business non-profit veteran service agency.

If the Proposer wishes to seek the small business preference, then the Proposer must complete and submit with its proposal the Small Business Declaration (Attachment 4). 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.

IV.4 DISABLED VETERAN BUSINESS ENTERPRISE PARTICIPATION GOALS

Proposers may receive a DVBE incentive if, in the JCC's sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, the total bid price will be adjusted by 3%. This potential reduction is for evaluation purposes only and will not affect the contract amount.

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

Proposers seeking the DVBE incentive must complete the Bidder Declaration and DVBE Declaration (Attachments 20 and 21) with all materials specified.

Bidder Declaration – Each Proposer seeking the DVBE incentive must complete the Bidder Declaration, Attachment 20. Only one (1) Bidder Declaration should be submitted for each Proposal.

DVBE Declaration – Each DVBE business that will provide goods and/or services in connection with the contract must submit a DVBE Declaration, Attachment 21 with the bid. This includes subcontractors. 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 JCC may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive. If Proposer receives the DVBE incentive: (i) Bidder will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use an DVBE subcontractor(s) identified in its Proposal unless the JCC 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 MISREPRESENTATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES.

IV.5 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 nonresponsive, and will result in rejection of the protest. The deadline for the JCC to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California
Finance | Business Services
Attn: Protest Hearing Officer, RFP #IT-DMS-2016-01-MDS
455 Golden Gate Avenue, 6th Floor
San Francisco, CA 94102-3688