|  |  |
| --- | --- |
|  | REQUEST FOR PROPOSALS |
| ***Judicial Council of California***  **Regarding: *Language Access in the California Courts***    ***RFP Number: CFCC-2022-01-SB***  ***PROPOSALS DUE:***  ***May 6, 2022 no later than 3 p.m. Pacific time*** |

**1.0 BACKGROUND INFORMATION**

* 1. The Judicial Council of California (“Judicial Council”), chaired by the Chief Justice of California, is the chief policy making agency of the California judicial system. The California Constitution directs the Judicial 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 Judicial Council also adopts rules for court administration, practice, and procedure, and performs other functions prescribed by law. The Judicial Council of California is the staff agency for the council and assists both the council and its chair in performing their duties.
  2. The Judicial Council’s main office is in San Francisco, California. Within the Operations & Programs Division, the Center for Families, Children and the Courts houses the Language Access Services Program. The Language Access Services Program is comprised of two units: Language Access Implementation (LAI) and Court Interpreters Program (CIP). The LAI works to ensure language access for all Limited English Proficient (LEP) court users in California in all 58 superior courts. The CIP oversees the interpreting testing program and credentialing process for statewide qualification of court interpreters, as well as other administrative functions such as statewide recruitment to expand the pool of interpreters available in the courts.
  3. On January 22, 2015, the Judicial Council adopted the [*Strategic Plan for Language Access in the California Courts*](http://www.courts.ca.gov/documents/CLASP_report_060514.pdf) and formed the Language Access Plan (LAP) Implementation Task Force (Task Force). Among other responsibilities, the Task Force was charged with assisting California’s Superior Courts with the implementation of the LAP’s 75 recommendations. Effective March 2019, after the sunset of the Task Force, the Language Access Subcommittee was formed, under the Advisory Committee on Providing Access and Fairness (PAF), to ensure the continuation of efforts to achieve and maintain access to justice for California’s limited English proficient (LEP) court users. The Court Interpreters Advisory Panel (CIAP) assists the council in performing its duties through promoting access to spoken-language interpreters and interpreters for deaf and hearing-impaired persons.

**2.0 DESCRIPTION OF SERVICES AND DELIVERABLES**

The Judicial Council seeks the services of a Contractor with experience to assist the Language Access Services Program with several projects that support the implementation of the *Strategic Plan for Language Access in the California Courts* (Language Access Plan or LAP), including new products for the council’s online Language Access Toolkit and Judicial Resources Network (JRN) intranet site (which hosts language access and Video Remote Interpreting (VRI) webpages for judicial officers and court staff). This includes the following anticipated projects over a three-year period from July 2022 through June 2025 (with option to renew annually for 2 years, until June 2027):

1. **Interpreter Ethics Requirements Training:**
2. In consultation with Judicial Council staff, contractor to develop and deliver virtual live instructor-led trainings concerning ethics requirements for new interpreters.

* The preferred Judicial Council platform for virtual live trainings is Zoom for Government, Cisco Webex, or BlueJeans by Verizon.

1. In consultation with Judicial Council staff, contractor shall develop and deliver up to four (4) instructor-led virtual trainings in Fiscal Year (FY) 2022-23 and four (4) instructor-led virtual trainings per year thereafter. (Contractor must provide a cost per each of the instructor-led training.)

2. **Court Interpreter Education:**

1. In consultation with Judicial Council staff, contractor shall develop and deliver up to two (2) online educational trainings (live, instructor led and/or modules) per year for court interpreters in the following topic areas (Contractor must provide a cost per each online course.):
   * + Interpreting in the courts and the role of the interpreter
     + Modes of interpretation (simultaneous, consecutive and sight translation)
     + Improving Knowledge, Skills and Abilities (KSAs)
     + Tools and Technology
     + Enrichment and professional skills
     + Interpreting in different case types or proceedings
     + Exam preparation
     + Court interpreting as a career and how to become a court interpreter
2. Online (live, instructor led and/or modules) educational trainings will include the course curriculum, scripts for audio, instructional graphics, editing and video production.

3. **Live Virtual Skills-Building Trainings for Near Passers:**

a. In consultation with Judicial Council staff, contractor to develop and conduct up to six (6) live virtual skills-building trainings per year for select examination candidates who are near-passers of the Bilingual Interpreting Exam in targeted languages. (Contractor shall provide cost for six (6) near passer trainings each year.)

* The preferred Judicial Council platform for virtual live trainings is Zoom for Government, Cisco Webex, or BlueJeans by Verizon.

b. Contractor will also be responsible for developing candidate materials and resources before, during and after the trainings. (Contractor shall provide cost for training materials and resources per language.)

4. **Skills Assessment Tools/Evaluators:**

1. In consultation with Judicial Council staff, contractor shall develop and update diagnostic tools (intake instruments, observation tools, checklists) to assist the courts and council staff with assessing the skills performance of existing court interpreters. (Contractor shall provide costs for different tools.)
2. Contractor shall provide evaluator services for two persons who are credentialed interpreters (at least one who is bilingual in the subject interpreter’s language) to conduct structured interview interactions with interpreters for skills assessment. (Contractor to provide cost for evaluator services.)
3. Contractor shall develop and update training materials for skills assessment. (Contractor shall provide cost for materials and updating each year.)
4. Contractor shall develop and maintain educational resources to help improve interpreter’s skills. (Contract shall provide cost for resource development and maintenance.)

5. **Language Assistance in Court-Ordered Programs and Services (California Rules of Court, Rule 1.300):**

1. In consultation with Judicial Council staff, contractor shall develop resources that will help courts to provide LEPs with access to court-ordered programs and services in different languages (Contractor shall provide costs for each product identified below.):
   * Educational outreach and training webinars to support Rule 1.300
   * Model guidelines and tools for local courts to support Rule 1.300
   * Multilingual infographics (flyers and informational sheets) to support Rule 1.300
   * Ongoing resource development, including a mechanism for courts to share information regarding available service providers that offer linguistically accessible programs.

6. **Video Remote Interpreting (VRI) Training:**

a.In consultation with Judicial Council staff, contractor shall develop and conduct six (6) VRI’s virtual/in-person trainings per year for interested courts. (Contractor shall provide cost for six (6) trainings per year.)

* In-person trainings are contingent on federal, state, and county health and safety guidelines.
* The preferred Judicial Council platform for virtual live trainings is Zoom for Government, Cisco Webex, or BlueJeans by Verizon.

1. In consultation with Judicial Council staff, contractor shall develop, update and provide materials for judicial officers, court staff and court interpreters on best practices for remote interpreting. (Contractor shall provide cost for creating and updating best practice materials on a yearly basis.)
2. In consultation with Judicial Council staff, contractor shall update existing online modules for judicial officers, court staff and court interpreters or create up to two new modules regarding VRI. (Contractor to provide cost for creating and updating up to six existing education modules per year, as necessary.)
3. In consultation with Judicial Council staff, contractor shall prepare and update online materials and modules for LEP court users. (Contractor shall provide cost for creating and updating materials on a yearly basis.)

The proposed contract initial term is estimated to be effective **June 15, 2022 through June 27, 2025, with JCC’s option to renew annually, for two years, until June 2027.**

The estimated funds available for this project will not exceed **$847,560.00 per year**. The JCC does not expressly or by implication agree that the actual amount of work will correspond therewith.

* 1. **The Proposed Bidder must have expertise in the following areas:** 
     1. Principles and practices of language access, including but not limited to interpretation, translation and other language access services;
     2. Laws (including statutory and case law) related to language access in the California Superior Courts, as well as California Rules of Court, Standards of Judicial Administration, and Judicial Council Forms related to language access;
     3. Education resources and training for court staff (including bilingual staff), court interpreters, judicial officers, justice partners, and community organizations, including familiarity with educational videos, print or recorded materials, online videos and web modules, and other educational tools designed to assist court personnel and LEP court users;
     4. Research and writing for court-related audiences;
     5. Interpreting in the California Superior Courts, including the following: knowledge, skills, and abilities essential for court interpreting; and ethical requirements of court interpreters;
     6. Preparation of written, web, graphics or recorded communication materials and other language access tools to assist the courts;
     7. Development of educational outreach materials and tools to stakeholders, including LEP communities and service providers (Rule 1.300) about language access resources in court-ordered programs and services;
     8. Systems to help statewide monitoring of the implementation of the LAP;
     9. Methods to evaluate program effectiveness and the quality of language access services;
     10. Video remote interpreting (VRI) best practices and resources;
     11. Administration of interpreting testing programs, including national trends and models, and best practices, including tiered-testing models;
     12. Credentialing of interpreters, including national trends and models, and best practices.
  2. **Project Deliverables**
     1. Work products per fiscal year and the related deliverable numbers are summarized in Table 1 below.

Table 1

| **Project/Topic** | **Year 1: FY 2022-23**  **(7/1/2022 - 6/30/2023)** | **Year 2: FY 2023-24**  **(7/1/2023 -6/28/2024)** | **Year 3: FY 2024-25**  **(7/1/2024 - 6/27/2025)** |
| --- | --- | --- | --- |
| **Year 1 Strategy Document** | Draft strategy document and timeline for all project deliverables under this language access contract (Del. 1) |  |  |
| **Interpreter Ethics Requirements Training** | Draft strategy document and timeline for ethics training  (Del. 2)  Draft curriculum and script for ethics training (Del. 4)  Conduct up to 4 virtual, live instructor-led ethics trainings (Del. 16) | Conduct up to 4 virtual, live instructor-led ethics trainings (Del. 33) | Conduct up to 4 virtual, live instructor-led ethics trainings (Del. 47) |
| **Court Interpreter Education** | Draft strategy document and timeline for interpreter education (Del. 3)  Draft curriculum and script for up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 9)  Conduct up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 19) | Update strategy document and timeline for interpreter education (Del. 24)  Draft curriculum and script for up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 28)  Conduct up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 32) | Update strategy document and timeline for interpreter education (Del. 35)  Draft curriculum and script for up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 42)  Conduct up to 2 online trainings for interpreter education (live, instructor led and/or modules) (Del. 45) |
| **Skills-Building Training for Near Passers** | Draft strategy document and timeline for near passer training (Del. 5)  Draft curriculum and script or near passer training (Del. 10)  Conduct up to 6 virtual, live instructor-led trainings for near passers (Del. 17) | Update strategy document and timeline for near passer training  (Del. 25)  Update curriculum and script or near passer training (Del. 27)  Conduct up to 6 virtual, live instructor-led trainings for near passers (Del. 30) | Update strategy document and timeline for near passer training  (Del. 36)  Update curriculum and script or near passer training (Del. 41)  Conduct up to 6 virtual, live instructor-led trainings for near passers (Del. 43) |
| **Skills Assessment Tools/Evaluators** | Draft strategy and timeline for skills assessment tools/evaluators (Del. 6)  Draft diagnostic tools and draft recommendations (include training materials for skills assessment and educational resources to help improve interpreter’s skills)/ secure evaluators for skills assessment (Del. 11)  Meeting to review input on draft diagnostic tools and draft recommendations (Del. 14) | Submit final diagnostic tools and training materials (Del. 21)  Conduct live, virtual instructor-led training for evaluators and courts on assessing interpreting skills of interpreter with final diagnostic tools, materials, and resources (Del. 23)  Provide and secure any additional evaluators for skills assessment (Del. 29) | Update tools, educational materials, and resources (Del. 37)  Provide and secure any additional evaluators for skills assessment (Del. 39) |
| **Language Assistance in Court-Ordered Programs and Services (Rule 1.300)** | Draft strategy and timeline for assistance to help courts with implementation of Rule 1.300 (Del. 7)  Draft materials (infographics, model guidelines and mechanism to house service providers)  (Del. 12)  Meeting to discuss and review draft materials (Del. 15) | Final Rule 1.300 materials (Del. 20)  Conduct e-mail outreach to stakeholders on available materials to support courts with Rule 1.300 (Del. 22) | Conduct educational outreach webinar with courts and stakeholders on availability of multilingual materials to support courts with Rule 1.300 (Del. 40) |
| **Video Remote Interpreting (VRI) Training** | Draft strategy and timeline for VRI training (Del. 8)  Update materials of VRI trainings for judges, court staff, court interpreters, and LEP court users on best practices for remote interpreting (Del. 13)  Conduct 6 VRI trainings on best practices for remote interpreting (Del. 18) | Update strategy and timeline for VRI training (Del. 26)  Update existing or create up to 2 new modules and/or online materials of VRI trainings for best practices on remote interpreting (Del. 31)  Conduct 6 VRI trainings on best practices for remote interpreting  (Del. 34) | Update strategy and timeline for VRI training (Del. 38)  Update existing or create up to 2 new modules and/or Online Materials of VRI trainings for best practices on remote interpreting (Del. 44)  Conduct 6 VRI trainings on best practices for remote interpreting  (Del. 46) |
| **Final Report** |  |  | Final report on completed/ outstanding deliverables under language access contract (Del. 48) |

**3.0 TIMELINE FOR THIS RFP**

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

| **EVENT** | **DATE** |
| --- | --- |
| RFP issued**:** | April 11, 2022 |
| Deadline for questions to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) | April 18, 2022 by 3P.M. (PT) |
| Questions and answers to be posted to the Courts website www.courts.ca.gov/rfps.htm *(estimate only)* | April 21, 2022 |
| Latest date and time proposal may be submitted to [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov) | May 6, 2022 NO LATER THAN 3 P.M. (PT) |
| Anticipated interview dates (*estimate only*) | May 9 – May 13, 2022 |
| Evaluation of proposals (*estimate only*) | May 16 – May 20, 2022 |
| Notice of Intent to Award to be posted to the Courts website www.courts.ca.gov/rfps.htm (*estimate only*) | May 23, 2022 |
| Negotiations and execution of contract (*estimate only*) | May 23 – June 14, 2022 |
| Contract start date (*estimate only*) | June 15, 2022 |
| Contract end date (*estimate only*) | June 27, 2025\*  \*3-year contract with option to renew annually, until June 30, 2027 |

**4.0 RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| Attachment 1: Administrative Rules Governing RFPs (Non-IT Services): | These rules govern this solicitation. |
| Attachment 2: JBE Standard Terms and Conditions | If selected, the person or entity submitting a proposal (the “Proposer”) must sign JBE 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: Darfur Contracting Act Certification | The Proposer must complete the Darfur Contracting Act Certification and submit the completed certification with its proposal. |
| Attachment 6A: Payee Data Record Form (STD 204) | This form contains information the JBE requires in order to process payments and must be submitted with the proposal. |
| Attachment 6B:  Payee Data Record Form (STD 205) | This form is optional. This form is used to provide remittance address information if different than the mailing address on the STD 204 – Payee Data Record. Use this form to provide additional remittance addresses and additional Authorized Representatives of the Payee not identified on the STD 204. |
| Attachment 7: Iran Contracting Act Certification | The Proposer must complete this form and include it in the **cost portion** of their proposal ONLY if the proposal cost is over $1,000,000.00. |
| Attachment 8: Unruh and FEHA Certification | The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification. |
| Attachment 9:  DVBE Declaration | Proposer must submit a DVBE Declaration completed by each DVBE that will provide goods and/or services in connection with its bid. If Proposer is itself a DVBE, it must complete the DVBE Declaration itself. If Proposer will use one or more DVBE subcontractors, each DVBE subcontractor must complete a DVBE Declaration.  If no DVBE incentive is offered, or Proposer does not wish to claim the DVBE incentive, Proposer should not submit a DVBE Declaration. |
| Attachment 10:  Bidder Declaration | Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation. |
| Attachment 11: Cost | The Proposal must complete this form with their Cost proposal information. Additional columns and/or sheets may be used, but all costs must be reflected in this Attachment. |

**5.0 PAYMENT INFORMATION**

**5.1 The following payment related issues are applicable:**

* + - Basis for Payments: The resulting contract will be comprised offirm fixed pricing for the Description of Services and Deliverables described in Section 2.0 of this RFP;
    - No other expenses (including travel expenses) will be reimbursed by the Judicial council;
    - The payment term is Net 60 from date or receipt of invoice;
    - See Attachment 2, Standard Terms & Conditions, Appendix B, Pricing and Payment; and
    - A payment retention holdback of 10% may be applied to all Deliverables.

**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 in two parts with associated attachments,

the Technical Proposal and the Cost Proposal.

6.2.1 Technical Proposal - The Proposer must submit via email their Technical Proposal as a separate Attachment from the Cost Proposal to the Solicitations mailbox at [solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov). The Technical Proposal must be signed by an authorized representative of the Proposer. The Proposer must indicate on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.2.2 Cost Proposal - The Proposer must submit via email their Cost Proposal as a separate Attachment from the Technical Proposal to the

Solicitations Mailbox at[solicitations@jud.ca.gov](mailto:solicitations@jud.ca.gov)**.** The Cost Proposal must include all components required in Attachment 11, and Section 2 of the RFP. The Proposer must indicate on the Subject line of the submission email the RFP title and number and also indicate the RFP number and title on the Proposal attachments.

6.3 Submission acceptance will be based on the date and time the emails are received

by the Judicial Council. Both emails must be received prior to the due date and time or the proposal will not be accepted.

**7.0 PROPOSAL CONTENTS**

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

a. 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. 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 Proposer may list the JBE as a reference if they wish. The JBE may check references listed by the Proposer.

e. Proposed method to complete the work.

1. Describe the proposed method to complete the work, including a detailed work plan and chart with milestones and deliverables.
2. Describe the plan to ensure continued customer satisfaction throughout the engagement, including items such as guarantees, client surveys, escalation procedures, and periodic meetings to update the Project Manager on the progress of projects.

f. 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.

g. 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 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. The Proposer must complete the Iran Contracting Act Certification (Attachment 7) and submit the completed certification with its proposal.

vii. The Proposer must complete the Unruh Civil Rights Act and California Fair Employment and Housing Act Certification (Attachment 8) and submit the completed certification with its bid.

viii. The Proposer must complete the Bidder Declaration form (Attachment 9) only if wishes to claim the Disabled Veteran Business Enterprise (DVBE)

incentive associated with this solicitation.

ix. Each DVBE that will provide goods and/or services in connection with the

contract must complete the DVBE Declaration form (Attachment 10). If

the Proposer is itself a DVBE, it must also complete and sign the DVBE

Declaration.

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

i. A completed Attachment 11, detailed by Deliverable line item budget showing total cost of the proposed services.

ii. A full explanation of all budget line items in a narrative entitled “Budget Justification.”

iii. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

**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 JBE reserves the right to negotiate extensions to this period.

**9.0 EVALUATION OF PROPOSALS**

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

The JBE 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 JBE will post an intent to award notice at <http://www.courts.ca.gov/rfps.htm>.

| **CRITERION** | **maximum number of points** |
| --- | --- |
| **Quality of work plan submitted** *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.* | **25** |
| **Experience on similar assignments and credentials of staff to be assigned to the project**  *Proposals should indicate prior experience and/or examples of similar previous projects performed, including specific qualifications/experience for key personnel assigned to each project.* | **20** |
| **Ability to meet timing requirements to complete the project**  *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.* | **17** |
| **Cost**  *Proposals should include a detailed line item budget (maximum firm fixed amount for each deliverable) with detailed explanation and justification to ensure timely, effective and efficient delivery of work. Proposal costs will be evaluated to determine whether the anticipated costs are reasonable and appropriate for completion of all project deliverables.* | **30** |
| **Acceptance of the Terms and Conditions** | **5** |
| **DVBE Incentive** | **3** |

**10.0 INTERVIEWS**

The JBE 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 interviews may be conducted via video conferencing or by phone. The JBE will notify eligible Proposers regarding interview arrangements.

**11.0 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 JBE will not disclose (i) social security numbers, or (ii) balance sheets or income statements submitted by a Proposer that is not a publicly-traded corporation. All other information in proposals 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 JBE’s right to disclose information in the proposal, or (b) requiring the JBE to inform or obtain the consent of the Proposer prior to the disclosure of the proposal (or portions thereof). Any proposal that is password protected, or contains portions that are password protected, may be rejected. 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 JBE’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the JBE’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 9 above.

To receive the DVBE incentive, at least 3% of the contract goods and/or services must be provided by a DVBE performing a commercially useful function. Or, for solicitations of non-IT goods and IT goods and services, Proposer may have an approved Business Utilization Plan (“BUP”) on file with the California Department of General Services (“DGS”).

If Proposer wishes to seek the DVBE incentive:

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

2. Proposer must submit with its proposal a DVBE Declaration (Attachment 10) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. **NOTE**: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.

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

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

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

If using DVBE subcontractors, the Proposer must complete and return to the JBE a copy of the post-contract certification form (https://www.courts.ca.gov/documents/JBCM-Post-Contract-Certification-Form.docx), promptly upon completion of the awarded contract, and by no later than the date of submission of Proposer’s final invoice to the JBE. If the Proposer fails to do so, the JBE will withhold $10,000 from the final payment, or withhold the full payment if it is less than $10,000, until the Proposer submits a complete and accurate post-contract certification form.

When a Proposer fails to comply with the post-contract certification requirement in this section and a payment withhold is applied to a contract, the JBE shall allow the Proposer to cure the deficiency after written notice. Notwithstanding the foregoing or any other law, if after at least 15 calendar days, but no more than 30 calendar days, from the date of the written notice the Proposer refuses to comply with the certification requirements, the JBE shall permanently deduct $10,000 from the final payment, or the full payment if less than $10,000.

**FRAUDULENT MISREPREPRETATION IN CONNECTION WITH THE DVBE INCENTIVE IS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT OR FINE, AND VIOLATORS ARE LIABLE FOR CIVIL PENALTIES. SEE MVC 999.9.**

**13.0 PROTESTs**

Any protests will be handled in accordance with Chapter 7 of the Judicial Branch 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 JBE to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

Judicial Council of California

Branch Accounting and Procurement

ATTN: Protest Hearing Officer RFP CFCC-2022-01-SB

455 Golden Gate Avenue

San Francisco, CA 94102-3688