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|  | **Judicial Council of California**  **TITLE: SAP Public Services Agreement Review.**  **RFP NO: TCAS-201511-01-JR**  **PROPOSALS DUE: December 28, 2015 no later than 3:00 p.m. Pacific time** |



1. **BACKGROUND INFORMATION**

The Judicial Council of California (“Judicial Council”) is seeking a Consultant (“Contractor”) to review an existing licensing agreement between the Judicial Council and SAP Public Services, Inc. (“SAP”).

The Contactor must have expertise in software licenses and government purchase agreements, including but not limited to review, analysis, and cost driven negotiations. The Contractor will not need to perform contract review functions onsite.

SAP Product and Functionality include **i**) mySAP ERP Enterprise; **ii**) ePSCD & TDMS; **iii**) RWD; and **iv**) BSI, all of which total an average spend of $1.6 million dollars, annually.

1. **DESCRIPTION OF SERVICES AND DELIVERABLES**

The Judicial Council seeks the services of a Contractor with expertise in contract review and negotiation. Specific experience with SAP licensing agreements is highly desirable.

* 1. **Service and Deliverables: Phase I**
     1. The Contractor will review the contract and all subsequent amendments for an in-depth and detailed understanding of the agreement.
     2. The Contractor will complete market comparisons of similar agreements in the public sector to gauge the adequacy of the existing agreement.
     3. The Contractor will make recommendations on cost-benefit of renegotiating the agreement and, if applicable, negotiation strategy.
     4. The review of the contract and subsequent amendments must be accomplished within 21 days. The Contractor will notify the Judicial Council when the contract review is completed and will submit a summary report of findings.
     5. The market comparison must be completed within 14 days from contract review completion.
     6. A detailed final report must be submitted to the Judicial Council within 7 days after the market analysis is completed.
     7. The parties will discuss the recommendations presented by the Contractor and the Judicial Council will decide whether:
        1. To make no changes to the existing contract, or
        2. Undertake a renegotiation effort with SAP.
  2. **Service and Deliverables: Phase II**
     1. If the Judicial Council elects to pursue renegotiation with SAP, the Contractor will renegotiate the agreement and represent the interests of the Judicial Council, as directed.
     2. Where necessary, the Contractor will aid with any contract revisions as requested.

1. **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**:** | **November 25, 2015** |
| Deadline for questions | **December 14, 2015**, No later than 3pm, Pacific Time |
| Questions and answers posted (estimated only) | **December 16, 2015** |
| Latest date and time proposal may be submitted | **December 28, 2015**, No later than 3pm, Pacific Time. |
| Evaluation of non-cost proposals (*estimate only*) | **December 29, 2015** through **January 8, 2016** |
| Non-cost proposals scores posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) (estimate only) | **January 12, 2016** |
| Public opening of cost portion of proposals. Notice of date, time, and location will be posted at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm) (estimate only) | **January 13, 2016** |
| Evaluation of cost portion of proposals (estimated only) | **January 14, 2016 through January 21, 2015** |
| Notice of Intent to Award (*estimate only*) | **January 22, 2016** |
| Negotiations and execution of contract (*estimate only*) | **January 29, 2016** |
| Contract start date (*estimate only*) | **February 1, 2016** |
| Contract end date (*estimate only*) | **June 30, 2016** |

1. **RFP ATTACHMENTS**

The following attachments are included as part of this RFP:

| **ATTACHMENT** | **DESCRIPTION** |
| --- | --- |
| **Attachment 1:** Administrative Rules Governing RFPs (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 a Judicial Council Standard Form agreement containing these terms and conditions (the “Terms and Conditions”). |
| **Attachment 3:** Proposer’s Acceptance of Terms and Conditions | On this form, the Proposer must indicate acceptance of the Terms and Conditions or identify exceptions to the Terms and Conditions. |
| **Attachment 4:** General Certifications Form | The Proposer must complete the General Certifications Form and submit the completed form with its proposal. |
| **Attachment 5:** Small Business Declaration | The Proposer must complete this form only if it wishes to claim the small business preference associated with this solicitation. |
| **Attachment 6:** 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:** DVBE Declaration | Complete this form only if the Proposer wishes to claim the DVBE inventive associated with this solicitation. |
| **Attachment 8:** Bidders Declaration | Complete this form only if the Proposer wishes to claim the DVBE incentive associated with this solicitation. |

1. **PAYMENT INFORMATION**

The Judicial Council is open to various compensation proposals, which may include, but not be limited to, time and materials, fixed fees, and/or, contingent fees based on the amount of funds saved by the Judicial Council from renegotiation of the SAP agreement. Travel expenses will not be reimbursed by the Judicial Council.

1. **SUBMISSIONS OF PROPOSALS**
   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.
   2. The Proposer must submit its proposal in two parts, the technical proposal and the cost proposal.
      1. The Proposer must submit **one (1) original and four (4) copies** 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 in a **single sealed envelope**, **separate** from the cost proposal. The Proposer must write the RFP title, RFP number, and “Technical Proposal” on the outside of the sealed envelope.
      2. The Proposer must submit **one (1) original and four (4) copies** 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 in a **single sealed envelope**, **separate** from the technical proposal. The Proposer must write the RFP title, RFP number, and “Cost Proposal” on the outside of the sealed envelope.
      3. The Proposer must submit an electronic version of the entire proposal on CD-ROM or USB memory stick/flash drive. The files must be in PDF, Word, or Excel formats. All media containing electronic files of the cost and non-cost portions of the proposal must be submitted to the Judicial Council in a **single sealed envelope**, **separate** from the cost and non-cost portion. The Proposer must write the RFP title, RFP number, and designate Cost and Non-Cost Proposals - Electronic Media on the outside of the sealed envelope.

* + 1. Proposals must be delivered by the date and time listed on the coversheet of this RFP to:

**Attn: Nadine McFadden, RFP #TCAS-201511-01-JR**

Judicial Council of California

1. Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688

* + 1. Late proposals will not be accepted.
    2. 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.

1. **PROPOSAL CONTENTS**
   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.
      1. 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.
      2. 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.
      3. 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.
      4. Names, mailing addresses, email addresses, and telephone numbers of a minimum of **three** (**3**) clients for whom the Proposer has conducted similar services. The Judicial Council reserves the right and may perform a reference check on the clients listed by the Proposer.
      5. Proposed method to complete the work.
         1. Describe the proposed method to complete the work, including a detailed work plan with milestones and deliverables.
         2. Describe your plan to ensure continued Judicial Council satisfaction throughout this engagement. Include items such as guarantees, client surveys, escalation procedures, and periodic meetings with the Judicial Council Project Manager.
         3. Describe your proposed invoicing process. Please note that the Judicial Council will make every effort to ensure that invoices are paid promptly, but is unable to pay any late fees or interest payments on invoices past due.
      6. Acceptance of the Terms and Conditions.
         1. 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.
         2. 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.
      7. Certifications, Attachments, and other requirements.
         1. The Proposer must complete the General Certifications Form (Attachment 4) and submit the completed form with its proposal.
         2. 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.
         3. Copies of the Proposer’s (and any subcontractors’) current business licenses, professional certifications, or other credentials.
         4. (Conditional) A signed Attachment 7, DVBE Declaration Form if proposer seeks the Disabled Veteran Business Enterprise preference.
         5. (Conditional) A signed Attachment 8, Proposer Declaration Form if proposer seeks the Disabled Veteran Business Enterprise preference.
   2. **COST PROPOSAL.** The following information must be included in the cost proposal.
      1. A detailed line item budget for Phase I, RFP Section 2.1 and related deliverable showing total costs and fees of the proposed services.
      2. A full explanation of all budget line items in a narrative entitled “Budget Justification.”
      3. Information regarding any proposed contingent compensation for Phase II, RFP section 2.2 and related deliverables.
      4. A “not to exceed” total for all work and expenses payable under the contract, if awarded.

**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.

1. **OFFER PERIOD**

A Proposer's proposal is an irrevocable offer for one hundred twenty (120) days following the proposal due date. In the event a final contract has not been awarded within this period, the Judicial Council reserves the right to negotiate extensions to this period.

1. **EVALUATION OF PROPOSALS**

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

The Judicial Council will evaluate the proposals on a 100 point scale using the criteria set forth in the table below. Award, if made, will be to the highest-scored proposal.

If a contract will be awarded, the Judicial Council will post an intent to award notice at [www.courts.ca.gov/rfps.htm](http://www.courts.ca.gov/rfps.htm).

| **CRITERION** | **maximum number of points** |
| --- | --- |
| Cost | **50** |
| Specialized expertise, technical competence, experience on similar projects, and reference checks | **25** |
| Quality and specificity of work plan submitted | **15** |
| Acceptance of the Terms and Conditions | **7** |
| (“DVBE”) Incentive Disabled Veterans Business Enterprise incentive is available to qualified proposers. | **3** |

1. **INTERVIEWS**

The Judicial Council may conduct interviews with Proposers to clarify aspects set forth in their proposals or to assist in finalizing the ranking of top-ranked proposals. The interviews may be conducted in person or by phone. If conducted in person, interviews will likely be held at the Judicial Council’s offices. The Judicial Council will not reimburse Proposers for any costs incurred in traveling to or from the interview location. The Judicial Council will notify eligible Proposers regarding interview arrangements.

1. **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.

1. **DISABLED VETERAN BUSINESS ENTERPRISE INCENTIVE**
   1. Qualification for the DVBE incentive is not mandatory. Failure to qualify for the DVBE incentive will not render a proposal non-responsive.
   2. Eligibility for and application of the DVBE incentive is governed by the Judicial Council’s DVBE Rules and Procedures. Proposer will receive a DVBE incentive if, in the Judicial Council’s sole determination, Proposer has met all applicable requirements. If Proposer receives the DVBE incentive, a number of points will be added to the score assigned to Proposer’s proposal. The number of points that will be added is specified in Section 9 above.
   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”).
   4. If Proposer wishes to seek the DVBE incentive:
      1. Proposer must submit with its proposal a DVBE Declaration (Attachment 8) completed and signed by each DVBE that will provide goods and/or services in connection with the contract. If Proposer is itself a DVBE, it must complete and sign the DVBE Declaration. If Proposer will use DVBE subcontractors, each DVBE subcontractor must complete and sign a DVBE Declaration. NOTE: The DVBE Declaration is not required if Proposer will qualify for the DVBE incentive using a BUP on file with DGS.
      2. 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.
   5. Failure to complete and submit these forms as required will result in Proposer not receiving the DVBE incentive. In addition, the Judicial Council may request additional written clarifying information. Failure to provide this information as requested will result in Proposer not receiving the DVBE incentive.
   6. If this solicitation is for IT goods and services, the application of the DVBE incentive may be affected by application of the small business preference. For additional information, see the Judicial Council’s Small Business Preference Procedures for the Procurement of Information Technology Goods and Services.
   7. If Proposer receives the DVBE incentive: (i) Proposer will be required to complete a post-contract DVBE certification if DVBE subcontractors are used; (ii) Proposer must use any DVBE subcontractor(s) identified in its proposal unless the Judicial Council approves in writing the substitution of another DVBE; and (iii) failure to meet the DVBE commitment set forth in its proposal will constitute a breach of contract.

**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.**

1. **SMALL BUSINESS PREFERENCE**

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

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

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

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

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

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

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

1. **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*](http://www.courts.ca.gov/documents/jbcl-manual.pdf)). Failure of a Proposer to comply with the protest procedures set forth in that chapter will render a protest inadequate and non-responsive, and will result in rejection of the protest. The deadline for the Judicial Council to receive a solicitation specifications protest is the proposal due date. Protests must be sent to:

**Attn: Protest Hearing Officer, RFP #TCAS-201511-01-JR**

Judicial Council of California

Finance | Business Services

455 Golden Gate Avenue, 6th Floor

San Francisco, CA 94102-3688